

MINUTES
BOARD OF ZONING ADJUSTMENT
September 9, 2021

The Board of Zoning Adjustment Meeting was held on Thursday, September 9, 2021, in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were VanDeRostyne, Fjeldheim, Babcock, Grebner, and Winter. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, Planning Technician, Chad Nilson, Fire Marshal, David Dosch, Code Enforcement Officer, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

Fjeldheim moved, and VanDeRostyne seconded, to approve the Board of Zoning Adjustment Minutes of August 12, 2021, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) Steve Sudlow & Sovereign Grace Church requested permission, as per site plan submitted, to permit a former church to be used as an accessory structure without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Sovereign Grace Church Second Addition, a.k.a. 901 Twenty-Fourth Avenue NE. Steve Sudlow was present to represent the property. Kevin Dell appeared in opposition thereto. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to deny this request. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock abstain, Grebner nay, and Winter aye (3 aye, 1 nay, 1 abstain), the motion carried. **APPEAL DENIED.**

- 2) Secure Storage requested permission, as per site plan submitted, to 1) permit the operation of a mini-storage facility, which would be an Appeal to the Board of Zoning Adjustment in an (I-2) Unrestricted Industrial Zoning District, and 2) to permit the open storage of vehicles, which would be a Special Exception, and 3) to construct four mini-storage buildings that are 60' wide rather than the permitted 30', which would be four 30' Maximum Building Width Variances, all on Lot 1, Mardian Fourth Subdivision, a.k.a. 318 First Avenue SW. Chris Gross was present to represent the property. Following discussion, Grebner moved, and Winter seconded, to approve item #1. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion, Grebner moved, and VanDeRostyne seconded, to approve item #2 with the following stipulations: 1) Property must be hard surfaced in all areas to be used for storage, 2) Property must be landscaped and sidewalks installed where required by ordinance, 3) Fence must be relocated in any area where it extends beyond property boundaries, 4) Open storage shall be limited to licensed and operable vehicles only, 5) 35' corner visibility triangle must be maintained at SE corner of property, and 6) No storage in the 35' corner visibility triangle. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Upon further discussion, Grebner moved, and VanDeRostyne seconded, to approve item #3 with the following stipulations: 1) Building permit must be obtained, 2) All required inspections must be completed, and 3) Fire Marshal requirements and Building Inspection requirements must be met. Upon roll call, all members voting aye, the motion carried.
MAXIMUM BUILDING WIDTH VARIANCES APPROVED.

- 3) Refuge Retreats, LLC requested permission, as per site plan submitted, to construct a townhome 32'8" from the West property line rather than the required 35', which would be a 2'4" Building Variance, all on Lot 4, Block 4, Refuge Retreats Addition, a.k.a. 517 Lancelot Drive N. Attorney Jeremy Lund and Greg Zens of Huff Construction were present to represent the property. Following discussion, Fjeldheim moved, and Grebner seconded, to deny this request. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock aye, Grebner nay, Winter aye (4 aye, 1 nay), the motion carried. **BUILDING VARIANCE DENIED.**
- 4) 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. Trent Shuey and Teresa McCoy of Titan Design were present to represent the property. Following discussion, Grebner moved, and Winter seconded, to approve item #1 with the following stipulations: 1) Everything currently stored outside at 715 Sixth Ave SE must be removed by October 1, 2021, 2) Any signage at 715 Sixth Ave SE must be removed, and 3) Former location must be cleaned of any debris, weeds, or other items deemed a nuisance. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion, Grebner moved, and Fjeldheim seconded, to approve item #2 with the following stipulations: 1) All vehicles must be licensed and operable, 2) Property must be maintained in a neat and orderly manner at all times, 3) No manufacturing to take place outside, 4) This Special Exception is for Brandon Shuey only, as long as he is the owner/operator of proposed use, and 5) Any code enforcement stipulations deemed necessary. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 5) Jeromy Thorstenson requests permission, as per site plan submitted, to construct a 32'x60' unattached garage with 14' tall sidewalls rather than the permitted 10', which would be a Special Exception in the (R-2) Medium Density Residential Zoning District, all on Lot 1, Thorstenson Consolidation Addition to the City of Aberdeen, a.k.a. 1019 Twenty-Fourth Avenue NE. Jeromy and Dawn Thorstenson were present to represent the property. Andrew Sprinkel was present and in favor of this request. Kevin Dell appeared in opposition thereto. Following discussion, Grebner moved, and VanDeRostyne seconded, to deny this request. Upon roll call, VanDeRostyne aye, Fjeldheim abstain, Babcock aye, Grebner nay, Winter aye (3 aye, 1 nay, 1 abstain), the motion carried. **SPECIAL EXCEPTION DENIED.** Following further discussion, a motion was made by Grebner, and VanDeRostyne seconded, to approve the construction of the garage within the north 138' of this lot and in compliance with all applicable setback requirements. Upon roll call, VanDeRostyne aye, Fjeldheim abstain, Babcock aye, Grebner aye, Winter aye (4 aye, 1 abstain), the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) Stencil Group requests 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. Nathan Stencil was present to

represent the property. Andrew Sprinkel, Charmie Jensen and Kevin Dell appeared in opposition thereto. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve item #1 with the following stipulations: 1) Plans must be approved and a permit obtained prior to construction, 2) All required inspections must be completed, 3) Property lines must be located to verify setbacks at time of inspection, 4) Twenty-Seventh Ave NE and Harrison St N must be constructed to city standards at time of construction, 5) All runoff from this development needs to be directed to the regional holding pond, 6) Developer agrees to pay for their half of infrastructure when it is constructed, if not done with this project, and 7) Developer's Engineer will need to study sanitary sewer and water looping needs and discuss with Public Works and Engineering Departments prior to submission of final utility plans for area. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion, Grebner moved, and VanDeRostyne seconded, to deny item #2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.** Upon further discussion, Grebner moved, and Babcock seconded, to approve item #3. Upon roll call, all members voting aye, the motion carried. **MAXIMUM DENSITY VARIANCE APPROVED.**

OTHER BUSINESS:

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

Amanda Kamphuis
Board of Zoning Adjustment Secretary
September 9, 2021