

BOARD OF ZONING ADJUSTMENT
June 11, 2015

The Board of Zoning Adjustment Meeting was held on Thursday, June 11, 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, Kezar, Grebner, and Babcock. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, Chad Nilson, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Musel seconded to approve the Board of Zoning Adjustment minutes of May 14, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Erin Rogenes 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 the (R-2) Medium Density Residential Zoning District, all on Lot 17, Block 4, Northview Sixth Addition, a.k.a. 1118 Twelfth Avenue NE. Ryan Rogenes was present to represent the property. Following discussion Grebner moved and Musel 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) Daniel Hepper requested permission, as per site plan submitted, for 1) existing unattached 16'x24' garage to remain 1' from the South property line rather than the required 5', which would be a 4' Building Variance in order to 2) construct a 10'x12' shed 2' from the North property line rather than the required 5', which would be a 3' Building Variance, all on The North 10' of Lots 865 and all of Lot 866 and the South 5' of Lot 867, Morning Heights Extended Addition, a.k.a. 1105 Aldrich Street S. Daniel Hepper was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Musel seconded to deny agenda item #2. Upon roll call, VanDeRostyne-aye, Musel-nay, Babcock-nay, Kezar-nay, Grebner-nay (1-aye,4-nay), the motion failed. Following further discussion Musel moved and Grebner seconded to approve agenda item #2 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) North side of proposed shed must meet all fire

code requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 3) Chow Main Properties II, Inc. requested permission, as per site plan submitted, to permit the construction of four apartments on the main floor of an existing building within the Aberdeen Commercial Historic District, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 14&15, Block 7, Original Plat, a.k.a. 107 & 109 Main Street S. Mark Malchow, Rod Tobin and Marc Tobin were present to represent the property. Tom Hurlbert of the Aberdeen Downtown Association and Greg Sander, adjacent property owner, spoke in favor of this project. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) A plat combining the underlying lots and providing permanent easements for required parking and access to the building must be approved and filed by the Register of Deeds office. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 4) TSRG Properties II, LLC requested permission, as per site plan submitted, to 1) plat together 2 Lots with 3 rental houses and apartment buildings, which would be a Special Exception to permit a group project, and 2) for existing structures to remain 10.5' and 10' from the West property line rather than the required 25', which would be a 14.5' and a 15' Building Variance, 8' and 12' from the North property line rather than the required 15', which would be a 7' and a 3' Building Variance and 0' from the South property line rather than the required 5', which would be a 5' Building Variance in order to 3) construct necessary steps and landings .5' and 2' from the West property line rather than the required 15', which would be a 14.5' and a 13' Building Variance and 12' from the North property line rather than the required 15', which would be a 3' Building Variance and 4) to permit a lot that is 14,200sf rather than the required 15,000sf, which would be a 800sf Minimum Lot Size Variance and 5) to permit 13 off street parking stalls rather than the required 20, which would be a 7 stall Minimum Parking Stall Variance, all on Lots 11&12, Block 34, Thomas Addition, a.k.a. 1001&1005 Lincoln Street S. and 108 Tenth Avenue SE. Ray Sauerwein was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve, all members voting aye, the motion carried. **SPECIAL EXCEPTION, BUILDING VARIANCES, MINIMUM LOT SIZE VARIANCE, & MINIMUM PARKING STALL VARIANCE APPROVED.**
- 5) Stan Jung requested permission, as per site plan submitted, to 1) plat a lot that is 37.5' wide rather than the required 50', which would be a 12.5' Minimum Lot Width Variance and 2) to construct a 22'x22' unattached garage 3' from the West property line rather than the required 5', which would be a 2' Building Variance, all on Lot 10 & the East 12.5' of Lot 11, Block 41, West Aberdeen Addition, a.k.a. 617 Third Avenue SW. Stan Jung was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Musel seconded to approve agenda item #2 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, 4) Property must be replatted into one parcel, and 5) West side of proposed shed must meet all fire code requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

Grebner exited the meeting at this time.

- 6) Mark & Penny Krogstrand requested permission, as per site plan submitted, for existing residence to remain 2'4" from the North property line rather than the required 5', which would be a 2'8" Building Variance in order to construct a deck that will meet all required setbacks, all on Lot 4, Block 13, Sullivan & Easton Addition, a.k.a. 1011 First Street N. Chris Frost was present to represent the property. Following discussion Kezar moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Anthony & Melisa Wachs requested permission, as per site plan submitted, for existing residence to remain 3' from the South property line rather than the required 5', which would be a 2' Building Variance and for existing unattached garage to remain 3' from the North property line rather than the required 5', which would be a 2' Building Variance in order to construct an addition to the residence that will meet all required setbacks, all on Lot 3, Block 17, Simmon's First Addition, a.k.a. 1512 Lincoln Street S. Melisa Wachs was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve, 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Grebner entered the meeting at this time.

- 8) Bryan Syhre requested permission, as per site plan submitted, for 1) existing residence to remain 21.5' from the East property line rather than the required 25', which would be a 3.5' Building Variance and 1' from the South property line rather than the required 5', which would be a 4' Building Variance in order to 2) replace a 7'x12' Deck 14'8" from the East property line rather than the required 15', which would be a 4" Building Variance, all on Lot 5, Block 55, Thomas Addition, a.k.a. 1020 Third Street S. Bryan Syhre was present to represent the property. Ken Hubbard stated that a building permit was issued at time of application. Following discussion VanDeRostyne moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 9) Pat Preston requested permission, as per site plan submitted, for existing apartment building to remain 19'10" from the South property line rather than the required 25', which would be a 5'2" Building Variance in order to replace stairs to second floor apartments, all on The West 46' of Lot 13 & a 34'x142' strip on West Side Adjacent to Block 31, Thomas Addition, a.k.a. 203 Seventh Avenue SE. Pat Preston was present to represent the property. Ken Hubbard stated that a building permit was issued at time of application. Following discussion Kezar moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 10) Darrell Humphries requested permission, as per site plan submitted, to 1) construct a mini-storage building, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial Zoning District, and 2) to construct a mini-storage building that is 50' wide rather than the permitted 30', which would be a 20' Maximum Building Width Variance and 3) 180' in length rather than the permitted 120', which would be a 60' Maximum Building Length Variance, all on

Lot 2, D&S Business Park First Addition, NW¼ Sect 9-T123N-R63W, a.k.a. 4050 Schipke Lane. There being no representative present this item was moved to the end of the agenda.

- 11) Darwin Kane requested permission, as per site plan submitted, to 1) plat a lot in the (M-Ag) Mini-Agricultural Zoning District that is 1.38 acres rather than the required 2.5 acres, which would be a 1.12 acre Minimum Lot Size Variance and 2) for existing residence to remain 61' from the South property line rather than the required 100', which would be a 39' Setback Variance in order to construct a 40'x60' outbuilding that will meet all setback requirements, all on Lots 3-4, Auditor's Subdivision, SE¼ Sect. 27-T123N-R64W, a.k.a. 1946 135th Street SW. Darwin Kane was present to represent the property. Following discussion Musel moved and Kezar seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCE & SETBACK VARIANCE APPROVED.**
- 12) Glenn Wegehaupt requested permission, as per site plan submitted, for 1) existing freestanding sign to remain 0' from the North property line rather than the required 5', which would be a 5' Sign Setback Variance and 2.5' from the East property line rather than the required 5', which would be a 2.5' Sign Setback Variance and 2) for the sign to remain 8.25' above grade rather than the permitted 12', which would be a 3.75' Minimum Height Variance and for 3) existing freestanding sign to remain 153.5sf in size rather than the required 100sf, which would be a 53.5sf Maximum Sign Size Variance in order to 4) permit the installation of a 3'5"x6'11" Electronic Message Center in existing freestanding sign structure, which would be a Special Exception in the (C-3) Central Business District, all on Lots 1-6, Block 38, Second Addition, excluding H-2, a.k.a. 602 Main Street S. Glenn Wegehaupt was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) Sign permit must be obtained prior to installing the Electronic Message Center, and 2) Electronic Message Center (EMC) must be used in accordance with existing EMC sign codes. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE, MINIMUM HEIGHT VARIANCE, MAXIMUM SIGN SIZE VARIANCE & SPECIAL EXCEPTION APPROVED.**
- 13) Wagner Holdings, LLC and Crossroads Trucking requested permission, as per site plan submitted to permit the open storage and sale of semi-trucks, trailers and related vehicles, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, First Replat of Cargill First Addition, a.k.a. 1610 Sixth Avenue SW. Ron Clemensen of Crossroads Trucking was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to deny. Upon roll call, VanDeRostyne-nay, Musel-nay, Babcock-aye, Kezar-aye, Grebner-nay (3-nay,2-aye), the motion failed. Following further discussion Grebner moved to approve with following stipulations: 1) No storage until previously applied stipulations to landscape the property have been complied with, 2) Property must be maintained in a neat and orderly manner at all times, 3) No storage in required 25' setback from south property line, 4) all vehicles must be licensed & operable and available for sale, 5) No off-premise storage, and 6) This special exception is for Crossroads Trucking as long as they are owner/operator of proposed use but motion died due to lack of second. Following further discussion Musel moved and Babcock seconded to approve with the following stipulations: 1) No storage until previously applied stipulations to landscape the property have been complied with, 2) No storage until previously applied stipulation to pave, concrete and grass surface the lot has been complied with, 3) Property must be maintained in a neat and orderly manner at all times, 4) No storage in required 25' setback from south property line, 5) all vehicles must be licensed & operable and available for sale, 6) No off-premise

storage, and 7) This special exception is for Crossroads Trucking as long as they are owner/operator of proposed use. Following discussion, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 14) William Freitag requested permission, as per site plan submitted, for 1) existing residence to remain 19.5' from the North property line rather than the required 25', which would be a 5.5' Building Variance and unattached garage to remain 2' from the East property line rather than the required 5', which would be a 3' Building Variance in order to 2) construct a wheel chair ramp 14.5' from the North property line rather than the required 15', which would be a .5' Building Variance, all on Lot 5, Block 46, Second Addition, a.k.a. 317 Seventh Avenue SW. Nancy Freitag was present to represent the property. Ken Hubbart stated that a building permit was issued at time of application. Following discussion Musel moved and Grebner seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 15) Keeley Lumber and Mike Bonin requested permission, as per site plan submitted, to permit the open storage and sale of agricultural equipment, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Keeley's Outlot B, SW¼ Sect. 14-T123N-R64W, a.k.a. 1900 Sixth Avenue SW. Mike Bonin was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) Grass & weeds must be maintained to city code, 2) Stan Houston must limit storage to some extent or this special exception shall only be valid if Stan Houston vacates this property, 3) No storage in 35' corner visibility triangle, 4) Mike Bonin may not store more than six (6) items east of existing approach, 5) This special exception is for Hub City Equipment and Mike Bonin only as long as they are owner/operator of proposed use, 6) All items must be licensed and operable and available for sale, 7) No illegal or unpermitted signs shall be allowed, and 8) Storage area North of buildings must be kept mowed, neat and orderly at all times with weeds & grass kept under the 10inch maximum at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 16) Dustin Tople requested permission, as per site plan submitted, to permit the construction of a 10'x20' accessory without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Fulker's Homestead Subdivision in the SE¼ Sect. 17-T123N-R64W, a.k.a. 38382 133rd Street. Dustin Tople was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) A building permit must be issued to construct a residence within two years from today's date, 2) If home is not started by June 11, 2017, the shed must be removed, 3) Shed must be removed if property is sold prior to construction of home, 4) Property must be maintained in a neat and orderly manner, 5) No open storage of any vehicles, machinery, construction materials, refuse, etc. All storage must take place within the structure, 6) Proper permits must be obtained prior to construction of shed and home. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 17) Wayne Arneson requested permission, as per site plan submitted, for 1) existing residence to remain 4' from the East property line rather than the required 5', which would be a 1' Building Variance and to permit a 40' wide lot, rather than the required 50' in the (R-3) High Density

Residential Zoning District, which would be a 10' Minimum Lot Width Variance in order to 2) construct a wheel chair ramp 1.5' from the South property line rather than the required 15', which would be a 13.5' Setback Variance, all on The East 40' of Lot 9, Block 47, Second Addition, a.k.a. 316 Ninth Avenue SW. Wayne & Roxanne Arneson were present to present to represent the property. Ken Hubbard stated that a building permit was issued at time of application. Following discussion Grebner moved and Babcock seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE, MINIMUM LOT WIDTH VARIANCE, AND SETBACK VARIANCE APPROVED.**

- 10) Darrell Humphries requested permission, as per site plan submitted, to 1) construct a mini-storage building, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial Zoning District, and 2) to construct a mini-storage building that is 50' wide rather than the permitted 30', which would be a 20' Maximum Building Width Variance and 3) 180' in length rather than the permitted 120', which would be a 60' Maximum Building Length Variance, all on Lot 2, D&S Business Park First Addition, NW¼ Sect 9-T123N-R63W, a.k.a. 4050 Schipke Lane. Darrell Humphries was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item#1, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Grebner moved and Musel seconded to approve agenda items #2 & #3 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. Upon roll call, all members voting aye, the motion carried. **MAXIMUM BUILDING WIDTH VARIANCE & MAXIMUUM BUILDING LENGTH VARIANCE APPROVED.**

Following further discussion Kezar moved and Babcock seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
June 11, 2015