

BOARD OF ZONING ADJUSTMENT
November 12 , 2015

The Board of Zoning Adjustment Meeting was held on Thursday, November 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 Kezar, VanDeRostyne, Babcock, Weigel, and Grebner. Also present were Ken Hubbart, City Planner, Chris Witzel, City Planner, Brett Bill, Planning & Zoning Director, Chad Nilson, Building Inspector, David Dosch, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and John Pantzlaff, GIS/Planning Technician.

Grebner moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of October 8, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Michelle Erdmann 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 District, all on Lot 13, Block 2, Second Replat of Clark's First Addition to Mel Ros Estates, a.k.a. 1607 Thirteenth Avenue SE. Michelle Erdmann was present to represent the property. Following discussion Grebner moved and Weigel 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) Jim Marnette requested permission, as per site plan submitted, for 1) existing residence to remain 23.5' from the North property line rather than the required 25', which would be a 1.5' Building Variance and 3' from the East property line rather than the required 5', which would be a 2' Building Variance, in order to replace front steps, all on The West 13' of Lot 1 and Lot 2, Block 52, Second Addition, a.k.a. 118 Eighth Avenue SE. There being no representative present this item was moved to the end of the agenda.
- 3) Slacker's Bar, LLC requested permission, as per site plan submitted, to permit the installation of a 4'x8' internally illuminated wall sign, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot

9, Block 5, Original Plat of Aberdeen, a.k.a. 319 Main Street S. Alfred Lamar Marshall was present to represent the property. Dave Arlt was present to represent the Aberdeen Downtown Association. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and VanDeRostyne seconded to table this item for one month, all members voting aye, the motion carried.

- 4) Dixon Properties 2, LLC and AHR Construction requested permission, as per site plan submitted, to permit the open storage of construction equipment, vehicles and similar items, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Dixon's Lot 1, Hoffman's Rearrangement of Lot 2, a.k.a. 1603 Sixth Avenue SW. Sea Atwood of AHR Construction was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Only items listed in today's request may be stored at this location, 2) Property must be maintained in a neat and orderly manner at all times, 3) All vehicles must be licensed and operable, 4) This Special Exception is for AHR Construction only, as long as they are tenants of the building, 5) No open storage of junk, debris, etc., and 6) No storage in corner visibility triangle. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 5) Jung Construction requested permission, as per site plan submitted, to 1) permit the construction of a two family dwelling, which would be a Special Exception in the (R-1) Low Density Residential District, and 2) to construct two twin homes 0' from the center lot line rather than the required 10', which would be two 10' Setback Variances, and 3) to construct two twin homes 6.5' from the East and West property lines, which would be two 3.5' Setback Variances and 4) to construct a two twin homes 25' from the South property line rather than the required 35', which would be two 10' Setback Variances, and 5) to plat two lots that are 6305sf rather than the required 9000sf, which would be two 2695sf Minimum Lot Size Variances and 6) to plat two lots with 48.5' of frontage rather than the required 75', which would be two 26.5' Minimum Lot Frontage Variances and to 7) permit two family units rather than the required one, which would be a one unit Minimum Density Variance, all on Lot 11, Block 12, Replat of Outlot A, Tenth Addition of Highland North, a.k.a. 413 Fifteenth Avenue NE. Mike Jung of Jung Construction was present to represent the property. Scott Cunningham, spoke in opposition of a twinhome in a neighborhood with mostly single family homes. Following discussion VanDeRostyne moved and Kezar seconded to deny agenda item #1. Upon roll call, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Weigel-aye, Grebner-nay (4-aye,1-nay), the motion carried. **SPECIAL EXCEPTION DENIED** . No action taken on agenda items #2 through #7.
- 6) GPHC, LLC and Wah Nay Soe, d.b.a. Kawlah Auto Repair requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, which would be a Special Exception in the (C-3) Central Business District, all on Lot 1, GPHC Corner Subdivision, a.k.a. 101 Main Street N. Tim Rich was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) This Special Exception is for Wah Nay Soe only, as long as he is the owner/operator of the proposed use, 2) All vehicles must be licensed and operable, 3) No personal or off-premise storage, 4)

No storage in 35' corner visibility triangle, 5) No open storage of junk, parts or other materials, and 6) Existing Special Exception becomes null and void with this approval. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 7) Wagner Holdings, LLC requests permission, as per site plan submitted, to 1) permit the open storage and parking of semi-trucks, trailers and related equipment, which would be a Special Exception in the (I-2) Unrestricted Industrial District and 2) to permit the use of existing weigh scales for an off-premise business, which would be an Appeal to the Board of Zoning Adjustment and 3) to permit the reuse of a grain elevator for storage of grain, which would be a Special Exception in the (I-2) Unrestricted Industrial District, all on Lot 1, First Replat of Cargill First Addition, a.k.a. 1610 Sixth Avenue SW. Ron Wagner was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve agenda item #1 with the following stipulations: 1) Open storage is limited to vehicles using the grain elevator or the weigh scale in association with hauling livestock, 2) No unrelated storage or display of vehicles, merchandise or other items, 3) Any previous Special Exceptions for open storage on this lot are null and void, and 4) Property must be maintained in a neat and orderly manner at all times, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** . Following further discussion Kezar moved and Grebner seconded to approve agenda items #2 & #3 with the following stipulations: 1) The scales and elevator must be properly maintained for structural integrity, exterior coverings and appearance at all times, and 2) The owner will be responsible for any street cleaning and maintenance as deemed necessary by the City of Aberdeen or SDDOT. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 8) Dan Rohrbach 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 1, Nordstrom-Pierson Second Addition, a.k.a. 3035 Eighth Avenue NE. Dan Rohrbach was present to represent the property. Following discussion Weigel moved and Babcock seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Weigel seconded to approve with the following stipulations: 1) No more than 2 vehicles may be displayed at one time, 2) All vehicles must be licensed, operable & available for sale, and 3) This request is for Dan Rohrbach only, as long as he is owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 9) Molded Fiberglass Companies requested permission, as per site plan submitted, to permit the construction of a 30'x500' addition to an existing fiberglass manufacturing facility, which would be a Special Exception in the (I-2) Unrestricted Industrial District, all on Lot 1, Brown County Addition, in the SE¼ Sect. 8-T123N-R63W, a.k.a. 1401 Brown County 19. Bill Hinds of Steel Structures was present to represent the property. Following discussion Kezar moved and Weigel 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, and 3) All required inspections must be

completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 10) Travis Kiefer and The United Way requested permission, as per site plan submitted, to 1) permit a 3'x6' face change to an existing internally illuminated projecting wall sign, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit the use of mechanical lighting, which would be an Appeal to the Board of Zoning Adjustment and 3) to permit an internally illuminated projecting wall sign, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 1-2, Block 11, Original Plat, a.k.a. 202 Main Street S. Dave Arlt was present to represent the Aberdeen Downtown Association. Following discussion Kezar moved and Grebner seconded to approve agenda items #1 - #3 with the stipulation that a permit must be obtained prior to repair/installation. Upon roll call, all members voting aye, the motion carried. **APPEALS APPROVED** .
- 11) Steven Lust Automotive Company requested permission, as per site plan submitted, to 1) construct a 30'x110' automotive servicing building 5' from the North property line rather than the required 30', which would be a 25' Minimum Setback Variance and 2) to permit the installation of 11 parking stalls rather than the required 15, which would be a 4 stall Minimum Parking Stall Variance, all on Lot 2, Kent Second Addition, a.k.a. 1216 Sixth Avenue SW. Steven Lust and Chad Huff of Huff Construction were present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Grebner moved and Babcock seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM SETBACK VARIANCE APPROVED** . Following further discussion Weigel moved and VanDeRostyne seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Grebner moved and Kezar 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL VARIANCE APPROVED** .
- 12) Furniture Outlets USA requested permission, as per site plan submitted, to 1) plat a lot that is .5' in width rather than the required 75', which would be a 74.5' Minimum Lot Width Variance and 2) to permit the installation of a freestanding sign 5' from the North property line rather than the required 10', which would be a 5' Sign Setback Variance, all on Lot 1, Dial Fourth Addition, a.k.a. 401 Norwood Street S. Troy Eichmann was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny agenda item #1. Upon roll call, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Weigel-aye, Grebner-nay (4-aye, 1-nay), the motion carried. **MINIMUM LOT WIDTH VARIANCE DENIED** . No action taken on agenda item #2.
- 13) Stacy Geffre requested permission, as per site plan submitted, to 1) permit existing residence to remain 4' from the North and South property lines rather than the

required 5', which would be two 1' Building Variances and for existing shed and carport to remain 4.5' from the North property line rather than the required 5', which would be two .5' Building Variances in order to 2) permit the construction of a 17'x20' addition to residence 4' from the North property line rather than the required 5', which would be a 1' Building Variance and 3) 4' from the South property line rather than the required 5', which would be a 1' Building Variance, all on Lot 18, Block 25, Hagerty & Lloyd Addition, a.k.a. 412 Arch Street N. Stacy Geffre was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve agenda item #1 with the stipulation that structures may not be replaced at same setbacks. Upon roll call, all members voting aye, the motion carried.

BUILDING VARIANCES APPROVED . Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda items #2 and #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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

- 14) Verna Trego requested permission, as per site plan submitted, for existing residence to remain 17'2" from the East property line rather than the required 25', which would be a 7'10" Building Variance, all on Lot 6, Block 22, Simmon's First Addition, a.k.a. 1524 Second Street S. Jacob Hollmer was present to represent the property. Following discussion Weigel moved and Babcock seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 15) Darrell Humphries requested permission, as per site plan submitted, for 1) existing residence to remain 9' from the North property line rather than the required 15', which would be a 6' Building Variance in order to 2) construct a 26'x26' unattached garage 19' from the North property line rather than the required 25', which would be a 6' Building Variance, all on Lot 18, Block 12, Sullivan & Easton Addition, a.k.a. 1024 First Street N. Darrell Humphries was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion Grebner moved and Kezar 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) No construction allowed in the 35' corner visibility triangle. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 16) Barringer Land & Cattle, LP requested permission, as per site plan submitted, to permit the installation of an approach 1) 160' from the nearest approach to the East rather than the required 500', which would be a 340' Minimum Approach Separation Variance and 2) 230' from the next approach to the West rather than the required 500', which would be a 270' Minimum Approach Separation Variance, all on Lot 1, **B&J First Subdivision in the NE¼ Sect. 15-T123N-R64W, a.k.a. 2305 Eighth Avenue NW**. Jarrett Jones was present to represent the property. David Feickert and Steve

Redler of Aberdeen Township were also present. Following discussion Kezar moved and VanDeRostyne seconded to deny agenda items #1 and #2, all members voting nay, the motion failed. Following further discussion Weigel moved and Kezar seconded to approve agenda items #1 and #2 with the stipulation to submit a full plat for the future subdivision and roads for the entire property within 4 (four) months. Upon roll call, all members voting aye, the motion carried. **MINIMUM APPROACH SEPERATION VARIANCES APPROVED** .

- 17) The Aberdeen Housing Authority requested permission, as per site plan submitted to 1) permit the construction of a 5'x7.5' accessory structure, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District and 2) to construct a 5'x7.5' accessory structure that is not consistent with approved building materials or design criteria, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot 1, Aberdeen Housing Authority First Subdivision, a.k.a. 223 Main Street S. Bryan Samson of Aberdeen Housing Authority was present to represent the property. Following discussion Kezar moved and Babcock seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda items #1 and #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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **APPEALS APPROVED** .
- 18) Avera St. Luke's requested permission, as per site plan submitted, to permit the addition of 45sf of wall signs in addition to the existing 711.03sf, for a total of 756.03sf of signage rather than the required 36sf, which would be a 720.03sf Total Sign Variance, all on Lot 1, Avera St. Luke's Addition, a.k.a. 305 State Street S. Jim Dobbs of Avera St. Luke's was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve with the stipulation that sign permits be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **TOTAL SIGN VARIANCE APPROVED** .
- 19) Sacred Heart Church requested permission, as per site plan submitted, to plat a lot in the (I-2) Unrestricted Industrial District that is 133.79' deep rather than the permitted 150', which would be a 16.21' Minimum Lot Depth Variance, all on proposed Lot 2, Sacred Heart Cemetery Southwest Annex Addition to the City of Aberdeen, a.k.a. 19 Smith Street N. Rich Kezar was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Plat must be approved and filed with Brown County Register of Deeds, and 2) Lot 2 must be rezoned to (M) Municipal, State & County Use District. Upon roll call, all members voting aye with Kezar abstaining, the motion carried. **MINIMUM LOT DEPTH VARIANCE APPROVED** .
- 2) Jim Marnette requested permission, as per site plan submitted, for 1) existing residence to remain 23.5' from the North property line rather than the required 25', which would be a 1.5' Building Variance and 3' from the East property line rather

than the required 5', which would be a 2' Building Variance, in order to replace front steps, all on The West 13' of Lot 1 and Lot 2, Block 52, Second Addition, a.k.a. 118 Eighth Avenue SE. Brett Bill was present to represent this property. Following discussion Grebner moved and Weigel seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

Babcock continued with other business:

- 1) Aberdeen Township board members, David Feickert & Steve Redler, requested that the city contact them when dealing with applications regarding matters in the township. Brett Bill ensured that would not be a problem if the contact information for the members was provided to the city.
- 2) Bob Jacobs made a comment about the overall plan for the Barringer Developments located on the west side of town. Showing concern for street layout, construction, and maintenance.

Following further discussion Weigel moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
November 12, 2015