

MINUTES
BOARD OF ZONING ADJUSTMENT
November 9, 2023

The Board of Zoning Adjustment Meeting was held on Thursday, November 9, 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, Gardner, Schumacher and VanDeRostyne. Also present were Ken Hubbart, Community Development Director, Benjamin Phillips, GIS Coordinator, Eric Miller, City Planner, Paula Nelson, Code Enforcement Officer, Mike Thompson, Fire Marshal, Stuart Nelson, Public Works Director/City Engineer, Ron Wager, City Attorney and Emily Ellingson, Board of Zoning Adjustment Secretary.

Gardner moved, and Weigel seconded, to approve the Board of Zoning Adjustment Minutes of October 12, 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) Todd Weller requested permission, as per site plan submitted, for existing residence to remain 15' from the East property line rather than the required 25', which would be a 10' Building Variance, all on Lot 391 and the South 12' of Lot 390, Morning Heights Addition, a.k.a. 810 McCoy Street S. Todd Weller was present to represent the property. Following discussion, Weigel moved, and Gardner seconded, to approve this item. Upon roll call, all members voting aye, the motion carried **BUILDING VARIANCE APPROVED.**
- 2) Jerry Reif requested permission, as per site plan submitted, to permit the installation of a 32sf real estate sign rather than the permitted 8sf, which would be a 24sf Sign Size Variance, all on Lot 21, Pine Haven Estates Subdivision, a.k.a. 1601 Twelfth Avenue NE. Lonnie Anderson was present to represent the property. Following discussion, Schumacher moved, and Gardner seconded, to approve this item with the following stipulations: (1) Permits must be obtained prior to installation. (2) No additional real estate signs may be installed for first-time, bare lot listings. Real estate signs for individual realtors may be installed for resale of lots & homes. (3) Developer may install small signs with Lot Numbers only on each lot for identification. (4) Sign must be removed upon last initial sale of lots in the subdivision. Upon roll call, all members voting aye, the motion carried. **SIGN SIZE VARIANCE APPROVED.**
- 3) Jerry Reif requested permission, as per site plan submitted, to permit the installation of a 32sf real estate sign rather than the permitted 8sf, which would be a 24sf Sign Size Variance, all on Lot 3, Pine Haven Estates Subdivision, a.k.a. 1425 Lancelot Drive N. Lonnie Anderson was present to represent the property. Following discussion, Schumacher moved, and Gardner seconded, to approve this item with the following stipulations: (1) Permits must be obtained prior to installation. (2) No additional real estate signs may be installed for first-time, bare lot listings. Real estate signs for individual realtors may be installed for resale of lots & homes. (3) Developer may install small signs with Lot Numbers only on each lot for identification. (4) Sign must be removed upon last initial sale of lots in the subdivision. Upon roll call, all members voting aye, the motion carried. **SIGN SIZE VARIANCE APPROVED.**

- 4) Zoom Investment Group, LLC requested permission, as per site plan submitted, to construct a twin home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 1, Block 3, Wylie Meadows Second Addition, a.k.a. 1501 Eighteenth Street N. Brent Meyer was present to represent the property. Following discussion, Schumacher moved, and Weigel seconded, to approve this item with the following stipulations: (1) All required inspections must be completed. (2) 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.**
- 5) Zoom Investment Group, LLC requested permission, as per site plan submitted, to construct a twin home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2, Block 3, Wylie Meadows Second Addition, a.k.a. 1507 Eighteenth Street N. Brent Meyer was present to represent the property. Following discussion, Schumacher moved, and Weigel seconded, to approve this item with the following stipulations: (1) All required inspections must be completed. (2) 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.**
- 6) Frank and Catherine Infante and Ron & Joyce Wagner Trust 2020 requested permission, as per site plan submitted, to 1) Appeal the Notice and Order of Nuisance Violations dated October 4, 2023, requiring the removal or storage inside a building of the accumulation of unlicensed and/or inoperable vehicles, vehicle parts (including tires), miscellaneous junk items, rental moving vehicles and anything else not permitted by the nuisance ordinance or associated with the previously revoked Special Exception for Open Storage, and 2) to permit the open storage of three shipping containers, which would be a Special Exception in the (C3/R4) Central Business/Special Density Residential Zoning District, all on Lots 1&2, Block 16, Original Plat of Aberdeen, a.k.a. 6 First Street S. Frank & Catherine Infante, and Attorney, David Geyer were present to represent the property. Following discussion, no action was taken on item #1 as applicant has satisfied the Notice & Order of Nuisance Violations. Following further discussion, VanDeRostyne moved, and Schumacher seconded, to deny item #2. Upon roll call, all members voting nay, the motion failed. Following further discussion, Schumacher moved, and VanDeRostyne seconded, to approve item #2 with the following stipulations: (1) Zoning permit must be obtained prior to placement. (2) Storage containers must be in good repair and be aesthetically similar to primary structure by May 31, 2024. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

OTHER BUSINESS:

- 1) Don Weigel congratulated Ken Hubbart on his new position as Community Development Director.

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

Emily Ellingson
Board of Zoning Adjustment Secretary
November 9, 2023