

MINUTES
BOARD OF ZONING ADJUSTMENT
October 14, 2021

The Board of Zoning Adjustment Meeting was held on Thursday, October 14, 2021, 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, and Winter. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, Planning Technician, David Dosch, Code Enforcement Officer, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

VanDeRostyne moved, and Winter seconded, to approve the Board of Zoning Adjustment Minutes of September 9, 2021, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) Steve Nemmers requested permission, as per site plan submitted, for 1) existing residence to remain 22.5' from the East property line rather than the required 25', which would be a 2.5' Building Variance and 2) 4.5' from the South property line rather than the required 15', which would be a 10.5' Building Variance, in order to 3) construct a wheelchair ramp 0' from the South property line rather than the required 5', which would be a 5' Building Variance, all on Lot 6, Block 47, Thomas Addition, a.k.a. 1024 First Street S. Steve Nemmers was present to represent the property. Following discussion, VanDeRostyne moved, and Winter seconded, to approve items #1 and #2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Upon further discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve item #3 with the following stipulations: 1) A permit must be obtained prior to construction, 2) Lot lines must be located prior to inspection, 3) All required inspections must be completed, and 4) When no longer needed, or prior to sale of property, the ramp shall be removed in accordance with license terms. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 2) Stan Heier requested permission, as per site plan submitted, for 1) existing residence to remain 16.5' from the West property line rather than the required 25', which would be an 8.5' Building Variance in order to 2) construct a 6'x10' deck 10.5' from the West property line rather than the required 15', which would be a 4.5' Building Variance, all on Lots 698 & 699, Morning Heights Subdivision, a.k.a. 623 Park Street S. Stan Heier was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve items #1 and #2 with the following stipulations: 1) All required inspections must be completed, and 2) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 3) Kessler's Corner, Inc. and Kessler's Inc. requested permission, as per site plan submitted, to plat a shared lot line within an existing structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 1-22, Pierce's Subdivision of Block 102, Hagerty & Lloyd Addition and Vacated Alley and Lots 1-2, Block 13, Smith Addition and Vacated Lloyd Street S and Vacated Fifth Avenue SE and Kessler's Lot 1, SLMRMC Addition and Lot 2, SLMRMC Addition, a.k.a. 621, 625 and 701 Sixth Avenue SE. Reed Kessler was present to represent the property. Following discussion, Winter moved, and VanDeRostyne seconded, to approve with the stipulation that a plat must be approved and filed with the Register of Deeds' Office consolidating property owned by each entity into a separate lot by a deadline of October 14, 2022. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Chairman Babcock entered the meeting and resumed duties of Chairman.

- 4) Aberdeen School District 6-1 requested permission, as per site plan submitted, to construct a 21'x36' addition to an existing 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, Aberdeen High School Second Subdivision, a.k.a. 2200 Roosevelt Street S. Ben Schnell was present to represent the property. Following discussion, Winter moved, and Fjeldheim seconded, to approve this request. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Olive Drive Rentals, LLC requested permission, as per site plan submitted, to plat a lot with 50' of frontage rather than the required 75', which would be a 25' Minimum Lot Frontage Variance, all on Proposed Lot A, Village Bowl First Addition to the City of Aberdeen, a.k.a. 1121 Olive Drive N. There being no representative present, this item was moved to the end of the agenda.
- 6) Erdmann Properties requested permission, as per site plan submitted, for 1) existing residence to remain 18.5' from the North property line rather than the required 25', which would be a 6.5' Building Variance and 2) 13' from the West property line rather than the required 15', which would be a 2' Building Variance and 3) for existing unattached garage to remain 4' from the West property line rather than the required 25', which would be a 21' Building Variance and 4) for existing shed to remain 4' from the West property line rather than the required 25', which would be a 21' Building Variance and 5) 1.5' from the South property line rather than the required 5', which would be a 3.5' Building Variance in order to 6) construct a 4'x4' landing and stairs 9' from the North property line rather than the required 15', which would be a 6' Building Variance, all on Lot 6, Block 13, West Hill Addition, a.k.a. 1223 Third Avenue SW. Ron Erdmann was present to represent the property. Following discussion, Fjeldheim moved, and Weigel seconded, to approve items #1 thru #5 with the stipulation that existing structures may not be altered or replaced at same location without Board of Zoning Adjustment approval. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion, Weigel moved, and VanDeRostyne seconded, to approve item #6 with the following stipulations: 1) All required inspections must be completed, and 2) Property lines must be located at time of inspection to verify setbacks. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Allen Meitner requested permission, as per site plan submitted, for 1) existing residence to remain 17' from the East property line rather than the required 25', which would be an 8' Building Variance and 2) 10' from the North property line rather than the required 15', which would be a 5' Building Variance and 3) for existing garage to remain 10.5' from the North property line rather than the required 25', which would be a 14.5' Building Variance in order to 4) construct a wheelchair ramp 12' from the East property line rather than the required 15', which would be a 3' Building Variance and 5) 4'5" from the North property line rather than the required 5', which would be a 7" Building Variance, all on Lot 1, Gage's First Replat of Lots 1-12, Block 43, Bennett & Thomas Addition, a.k.a. 523 Second Street N. Justin Mofle of R & R Mobility was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve items #1 thru #3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion, VanDeRostyne moved, and Weigel seconded, to approve items #4 and #5 with the following stipulations: 1) Ramp must be removed when no longer necessary or prior to sale of property, 2) All required inspections must be completed, and 3) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 8) Mike Jepsen requested permission, as per site plan submitted, to permit the construction of a new residence in an (I-2) Unrestricted Industrial Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 7-13, Block 65, Hagerty & Lloyd Addition, a.k.a. 317 First Avenue SE. Mike Jepsen was present to represent the property. Also present were Heath Johnson and Mike Quast representing the YMCA's Youth Development Center Expansion Steering Committee. Following discussion, Fjeldheim moved, and Weigel seconded, to deny this request. Upon roll call, all members voting aye, the motion carried. **APPEAL DENIED.**
- 9) Jason Grebner requested permission, as per site plan submitted, to construct a 24'x26' accessory structure with 14.5' 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 5, Park Ridge Estates Second Addition, a.k.a. 2413 Sixteenth Avenue NW. Jason Grebner was present to represent the property. Following discussion, Weigel moved, and Winter seconded, to approve with the following stipulations: 1) Plans must be approved and a permit obtained prior to construction, 2) Property lines must be located to verify setbacks at time of inspection, and 3) All inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 10) Tom Wipf requested permission, as per site plan submitted, to install an additional 4'x6' freestanding sign panel rather than the previously permitted 2.5'x6' sign panel previously approved by the Zoning Board 1' from the North property line rather than the permitted 10', which would be a 9' Sign Setback Variance, all on Lot 1, Score's Addition, a.k.a. 601 Riverside Drive S. Tom Wipf was present to represent the property. Following discussion, Weigel moved, and VanDeRostyne seconded, to deny this request. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock nay, Weigel aye, Winter aye (4 aye, 1 nay), the motion carried. **SIGN SETBACK VARIANCE DENIED.**
- 11) Dakotaland Federal Credit Union requested permission, as per site plan submitted, to construct a new office building 5' from the South property line rather than the required 30', which would be a 25' Setback Variance, all on Lots 1-9, Block 31, Thomas Addition to Aberdeen, a.k.a. 224 Sixth Avenue SE. Dan Schaff with HTG Architects was present to represent the property. Following discussion, Fjeldheim moved, and VanDeRostyne seconded, to deny this request. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE DENIED.**
- 12) Deborah Powell requested permission, as per site plan submitted, for 1) existing residence to remain 18'8" from the West property line rather than the required 25', which would be a 6'4" Building Variance and 2) 9'5" from the North property line rather than the required 15', which would be a 5'7" Building Variance and 3) for unattached garage to remain 2'3" from the East property line rather than the required 5', which would be a 2'9" Building Variance and 4) 4'2" from the South property line rather than the required 5', which would be a 10" Building Variance and 5) 21'10" from the North property line rather than the required 25', which would be a 3'2" Building Variance, in order to 6) construct a front deck 9'8" from the West property line rather than the required 15', which would be a 5'4" Building Variance, all on Lots 23 & 24, Block 24, Hagerty & Lloyd Addition, a.k.a. 424 Kline Street N. Deborah Powell was present to represent the property. Following discussion, VanDeRostyne moved, and Weigel seconded, to approve items #1 thru #5. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion, Weigel moved, and VanDeRostyne seconded, to approve item #6 with the following stipulations: 1) All inspections must be completed, and 2) Property pins must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 5) Olive Drive Rentals, LLC requested permission, as per site plan submitted, to plat a lot with 50' of frontage rather than the required 75', which would be a 25' Minimum Lot Frontage Variance, all on Proposed Lot A, Village Bowl First Addition to the City of Aberdeen, a.k.a. 1121 Olive Drive N. Rod Tobin was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve with the stipulation that a plat must be filed with the Register of Deeds' Office upon approval. Upon roll call, VanDeRostyne aye, Fjeldheim aye, Babcock abstain, Weigel aye, Winter aye (4 aye, 1 abstain), the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**

OTHER BUSINESS:

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

Amanda Kamphuis
Board of Zoning Adjustment Secretary
October 14, 2021