

MINUTES
BOARD OF ZONING ADJUSTMENT
July 13, 2023

The Board of Zoning Adjustment Meeting was held on Thursday, July 13, 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 Grebner, Babcock, Weigel, Schumacher and VanDeRostyne. Also present were Ken Hubbart, City Planner, Benjamin Phillips, GIS Coordinator, Mike Thompson, Fire Marshal, Stuart Nelson, Assistant City Engineer, Eric Miller, City Planner, Paula Nelson, Code Enforcement Officer, Brett Bill, Planning & Zoning Director, and Emily Ellingson, Board of Zoning Adjustment Secretary.

Grebner moved, and Schumacher seconded, to approve the Board of Zoning Adjustment Minutes of June 8, 2023, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

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

OLD BUSINESS – None.

NEW BUSINESS:

- 1) Loren Feist requested permission, as per site plan submitted, (1) 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. There being no representative present, this item was moved to the end of the agenda.
- 2) Proverbia Investments, LLC requested 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. Brian Marcuson was present to represent the property. Following discussion, VanDeRostyne moved, and Schumacher seconded, to approve with the following stipulations: (1) Property must adhere to all building & fire codes, 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 Proverbia Investments & Step-Up Ministries only, as long as they are owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 3) Kenneth Kappenman requested permission, 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. Kenneth Kappenman was present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve items #1-2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion, Grebner moved, and Schumacher

seconded, to approve item #3 with the following stipulations: (1) Plans must be approved, and permit obtained prior to construction. (2) All required inspections must be completed. (3) Property pins must be located to verify setbacks at time of inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Darcy Roettele requested 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. Mickey Miller was present to represent the property. Following discussion, VanDeRostyne moved, and Grebner seconded, to approve items #1-2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion, Grebner moved, and Schumacher seconded to approve item #3 with the following stipulations: (1) All required inspections must be completed. (2) When ramp is no longer necessary or property is sold, the ramp must be removed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Theodore Heupel requested 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. Theodore Heupel was present to represent the property. Following discussion, Grebner moved, and Weigel seconded, to approve items #1-3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 6) Holy Cross Lutheran Church requested 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. Jessi Stucke was present to represent the property. Following discussion, Grebner moved, and VanDeRostyne seconded, to approve with the following stipulations: (1) Permit must be obtained prior to construction. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 7) Brown County requested permission, as per site plan submitted, to plat a lot that is 37.5' wide rather than the permitted 50', 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. Brett Bill was present to represent the property. Following discussion, Weigel moved, and Grebner seconded, to approve. Upon roll call, all voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED.**
- 1) Loren Feist requested permission, as per site plan submitted, (1) 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. Loren Feist was present to represent the property. Following discussion, Grebner moved, and Schumacher seconded, to approve item #1 with the following stipulations: (1) No more than 1 vehicle per 10'X20' parking stall and all required employee or customer stalls may not be used for storage. (2) All vehicles must be licensed and operable

if stored outside, any junk, inoperable vehicles or vehicles in disrepair must be stored in the building. (3) No parking or storage in 35' corner visibility triangles (NW & SW corner of lot). (4) Outside storage may be inspected by Code Enforcement in order to ensure compliance with all regulations. (5) This Special Exception is for Loren Feist as long as he is owner/operator of this use. (6) No parking on unpaved portions of property. (7) The area on the north side of property must be graveled and property in compliance by August 15, 2023. Upon roll call, all voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following discussion, Grebner moved to approve item #2, motion died due to lack of a second. Following further discussion, VanDeRostyne moved, and Weigel seconded to deny item #2. Upon roll call, all voting nay, the motion failed. Upon further discussion, VanDeRostyne moved, and Schumacher seconded, to approve items #2-3 with the following stipulations: (1) All junk needs to be stored inside the shipping container. (2) Shipping container needs to be aesthetically similar to structure and kept in decent condition. (3) The shipping container must be in compliance by August 15, 2023. Upon roll call, all voting aye, the motion carried. **APPEAL APPROVED. SETBACK VARIANCE APPROVED**

OTHER BUSINESS:

- 1) Brett Bill announced his resignation from the City effective September 1, 2023.

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

Emily Ellingson
Board of Zoning Adjustment Secretary
July 13, 2023