

**MINUTES**  
**BOARD OF ZONING ADJUSTMENT**  
**June 8, 2023**

The Board of Zoning Adjustment Meeting was held on Thursday, June 8, 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 Fjeldheim, Babcock, Weigel, Winter and VanDeRostyne. Also present were Ken Hubbart, City Planner, Benjamin Phillips, GIS Coordinator, Mike Thompson, Fire Marshal, Stuart Nelson, Assistant City Engineer, and Emily Ellingson, Board of Zoning Adjustment Secretary.

Fjeldheim moved, and Winter seconded, to approve the Board of Zoning Adjustment Minutes of May 11, 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) Megan Kannegieter requested permission, as per site plan submitted, for existing residence to remain 7' from the South property line rather than the required 8', which would be a 1' Building Variance, all on The South 42' of Lot 16 and the North 24' of Lot 17, Block 2, Mehlhoff's Second Addition to North Plains Subdivision, a.k.a. 1613 Northview Lane. Megan Kannegieter was present to represent the property. Following discussion, Weigel moved, and VanDeRostyne seconded, to approve. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 2) Dave Johnson 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 5, Block 2, Willowood Fifth Addition, a.k.a. 2802 Airline Avenue SE. Dave Johnson was present to represent the property. Following discussion, VanDeRostyne moved, and Winter seconded, to approve. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 3) Dave Johnson 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 6, Block 2, Willowood Fifth Addition, a.k.a. 2808 Airline Avenue SE. Dave Johnson was present to represent the property. Following discussion, VanDeRostyne moved, and Winter seconded, to approve. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 4) 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 7, Block 2, Willowood Fifth Addition, a.k.a. 2814 Airline Avenue SE. Delbert Dutenhoffer was present to represent the property. Following discussion, Weigel moved, and Winter seconded, to approve. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 5) 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 8, Block 2, Willowood Fifth Addition, a.k.a. 2820 Airline Avenue SE. Delbert Dutenhoffer was present to represent the property. Following discussion, Weigel moved, and Winter seconded, to approve. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 6) Florian & Janet Volk requested permission, as per site plan submitted, for (1) existing residence to remain 23' from the East property line rather than the required 25', which would be a 2' Building Variance, and (2) to construct an ADA ramp 11.5' from the East property line rather than the required 15', which would be a 3.5' Building Variance, all on Lots 289-290, Morning Heights Subdivision, a.k.a. 824 Merton Street S. Nick Volk was present to represent the property. Following discussion, VanDeRostyne moved, and Winter seconded, to approve item #1. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion, Weigel moved, and VanDeRostyne seconded, to approve item #2 with the following stipulations: (1) All required inspections must be completed. (2) Ramp must be removed when no longer necessary. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) April Larman requested permission, as per site plan submitted, for (1) existing residence to remain 19.5' from the West property line rather than the required 25', which would be a 5.5' Building Variance and (2) 7.5' from the North property line rather than the required 15', which would be a 7.5' Building Variance, in order to (3) construct a 35'x30' unattached garage 15' from the North property line rather than the required 25', which would be a 10' Building Variance, all on Lot 12, Block 50, Bennett & Thomas Addition to North Aberdeen, a.k.a. 324 Fourth Street N. Ron Larman was present to represent the property. Following discussion, Weigel moved, and VanDeRostyne seconded, to approve items #1-2. Upon roll call, all voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Upon further discussion, Fjeldheim moved, and VanDeRostyne seconded, to deny item #3. Upon roll call, VanDeRostyne, aye, Fjeldheim, aye, Babcock, aye, Winter, aye, Weigel, Nay (4 aye, 1 nay), motion denied.
- 8) Joni Lammon requested permission as per site plan submitted, for (1) existing residence to remain 7'8" from the South property line rather than the required 25', which would be a 17'4" Building Variance, (2) 1'8" from the West property line rather than the required 5', which would be a 3'4" Building Variance, (3) 14'2" from the North property line rather than the required 20', which would be a 5'10" Building Variance, in order to (4) construct a 6'x14' uncovered deck and stairs 0' from the South property line rather than the required 15', which would be a 15' Building Variance, and (5) request permission for lot to remain 42' wide rather than the permitted 50', which would be an 8' Minimum Lot Width Variance, and (6) 50' deep rather than the minimum 100', which would be a 50' Minimum Lot Depth Variance, all on The West 42' of Lot 3, First Rearrangement of Lots 20-24, Block 38, West Aberdeen Addition, a.k.a. 910 Fourth Avenue SW. Joni Lammon was present to represent the property. Following discussion, VanDeRostyne moved, and Winter seconded, to approve items #1-3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion, Weigel moved, and Fjeldheim seconded, to deny item #4. Upon roll call, all members voting nay, the motion failed. Upon Further discussion, Fjeldheim moved, and VanDeRostyne seconded to approve item #4 with the following stipulations: (1) The stairs on the 6' deck must be parallel to the house and not encroach further into setback. (2) Plans must be approved, and permit obtained prior to construction. (3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Upon further discussion, VanDeRostyne moved, and Fjeldheim seconded to approve items #5-6. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH & DEPTH VARIANCES APPROVED.**

- 9) Ron Wagner 2020 Trust and Natural Abundance requested permission, as per site plan submitted, to permit the operation of an outdoor farmer's market, which would be an Appeal in the (C-3) Central Business District, all on Lots 7-9 & South ½ of Lot 10, Block 9, North Aberdeen Addition, a.k.a. 112 Main Street N. Erika McLeod was present to represent the property. Following discussion, VanDeRostyne moved, and Winter seconded, to approve with the following stipulations: (1) No obstructions over 3' tall may be located in 35' corner visibility triangles on SE & SW corner of property. (2) No illegal or unpermitted signage, banners, flags, etc. may be placed on the property or public R.O.W. (3) Vendors and merchandise must remain on private property. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 10) Thomas Wipf and Cool Cart Parts, as per site plan submitted, to (1) permit an 8'x40' shipping container as an accessory use, which would be an Appeal to the Board of Zoning Adjustment, and (2) to place the shipping container 5' from the South property line rather than the permitted 30', which would be a 25' Setback Variance and (3) 5' from the West property line rather than the required 30', which would be a 25' Setback Variance, all on Lot 1, Score's Addition, a.k.a. 601 Riverside Drive. Thomas Wipf was present to represent the property. Following discussion, VanDeRostyne moved, and Fjeldheim seconded, to deny item #1. Upon roll call, all members voting nay, the motion failed. Upon further discussion, Winter moved, and VanDeRostyne seconded, to approve item #1 with the following stipulations: (1) The structure be anchored to the ground. (2) Tenant must remove shipping container when vacating property. (3) The shipping container must match the fascia on the primary structure. (4) Previous variance granted 4/14/22 to construct a shed shall be vacated. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion, VanDeRostyne moved, and Winter seconded, to approve items #2-3 with the following stipulation: (1) Must meet the required 5' Setback Variance. Upon roll call, all members voting aye, the motion carried. **VARIANCE APPROVED.**
- 11) Devin Hebeisen requested permission, as per site plan submitted, (1) to operate a daycare, which would be an Appeal to the Board of Zoning Adjustment in an (I-2) Unrestricted Industrial Zoning District, and (2) to permit mini-storage units, which would be an Appeal to the Board of Zoning Adjustment, and (3) to permit the construction of a rental commercial kitchen, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Runnings First Subdivision, a.k.a. 804 Fifth Street S. Devin Hebeisen was present to represent the property. Following discussion, VanDeRostyne moved, and Weigel seconded, to approve the following stipulations: (1) All uses must be reviewed and approved by the Building Inspection Department and Fire Marshal. (2) Plans prepared by a design professional, and permit obtained prior to construction. (3) All required inspections must be completed. (4) Any signage must be approved and permitted prior to construction. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

**OTHER BUSINESS:**

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

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Emily Ellingson  
Board of Zoning Adjustment Secretary  
June 8, 2023