

BOARD OF ZONING ADJUSTMENT
April 8, 2021

The Board of Zoning Adjustment Meeting was held on Thursday, April 8, 2021 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 Ken Hubbart, City Planner, Eric Miller, City Planner, Jeremiah Maxfield, Planning Technician and Amanda Kamphuis, Board of Zoning Adjustment Secretary.

Grebner moved and Schumacher seconded to approve the Board of Zoning Adjustment Minutes of March 11, 2021, 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 permit the construction of a residence 8.5' from the South property line rather than the required 15', which would be a 6.5' Building Variance, all on Lot 8, Easton's First Subdivision, a.k.a. 206 Second Avenue NW. Jeff Mitchell was present to represent the property. Following discussion, Grebner moved and Schumacher seconded to approve with the following stipulations: 1) No additional driveways or parking areas shall be permitted on the East and South sides of Lot, 2) Plans must be approved and a permit obtained prior to construction, 3) Property pins must be located to verify setbacks at time of inspections, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 2) Aberdeen School District 6-1 and Don Bonn requested permission, as per site plan submitted, to construct a parking lot, which would be a Special Exception in a (R-3) High Density Residential Zoning District, all on Lots 7-8, Block 47, Mrs. O'Leary's Rearrangement of Block 47, West Aberdeen Addition, a.k.a. 419 & 421 Tenth Street S. Troy McKibben and Don Bonn were present to represent the property. Following discussion, Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Property must be replatted into one parcel, 2) Plans must be submitted and approved prior to issuing a zoning permit for the parking lot construction, and 3) Must be landscaped in accordance with ordinance. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED .**
- 3) Alan Zahn requested permission, as per site plan submitted, to 1) plat a lot with 33' of frontage rather than the required 50', which would be a 17' Minimum Lot Width Variance and 2) to plat a second lot with 33' of frontage rather than the required 50', which would be a 17' Minimum Lot Width Variance, all on Lot 1, Zahn Addition and the South 33' of the West 40' of Lot 45 and the South 33' of Lots 46-48, Block 53, Second Addition, a.k.a. 906 & 908 Fourth Street S. Alan Zahn was present to represent the property. Following discussion, Grebner moved and Schumacher seconded to approve items #1 and #2 with the following stipulations: 1) Plat must be approved and filed with the Register of Deeds Office, 2) A petition to rezone to (R-3) High Density Residential Zoning District must be submitted to bring the property into compliance with use and eliminate split-zoning. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCES APPROVED .**

- 4) Marc and Kim Runnels and Great Plains Bank requested permission, as per site plan submitted, to 1) operate a food trailer and stand as a primary land use in a (C-1) Neighborhood Commercial Zoning District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct an 8'x12' shed 15' from the North property line rather than the required 30', which would be a 15' Building Variance and 3) to place a food trailer 18.5' from the South property line rather than the required 30', which would be an 11.5' Building Variance, all on Lots 20-22, Block 45, Hagerty & Lloyd Addition, a.k.a. 120 State Street N. Kim Runnels was present to represent the property. Following discussion, Grebner moved and Schumacher seconded to approve item #1 with the following stipulations: 1) This approval is for Marc and Kim Runnels d/b/a Pop's Snoballs and Pop's Bayou Mama's as long as they are the owner/operator of proposed use, 2) Permits must be obtained prior to construction, 3) Any forestry/landscape requirements must be met if applicable, 4) Property must be replatted into one parcel, 5) Planning Commission must approve use prior to permitting, and 6) If use should cease, the owner must remove all structures, trailers, etc. prior to the sale of said property. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion, Grebner moved and Schumacher seconded to deny item #2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED**. Upon further discussion, Schumacher moved and Grebner seconded to deny item #3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED**.
- 5) Sam Braun requested permission, as per site plan submitted, to 1) construct a mini-storage building in an (I-2) Unrestricted Industrial Zoning District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct a mini-storage building that is 60' in width rather than the permitted 30', which would be a 30' Minimum Building Width Variance and 3) 180' in length rather than the permitted 120', which would be a 60' Minimum Building Length Variance, all on Block 6, Aberdeen Industrial Park East Addition in the NE ¼ of Section 16, T123N-R63W, a.k.a. 4620 Capital Avenue NE. Mike Dykman was present to represent the property. Following discussion, Grebner moved and Weigel seconded to approve item #1 with the following stipulations: 1) Plans must be approved and a permit obtained prior to construction, 2) All required inspections must be completed, 3) Property lines must be located to verify setbacks at time of inspection, and 4) Landscaping and sidewalks shall be installed as required by ordinance. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion, Grebner moved and Weigel seconded to approve items #2 and #3 with the following stipulation: 1) All Fire Code and Building Code requirements must be adhered to. Upon roll call, all members voting aye, the motion carried. **MINIMUM BUILDING WIDTH VARIANCE APPROVED**. **MINIMUM BUILDING LENGTH VARIANCE APPROVED**.
- 6) Kiropa Properties, LLC requested permission, as per site plan submitted, to 1) permit five projecting wall signs rather than the permitted 1, which would be a four Sign Variance and 2) to permit five 64.17sf projecting wall signs rather than the permitted 40sf, which would be five 24.17sf Maximum Sign Size Variances and 3) to permit 532.84sf of total signage rather than the permitted 416sf, which would be a 116.84sf Sign Variance, all on Lot 1, Lamont Second Addition, a.k.a. 3502 Seventh Avenue SE. Mark Malchow, Clark Sinclair, Darren Dell of Huff Construction and Cory Weisenburger

of Service Signs were present to represent the property. Following discussion, Schumacher moved and VanDeRostyne seconded to deny item #1. Upon roll call, Weigel aye, VanDeRostyne aye, Babcock aye, Grebner nay, Schumacher aye (4 aye, 1 nay), the motion carried. **SIGN VARIANCES DENIED**. Following further discussion, no action was taken on items #2 and #3.

- 7) CPD Enterprises and Montgomery's Furniture requested permission, as per site plan submitted to 1) install an off-premise sign as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit an off-premise sign that is 567.89sf in size rather than the permitted 275sf, which would be a 292.89sf Maximum Sign Size Variance, 3) 16.75' from the North property line rather than the required 75', which would be a 58.25' Sign Setback Variance and 4) 20.5' from the West property line rather than the required 75', which would be a 54.5' Sign Setback Variance and 5) 190' from an existing off-premise sign rather than the permitted 600', which would be a 410' Sign Separation Variance and 6) to permit a total of 889.65sf of total signage rather than the permitted 769.94sf, which would be a 119.65sf Allowable Signage Variance, all on Lot 1, Lamont Third Addition, a.k.a. 615 Centennial Street S. Mark Malchow, Clark Sinclair, Darren Dell of Huff Construction and Cory Weisenburger of Service Signs were present to represent the property. Following discussion Schumacher moved and VanDeRostyne seconded to deny items #1, #2 and #6. Upon roll call, Weigel aye, VanDeRostyne aye, Babcock aye, Grebner nay, Schumacher aye (4 aye, 1 nay), the motion carried. **APPEAL DENIED. MAXIMUM SIGN SIZE VARIANCE DENIED. ALLOWABLE SIGNAGE VARIANCE DENIED.** Following further discussion, Grebner moved and Schumacher seconded to denied items #3, #4 and #5. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE S DENIED. SIGN SEPARATION VARIANCE DENIED.**
- 8) 281 Storage, LLC and Skyline Recreation, Inc. requested permission, as per site plan submitted to 1) construct 5 mini-storage buildings, which would be a Special Exception in a (C-2) Highway Commercial Zoning District and 2) to construct 5 mini-storage buildings that are 50' wide rather than the permitted 30', which would be five 20' Maximum Building Width Variances and 3) to construct 5 mini-storage buildings that are 239' long rather than the permitted 120', which would be five 119' Maximum Building Length Variances and 4) to construct a 50x239' mini-storage building 25' from the East property line rather than the required 45', which would be a 20' Setback Variance, all on Lots 1, 4 & 5, Skywag Addition, a.k.a. 1021 Olive Drive N., 1314 Eighth Avenue NW and 1016 Highway 281 N. Rod Tobin was present to represent the property. Following discussion, Grebner moved and Schumacher seconded to approve item #1 with the following stipulations: 1) Property must be replatted, 2) Plans must be approved and a permit obtained prior to construction, 3) All sidewalks and landscaping must be installed and maintained in accordance with City ordinance, 4) Property lines must be located to verify setbacks at time of inspection, 5) Must follow all Engineering requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**. Following further discussion, Grebner moved and Schumacher seconded to approve items #2 and #3 with the following stipulation: 1) All Building and Fire Code requirements must be adhered to. Upon roll call, all members voting aye, the motion carried. **MAXIMUM BUILDING WIDTH VARIANCES APPROVED. MAXIMUM BUILDING LENGTH VARIANCE S APPROVED.** Following further discussion, Grebner

moved and Schumacher seconded to deny item #4. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE DENIED** .

- 9) Doug Braa requested permission, as per site plan submitted, to 1) to construct a previously approved 50' x 192' mini-storage building 0' from the North property line rather than the permitted 25', which would be a 25' Building Variance and 2) to construct two mini-storage buildings that are 40' deep rather than the permitted 30', which would be two 10' Maximum Building Depth Variances, and 3) to construct two mini-storage buildings that are 210' long rather than the permitted 120', which would be two 90' Maximum Building Length Variances and 4) to construct 40'x210' mini-storage building 0' from the South property line rather than the permitted 25', which would be a 25' Setback Variance and 5) to construct a second 40'x210' mini-storage building 0' from the South property line rather than the required 25', which would be a 25' Setback Variance, all on Lot 1, Aberdeen Asphalt Addition, a.k.a. 408 Twelfth Avenue SW. Jay Gellhaus was present to represent the property. Following discussion, Schumacher moved and Grebner seconded to deny item #1. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED** . Following further discussion, Schumacher moved and Grebner seconded to approve items #2 and #3 with the following stipulations: 1) Plans must be approved and a permit obtained prior to construction, 2) All required inspections must be completed, 3) Property lines must be located and setbacks verified at time of inspection, 4) All required sidewalk and landscaping must be installed and maintained, and 5) If fence is in right-of-way, it must be relocated to private property as part of this project. Upon roll call, all members voting aye, the motion carried. **MAXIMUM BUILDING DEPTH VARIANCES APPROVED. MAXIMUM BUILDING LENGTH VARIANCES APPROVED** . Following further discussion, Schumacher moved and Grebner seconded to deny items #4 and #5. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCES DENIED** .
- 10) Carrie Cordie 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 a (R-2) Medium Density Residential Zoning District, all on Lot 2, Block 3, HAPI First Subdivision, a.k.a. 705 Thirteenth Avenue SW. City staff represented this item due to COVID-19 pandemic. Following discussion, Grebner moved and Weigel 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 children, 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 the operator, 7) The operator must schedule a home inspection with the Building Inspection Department and the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any recommended or required changes or modifications must be made, and 8) The 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** .
- 11) Halee Rush 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 a (R-3) High

Density Residential Zoning District, all on Lot 22, Block 10, Nicollet Park Addition, a.k.a. 419 Dakota Street S. City staff represented this item due to COVID-19 pandemic. Following discussion, Grebner moved and Schumacher 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 children, 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 the operator, 7) The operator must schedule a home inspection with the Building Inspection Department and the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any recommended or required changes or modifications must be made, and 8) The 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.**

OTHER BUSINESS:

- 1) Ken Hubbart announced that Amanda Kamphuis is the new Board of Zoning Adjustment Secretary and Administrative Assistant in Planning and Zoning as Paula Nelson has transitioned to her new position as Code Enforcement Officer.

Grebner moved and Schumacher seconded to adjourn the meeting.

Amanda Kamphuis
Board of Zoning Adjustment Secretary
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