

**BOARD OF ZONING ADJUSTMENT**  
**March 12, 2015**

The Board of Zoning Adjustment Meeting was held on Thursday, March 12, 2015 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, Musel, Babcock, Grebner, and Kezar. Weigel was absent. Also present were Ken Hubbard, City Planner, Brett Bill, Planning & Zoning Director, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, David Dosch, Code Enforcement Officer, Chad Nilson, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of February 12, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Marleena Smith 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 District, all on Lot 1, Horner Addition, a.k.a. 308 Tenth Avenue SW. Marleena Smith was present to represent the property. Following discussion Kezar moved and Grebner 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, 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/he is the owner/operator of the proposed use, 6) Announced and unannounced inspections must be permitted by operator, 7) The operator must schedule a home inspection with the Building Inspection Department and/or the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any required changes or modifications must be made, and 8) 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) Ideal Equity Group, LLC and Christopher Frost request permission, as per site plan submitted, to permit the open storage and parking of vehicles and construction equipment, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Crompton Addition, in the NW¼ Sect. 23-T123N-R63W, a.k.a. 39205 133rd Street. There being no representative present this item was moved to the end of the agenda.
- 3) K&F Properties, LLC requested permission, as per site plan submitted, to 1) plat a lot that is 45' in width rather than the required 50', which would be a 5' Minimum Lot Width Variance and 2) to plat a lot that is 38.6' in width rather than the required 50', which would be an 11.4' Minimum Lot Width Variance and 3) for existing residence on the East lot to remain 6.2' from the East property line rather than the required 15', which would be an 8.8' Setback Variance and for existing shed to remain 6' from the East property line rather than the

required 25', which would be a 19' Building Variance and for existing garage to remain 1.6' from the West property line rather than the required 5', which would be a 3.4' Setback Variance and 1' from the South property line rather than the required 5', which would be a 4' Setback Variance and 4) to replace 8'x16' front addition on East residence 12' from the South property line rather than the required 25', which would be a 13' Setback Variance, and 5) for existing West residence to remain 20.7' from the South property line rather than the required 25', which would be a 4.3' Setback Variance, all on Lot 2, Block 21, Smith's Addition to Aberdeen, a.k.a. 521 and 523 Ninth Avenue SE. Brooks Kleffman was present to represent the property. Following discussion Kezar moved and Musel seconded to approve agenda items #1, #2, #3, & #5, all members voting aye, the motion carried. **MIMUMUM LOT WIDTH VARIANCES AND BUILDING VARIANCES APPROVED.** Following further discussion VanDeRostyne moved and Musel seconded to deny agenda item #4, all members voting nay, the motion failed. Following further discussion Musel moved and Babcock seconded to approve agenda item #4 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, and 4) Penalty must be assessed for beginning work without required permit in place. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Jacobs Holdings, LLC and James C. Harr requested permission, as per site plan submitted, to permit the open storage, parking and sale of vehicles, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 2, Artz Addition, a.k.a. 1116 Sixth Avenue SE. Mason Dinger was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) Open storage is limited to licensed and operable vehicles available for sale at this location only, 2) All vehicles must be stored in paved 10' x 20' designated parking stalls, 3) No vehicles may be stored in 35' corner visibility triangle at intersection of 6<sup>th</sup> Ave SE and Harrison St S, 4) Parking should not limit visibility at approaches onto 6<sup>th</sup> Ave SE, 5) No illegal or unpermitted signs shall be displayed on property, 6) This special exception is for the applicant only, as long as they are the owner/operator of proposed use, and 7) Additional produce, merchandise stands shall not operate in conjunction with this proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 5) Travis Heuer requested permission, as per site plan submitted, for 1) existing residence to remain 20.5' from the East property line rather than the required 25', which would be a 4.5' Building Variance in order to construct a 10'x24' addition to back of residence and 2) to construct a 4'x12' addition 20.5' from the East property line rather than the required 25', which would be a 4.5' Building Variance, and 3) to construct a 896sf accessory structure rather than the permitted 873.3sf, which would be a 22.7sf Maximum Lot Coverage Variance, all on Lot 3 and the North 16' of Lot 4, Block 6, Hagerty & Lloyd Addition, a.k.a. 715 Kline Street N. Travis Heuer was present to represent the property. Following discussion Kezar moved and Musel seconded to approve agenda items #1 & #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Kezar moved and Musel seconded to deny agenda item #3, all members voting aye, the motion carried. **MAXIMUM LOT COVERAGE VARIANCE DENIED.**

- 6) Jane Gerber requested permission, as per site plan submitted, to construct a 28'x29' unattached garage 2' from the North property line rather than the required 5', which would be a 3' Setback Variance, all on Lot 44, Block 1, Gorder's First Addition to Aberdeen, a.k.a. 1756 Second Street S. Eric Gerber was present to represent the property. Following discussion VanDeRostyne seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 7) CWD Real Estate, LLC and Emily Heintzman request permission, as per site plan submitted, to permit the open storage, parking and sale of portable storage containers and related equipment, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Mardian Fourth Subdivision in the SW<sup>1</sup>/<sub>4</sub> of Sect. 13-T123N-R64W, a.k.a. 318 First Avenue SW. Wayne Mardian & Emily Heintzman were present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) Any applicable landscape and parking requirements must be adhered to, 3) Any signage must be approved and permitted prior to installation, 4) This special exception is for the storage of storage containers and related equipment owned by Double Duty Storage only. No other unrelated or, off-premise storage is permitted at this location, 5) This special exception is for Emily Heintzman, d.b.a Double Duty Storage only as long as she is the owner/operator of said use, 6) Property must remain enclosed with a locked and secured fence at all times to prevent access to the public for health and safety reasons, and 7) A rock entrance is required to meet current erosion control requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 8) Rod Eikamp and Holy Cross Lutheran Church requested permission, as per site plan submitted, to 1) permit the installation of a new 3'x5' off-premise sign as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct an off-premise sign 105' from a residential zoning district, rather than the permitted 150', which would be a 45' Minimum Separation Variance and 3) to construct an off-premise sign 5' above grade rather than the required 12', which would be a 7' Minimum Sign Height Variance and 4) to construct an off-premise sign 39' from the intersection of two public ROW's rather than the required 50', which would be an 11' Sign Setback Variance and 5) 48' from the intersection of two public ROW's rather than the required 50', which would be a 2' Sign Setback Variance, all on Lot 2, Pheasant Run Second Subdivision, a.k.a. 1626 Eighth Avenue NW. Dale Boynton of Holy Cross Lutheran Church was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to deny. Upon roll call, VanDeRostyne-aye, Musel-nay, Babcock-nay, Grebner-nay, Kezar-nay (1-aye,4-nay), the motion failed. Following further discussion Kezar moved and Musel seconded to approve agenda items #1 & #2 with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, VanDeRostyne-nay, Musel-aye, Babcock-aye, Grebner-aye, Kezar-aye (4-aye,1-nay), the motion carried. **APPEAL & MINIMUM SEPERATION VARIANCE APPROVED.** Following further discussion agenda items #3, #4, & #5 died for lack of a motion.

- 9) Prairie's Edge Development, LLC requested permission, as per site plan submitted, to permit the construction of a twin home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 1, Block 2, Prairie's Edge Eleventh Addition, a.k.a. 2402 Prairie Creek Drive. John Kokales was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 10) Prairie's Edge Development, LLC requests permission, as per site plan submitted, to permit the construction of a twin home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2, Block 2, Prairie's Edge Eleventh Addition, a.k.a. 2406 Prairie Creek Drive. John Kokales was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) Prairie's Edge Development, LLC requests permission, as per site plan submitted, to permit the construction of a twin home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 3, Block 2, Prairie's Edge Eleventh Addition, a.k.a. 2410 Prairie Creek Drive. John Kokales was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 12) Prairie's Edge Development, LLC requests permission, as per site plan submitted, to permit the construction of a twin home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 4, Block 2, Prairie's Edge Eleventh Addition, a.k.a. 2414 Prairie Creek Drive. John Kokales was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 13) Douglas Braa and Fred & Janel Ludwig requested permission, as per site plan submitted, to permit the open storage of construction equipment and sand, gravel and miscellaneous material, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Proposed Lot 1, F&J Ludwig Consolidation Addition, a.k.a. 1311 Ninth Avenue SW. Fred Ludwig, Jim Thorpe, and Attorney Jay Gellhaus were present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) Property must be replatted into one parcel, 2) Property must be successfully rezoned to (I-2) Unrestricted Industrial, 3) Property must be maintained in a neat and orderly manner at all times, 4) All equipment must be licensed, operable and in good repair if applicable, 5) No off-premise or unrelated storage on the site, 6) Special exception is for Douglas Braa as long as he is owner/operator of proposed use, 7) No storage at intersection of 9<sup>th</sup> Ave SW and the bike trail where it may interfere with visibility, and 8) Only "clean" material (rock/sand) to be stored; rubble/construction debris/salvaged asphalt rubble not allowed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 2) Ideal Equity Group, LLC and Christopher Frost request permission, as per site plan submitted, to permit the open storage and parking of vehicles and construction equipment, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Crompton Addition, in the NW¼ Sect. 23-T123N-R63W, a.k.a. 39205 133rd Street. Christopher Frost was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Approval is for employee vehicles and construction equipment only - no open storage of building materials, supplies, etc., 2) All items must be licensed and operable as may be required, 3) Property must be maintained in a neat and orderly manner at all times, 4) No illegal or unpermitted signage allowed on property, 5) This special exception is for Chris Frost only, as long as he is the owner/operator of proposed use at this location, and 6) Maximum number of items at this location must not exceed 10 and are only approved in the specific location as shown on submitted drawing. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

Following further discussion VanDeRostyne moved and Musel seconded to adjourn the meeting.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
March 12, 2015