

AGENDA
REGULARLY SCHEDULED MEETING
ABERDEEN CITY BOARD OF ZONING ADJUSTMENT
Thursday, July 13, 2023 - 8:00 A.M.
First Floor Council Chambers - Municipal Building

- I. Call to Order**
- II. Roll Call**
- III. Approval of Minutes**
 - 1) June 8, 2023
- IV. Open Forum 8:00-8:10 A.M. (SEE FORMAT GUIDELINES AT END OF AGENDA)**
- V. Board of Zoning Adjustment Meeting Information and Procedure Statement**
- VI. Old Business**
- VII. New Business**

- 1) Loren Feist (1) requests permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles and related items, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and (2) to permit an 8'x40' shipping container as an accessory use, which would be an Appeal to the Board of Zoning Adjustment, and (3) to place a shipping container 38' from the North property line rather than the required 45', which would be a 7' Setback Variance, all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Avenue SW.
- 2) Proverbia Investments, LLC requests permission, as per site plan submitted, to permit the operation of a homeless shelter, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 7 and the East ½ of Lot 8, Block 35, Second Addition, a.k.a. 315 Sixth Avenue SW.
- 3) Kenneth Kappenman as per site plan submitted, for (1) existing residence to remain 15' from the North property line rather than the permitted 25', which would be a 10' Building Variance, and (2) 12' from the East property line rather than the required 15', which would be a 3' Building Variance, in order to (3) construct a 4'x8' deck and steps 7' from the North property line rather than the required 15', which would be an 8' Building Variance, all on Lot 1, Block 43, Hagerty & Lloyd Addition to the City of Aberdeen, a.k.a. 824 Second Avenue NE.
- 4) Darcy Roettele requests permission, as per site plan submitted, for (1) existing residence to remain 3' from the North property line rather than the required 5', which would be a 2' Building Variance, and (2) 14' from the West property line rather than the required 25', which would be an 11' Building Variance, in order to (3) construct a wheelchair ramp 6' from the West property line rather than the required 15', which would be a 9' Building Variance, all on Lot 20 & the South ½ of Lot 21, Block 39, Hagerty & Lloyd Addition to Aberdeen, a.k.a. 218 Arch Street N.
- 5) Theodore Heupel requests permission, as per site plan submitted, for (1) existing residence to remain 8' from the East property line rather than the required 25', which would be a 17' Building Variance, and (2) for existing detached garage to remain 1.5' from the South property line rather than the 5', which would be a 3.5' Building Variance, and (3) for existing shed to remain 4.5' from the West property line rather than the required 5', which would be a .5' Building Variance, all on The South 25' of Lot 2 and the North 35' of Lot 3, Block 4, Draeger's & Yeager's Addition, a.k.a. 214 Weber Street S.

- 6) Holy Cross Lutheran Church requests permission to construct a 2'x20' addition to two sides of a freestanding sign for a total sign size of 260sf rather than the permitted 36sf, which would be a 224sf Sign Variance, all on Lot D in Lot 3, Pheasant Run Subdivision, a.k.a. 1020 Convention Center Street N.
- 7) Brown County requests permission, as per site plan submitted, to plat a lot that is 37.5' wide rather than the permitted 5", which would be a 12.5' Minimum Lot Width Variance, all on Lot 13 and the South ½ of Lot 14, Block 27, Hagerty & Lloyd Addition, a.k.a. 402 Lloyd Street N.

VIII. Other Business

IX. Adjournment

FORMAT GUIDELINES:

- 1) *Open forum provides an opportunity for the public to address the Aberdeen City Board of Zoning Adjustment with questions, concerns or comments on items, which are not on the agenda. Citizens are asked to sign up to speak prior to the open forum portion of the meeting. Open forum will be limited to 10 minutes (if no one is in attendance for the open forum, the regular meeting may begin) unless a majority of the Aberdeen City Board of Zoning Adjustment agrees to extend the time period. The open forum may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Open forum will not be used as a time for problem solving or reacting to the comments made, but, rather for hearing the citizen for informational purposes. The Aberdeen City Board of Zoning Adjustment may respond with request for city management to follow up and report back on any issue raised during the public address time. A presentation may not exceed two minutes in duration.*
- 2) *ADA Compliance: The City of Aberdeen fully subscribes to the provisions of the American's With Disabilities Act. If you desire to attend this public meeting and are need of special accommodations, please notify the City Planning & Zoning Office at least 8 hours prior to the meeting so appropriate auxiliary aids and services can be made available. The Aberdeen City Board of Zoning Adjustment meets monthly on the second Thursday of each month at 8:00 a.m.*
- 3) *A copy of the subject matter on the Aberdeen City Board of Zoning Adjustment meeting agenda is available for public distribution at the City Planning & Zoning Office and available on the City's website @ www.aberdeen.sd.us.*

MEETING INFORMATION AND PROCEDURE

Meetings of the City of Aberdeen Board of Zoning Adjustment are when the Board conducts public hearings and issues its decisions on applications for special exceptions or variances and for appeals of decisions or actions of a zoning or code enforcement official. The Board conducts the hearings informally and as necessary to secure the information required for it to make a decision but the formal rules of procedure and evidence do not apply to these hearings.

All meeting agendas are published and posted as required by law. Each member of the Board is provided an agenda packet before the meeting. The agenda packet includes the meeting agenda, copies of all applications along with the supporting documentation, and the written recommendations of City Staff regarding each application. If not already provided, a copy of the Staff recommendations will be provided to each Applicant upon request. All information provided to the Board in the agenda packet for each application is considered part of the record for that application.

Any member of the public wishing to speak must first be recognized by the Chair, must speak into one of the microphones in the room, and must state their name. The purpose for this rule is to ensure a clear record of anyone speaking in support of, or in opposition to, an item on today's agenda. Staff have been instructed to assist the Board in making sure there is a clear record. The Chair may rule out of order any speaker who is not recognized by the Chair, who fails to identify themselves, or who does not speak into a microphone.

Depending on the relief sought in an application, the Board may deny all or part of the application, it may modify the requirements of any order of the city official, or it may approve the application without conditions or it may impose conditions, also known as stipulations. If the Board's approval of an application is contingent upon certain conditions being met, the Applicant may agree to the conditions or refuse the conditions. If the Applicant does not agree to the conditions in writing, the application will be deemed denied. Staff will be available after the meeting to assist the Applicant with understanding the conditions and obtaining the Applicant's agreement to them.