

MINUTES
BOARD OF ZONING ADJUSTMENT
August 11, 2022

The Board of Zoning Adjustment Meeting was held on Thursday, August 11, 2022, in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Weigel presiding as Acting Chairman. Acting Chairman Weigel called the meeting to order. Members present at roll call were VanDeRostyne, Fjeldheim, Weigel, Grebner, and Schumacher. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, Planning Technician, David Dosch, Code Enforcement Officer, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

Schumacher moved, and Weigel seconded, to approve the Board of Zoning Adjustment Minutes of July 14, 2022, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) Tori and Zachary Duncan requested permission, as per site plan submitted, to permit the operation of a daycare as a home occupation, which would be a Special Exception in a (R-3) High Density Residential Zoning District, all on Lot 5, Block 4, Pleasant Hill Addition, a.k.a. 1024 Eighth Avenue SW. Tori Duncan was present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this daycare commencing. The fence is already in place, 2) No more than one individual, other than the owner, may work at the daycare at one time, 3) A floor plan must be submitted for review showing the location used for childcare, 4) Age range of children, the number of children, and hours of operation must be submitted, 5) This Special Exception is for the owner, as long as she is the owner/operator of the proposed use, 6) Announced and unannounced inspections must be permitted by the operator, 7) The operator must schedule a home inspection with the Building Inspection Department and the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any recommended or required changes or modifications must be made. This has already been completed, and 8) The owner/operator and any employees must be licensed with the City of Aberdeen. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 2) N. Gordon Hansen requested permission, as per site plan submitted, to 1) replace existing covered porch 20' from the East property line rather than the required 25', which would be a 5' Building Variance and 2) for existing unattached garage to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance, all on The East 158' of Outlot D, Lawson's Outlots Replat of Lot 8, Bonaccord Heights Addition, a.k.a. 1014 Lawson Street S. Colton Kiefer was present to represent the property. Following discussion, Grebner moved, and Fjeldheim seconded, to approve item #1. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Upon further discussion, Grebner moved, and Fjeldheim seconded, to approve item #2 with the stipulation that the garage must meet setback requirements if ever replaced. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 3) JT Properties, LLC requested permission, as per site plan submitted, to 1) permit the construction of a group project consisting of an Assisted Living and Memory Care Facility and ten duplex buildings, and two accessory buildings, which would be a Special Exception in the (R-2) Medium Density Residential Zoning District, and 2) to permit an accessory structure with 12'1" tall sidewalls rather than the permitted 10', which would be a Special Exception, and 3) to permit an accessory structure with 13'1" tall sidewalls rather than the permitted 10', which would be a Special Exception, all on Lots

1&3, Evan's Third Subdivision, a.k.a. 2024 Fifteenth Avenue NE and 1409 Roosevelt Street N. Ron Hilsendeger was present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve item #1. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Upon further discussion, Grebner moved, and VanDeRostyne seconded, to approve items #2-#3 with the following stipulations: 1) Plans must be approved and permits obtained prior to construction, 2) All required inspections must be completed, and 3) A replat of property must be approved and filed with the Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTIONS APPROVED.**

- 4) Central Catholic High School requested permission, as per site plan submitted, to 1) construct a 42'x64' accessory structure in the side yard of the property rather than the required rear yard, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct a 42'x64' accessory structure with 17' tall sidewalls rather than the permitted 10', which would be a Special Exception in the (R-2) Medium Density Residential Zoning District, and 3) to construct a 42'x64' accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Central Catholic High School Addition to the City of Aberdeen, a.k.a. 1400 Dakota Street N. Rick Kline and Tim Weisz were present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve item #1. Upon roll call, VanDeRostyne aye, Fjeldheim abstain, Weigel aye, Grebner aye, and Schumacher aye (4 aye, 1 abstain), the motion carried. **APPEAL APPROVED.** Upon further discussion, Grebner moved, and Schumacher seconded, to approve item #2 with the following stipulations: 1) Plans must be approved and a permit obtained prior to construction, and 2) All required inspections must be completed. Upon roll call, VanDeRostyne aye, Fjeldheim abstain, Weigel aye, Grebner aye, and Schumacher aye (4 aye, 1 abstain), the motion carried. **SPECIAL EXCEPTION APPROVED.** Following discussion, Schumacher moved, and Grebner seconded, to deny item #3. Upon roll call, VanDeRostyne aye, Fjeldheim abstain, Weigel aye, Grebner aye, and Schumacher aye (4 aye, 1 abstain), the motion carried. **APPEAL DENIED.** Following further discussion, Grebner moved, to approve item #3 with the following stipulations: 1) The roof needs to be similar in color to HVAC system over on the school, and 2) To re clad the existing accessory structure to match the new south building. This motion failed due to lack of a second. Upon further discussion, VanDeRostyne moved, and Schumacher seconded, to approve item #3 with the following stipulations: 1) To use horizontal lap siding in a similar color and material as the existing accessory structure, 2) To allow for a steel roof with a similar color to the existing accessory structure's asphalt shingles, and 3) to apply brick wainscot to all sides to match existing accessory structure. Upon roll call, VanDeRostyne aye, Fjeldheim abstain, Weigel aye, Grebner aye, and Schumacher aye (4 aye, 1 abstain), the motion carried. **APPEAL APPROVED.**
- 5) Rodney Brandlee requested permission, as per site plan submitted, for 1) existing 20'x26' unattached garage to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance and 2) to construct a 20'x27' addition to existing unattached garage 2' from the North property line rather than the required 5', which would be a 3' Building Variance, all on Lot 8, Block 26, First Addition to the Highlands, a.k.a. 808 Lloyd Street N. Rodney Brandlee was present to represent the property. Following discussion, Grebner moved, and Schumacher seconded, to approve item #1 with the stipulation that if replaced, the new structure must comply with setback requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Upon further discussion, Grebner moved, Fjeldheim seconded, to approve item #2 with the stipulations that the entire north wall of the existing and proposed structure must be fire-rated construction, no openings and no eaves or projections, for the entire north wall of the building. Upon roll call, all members voting nay, the motion failed. Following further discussion, Schumacher moved, and VanDeRostyne seconded, to deny item #2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**

- 6) Erdmann Properties requested permission, as per site plan submitted, to 1) place 6 mobile homes and an RV site in an existing mobile home park, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to place a mobile home (#2) 20' from the West property line rather than the required 45', which would be a 25' Setback Variance and 3) place a mobile home (#3) 20' from the West property line rather than the required 45', which would be a 25' Setback Variance and 4) to place a mobile home (#5) 20' from the West property line rather than the required 45', which would be a 25' Setback Variance, and 5) to place a mobile home (#7) 20' from the South property line rather than the required 45', which would be a 25' Setback Variance, and 6) to construct a RV site 20' from the East property line rather than the required 45', which would be a 25' Setback Variance, all on The South 284' of The North ½ of Outlot A, I.S. Dayton's Outlots, Block 1, Highland Park Addition, a.k.a. 612 Twelfth Street S. Ron Erdmann was present to represent the property. Schumacher moved, and Grebner seconded, to deny item #1. Upon roll call all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED.** Upon further discussion, Schumacher moved, and Grebner seconded to approve item #1 with the following stipulations: 1) The request should be amended to 5 mobile homes (#2, #3, #5, #8, and #14) and no RV Spot. This will allow each new mobile home to meet the 20' separation requirements between structures, while greatly improving setbacks from public streets. The RV site should be denied as it is unnecessary and difficult to monitor new RV's coming and going for short stays and proper maintenance of the site, 2) All mobile homes moved in and out must obtain permits prior to moving, 3) All future construction in park must be permitted and inspected as required, and 4) Park must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following discussion, VanDeRostyne moved, and Grebner seconded, to approve items #2-#4 with the stipulation that all permits must be obtained prior to installation and property lines are located to verify setbacks. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCES APPROVED.** Following further discussion, Schumacher moved, and VanDeRostyne seconded to deny items #5-#6. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCES DENIED.**
- 7) Sunnybrook Holdings, LLC requested permission, as per site plan submitted, to 1) place a 8'x40' shipping container on lot for storage purposes, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit the open storage of vehicles, materials and other items related to the business at this location as well as personal items and vehicles, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 3) to permit the open storage of commercial items, building materials and supplies for an off-premise business, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1B, Seitz Eagle Second Addition to the City of Aberdeen, a.k.a. 1423 Sixth Avenue SW. Donald Palmer was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve item #1 with the following stipulations: 1) A permit must be obtained and inspections completed to verify setbacks from property lines, and 2) This must be a new looking shipping container, the same color as primary structure. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Upon further discussion, Schumacher moved, and Fjeldheim seconded, to approve item #2 with the following stipulations: 1) All items must be available for sale or rent by this business, or used for the business, 2) Personal storage may not exceed more than 4 licensed vehicles on private property, no storage in right-of-way, 3) Property must be maintained in a neat and orderly manner at all times, and 4) Any vehicle must be licensed and operable. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion, VanDeRostyne moved, and Schumacher seconded, to deny item #3. Upon roll call, all members voting aye, the motion carried. **APPEAL DENIED.**

- 8) Henry & Debbe Artz requested permission, as per site plan submitted, to permit the open storage, parking or sale of machinery, equipment, trailers and other items associated with a small engine repair and sales business, which would be a Special Exception in the (C-3) Central Business District, all on Lot 7, Block 4, North Aberdeen Addition, a.k.a. 111 First Avenue NE. Henry and Debbe Artz were present to represent the property. Following discussion, VanDeRostyne moved, and Grebner seconded, to approve with the following stipulations: 1) This Special Exception is for Henry and Debbe Artz only, as long as they are owners/operators of proposed use as a small engine repair and sales business, 2) Property must be maintained in a neat and orderly manner at all times, 3) No storage in public right-of-way or 35' corner visibility triangle, 4) NO storage of fluid containers or other items in alleyway or alley right-of-way, and 5) No storage or parking on unpaved portions of property west of building on grass. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

There being no further business before the Board, VanDeRostyne moved, and Grebner seconded, to adjourn the meeting, all members voting aye, the motion carried.

Aaron Waldo entered in to represent agenda item #9.

VanDeRostyne moved, and Grebner seconded, to reconvene to hear item.

- 1) Skyline Development, LLC requested permission, as per site plan submitted, to 1) permit the construction of a mini-storage facility, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) construct a mini-storage building that is 392' in length rather than the permitted 120', which would be a 272' Maximum Building Length Variance and 3) 60' in width rather than the permitted 30', which would be a 30' Maximum Building Width Variance and 4) to construct a mini-storage building that is 250' in length rather than the permitted 120', which would be a 130' Maximum Building Length Variance and 5) 60' in width rather than the permitted 30', which would be a 30' Maximum Building Width Variance, all on Lot 2, Fessenden Addition, a.k.a. 2505 Eighth Avenue NE. Aaron Waldo was present to represent the property. Following discussion, Grebner moved, and Schumacher seconded, to approve with the following stipulations: 1) Plans must be approved and permits obtained prior to construction, 2) All required inspections must be completed, 3) Petition to Rezone must be approved by City Council prior to construction, 4) The tree rows on north side of property must be maintained as specified by condition of rezoning applied by City Council and all landscaping must be approved, installed, and maintained as directed by City Forester, 5) No open storage of any items shall be permitted without Special Exception by this Board, 6) Any signs must be permitted prior to installation, and 7) Property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

OTHER BUSINESS:

There being no further business before the Board, VanDeRostyne moved, and Schumacher seconded, to adjourn the meeting, all members voting aye, the motion carried.

Amanda Kamphuis
Board of Zoning Adjustment Secretary
August 11, 2022