

**BOARD OF ZONING ADJUSTMENT**  
**June 13, 2019**

The Board of Zoning Adjustment Meeting was held on Thursday, June 13, 2019 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 Weigel, VanDeRostyne, Babcock, Grebner, and Schumacher. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, Chris Brick, Building Inspector, Barry Dunlavy, Building Inspector, George Jones, GIS Technician, David Dosch, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Schumacher seconded to approve the Board of Zoning Adjustment minutes of May 9, 2019, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Gina Ryan 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-3) High Density Residential Zoning District, all on Lot 10, Block 2, HAPI Fifth Central Subdivision, a.k.a. 1817 Twenty-fourth Avenue SE. Gina Ryan was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area. Fence must be installed by July 31, 2019, 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) Arden Gilbert requested permission, as per site plan submitted, for 1) existing residence to remain 8' from the South property line rather than the required 10', which would be a 2' Building Variance and 2) 7.66' from the North property line rather than the required 15', which would be a 7.34' Building Variance and 3) to construct a 12'x16' shed 15' from the North property line rather than the required 35', which would be a 20' Building Variance, all on Lot 1, Block 2, Spaulding's Second Addition, a.k.a. 1321 Kline Street N. Arden Gilbert was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve agenda items #1 and #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED**. Following further discussion Schumacher moved and Grebner seconded to deny agenda item #3, all members voting nay, the motion failed. Following further discussion Grebner moved and Schumacher seconded to approve agenda #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** .

- 3) Doris Allbee requested permission, as per site plan submitted, for 1) residence to remain 6'11" from the South property line rather than the permitted 8', which would be a 1'1" Building Variance and 2) 5' from the North property line rather than the required 8', which would be a 3' Building Variance and 3) to construct a deck and wheelchair ramp 6' from the East property line rather than the required 15', which would be a 9' Building Variance, all on Lot 5, Block 2, Huffman's Second Addition, a.k.a. 1522 Royal Road. Brian Allbee was present to represent the property. Ken Hubbart stated that a building permit was issued at time of application. Following discussion Grebner moved and Weigel seconded to approve with the following stipulations: 1) Property pins 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) Ramp shall be removed when no longer necessary for access. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 4) Dale Urlacher requested permission, as per site plan submitted, to construct an 18'x26' addition to attached garage 7'8" from the South property line rather than the required 15', which would be a 7'4" Building Variance, all on Lot 7, Except the North 5', Block 2, Huffman's Third Addition, a.k.a. 1725 Royal Road. Dale Urlacher was present represent the property. Following discussion Schumacher moved and Grebner seconded to deny, all members voting nay, the motion failed. Following further discussion moved and 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 5) Trinity Lutheran Church requested permission, as per site plan submitted, to provide 111 10'x20' parking stalls rather than the required 165 stalls, which would be a 54 stall Minimum Parking Stall Variance, all on Lot 1, Trinity Lutheran Church Addition, a.k.a. 915 Dakota Street S. There being no representative present this item was moved to the end of the agenda.
- 6) Ashley Gruba requested permission, as per site plan submitted, to 1) construct a 5'x7' roof over existing uncovered deck that complies with required setbacks 21' from the South property line rather than the required 25', which would be a 4' Building Variance, and 2) for existing unattached garage to remain 3.9' from the West property line rather than the required 5', which would be a 1.1' Building Variance, all on Lot 10, Block 14, Hagerty & Lloyd Addition, a.k.a. 805 Sixth Avenue NE. Ashley Gruba was present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to approve agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following discussion Schumacher moved and Grebner seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Grebner moved and Schumacher 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, and 3) All required inspections must be completed. Upon roll call, Weigel-nay, VanDeRostyne-aye, Babcock-aye,

Grebner-aye, Schumacher-aye (1-nay,4-aye), the motion carried. **BUILDING VARIANCE APPROVED .**

Chairman Babcock stepped down and turned the meeting over to Weigel.

- 7) Homes Are Possible, Inc. requested permission, as per site plan submitted, to plat a lot that is 47' wide rather than the required 50', which would be a 3' Minimum Lot Width Variance, all on The South 47' of Lot 10, Block 24, First Addition, a.k.a. 411 Third Street S. Jeff Mitchell was present to represent the property. J. D. Shultis, former owner, stated his concern about 407 Third St S not being a usable piece of property. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye with Babcock abstaining, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED .**
  
- 8) Homes Are Possible, Inc. requested permission, as per site plan submitted to 1) plat a lot that is 83.98' deep rather than the required 100', which would be a 16.02' Minimum Lot Depth Variance, and 2) to construct a residence 9' from the East property line rather than the required 20', which would be an 11' Building Variance, all on The South 92' of Lots 11-12, Block 35, Hagerty & Lloyd Addition and the North 55.5' of Lot 1, Block 1, North Aberdeen Addition and 36.5' North of the North 55.5' of Lot 1 & V/S, Block 1, North Aberdeen Addition, a.k.a. 324 Washington Street N. Jeff Mitchell was present to represent the property. Following discussion Grebner moved and VanDeRostyne 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 with Babcock abstaining, the motion carried. **MINIMUM LOT DEPTH VARIANCE AND BUILDING VARIANCE APPROVED .**

Acting Chairman Weigel stepped down and turned the meeting over to Babcock.

- 9) Wayne Mardian and Randy Meister requested permission, as per site plan submitted, to 1) plat a lot in an (I-2) Unrestricted Industrial Zoning District that is 50' wide rather than the required 100', which would be a 50' Minimum Lot Width Variance and 2) 122' deep rather than the required 150', which would be a 28' Minimum Lot Depth Variance, and 3) to plat a lot that is 6,000sf in area rather than the required 15,000sf, which would be a 9,000sf Minimum Lot Area Variance, all on Lot 2, Mardian Fourth Subdivision, a.k.a. 116 Fourth Street S. Randy Meister was present to represent the property. Following discussion Grebner moved and Schumacher seconded to deny. Upon roll call, Weigel-aye, VanDeRostyne-nay, Babcock-nay, Grebner-nay, Schumacher-nay (1-aye,4-nay), the motion failed. Following further discussion Grebner 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, and 4) Plat must be approved and filed with the Brown County Register of Deeds. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, MINIMUM LOT DEPTH VARIANCE, AND MINIMUM LOT AREA VARIANCE APPROVED .**

- 10) Roby Johnson requested permission, as per site plan submitted, to construct a 24'x40' unattached garage 17' from the North property line rather than the required 35', which would be an 18' Building Variance, all on The North 75' of Lots 1-6, Block 4, Corrected Plat of the Highlands, a.k.a. 1123 Third Street N. Roby Johnson was present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
  
- 11) Jensen Properties, LLC requested permission, as per site plan submitted, to 1) plat a lot that is 64' in depth rather than the required 150', which would be an 86' Minimum Lot Depth Variance and 2) to construct a residence 15' from the East property line rather than the required 20', which would be a 5' Building Variance, all on Lot 2, Aberdeen Public Schools Second Addition, a.k.a. 909 Eighth Street S. Attorney Chad Locken was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE APPROVED** . Following further discussion Weigel moved and Grebner seconded to approve agenda item #2 with the following stipulations: 1) Must comply with parking requirements for multi-family use, 2) Must comply with all building codes, and 3) Must install sidewalks per ordinance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
  
- 5) Trinity Lutheran Church requested permission, as per site plan submitted, to provide 111 10'x20' parking stalls rather than the required 165 stalls, which would be a 54 stall Minimum Parking Stall Variance, all on Lot 1, Trinity Lutheran Church Addition, a.k.a. 915 Dakota Street S. Matt Biegler of Biegler Construction was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to deny, all members voting nay, the motion failed. Following further discussion Schumacher moved and Grebner seconded to approve with the stipulation that a building permit must be obtained prior to construction of parking lot. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL VARIANCE APPROVED** .

Chairman Babcock continued with other business as follows:

- 1) Brett Bill introduced Chris Brick as the Building Inspector who replaced Chad Nilson.

VanDeRostyne moved and Schumacher seconded to adjourn the meeting.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
June 13, 2019