

MINUTES
BOARD OF ZONING ADJUSTMENT
September 14, 2023

The Board of Zoning Adjustment Meeting was held on Thursday, September 14, 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 Babcock, Weigel, Schumacher, Gardner and VanDeRostyne. Also present were Ken Hubbart, City Planner, Benjamin Phillips, GIS Coordinator, Eric Miller, Interim Planning & Zoning Director, David Dosch, Code Enforcement Officer, Barry Dunlavy, Building Official, Matt Hill, Building Inspector, Stuart Nelson, Assistant City Engineer and Emily Ellingson, Board of Zoning Adjustment Secretary.

Weigel moved, and Gardner seconded, to approve the Board of Zoning Adjustment Minutes of August 10, 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) Lamont Office Building, LLC, and Colleen Hericks requested permission, as per site plan submitted, to permit the operation of a preschool, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Blackstone's Third Subdivision, a.k.a. 14 Main Street S. Colleen Hericks was present to represent the property. Following discussion, VanDeRostyne moved, and Schumacher seconded, to approve with the following stipulation: (1) Owner must adhere to any and all Building and Fire Code requirements. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**
- 2) Joop Bollen requested permission, as per site plan submitted, to construct an accessory structure in the front yard rather than the required rear yard of the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Bollen First Addition, a.k.a. 1402 Willow Drive. Joop Bollen Jr. and Joop Bollen was present to represent the property. Following discussion, Schumacher moved, and Gardner seconded, to deny this item. Upon roll call, all members voting nay, the motion failed. Following further discussion, Schumacher moved, and Gardner seconded, to approve this item with the following stipulations: (1) A permit to construct the residence must be issued at same time as garage. (2) All construction of the house and garage must be completed within the 2-year life of the permit. (3) Owner must adhere to any and all Building and Fire Code requirements. (4) Garage may not exceed 24' x 30' in size. **APPEAL APPROVED.**
- 3) George Dennert requested permission, as per site plan submitted, to construct a 13'x13.5' carport 18.5' from the North property line rather than the required 25', which would be a 6.5' Building Variance, all on Lots 815-816, Morning Heights Extended Addition, a.k.a. 902 High Street S. George Dennert was present to represent the property. Following discussion, Gardner moved, and Schumacher seconded, to deny this item. Upon roll call, VanDeRostyne aye, Weigel nay, Babcock nay, Gardner aye, Schumacher nay (3 nay, 2 aye), the motion failed. Following further discussion, Schumacher moved, and Babcock seconded, to approve this item with the following stipulations: (1) This Building Variance is for George Dennert only, as long as he is the owner of this property, at which time it must be removed. (2) If the owner builds a garage the carport must be removed from the property. Upon roll call, VanDeRostyne aye, Weigel aye, Babcock aye, Gardner nay, Schumacher aye (4 aye, 1 nay), the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Tom Suedmeier requested permission as per site plan submitted, to construct a 12'x26' addition to attached garage 4.3' from a proposed new North property line rather than the required 8', which would be a 3.7' Building Variance, all on Lot 13 and a portion of Lot 12, Block 4, Mel-Ros Addition of Mel-Ros Estates to the City of Aberdeen, a.k.a. 1501 Mel-Ros Drive. Tom Suedmeier was present to represent the property. Following discussion, Schumacher moved, and Babcock seconded, to deny this item. Upon roll call, VanDeRostyne, aye, Weigel, nay, Babcock, aye, Gardner, aye, Schumacher, aye (4 aye, 1 nay), the motion carried. Following further discussion, Weigel moved, and VanDeRostyne seconded to approve construction of addition 5' from north lot line with the following stipulations: (1) The property and adjacent property must be replatted. (2) Permit must be obtained prior to construction. (3) Lot lines must be located to verify setbacks. (4) All required inspections must be completed. (5) Garage must remain 5' from the lot line. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) The Aberdeen Development Corporation and Lamar Outdoor requested permission, to (1) install a 10'x21' Full Color EMC off-premise sign as an accessory land use in addition to an existing primary use, which would be an Appeal to the Board of Zoning Adjustment, and (2) to permit a new off-premise sign 176' from an adjacent off-premise sign rather than the permitted 600', which would be a 424' Separation Variance, all on Lot 1, First Overpass Subdivision, a.k.a. 124 First Avenue NW. Kameron Keck was present to represent the property. Following discussion, Gardner moved, and Schumacher seconded, to deny this item. Upon roll call, VanDeRostyne, aye, Weigel, nay, Babcock, nay, Gardner, aye, Schumacher, nay (3 nay, 2 aye), the motion failed. Following further discussion, Schumacher moved, and Weigel seconded to approve this item with the following stipulations: (1) Permit must be obtained prior to installation. (2) Off premise EMC must be operated in accordance with City Ordinance. (3) The previously approved request at 103 Second Street now shall become null and void. (4) Digital display must be on the north face of EMC. Upon roll call, VanDeRostyne nay, Weigel aye, Babcock aye, Gardner aye, Schumacher aye (4 aye, 1 nay), the motion carried. **SEPARATION VARIANCE APPROVED.**
- 6) Bernard Tomek and Ryan Sanborn requested permission, as per site plan submitted, to (1) permit the open storage, parking or sale of vehicles and products, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and (2) to place two shipping containers on the property for use as storage containers, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Tomek's First Subdivision, a.k.a. 4055 Sixth Avenue SE. **ITEM WITHDRAWN BY APPLICANT.**
- 7) David Severson requested permission, as per site plan submitted, for (1) existing residence to remain 5'4" from the North property line rather than the required 25', which would be a 19'8" Building Variance, and (2) 5' from the South property line rather than the required 20', which would be a 15' Building Variance, in order to (3) construct a 4'9" x18' uncovered deck and stairs 0' from the North property line rather than the required 15', which would be a 15' Building Variance, all on Lots 1-2, Block 40, Hagerty & Lloyd Addition, a.k.a. 614 Third Avenue NE. Ashley Griffith was present to represent the property. Following discussion, Gardner moved, and Schumacher seconded, to approve items #1-2. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion, VanDeRostyne moved, and Schumacher seconded, to approve item #3 with the following stipulations: (1) A permit must be obtained with penalty assessed for failure to comply with prior notification. (2) An inspection must be completed to assure compliance with building codes & setbacks requirements. (3) A building permit must be obtained no later than October 1, 2023. (4) Steps must be moved to the east end and deck may be 18'x 4' 9" in size. Upon roll call, all members voting aye, the motion carries. **BUILDING VARIANCE APPROVED.**

OTHER BUSINESS:

- 1) Ken Hubbard introduced new board member Brad Gardner, and Matt Hill as the City's newest Building Inspector.
- 2) Ken Hubbard updated the board on Hub City Auto's property and Loren Feist's Property.

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

Emily Ellingson
Board of Zoning Adjustment Secretary
September 14, 2023