

MINUTES
BOARD OF ZONING ADJUSTMENT
May 11, 2023

The Board of Zoning Adjustment Meeting was held on Thursday, May 11, 2023, 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 Schumacher, Fjeldheim, Babcock, Weigel, and VanDeRostyne. Also present were Ken Hubbart, City Planner, Eric Miller, Barry Dunlavy, Building Inspector, Benjamin Phillips, GIS Coordinator, Mike Thompson, Fire Marshal, Megan Kukowski, Economic Development Manager, and Emily Ellingson, Board of Zoning Adjustment Secretary.

Weigel moved, and Babcock seconded, to approve the Board of Zoning Adjustment Minutes of April 13, 2023, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

Ken recited the Board of Zoning Adjustment Meeting Information and Procedure Statement.

OLD BUSINESS – None.

NEW BUSINESS:

- 1) Dutenhoffer Construction requested permission, as per site plan submitted, to permit the construction of a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 4, Block 2, Willowood Fifth Addition, a.k.a. 2722 Airline Avenue SE. Mike Dutenhoffer was present to represent the property. Following discussion, VanDeRostyne moved, and Babcock seconded, to approve with the following stipulations: (1) Plans must be approved and 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 2) Dutenhoffer Construction requested permission, as per site plan submitted, to permit the construction of a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 3, Block 2, Willowood Fifth Addition, a.k.a. 2714 Airline Avenue SE. Mike Dutenhoffer was present to represent the property. Following discussion, Schumacher moved, and Weigel seconded, to approve with the following stipulations: (1) Plans must be approved and 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 3) Landmark Gospel Church and Aberdeen Step Up Ministries requested permission, as per site plan submitted, to permit the operation of a temporary homeless shelter, which would be an Appeal to the Board of Zoning Adjustment in the (R-3) High Density Residential Zoning District, all on The North 150' of the West 75' of the East 225' of Lot 1, Hedger's Outlot, a.k.a. 1320 Eighth Avenue NE. Alton Vilhauer was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve with the following stipulations: (1) Property must adhere to all building and firecodes, including occupancy limitations. (2) Property must be maintained in a neat and orderly manner at all times. (3) Owner must schedule an inspection with the building inspection department and Fire Marshal and any required modifications must be made prior to occupancy. (4) This Special Exception is for Aberdeen Step Up Ministries only, as long as they are the owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried.

SPECIAL EXCEPTION APPROVED.

- 4) 3M Aberdeen requested permission, as per site plan submitted, to maintain a property with native grasses and vegetation in excess of 10” in height, which would be an Appeal to the Board of Zoning Adjustment in a (I-1) Industrial Park Zoning District, all on the NW¼ Section 16-Twp123N-R63W, Excluding Railroad ROW and Land Platted, a.k.a. 610 Brown County 19N. Darrell Tennis was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to approve with the following stipulations: (1) Property must be maintained in accordance with all other ordinances regarding property maintenance. (2) Owner will be responsible for control of nuisance or noxious weeds, pests, rodents, etc. (3) This special exception is for 3M only, as long as they are owner/operator. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Chairman Babcock stepped down as Chairman and Weigel proceeded as Acting Chairman.

- 5) BSW, LLC requested permission, as per site plan submitted, to permit a group project consisting of three 5-unit apartments, which would be a Special Exception in the (R-3) High Density Residential Zoning District, all on Lot 3, Block 1, Heritage Estates Addition and Lot 1, Cambridge Addition in the SW¼ Sect. 7-T123N-R63W, a.k.a. 821 Kettering Drive N and 1501 Eighth Avenue NE. This item was moved to the end of the agenda.
- 6) Howard Hedger, Inc. requested permission, as per site plan submitted, to (1) permit the construction of a mini-storage facility, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and (2) to construct a mini-storage building that is 60’ wide rather than the permitted 30’, which would be a 30’ Maximum Building Width Variance, and (3) to construct a mini-storage building that is 144’ long rather than the permitted 120’, which would be a 24’ Maximum Building Length Variance, all on Lot 1&2, Nordstrom-Pierson Addition to the City of Aberdeen, a.k.a. 2615 & 2703 Eighth Avenue NE. Koos Kennedy was present to represent the property. Following discussion, Schumacher moved, and Fjeldheim seconded, to approve item #1 with the following stipulations (1) Plans must be approved & permit obtained prior to construction. (2) Plat must be approved and filed with R.O.D. office (3) All required inspections must be completed. Upon roll call, Fjeldheim aye, Schumacher, aye, VanDeRostyne, aye, Weigel, Aye, Babcock, abstain (4 aye, 1 abstain), the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion, Schumacher moved, and VanDeRostyne seconded, to approve items #2-3 with the following stipulation: (1) Building must meet all Building & Fire Code requirements. Upon roll call, Fjeldheim aye, Schumacher, aye, VanDeRostyne, aye, Weigel, Aye, Babcock, abstain (4 aye, 1 abstain), the motion carried. **BUILDING VARIANCE APPROVED.**

Babcock resumed as Chairman.

- 7) Ellsbee Estates, LLC and Brent Meyer requested permission, as per site plan submitted, to (1) construct a multi-family residential development, which would be a Special Exception in the (R-1) Low Density Residential Zoning District, and (2) to permit a group project consisting of four 4-unit townhome structures, which would be a Special Exception, and (3) to construct 16 multi-family residences on 2.8 acres rather than the required 4.06 acres, which would be a 1.26 acre Minimum Lot Size Variance and (4) to permit 16 multi-family residences rather than the permitted 12 units, which would be a 4 unit Maximum Density Variance, all on Lots 1-3, Holtey First Addition, a.k.a. 2357, 2363 and 2369 Twenty-fourth Avenue NE. Brent Meyer was present to represent the property. Tony Schwan, Dave Thorson, Hale Clemensen, and Mike Dutenhoffer appeared in opposition to the requests. A letter in opposition from Tom Seyer was read into the record. Following discussion, Schumacher moved, and VanDeRostyne seconded, to approve item #1. Following further discussion, Schumacher moved, and VanDeRostyne seconded, to amend item #1 to permit

four 2-unit buildings within the multi-family residential development. Upon roll call to the amendment, all voting aye, the motion carried. Upon roll call to amended item #1, all voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Upon further discussion, VanDeRostyne moved, and Schumacher seconded, to amend item #2 consisting of four 2-unit townhome structures. With the following stipulations: (1) A plat combining the underlying lots must be approved and filed with the Register of Deeds office. (2) Plans must be approved, and a permit obtained prior to construction. (3) All Required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCPEITION APPROVED.** No action was taken on items #3-4 as they were not necessary due to amendments to items #1-2.

- 8) Jody Stanton and Terry Winegar requested permission, as per site plan submitted, to (1) plat a lot in a (R-3) High Density Residential Zoning District with 31.5' of frontage rather than the required 50', which would be a 18.5' Minimum Lot Frontage Variance and (2) to plat a lot with 43.5' of frontage rather than the required 50', which would be a 6.5' Minimum Lot Frontage Variance, all on Lots 16-18, Block 46 Hagerty & Lloyd Addition, a.k.a. 108 & 110 Arch Street N. Jody Stanton was present to represent the property. Following discussion, Schumacher moved, and Fjeldheim seconded, to approve with the following stipulation: (1) Plat must be approved & filed with the R.O.D. office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**
- 9) Aberdeen Housing Authority requested permission, as per site plan submitted, to construct a 36'x60' accessory structure that will not be aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 19, Pierson's Subdivision, a.k.a. 2222 Third Avenue SE. This item was moved to the end of the agenda.
- 10) Menard, Inc. requested permission, as per site plan submitted, to (1) permit the construction of a mini-storage facility consisting of 10 buildings, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and (2) to permit the open storage and parking of vehicles, machinery, and similar items, which would be a Special Exception and (3) to construct a mini-storage building (bldg. 1) that is 280' long rather than the permitted 120', which would be a 160' Maximum Length Variance and (4) to construct a mini-storage building (bldg. 2) that is 280' long rather than the permitted 120', which would be a 160' Maximum Length Variance, and (5) to construct a mini-storage building (bldg. 3) that is 40' wide rather than the permitted 30', which would be a 10' Maximum Width Variance and (6) 270' long rather than the permitted 120', which would be a 150' Maximum Length Variance and (7) to construct a mini-storage building (bldg. 4) that is 35' wide rather than the permitted 30', which would be a 5' Maximum Width Variance and (8) 290' long rather than the permitted 120', which would be a 170' Maximum Length Variance and (9) to construct a mini-storage building (bldg. 5) that is 290' long rather than the permitted 120', which would be a 170' Maximum Length Variance and (10) to construct a mini-storage building (bldg. 6) that is 35' wide rather than the permitted 30', which would be a 5' Maximum Width Variance and (11) 290' in length rather than the permitted 120', which would be a 170' Maximum Length Variance and (12) to construct a mini-storage building (bldg. 7) that is 324' long rather than the permitted 120', which would be a 204' Maximum Length Variance, and (13) to construct a mini-storage building (bldg. 9) that is 180' long rather than the permitted 120', which would be a 60' Maximum Length Variance, all on Lot 1, Menards AmericInn Fourth Subdivision, a.k.a. 316 Brown County Highway 19 S. Jamie Sprenger of IMEG was present to represent the property. Following discussion, Fjeldheim moved, and Schumacher seconded, to approve with the following stipulations: (1) Plans must be approved & permit obtained prior to construction. (2) Property Lines must be located to verify setbacks. (3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

Chairman Babcock stepped down as Chairman.

- 5) BSW, LLC requested permission, as per site plan submitted, to permit a group project consisting of three 5-unit apartments, which would be a Special Exception in the (R-3) High Density Residential Zoning District, all on Lot 3, Block 1, Heritage Estates Addition and Lot 1, Cambridge Addition in the SW¼ Sect. 7-T123N-R63W, a.k.a. 821 Kettering Drive N and 1501 Eighth Avenue NE. Corey Sauerwein was present to represent the property. Following discussion, Schumacher moved, and VanDeRostyne seconded, to approve with the following stipulations: (1) Plans must be approved & permit obtained prior to construction. (2) Plat must be approved and filed with R.O.D. office. (3) All required inspections must be completed. Upon roll call, Fjeldheim aye, Schumacher, aye, VanDeRostyne, aye, Weigel, Aye, Babcock, abstain (4 aye, 1 abstain), the motion carried. **SPECIAL EXCEPTION APPROVED.**

Babcock resumed as Chairman.

- 9) Aberdeen Housing Authority requested permission, as per site plan submitted, to construct a 36'x60' accessory structure that will not be aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 19, Pierson's Subdivision, a.k.a. 2222 Third Avenue SE. Marty Rathert was present to represent the property. Following discussion, Schumacher moved, and Fjeldheim seconded, to deny this request all voting aye, the motion carried. **APPEAL DENIED.** Upon further discussion Weigel moved, and VanDeRostyne seconded to approve with the following stipulations: (1) Four-foot-tall wainscoting to be installed on the South and East sides of building. (2) Steel siding to match fascia on primary structure. (3) Plans must be approved, and permit obtained prior to construction. (4) All required inspections must be completed. (5) Property lines must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

OTHER BUSINESS:

- 1) Discussion regarding changes proposed for storage units that will be on the May 16, Planning Commission Meeting.

There being no further business before the Board, Schumacher moved, and Fjeldheim seconded, to adjourn the meeting, all members voting aye, the motion carried.

Emily Ellingson
Board of Zoning Adjustment Secretary
May 11, 2023