

MINUTES
BOARD OF ZONING ADJUSTMENT
August 12, 2021

The Board of Zoning Adjustment Meeting was held on Thursday, August 12, 2021, in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Weigel presiding as Acting Chairman. Chairman Weigel called the meeting to order. Members present at roll call were VanDeRostyne, Fjeldheim, Weigel, Schumacher, and Winter. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Jeremiah Maxfield, Planning Technician, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

VanDeRostyne moved, and Schumacher seconded, to approve the Board of Zoning Adjustment Minutes of July 8, 2021, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) Chasity Jones requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-1) High Density Residential Zoning District, all on Lot 18, Block 10, Eleventh Addition of the Highlands, Addition to Aberdeen, a.k.a. 522 Eighteenth Ave NE. Michael Jones was present to represent the property. Following discussion, Fjeldheim moved, and VanDeRostyne seconded, to approve with the following stipulations: 1) No more than one individual, other than the owner, may work at the daycare at one time, 2) A floor plan must be submitted for review showing the location used for childcare, 3) Age range of children, the number of children, and hours of operation must be submitted, 4) This Special Exception is for the owner, as long as she/he is the owner/operator of the proposed use, 5) Announced and unannounced inspections must be permitted by the operator, 6) 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 charges or modifications must be made, and 7) 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) Nemesy Feliciano and Reynaldo Aviles requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-2) Medium Density Residential Zoning District, all on Lot 4, Block 2, Huffman's Second Addition, a.k.a. 1516 Royal Road. Nemesy Feliciano was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area, if the children are allowed to play outside, prior to the operation of this daycare commencing, 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 children, 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/he 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, 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.**

- 3) Michelle Hamson requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-2) Medium Density Residential Zoning District, all on Lot 6, Ladner's Replat of Block 1, Hagerty & Lloyd Addition, a.k.a. 810 Eighth Ave NE. **ITEM WAS WITHDRAWN BY APPLICANT.**
- 4) Elks Lodge #1046 requested permission, as per site plan submitted, for to construct a 24'x32' garage 35' from the South property line rather than the required 45', which would be a 10' Building Variance, all on Lot 26, Auto Plaza Addition, a.k.a. 705 Circle Drive. Jim Weismantel was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to deny this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 5) Jacque Niles requested permission, as per site plan submitted, for 1) existing residence to remain 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance, and 2) for existing 18'x23' carport to remain 17'4" from the South property line rather than the required 25', which would be a 7'8" Building Variance and 3) for existing 12'x20' unattached garage to remain 16'5" from the South property line rather than the required 25', which would be an 8'7" Building Variance and 4) to permit 739sf of accessory structures rather than the permitted 720sf, which would be a 19sf Accessory Structure Lot Coverage Variance, all on Lot 6, Block 8, Kyburz Replat of Block 8, Northwestern Addition, a.k.a. 601 Jackson Street N. Jacque Niles was present to represent the property. Following discussion, Fjeldheim moved, and VanDeRostyne seconded, to approve. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED. ACCESSORY STRUCTURE LOT COVERAGE VARIANCE APPROVED.**
- 6) Patrick Hannigan requested permission, as per site plan submitted, to replace an existing covered front porch 14.5' from the West property line rather than the required 25', which would be a 10.5' Building Variance, all on Lot 2, Block 25, First Addition to the Highlands, a.k.a. 816 Penn Street N. Patrick Hannigan was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to approve with the following stipulations: 1) All required inspections must be completed, and 2) Property lines must be located to verify setbacks. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Park Village Mobile Home Park requested permission, as per site plan submitted, to permit a mobile home to be converted to a maintenance storage building, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Block 1, Park Village Addition, a.k.a. 1623 Tenth Avenue SW, Lot 315. Kevin Hopfinger was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to deny this request. Upon roll call, all members voting aye, the motion carried. **APPEAL DENIED.**
- 8) PWS Holdings 19, LLC requested permission, as per site plan submitted, to 1) install an electronic message center on a freestanding sign, which would be a Special Exception in a (C3/R4) Central Business/Special Density Residential Zoning District and 2) to permit a second freestanding sign, which would be an Appeal to the Board of Zoning Adjustment, and 3) to permit two 105sf (210sf total) freestanding signs rather than the permitted one 100sf sign, which

would be a 110sf Maximum Freestanding Sign Variance, all on Lot 2, Tommy's Addition, a.k.a. 124 Sixth Avenue SW. Chris Mack was present to represent the property. Following discussion, Fjeldheim moved, and VanDeRostyne seconded, to approve item #1 with the following stipulations: 1) A permit must be obtained prior to installation, and 2) EMC must be operated in accordance with all applicable ordinances at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion, VanDeRostyne moved, and Schumacher seconded, to deny item #2 as requested. Upon roll call, all members voting aye, the motion carried. **APPEAL DENIED.** Item #3 was unnecessary due to the denial of item #2.

- 9) Joshua Black requested permission, as per site plan submitted, to 1) permit the operation of a commercial business in a (R-3) High Density Residential Subdivision, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit the open storage of vehicles and equipment associated with lawn care and snow removal business, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 10-12, Block 17 Hagerty & Lloyd Addition, a.k.a. 505 Lloyd Street N. There being no representative present, this item was moved to the end of the agenda.
- 10) Ron Feickert requested permission, as per site plan submitted, to construct a 3'x8' and 10'x20' deck 17' from a neighboring mobile home rather than the permitted 20', which would be a 3' Building Variance, all on Lot 1, Block 2, Park Village Addition, a.k.a. 1623 Twelfth Avenue SW #1246. Ron Feickert was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to deny this request. Upon roll call, all members voting nay, the motion failed. Following further discussion, Winter moved, and Schumacher seconded, to approve with the stipulation that the maximum height is 1ft. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) Harr Motors requested permission, as per site plan submitted, to 1) construct an accessory structure within the front setback, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct an accessory structure with 16' sidewalls rather than the permitted 10', which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 3) to construct an 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, Harr Motors Second Subdivision, a.k.a. 4255 Sixth Avenue SE. Dean Marske and Jack Hollinsworth was present to represent the property. Following discussion, Schumacher moved, and Fjeldheim seconded, to approve item #1. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion, Schumacher moved, and Weigel seconded, to approve item #2 with the following stipulations: 1) Plans must be approved and a permit obtained prior to construction, 2) All required inspections must be completed, and 3) Property lines must be located to verify setbacks. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Upon further discussion, Schumacher moved, and VanDeRostyne seconded, to deny item #3 as requested. Upon roll call, all members voting aye, the motion carried. **APPEAL DENIED.**
- 12) Brandon Shuey and Rod Mack requested permission, as per site plan submitted, to 1) permit the operation of a manufacturing facility, which would be an Appeal to the Board of Zoning Adjustment in a (C-2) Highway Commercial Zoning District, and 2) to permit the open storage of manufactured items, materials, vehicles, and equipment, which would be a Special Exception,

all on Lot 1, Teigen Third Addition, a.k.a. 2502 Melgaard Road E. **ITEM WAS WITHDRAWN BY APPLICANTS.**

- 13) Refuge Retreats, LLC requested permission, as per site plan submitted, to construct a townhome 30' from the West property line rather than the required 35', which would be a 5' Building Variance, all on Lot 4, Block 4, Refuge Retreats Addition, a.k.a. 517 Lancelot Drive N. Greg Zens was present to represent the property. Following discussion, Schumacher moved, and Fjeldheim seconded, to deny this request. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 14) Stencil Group requested permission, as per site plan submitted, to 1) permit the construction of two multifamily residential buildings and two accessory structures, which would be a Special Exception for a Group Project, and 2) to construct a 72 unit apartment building 32.5' from the South property line rather than the required 35', which would be a 2.5' Building Variance and 3) to permit the construction of 172 dwelling units rather than the required 84 units, which would be an 88 unit Maximum Density Variance, all on Proposed Lot 7A, Block 2, Dakota Estates Third Subdivision, a.k.a. 1022 Twenty-Seventh Avenue NE. **ITEM WAS WITHDRAWN BY APPLICANT.**
- 15) Wylie Meadows, LLC requests permission, as per site plan submitted, to permit the installation of two 32sf freestanding real estate signs, rather than the permitted 8sf, which would be two 24sf Sign Variances, all on Wylie Meadows Second Addition to Aberdeen, a.k.a. 1609 Eighteenth Street N. Scott Grebner was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to approve with the following stipulations: 1) The two signs must be removed upon completion of construction or sale of all lots, 2) The signs must be kept in good condition at all times or removed, 3) If both signs are permitted, no additional real estate signs pertaining to the developer, or his agency, may be placed in the subdivision. Scott has stated these two signs could be used as a directory, with small lot number signs on the individuals lots, this would be acceptable as 12" square maximum size, 4) Previous stipulation shall not be construed to prevent future sale of homes by other agencies, and 5) Actual sign locations must be approved, and a permit obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCES APPROVED.**
- 9) Joshua Black requested permission, as per site plan submitted, to 1) permit the operation of a commercial business in a (R-3) High Density Residential Subdivision, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit the open storage of vehicles and equipment associated with lawn care and snow removal business, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 10-12, Block 17 Hagerty & Lloyd Addition, a.k.a. 505 Lloyd Street N. Following discussion, VanDeRostyne moved, and Schumacher seconded, to deny item #1 as requested. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Weigel aye, Schumacher aye, Winter abstains (4 aye, 1 abstain), the motion carried. **APPEAL DENIED.** Item #2 was unnecessary due to denial of item #1.

OTHER BUSINESS:

VanDeRostyne moved, and Winter seconded, to adjourn the meeting.

Amanda Kamphuis
Board of Zoning Adjustment Secretary
August 12, 2021