

**BOARD OF ZONING ADJUSTMENT
November 8, 2018**

The Board of Zoning Adjustment Meeting was held on Thursday, November 8, 2018 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 Winter, VanDeRostyne, Babcock, Grebner, and Schumacher. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Eric Miller, City Planner, Chad Nilson, Building Inspector, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, and David Dosch, Code Enforcement Officer.

Grebner moved and Winter seconded to approve the Board of Zoning Adjustment minutes of October 11, 2018, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Homes Are Possible, Inc. requested permission, as per site plan submitted, to temporarily place a 12'x16' accessory structure without a primary structure in a (R-3) High Density Residential District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, HAPI First North Subdivision, a.k.a. 3314 Congress Street N. There being no representative present, this item was moved to the end of the agenda.
- 2) Randy Weber/Eddie's Northside Sinclair LLC requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, which would be an Appeal to the Board of Zoning Adjustment in a (R-3) High Density Residential District, all on The East 47' of Lots 7-9, Block 37, Bennett & Thomas Addition, a.k.a. 114 Second Avenue NW. Randy Weber, Bryan Weber, and Attorney Bill Gerdes were present to represent the property. Attorney Chris Harr was present representing neighboring property owners Clarence & Lori Habeck, also present. Following discussion Grebner moved and Schumacher seconded to approve with the following stipulations: 1) Property must be rezoned to (C-2) Highway Commercial District, the same as Eddie's Northside Sinclair LLC, 2) Property must be platted together with Eddie's Northside Sinclair LLC, 3) Property must be screened or fenced, 4) No storage or fence/screen in 35' corner visibility triangles, 5) All vehicles must be licensed & operable, 6) No storage of junk, parts, material, etc., 7) City Forester must review to determine required buffer on lot and boulevard landscaping requirements, and 8) Special Exception is for Eddie's Northside Sinclair LLC as long as they are the owner/operators of proposed use. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**.
- 3) Chad Becker requested permission, as per site plan submitted, to 1) permit the operation of a business in an accessory structure, which would be an Appeal to the Board of Zoning Adjustment in the (M-Ag) Mini-Agriculture District, and 2) to permit the open storage of work vehicles, trailers and items associated with the business, which would be an Appeal to the Board of Zoning Adjustment, and 3) to install a wall sign that is 32sf in size rather than the required 8sf, which would be a 24sf Sign Variance, all on Lot 30, Fischer Estates in the SW¼ Sect. 26-T124N-R64W of the 5th PM, Brown

County, SD, a.k.a. 12878 Fairfield Drive. Chad Becker and Brad Becker were present to represent the property and requested to withdraw this item. No action taken.

- 4) Stephen Hogg requested permission, as per site plan submitted, for 1) existing residence to remain 26' from the East property line rather than the required 35', which would be a 9' Building Variance and 2) 3' from the North property line rather than the required 10', which would be a 7' Building Variance and 3) 9' from the South property line rather than the required 10', which would be a 1' Building Variance, all on Lot 29, Block 4, Replat of Gorder's Fourth Addition and Lot 29A, Hall-Nichols Replat of a Portion of Lot 4, Culbert's Subdivision, a.k.a. 1875 Eisenhower Circle. Jared Zephier of Little Eagle Contracting was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

- 5) Dennis Ladner and Kelly Ladner requested permission, as per site plan submitted, to 1) construct a mini-warehouse facility, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial District, and 2) to construct a mini-warehouse facility with 19' sidewalls rather than the required 16', which would be a 3' Building Variance and 3) to construct a mini-warehouse facility that is 60' wide rather than the permitted 30', which would be a 30' Maximum Width Variance and 4) 150' deep rather than the required 120', which would be a 30' Maximum Depth Variance, all on Lots 2-5 & South 92' of Lot 6, Block 60, Second Addition and Vacated Alley, a.k.a. 402 Third Avenue SW. Jared & Kelly Ladner were present to represent the property. Following discussion VanDeRostyne moved and Schumacher seconded to approve agenda item #1 with the following stipulations: 1) Property must be replatted, 2) Property must be rezoned to eliminate split zoning, 3) Must comply with all parking, landscaping, and storm water requirements, 4) Plans must be submitted for review and a permit must be obtained prior to work commencing, 5) Property pins must be located for inspection and setbacks must be verified, and 6) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** . Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda items #2 - #4. Upon roll call, Winter-nay, VanDeRostyne-aye, Babcock-aye, Grebner-aye, Schumacher-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE, MAXIMUM WIDTH VARIANCE, AND MAXIMUM DEPTH VARIANCE APPROVED**.

- 6) Prairie's Edge Development, LLC requested permission, as per site plan submitted, to construct an approach 322' East of the intersection of Water View Drive on the south side of 24th Avenue NE/Brown County 15 rather than the permitted 500', which would be a 178' **Minimum Approach Separation Variance, all on unplatted land in the NW¼ Sect. 8-T123N-R63W, Brown County, South Dakota, a.k.a. 3004 24th Avenue NE.** Attorney Jay Gellhaus was present to represent the property. Following discussion Grebner moved and Schumacher seconded to approve, all members voting aye, the motion carried. **MINIMUM APPROACH SEP ARATION VARIANCE APPROVED** .

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

- 1) Homes Are Possible, Inc. requested permission, as per site plan submitted, to temporarily place a 12'x16' accessory structure without a primary structure in a (R-3) High Density Residential District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, HAPI First North Subdivision, a.k.a. 3314 Congress Street N. Jeff Mitchell of HAPI was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) All equipment must be stored in the shed; no outside storage allowed, 2) Property and structures must be properly maintained at all times, 3) The accessory structure may remain on the property until the subdivision is completed; at such time the structure must be removed or a new appeal must be obtained. Upon roll call, Winter-aye, VanDeRostyne-aye, Babcock-abstain, Grebner-aye, Schumacher-aye (4-aye,1-abstain), the motion carried. **APPEAL APPROVED** .

VanDeRostyne moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
November 8, 2018