

MINUTES
BOARD OF ZONING ADJUSTMENT
November 10, 2022

The Board of Zoning Adjustment Meeting was held on Thursday, November 10, 2022, 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 Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, GIS Coordinator, Paula Nelson, Code Enforcement Officer, and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

VanDeRostyne moved, and Grebner seconded, to approve the Board of Zoning Adjustment Minutes of October 13, 2022, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

- 1) GRC Properties, LLC requested permission, as per site plan submitted, to construct a 16'x20' pergola 7' from the South property line rather than the required 30', which would be a 23' Building Variance, all on Lot B, Paramount Estates Addition, a.k.a. 2120 Eighth Avenue NE. There being no representative present, this item was moved to the end of the agenda.

- 2) L5R, LLC requested permission, as per site plan submitted, to 1) construct an addition to a mini-warehouse facility, which would be an Appeal to the Board of Zoning Adjustment in a (I-2) Unrestricted Industrial Zoning District, and to 2)construct an addition to an existing mini-warehouse facility 60' wide rather than the permitted 30', which would be a 30' Maximum Width Variance and 3) to construct a 114' addition to existing mini-warehouse facility for a total length of 239' rather than the permitted 120', which would be a 119' Maximum Length Variance, and 4) to construct a mini-warehouse facility with 18' sidewalls rather than the permitted 16', which would be a 2' Maximum Sidewall Height Variance, all on Lot 1, Ladner's First Addition and the South Half of Vacated Second Avenue SW Public ROW, a.k.a. 418 Third Avenue SW. Jared and Kelly Ladner were present to represent the property. Ken Buechler appeared in opposition to this request. Following discussion, Grebner moved, and Weigel seconded, to approve item #1 with the following stipulations: 1) Second Ave SW Public R.O.W. adjacent to north must be vacated and combined into the 2 adjacent parcels with a new plat, 2) Plans must be approved and a permit obtained prior to construction, 3) All required inspections must be completed, and 4) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Upon further discussion, Grebner moved, and Fjeldheim seconded, to approve items #2-#4 with the stipulation that all Building and Fire Code requirements must be met. Upon roll call, all members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCE APPROVED. MAXIMUM LENGTH VARIANCE APPROVED. MAXIMUM SIDEWALL HEIGHT VARIANCE APPROVED.**

- 3) Scott & Jessica Norman requested permission, as per site plan submitted, to construct a 36'x40' 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, all on Lots 4&5, Block 4, Willowwood Fifth Addition, a.k.a. 1113 & 1123 Illinois Street S. **ITEM WAS WITHDRAWN BY APPLICANT.**

- 4) Collin Cady requested permission, as per site plan submitted, for 1) existing residence to remain 3' from the South property line rather than the required 5', which would be a 2' Building Variance, and 2) 17.5' from the West property line rather than the required 25', which would be a 7.5' Building Variance, and 3) for existing deck to remain 12.5' from the West property line rather than the required 15', which would be a 2.5' Building Variance, all on Lot 11, Block 20, First Addition to Aberdeen, a.k.a. 207 Fourth Street S. Collin Cady was present to represent the property. Following discussion, Grebner moved, and Fjeldheim seconded, to approve items #1-#3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 5) Alano Society of Aberdeen requested permission, as per site plan submitted, for 1) existing building to remain 8' from the West property line rather than the required 45', which would be a 37' Building Variance and 2) 15' from the South property line rather than the required 25', which would be a 10' Building Variance, in order to 3) construct a wheel chair ramp and deck 0' from the West property line rather than the required 35', which would be a 35' Building Variance, all on The West 8' of Lot 3 & Lots 4-9, Block 1, Thomas Addition & Lot 12 and West 115' of the South 8.5' of Lot 13 & the East 27' of Lots 13-14, Pierce's Subdivision of Block 103, Hagerty & Lloyd Addition and Vacated Alley and except Lot H-1, a.k.a. 519 Arch Street S. Louis Liebig was present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve items #1-#3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 6) LL Investments, LLC requested permission, as per site plan submitted, to permit the open storage of vehicles and trailers, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 2, Wagner Holdings Subdivision, a.k.a. 1702 Eighth Avenue NW. Lynn Cunningham was present to represent the property. Following discussion, Grebner moved, and Weigel seconded, to approve with the following stipulations: 1) All vehicles must be licensed and operable, 2) No additional items not included on the application may be stored outside, 3) This request is for Lynn and Lori Cunningham only, as long as he/she is the owner of the property, and 4) All vehicles must belong to Lynn and Lori Cunningham, no additional storage without Board of Zoning Adjustment approval. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 7) Presentation College requested permission, as per site plan submitted, to 1) install two additional 16sf freestanding signs in addition to the previously approved 5 rather than the permitted 1, which would be a 6 Freestanding Sign Variance, and 2) to permit 32sf of signage in addition to the previously approved 450sf for a total of 482sf rather than the permitted 16sf, which would be a 466sf Maximum Sign Variance, all on Block 1, Presentation Heights Addition, a.k.a. 224 Fifteenth Avenue NW. There being no representative present, this item was moved to the end of the agenda.
- 8) Ratna Gundewar requested permission, as per site plan submitted, for 1) unattached garage to remain 15' from the North property line rather than the required 25', which would be a 10' Building Variance and 2) for existing residence to remain 3' from the South property line rather than the required 5', which would be a 2' Building Variance, all on Lot 1, Block 6, Boyd's Second Subdivision, a.k.a. 302 Harrison Street S. This item was withdrawn by applicant prior to scheduled meeting. **ITEM WAS WITHDRAWN BY APPLICANT.**

- 9) Hearing for revocation of Special Exception for the open storage, parking and sale of vehicles and moving vehicle rentals in a (C3/R4) Central Business/Special Density Residential Zoning District granted by the Aberdeen Board of Zoning Adjustment on June 11, 2020, all on Lots 1&2, Block 16, Original Plat of Aberdeen, a.k.a. 6 First Street S. Frank and Catherine Infante were present to represent the property. Following discussion, Grebner moved, and Weigel seconded, to revoke the Special Exception for open storage with a stipulation that all items stored must be removed within 90 days from today's meeting (Feb 8, 2023). Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION REVOKED.**
- 1) GRC Properties, LLC requested permission, as per site plan submitted, to construct a 16'x20' pergola 7' from the South property line rather than the required 30', which would be a 23' Building Variance, all on Lot B, Paramount Estates Addition, a.k.a. 2120 Eighth Avenue NE. Adam Altman was present to present the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to deny this request. Upon roll call, all members voted nay, the motion failed. Upon further discussion, Grebner moved, and Babcock seconded, to approve 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, and 4) no other structure other than the open sided pergola is approved. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Presentation College requested permission, as per site plan submitted, to 1) install two additional 16sf freestanding signs in addition to the previously approved 5 rather than the permitted 1, which would be a 6 Freestanding Sign Variance, and 2) to permit 32sf of signage in addition to the previously approved 450sf for a total of 482sf rather than the permitted 16sf, which would be a 466sf Maximum Sign Variance, all on Block 1, Presentation Heights Addition, a.k.a. 224 Fifteenth Avenue NW. Brett Bill was appointed to represent the property. Following discussion, Grebner moved, and Fjeldheim seconded, to approve with the following stipulations: 1) Permits must be obtained prior to installation, 2) The signs may not include additional information advertising events, services, activities, etc. at this or other locations. The signs should be limited to what is in the rendering or information about the "Prairie Restoration Project" only, and 3) Signs must be placed in the identified locations and adhere to all setback requirements. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE APPROVED. MAXIMUM SIGN VARIANCE APPROVED.**

OTHER BUSINESS:

Brett Bill announced that this is Jeremiah Maxfield's last meeting as Board of Zoning Adjustment GIS Coordinator. He has accepted a job with the State.

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

Amanda Kamphuis
Board of Zoning Adjustment Secretary
November 10, 2022