

**AGENDA**  
**REGULARLY SCHEDULED MEETING**  
**ABERDEEN CITY BOARD OF ZONING ADJUSTMENT**  
**Thursday, October 12, 2023 - 8:00 A.M.**  
**First Floor Council Chambers - Municipal Building**

- I. Call to Order**
- II. Roll Call**
- III. Approval of Minutes**
  - 1) September 14, 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) Daniel and Susan Cybulski request permission, as per site plan submitted, to (1) construct a 54'x64' accessory structure in the front or side yard rather than the required rear yard, which would be an Appeal to the Board of Zoning Adjustment, and (2) to construct a 54'x64' accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, and (3) to construct a 54'x64' accessory structure with 16' tall sidewalls rather than the permitted 10', which would be a Special Exception in the (R-1) Low Density Residential Zoning District, all on Lot 1, Hogg's First Subdivision, a.k.a. 406 Melgaard Road E.
- 2) Nick Rayman requests permission, as per site plan submitted, for existing residence to remain 18.75' from the South property line rather than the required 25', which would be a 6.25' Building Variance, all on Lot 12, Block 43, Hagerty & Lloyd Addition, a.k.a. 815 First Avenue NE.
- 3) Sue Landon requests permission, as per site plan submitted, for (1) existing residence to remain 2'5" from the North property line rather than the required 5', which would be a 2'7" Building Variance, and (2) 3'9" from the South property line rather than the required 5', which would be a 1'3" Building Variance, all on Lot 5, Block 22, Simmon's First Addition to Aberdeen, a.k.a. 1520 Second Street S.
- 4) James Scepaniak requests permission, as per site plan submitted, to (1) permit the operation of a lawnmower/snowblower repair and sales business as a home occupation in an accessory structure, which would be an Appeal to the Board of Zoning Adjustment, and (2) to permit the open storage and sale of up to 6 lawnmowers and snowblowers, and related items, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 7, Block 5, Nicollet Park Addition, a.k.a. 323 Jackson Street S.
- 5) TJJ Capital, LLC requests permission, as per site plan submitted, for (1) existing residence to remain 13' from the East property line rather than the required 25', which would be a 12' Building Variance, and (2) 3.7' from the North property line rather than the required 5', which would be a 1.3' Building Variance, and (3) for existing unattached garage to remain 14.3' from the South property line rather than the required 25', which would be a 10.7' Building Variance, all on Lots 11-12, Block 23, Hagerty & Lloyd Addition, a.k.a. 323 Fourth Avenue NE.

- 6) Terry West requests permission, as per site plan submitted, to (1) construct an accessory structure that is 1300sf in size rather than the permitted 1056sf, which would be a 244sf Accessory Structure Lot Coverage Variance, and (2) to construct a 1300sf accessory structure 19' from the North property line rather than the permitted 25', which would be a 6' Setback Variance, all on Proposed Lot 1, Terry West Addition, a.k.a. 624 Main Street N.
- 7) Schwan Financial Real Estate requests permission, as per site plan submitted, to permit the installation of an off-premise freestanding sign, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 3, Ken's Supermarket First Addition, a.k.a. 2123 Sixth Avenue SE.
- 8) Dutenhoffer Construction requests permission, as per site plan submitted, to construct a twin home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 5, Block 3, Willowwood Fifth Addition, a.k.a. 1024 Illinois Street S.
- 9) Dutenhoffer Construction requests permission, as per site plan submitted, to construct a twin home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 6, Block 3, Willowwood Fifth Addition, a.k.a. 1028 Illinois Street S.
- 10) Trinity Lutheran Church requests permission, as per site plan submitted, to permit the installation of an EMC sign panel on an existing freestanding sign, which would be a Special Exception in the (R-3) High Density Residential Zoning District, all on Lot 1, Trinity Lutheran Church Addition, a.k.a. 915 Dakota Street S.

## 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](http://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 himself, 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.