

BOARD OF ZONING ADJUSTMENT
April 14, 2016

The Board of Zoning Adjustment Meeting was held on Thursday, April 14, 2016 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Kezar presiding as Acting Chairman. Chairman Kezar called the meeting to order. Members present at roll call were Kezar, Grebner, Winter & Weigel. Also present were Ken Hubbart, City Planner, Chris Witzel, City Planner, Brett Bill, Planning & Zoning Director, David Dosch, Code Enforcement Officer, John Pantzlaff, GIS/Planning Technician, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Weigel moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of March 10, 2016, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Christiana Moslander and Wendell & Robin Niewenhuis 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 The South 40' of Lot 12 & the North ½ of Lot 13, Block 21, Simmon's First Addition, a.k.a. 1622 First Street S. Christiana Moslander was present to represent the property. Following discussion Grebner moved and Winter 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) Ed & Diane Golden requested permission, as per site plan submitted, for existing residence to remain 25' from the North property line rather than the required 35', which would be a 10' Building Variance in order to 2) construct a wheel chair ramp 20' from the North property line rather than the required 25', which would be a 5' Building Variance, all on Lot 23, Block 7, Replat of Gorder's Fourth Addition to Aberdeen, a.k.a. 113 Church Drive. Diane Golden was present to represent the property. Following discussion Grebner 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, 3) All required inspections must be completed, and 4) The ramp must be removed when it is no longer necessary. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED .**
- 3) Wayne Harty requested permission, as per site plan submitted, for 1) existing residence to remain 17' from the West property line rather than the required 25', which would be an 8' Building Variance and 4'2" from the North property line rather than the required 5', which

would be a 10" Building Variance and for existing garage to remain 0' from the East lot line rather than the required 5', which would be a 5' Building Variance and 2'4" from the South property line rather than the required 5', which would be a 2'8" Building Variance in order to construct a wheel chair ramp, all on Lots 21-22, Block 32, Hagerty & Lloyd Addition, a.k.a. 322 Arch Street N. Wayne Harty was present to represent the property. Following discussion Grebner moved and Winter 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. **BUILDING VARIANCES APPROVED** .

- 4) Lamar Marshall requested permission, as per site plan submitted, to 1) permit the installation of two alley entrance signs rather than the permitted one, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit the installation of a 32sf alley entrance sign rather than the permitted 16sf, which would be a 16sf Sign Variance and 3) to permit the installation of an alley entrance sign that is not directly above the alley entrance, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 9, Block 5, Original Plat of Aberdeen, a.k.a. 319 Main Street S. Lamar Marshall was present to represent the property. Following discussion Weigel moved and Winter seconded to deny agenda item #1, all members voting aye, the motion carried. **APPEAL DENIED** . Following further discussion Weigel moved and Grebner seconded to approve agenda items #2 & #3. Upon roll call, Weigel-nay, Kezar-nay, Grebner-aye, Winter-nay, the motion failed. **SIGN VARIANCE AND APPEAL DENIED** .
- 5) Gale Gunderson requested permission, as per site plan submitted, to permit the open storage, sale and rental of shipping containers, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, Gunderson's First Subdivision, NE¼ Sect. 27-T123N-R64W, a.k.a. 1810 Highway 281 S. Gale Gunderson was present to represent the property. Following discussion Grebner moved and Weigel seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Winter seconded to approve with the following stipulations: 1) A maximum number of 4 units allowed at one time, 2) Property must be maintained in a neat and orderly manner at all times, 3) Storage units may not be dropped off or left in public ROW's when rented, 4) Storage units may not be sold for permanent placement on lots in the Zoning Jurisdiction, 5) The Brown County Flood Plain Administrator must approve Flood Plain Development permit, and 6) This approval is effective as long as Gale Gunderson is owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 6) R&M Property Holdings, LLC requested permission, as per site plan submitted, to 1) construct two mini-storage buildings in addition to the existing business on site, which would be a Special Exception in the C-2 Highway Commercial Zoning District for a Group Project, and 2) to construct two mini-storage buildings, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 3) to construct two mini-storage buildings that are 300' in length rather than the permitted 120', which would be two 180' Maximum Length Building Variances, all on Lot 1, East Highway 12 Addition, NE¼ Sect. 22-T123N-R63W, a.k.a. 5750 Highway 12 East. Jeff Reuer and Dave Meyer were present to represent the property. Weigel moved and Grebner seconded to deny agenda item #1. Upon roll call, Weigel-aye, Kezar-nay, Grebner-nay, Weigel-aye, the motion failed. **SPECIAL EXCEPTION DENIED** . Following further discussion agenda item #1 failed due to lack of

motion. No action taken on agenda items #2 and #3.

- 7) Dennis Gelling requested permission, as per site plan submitted, to 1) permit the construction of a mini-storage building in addition to a previously approved group project, which would be an Appeal in the (I-2) Unrestricted Industrial Zoning District, and 2) to construct a mini-storage building that is 155' in length rather than the permitted 120', which would be a 35' **Maximum Length Variance, all on Lot 1 of Hyman Outlot A, in the NE¼ Sect. 18-T123N-R63W**, excluding Highway and excluding H-1, a.k.a. 503 Roosevelt Street N. Dennis Gelling was present to represent the property. Following discussion Grebner moved and Winter seconded to approve agenda item #1 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) Electronic Message Center must be operated in accordance with all city ordinances relating to Electronic Message Center Signs. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion Weigel moved and Winter seconded to deny agenda item #2. Upon roll call, Weigel-aye, Kezar-aye, Grebner-nay, Winter-aye (3-aye,1-nay), the motion failed. Following further discussion Grebner moved and Kezar seconded to approve agenda item #2, all members voting nay, the motion failed. **MAXIMUM LENGTH VARIANCE DENIED**.

Babcock entered meeting at this time.

- 8) Lloyd Companies requested permission, as per site plan submitted, to 1) permit the construction of 8 accessory structures in the front and side yard rather than the permitted rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit a parking lot in the front yard of the property, which would be an Appeal to the Board of Zoning Adjustment and 3) to construct 8 accessory structures that are not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment and 4) to permit the use of a camper as a residence on the construction site, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Central Villas First Addition to the City of Aberdeen, a.k.a. 1901 Merton Street S. Erica Beck & Wade Behm of Lloyd Companies and Jody Zueger & Bryan Samson of Aberdeen Housing Authority were present to represent the property. Following discussion Weigel moved and Grebner seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Babcock moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion Grebner moved and Winter seconded to approve agenda item #2, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion Weigel moved and Babcock seconded to deny agenda item #3, all members voting aye, the motion carried. **APPEAL DENIED**. Following further discussion Grebner moved and Winter seconded to deny agenda item #4, all members voting aye, the motion carried. **APPEAL DENIED**.
- 9) Wayne Lenling requested permission, as per site plan submitted, to plat a lot that is 41' wide rather than the required 50', which would be a 9' **Minimum Lot Width Variance, all on Lot 184 & the North 10.5' of Lot 185, Morning Heights Addition, a.k.a. 830 High Street S.** Wayne Lenling was present to represent the property. Following discussion Babcock moved and Weigel seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED**.

- 10) Jon Swenson and Ron Wagner requested permission, as per site plan submitted, to permit the open storage, parking and sale of vehicles and trailers, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Wolff's First Addition in the NE¼ Sect. 21-T123N-R64W, a.k.a. 38466 Highway 12 W. Jon & Cindy Swenson were present to represent the property. Following discussion Grebner moved and Babcock seconded to approve with the following stipulations: 1) Open storage should be limited to rolling fleet and fuel trailers only. No open storage or sale of other vehicles or items, 2) The maximum # of items stored shall be limited to 15, 3) Property must be maintained in a neat and orderly manner at all times, 4) Area to store vehicles must be hard surfaced with gravel, asphalt or concrete, and 5) A permit must be obtained prior to relocating and refacing sign. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 11) Jon & Cindy Swenson requested permission, as per site plan submitted, to 1) permit the open storage, parking and sale of vehicles, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District and 2) to permit the bulk storage and sale of gasoline, diesel fuel and propane, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Hedges Outlot 1, NE¼ Sect 21-T123N-R64W, a.k.a. 38480 Highway 12 W. Jon & Cindy Swenson were present to represent the property. Following discussion Babcock moved and Winter seconded to approve agenda item #1 with the following stipulations: 1) Property must be maintained in a neat & orderly manner at all times, 2) All storage must take place on hard surfaced areas, 3) The maximum # of items stored shall be limited to 20, 4) Any signage must be approved & permitted prior to installation, and 5) All vehicles must be licensed & operable and belong to "Performance Auto". Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**. Following further discussion Weigel moved and Babcock seconded to approve agenda item #2 with the stipulation that all Fire Marshal requirements must be adhered to. Upon roll call, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 12) Bill Kirschenmann and Homes Are Possible, Inc. requested permission, as per site plan submitted, to 1) Plat a lot that is 34' in width rather than the required 50', which would be a 16' Minimum Lot Width Variance and 2) to construct a new 24'x42' residence 5' from the West property line rather than the permitted 15', which would be a 10' Building Variance and 3) to construct a 4'x4' landing and stairs 1' from the West property line rather than the required 5', which would be a 4' Building Variance, all on the South 28.5' of Lot 1 & Lot 2 & the North 13' of Lot 3, Block 1, North Aberdeen Addition, a.k.a. 201 Third Avenue NE. Jeff Mitchell of Homes Are Possible, Inc. was present to represent the property. Following discussion Babcock moved and Winter seconded to approve agenda item #1, all members voting aye with Grebner abstaining, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** . Following further discussion Weigel moved and Babcock seconded to approve agenda items #2 & #3 with the following stipulations: 1) House shall be constructed to avoid the 35' corner visibility triangle, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye with Grebner abstaining, the motion carried. **BUILDING VARIANCES APPROVED** .
- 13) Charles T. Hogg requests permission, as per site plan submitted, to 1) plat a lot with 34.55' of frontage rather than the required 60', which would be a 15.45' Minimum Lot Width

Variance and 2) to permit the construction of a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 2, C&P Addition to Ashwood Heights Subdivision, a.k.a. 2626 Oakwood Lane. Lonnie Anderson was present to represent the property. Following discussion Grebner moved and Winter seconded to approve agenda item #1, all members voting aye with Weigel abstaining, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** . Following further discussion Grebner moved and Babcock 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 with Weigel abstaining, the motion carried. **BUILDING VARIANCE APPROVED** .

- 14) Erdmann Properties requested permission, as per site plan submitted, for 1) existing residence to remain 15' from the South property line rather than the required 25', which would be a 10' Building Variance and 6' from the East property line rather than the required 15', which would be a 9' Building Variance and for garage to remain 7.5' from the East property line rather than the required 25', which would be a 17.5' Building Variance in order to 2) construct a 3'x6' landing and stairs 7' from the South property line rather than the required 15', which would be an 8' Building Variance, all on Lot 2, Horner Addition to the City of Aberdeen, a.k.a. 302 Tenth Avenue SW. There being no representative present this item was moved to the end of the agenda.
- 15) Eric Archambeau requested permission, as per site plan submitted, to 1) construct a 6'x16' covered front porch and steps 9' from the East property line rather than the required 25', which would be a 16' Building Variance and 2) 2' from the North property line rather than the required 5', which would be a 3' Building Variance, all on Lot 1, Archambeau Addition, a.k.a. 511 First Street N. Eric Archambeau was present to represent the property. Following discussion Grebner moved and Weigel seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Winter 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. **BUILDING VARIANCES APPROVED** .
- 16) Maria Meyer requested permission, as per site plan submitted, for existing 50'x40' shop to remain 10' from the West property line rather than the required 15', which would be a 5' Building Variance in order to construct a 36'x40' addition, all on Outlot 23, Jobee Acres, NE¼ Sect. 17-T123N-R63W, a.k.a. 6237 Country Lane. Dave Meyer was present to represent the property. Following discussion Babcock moved and Weigel seconded to approve with the following stipulations: 1) All required inspections must be completed, 2) Property lines must be located to verify setbacks at time of inspection, 3) Accessory building may not be used for the storage or use of MD Construction without first appealing the Home Occupation ordinance to the Board of Zoning Adjustment, and 4) All open storage on this lot and Outlot 12 must cease immediately. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 17) Randy and Steph Mages requested permission, as per site plan submitted, to 1) permit the construction of a house on an existing foundation 60' from the West property line rather than the required 100', which would be a 40' Building Variance and 69' from the South property

line rather than the required 100', which would be a 31' Building Variance, all on Lot 1, Wika Addition, in the SW¼ Sect. 27-T124N-R64W, a.k.a. 12898 385th Avenue. Randy Mages was present to represent the property. Following discussion Grebner moved and Winter seconded to approve with the following stipulations: 1) A Zoning Permit must be issued prior to construction, 2) The owner must provide certification from a Structural Engineer that this foundation is suitable for the proposed reuse prior to permitting. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

- 18) GPHC, LLC requested permission, as per site plan submitted, to 1) permit the repair and reuse of an internally illuminated projecting wall sign, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit the repair and reuse of a 60sf projecting sign rather than the permitted 16sf Blade Sign, which would be an Appeal to the Board of Zoning Adjustment, and 3) to permit the repair and reuse of a 18sf changeable copy sign, which would be an Appeal to the Board of Zoning Adjustment, and 4) to permit the repair and reuse of a 78sf projecting wall sign rather than the required 16sf Blade Sign, which would be a 62sf Blade Sign Size Variance, all on Lot 1, Ericka's Corner Subdivision, a.k.a. 420 Main Street S. Jeff Rich was present to represent the property. Following discussion Weigel moved and Grebner seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Babcock moved and Weigel seconded to approve agendas items #1 - #4 with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEALS & SIGN SIZE VARIANCE APPROVED** .
- 19) Joe Reinbold requested permission, as per site plan submitted, to permit the installation of a 10,000 gallon bulk fuel tank, which would be an Appeal to the Board of Zoning Adjustment in the (M-Ag) Mini-Agricultural Zoning District, all on Lot 2, Norton-Forkel First Subdivision of Lots 18-23, Auditor's Subdivision in the SE¼ Sect. 27-T123N-R64W, a.k.a. 2334 135th Street SW. Joe Reinbold was present to represent the property. Devin & Teresa Hebeisen and John Desens, neighboring property owners, were present to state their concerns regarding this property. Following discussion Weigel moved and Winter seconded to deny, all members voting aye, the motion carried. **APPEAL DENIED** .
- 14) Erdmann Properties requested permission, as per site plan submitted, for 1) existing residence to remain 15' from the South property line rather than the required 25', which would be a 10' Building Variance and 6' from the East property line rather than the required 15', which would be a 9' Building Variance and for garage to remain 7.5' from the East property line rather than the required 25', which would be a 17.5' Building Variance in order to 2) construct a 3'x6' landing and stairs 7' from the South property line rather than the required 15', which would be an 8' Building Variance, all on Lot 2, Horner Addition to the City of Aberdeen, a.k.a. 302 Tenth Avenue SW. Ronald Erdmann was present to represent the property. Following discussion Grebner moved and Winter 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 member voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

Chairman Kezar continued with other business as follows:

- 1) Jon Swenson spoke regarding the “Hettich” property west of town by Northern Plains Animal Health and that he would be interested in purchasing the property to mine the gravel followed by reclaiming the property for future property development. No action taken.

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

Paula Nelson
Board of Zoning Adjustment Secretary
April 14, 2016