City of Aberdeen Board of Zoning Adjustment Agenda

8:00 a.m. Regular Meeting
July 9, 2026
City Council Chambers
123 South Lincoln Street
Aberdeen, South Dakota 57401

I. Call to Order

II. Roll Call

III. Approval of Minutes

1) June 11, 2026

IV. Open Forum 8:00-8:10 A.M. (SEE FORMAT GUIDELINES AT END OF AGENDA)

V. Board of Zoning Adjustment Meeting Information and Procedure Statement

VI. Old Business

VII. New Business

1) Leao Israel dba Israel 1, LLC requests permission, as per site plan submitted, to 1) remodel 4 existing apartments located on the second floor, which would be a Special Exception in the (C-3) Central Business District, and 2) permit 2 additional apartments on the rear portion of the main floor, which would be an Appeal to the Board of Zoning Adjustment in the (C-3) Central Business District, all on Lot 12, Block 9, North Aberdeen Addition, a.k.a. 122 Main St N.

VIII. Other Business

IX. Adjournment

FORMAT GUIDELINES:

1) ***Open forum provides an opportunity for the public to address the Aberdeen City Board of Zoning Adjustment with questions, concerns or comments on items, which are not on the agenda. Citizens are asked to sign up to speak prior to the open forum portion of the meeting. Open forum will be limited to 10 minutes (if no one is in attendance for the open forum, the regular meeting may begin) unless a majority of the Aberdeen City Board of Zoning Adjustment agrees to extend the time period. The open forum may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes. Open forum will not be used as a time for problem solving or reacting to the comments made, but, rather for hearing the citizen for informational purposes. The Aberdeen City Board of Zoning Adjustment may respond with request for city management to follow up and report back on any issue raised during the public address time. A presentation may not exceed two minutes in duration.***
2) ***ADA Compliance: The City of Aberdeen fully subscribes to the provisions of the American's With Disabilities Act. If you desire to attend this public meeting and are need of special accommodations, please notify the City Community Development Office at least 8 hours prior to the meeting so appropriate auxiliary aids and services can be made available. The Aberdeen City Board of Zoning Adjustment meets monthly on the second Thursday of each month at 8:00 a.m.***
3) ***A copy of the subject matter on the Aberdeen City Board of Zoning Adjustment meeting agenda is available for public distribution at the City Community Development Office and available on the City's website @ www.aberdeen.sd.us.***

MEETING INFORMATION AND PROCEDURE

Meetings of the City of Aberdeen Board of Zoning Adjustment are when the Board conducts public hearings and issues its decisions on applications for special exceptions or variances and for appeals of decisions or actions of a zoning or code enforcement official. The Board conducts the hearings informally and as necessary to secure the information required for it to make a decision, but the formal rules of procedure and evidence do not apply to these hearings.

All meeting agendas are published and posted as required by law. Each member of the Board is provided an agenda packet before the meeting. The agenda packet includes the meeting agenda, copies of all applications along with the supporting documentation, and the written recommendations of City Staff regarding each application. If not already provided, a copy of the Staff recommendations will be provided to each Applicant upon request. All information provided to the Board in the agenda packet for each application is considered part of the record for that application.

Any member of the public wishing to speak must first be recognized by the Chair, must speak into one of the microphones in the room, and must state their name. The purpose for this rule is to ensure a clear record of anyone speaking in support of, or in opposition to, an item on today's agenda. Staff have been instructed to assist the Board in making sure there is a clear record. The Chair may rule out of order any speaker who is not recognized by the Chair, who fails to identify themself, or who does not speak into a microphone.

Depending on the relief sought in an application, the Board may deny all or part of the application, it may modify the requirements of any order of the city official, or it may approve the application without conditions, or it may impose conditions, also known as stipulations. If the Board's approval of an application is contingent upon certain conditions being met, the Applicant may agree to the conditions or refuse the conditions. If the Applicant does not agree to the conditions in writing, the application will be deemed denied. Staff will be available after the meeting to assist the Applicant with understanding the conditions and obtaining the Applicant's agreement to them.

MINUTES
BOARD OF ZONING ADJUSTMENT
June 11, 2026

The Board of Zoning Adjustment Meeting was held on Thursday, June 11, 2026, 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 Weigel, Babcock, Gardner via telephone and Slaight-Hansen. Also present were Paula Nelson, City Planner, Eric Miller, City Planner, Destin Spellman, Assistant City Engineer, Barry Dunlavy, Building Official, Brandon Smith, Building Inspector and Emily Ellingson Board of Zoning Adjustment Secretary.

Slaight-Hansen moved, and Weigel seconded, to approve the Board of Zoning Adjustment Minutes of May 14, 2026, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

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

OLD BUSINESS – None.

NEW BUSINESS:

1) Mari & Tony Redman requested permission, as per site plan submitted, for existing house to remain 1) 32’ from the West lot line rather than the required 35, which would be a 3’ Building Variance, 2) 3.86’ from the North lot line rather than the required 15’, which would be a 11.14’ Building Variance, 3) 6’ from the South lot line rather than the required 10’, which would be a 4’ Building Variance, for existing uncovered deck to remain 4) 0’ from the North lot line rather than the required 5’, which would be a 5’ Building Variance, 5) to approve a lot frontage variance for an existing lot that is 50.16’ wide rather than the 75’ required, which would be a 24.84’ required Minimum Lot Width Variance in the (R-1) Low Density Residential District, in order to 6) construct a 10’ x 12’ shed 30’ from the North lot line rather than the required 35’, which would be a 5’ Building Variance, and 7) construct a 24’ x 24’ detached garage 5’ from the South lot line rather than the required 10’, which would be a 5’ Building Variance, 8) 20’ from the North lot line rather than the required 35’, which would be a 15’ Building Variance, and, all on Lots 1 and 2, Block 30, Corrected Plat of the Highlands Addition to Aberdeen, a.k.a. 1324 Washington St N. Mari & Tony Redman were present to represent the property.

   Staff’s report included findings and recommendation for approval of the Building Variances & Minimum Lot Width Variance. Weigel moved, and Gardner seconded to approve items #1, #2, #3, #4, and #5. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES & MINIMUM LOT WIDTH VARIANCE APPROVED**

   Staff’s report included findings and recommendation for approval of the Building Variances upon conditions. Gardner moved, and Slaight-Hansen seconded to approve items #6, #7, and #8 upon the following conditions: (1) Plans must be submitted and approved prior to issuance of a Building Permit. (2) A Building Permit must be obtained. (3) Property must be replatted prior to construction of the detached garage commencing. (4) Property lines must be located to verify setbacks at the time of inspection. (5) All required inspections must be completed. Mari & Tony Redman verbally accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES CONDITIONALLY APPROVED.**

2) Mark Glanzer requested permission, as per site plan submitted, to construct a 24’ x 24’ detached garage 21’ from the South lot line rather than the required 25’, which would be a 4’ Building Variance in the (R-3) High Density Residential District, all on Glanzer First Addition to the City of Aberdeen, a.k.a. 104 Washington St N. Mark Glanzer was present to represent the property.

   Staff’s report included findings and recommendation for approval of the Building Variance upon conditions. Weigel moved, and Slaight-Hansen seconded to approve this item upon the following conditions: (1) Plans must be submitted and approved prior to issuance of a Building Permit. (2) A Building Permit must be obtained. (3) Property lines must be located to verify setbacks at the time of inspection. (4) All required inspections must be completed. Mark Glanzer verbally accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE CONDITIONALLY APPROVED.**

3) Butler Machinery Company and Stein Sign Display requested permission to install a second freestanding sign, which would be a Second Freestanding Sign Variance in the (C-2) Highway Commercial District, all on Butler Machinery Addition, a.k.a. 4950 Sixth Ave SE. Keith Daughterty was present to represent the property.

Staff's report included findings and recommendations for approval of the Variance upon conditions. Slaight-Hansen moved, and Gardner seconded to approve the Variance upon the following conditions: (1) Sign permit must be obtained prior to installation. (2) Property lines must be located to verify setbacks at the time of inspection. (3) This Freestanding Sign Variance is for Butler Machinery Company only, as long as they are the owner/operator of the proposed use. Keith Daughterty verbally accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE CONDITIONALLY APPROVED.**

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

Emily Ellingson
Board of Zoning Adjustment Secretary
June 11, 2026

Aberdeen City Board of Zoning Adjustment

Special Exception Staff Report
Meeting Date: July 9, 2026

Agenda Item #1	
Applicant Request(s)	
permission, as per site plan submitted, to 1) remodel 4 existing apartments located on the second floor, which would be a Special Exception in the (C-3) Central Business District, and 2) permit 2 additional apartments on the rear portion of the main floor, which would be an Appeal to the Board of Zoning Adjustment in the (C-3) Central Business District	
Applicant Information	
Applicant: Leao Israel dba Israel 1, LLC	
City Staff Reviewers	
Planner: Paula Nelson	
Code Enforcement: David Dosch	
Building Inspection: Barry Dunlavy	
Engineering: Destin Spellman	
Fire Marshal: Max Stoltenburg	
Public Works: Jeromy Thorstenson	
Public Safety: Tony Bisbee	
Property Information	
Address and Legal Description	122 Main St N. all on Lot 12, Block 9, North Aberdeen Addition
Existing Zoning	
Subject Property	(C-3) Central Business District
Adjacent North	(C-3) Central Business District
Adjacent South	(C-3) Central Business District
Adjacent East	(C-3) Central Business District
Adjacent West	(R-3) High Density Residential District
Applicant's Justification	
Pursuant to Chapter 60-193 of the Aberdeen City Municipal Code, before the Board shall have the authority to grant a Special Exception, the applicant must adequately address the following criteria:	
Criteria:	**Applicants Response (verbatim):**
1. *Fire Hazard.* The use shall not involve the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of such material.	**N/A**
2. *Noise.* The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	**N/A**

3. *Vibration.* The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	**N/A**
4. *Air Pollution.* The use shall not involve pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.	**N/A**
5. *Odors.* The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	**N/A**
6. *Glare.* The use shall not cause direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.	**N/A**
7. *Traffic Hazard.* The use shall not substantially increase the movement of traffic on surrounding public streets unless provision is made to limit traffic hazards and reduce congestion. A substantial increase in the movement of traffic includes any single use or density of development that generates traffic volumes on a surrounding public street in excess of 100 vehicle trips per day per acre of the property.	**As attached draw points it out we can add up to 18 cars parking spots.**
8. *Overtaxing of public facilities and utilities.* The use shall not substantially increase the burden on public utilities or facilities, unless provision is made for any necessary adjustments.	**n/a**
9. *Character of neighborhood.* The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other measures, the character of the neighborhood will be maintained. A finding that the use will create undue concentration of similar uses, cause blight or deterioration to occur, or diminish or impair property values in the neighborhood shall be supported by substantial evidence.	**Apartments & residences exist in the surrounding zoning district.**
10. *General welfare of the community.* The use shall not adversely affect the public health, safety, or general welfare of the community.	**N/A**
Board of Adjustment Criteria and Findings	
Criteria:	**Findings:**
1. *Fire Hazard.* The use shall not involve the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression	**Yes, the proposed use will not involve fire hazard(s).**

equipment and by such safety devices as are normally used in the handling of such material.	
2. *Noise.* The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	**Yes, the proposed use will not produce excess noise.**
3. *Vibration.* The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	**Yes, the proposed use will not cause excess vibration.**
4. *Air Pollution.* The use shall not involve pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.	**Yes, the proposed use will not cause air pollution.**
5. *Odors.* The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	**Yes, the proposed use will not cause excess odors.**
6. *Glare.* The use shall not cause direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.	**Yes, the proposed use will not cause excess glare.**
7. *Traffic Hazard.* The use shall not substantially increase the movement of traffic on surrounding public streets unless provision is made to limit traffic hazards and reduce congestion. A substantial increase in the movement of traffic includes any single use or density of development that generates traffic volumes on a surrounding public street in excess of 100 vehicle trips per day per acre of the property.	**Yes, the proposed use will not substantially increase traffic in the neighborhood.**
8. *Overtaxing of public facilities and utilities.* The use shall not substantially increase the burden on public utilities or facilities, unless provision is made for any necessary adjustments.	**Yes, the proposed use will not substantially increase the burden on utilities.**
9. *Character of neighborhood.* The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other measures, the character of the neighborhood will be maintained. A finding that the use will create undue concentration of similar uses, cause blight or deterioration to occur, or diminish or impair property values in the neighborhood shall be supported by substantial evidence.	**Yes, the proposed use will not have an impact on the character of the neighborhood.**
10. *General welfare of the community.* The use shall not adversely affect the public health, safety, or general welfare of the community.	**Yes, the proposed use will not adversely affect the community.**

Summary of Findings & Staff Recommendations

Building Permit #66904 was issued on 08/13/2025 to 'repair and replace North wall' and is null and void because construction was suspended or abandoned for a period of 180 days after work started. As of today, the structural deficiencies still exist. Due to the severity of these violations, this building was ordered uninhabitable by Building Official Dunlavy at the time the permit was issued. Per the City Treasurer's Office on June 14, 2026, current water usage in this building implies this building is not currently vacant as previously stipulated.

1. Per 2018 International Property Maintenance Code (IPMC) an unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
    a. Therefore, because of the potential danger to the building occupants, the 2018 IPMC requires that any current occupants must vacate the premises forthwith until the necessary corrections have been made and approved by the Building Official and Fire Marshal.
2. A new building permit will need to be obtained for repairing and/or replacing the North wall with a completion date of September 15, 2026. If this building permit is not obtained and/or the work is not appropriately completed and inspected, the city may be forced to issue a Notice of Condemnation and Order to Demolish the entire building.

However, if the North wall is brought into compliance by September 15, 2026, then as with similar requests in the past, staff recommend the Board **Conditionally Approve item #1** with the conditions set forth below:

1. Plans must be submitted and approved for the remodeling of the 4 existing apartments prior to issuance of a Building Permit.
2. A Building Permit must be obtained.
3. All required inspections must be completed.

As with similar requests in the past, staff recommend the Board **Deny item #2** in accordance with ordinance Section 60-58(c)(5) - … *No new personal residences shall be allowed, and no new multifamily residences or additions to multifamily residences shall be allowed.*

If approved, the following conditions shall apply.

1. Plans must be submitted and approved prior to issuance of a Building Permit.
2. A Building Permit must be obtained.
3. All required inspections must be completed.
4. Per Fire Marshal Stoltenburg and Building Official Dunlavy, multifamily dwellings that have six or more apartments, require a fire sprinkler system. In addition to the fire sprinkler system, a fire alarm system will be required for fire alarm initiation and notification for the building occupants in the event of a fire.
5. Fire rated construction between new and old apartments will be required in accordance with current Building and Fire Codes.

Location Map

Property of Interest

122 Main St N

Paula Nelson / City Planner
Name/Title

06/25/2026
Date

Application for Hearing
Board of Zoning Adjustment

123 South Lincoln Street
Aberdeen, SD 57401
605-626-7017

PAID
JUN 04 2026
CITY CLERK'S OFFICE
ABERDEEN, SOUTH DAKOTA

The Board of Zoning Adjustment meets the 2nd Thursday of each month at 8:00 A.M. in the Council Chambers on the first floor of City Hall. Attach all plans and additional information to the request.
Representation is required before the request may be heard!
Fees: $200.00 for Variance and $200.00 for Special Exception or Appeal **(NON-REFUNDABLE)**

Applicant Information					
Applicant(s) Name:	ISRAEL 7, LLC Attn: Leao Israel				
Phone:	917-605-1965				
Mailing Address:	1007 15th Ave SW				
City:	Aberdeen	State:	SD	Zip:	57401

Property Information	
Address:	122 N. Main St.
Legal Description:	Lot 12, Block 9, North Aberdeen Addition
Current Zoning:	C-3

Type of Action Requested		
Variance ☐	Special Exception ☒	Appeal ☒
Action Requested:	1) Special Exception to remodel existing 4 second floor apartments 2) Appeal to permit two main floor apartments. front of main floor will remain commercial.	
Hardship (if applicable):	economic feasibility	

Signature

06/02/2026
Date

Office Use Only					
Date:	6-4-26	Receipt:	R0158529	Fee:	200.00
Sign Issued ☒	Received By:	EM			

Application for Special Exception(s)

123 South Lincoln Street
Aberdeen, SD 57401
605-626-7017

Written statement describing the proposed and/or intended use and detailing the Special Exception(s) being requested:
WE WOULD LIKE TO ADD APARTMENTS ON THE BACK OF THE PROPERTY MAINTAINING THE FRONT COMERCIAL UNITS.

Pursuant to Chapter 60-193 of the Aberdeen City Municipal Code, before the Board shall have the authority to grant a Special Exception, the applicant must adequately address the following criteria:

1. *Fire hazard.* The use shall not involve the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of such material.
N/A
2. *Noise.* The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
N/A
3. *Vibration.* The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.
N/A
4. *Air pollution.* The use shall not involve pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
N/A

5. *Odors.* The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.

N/A

6. *Glare.* The use shall not cause direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

N/A

7. *Traffic Hazard.* The use shall not substantially increase the movement of traffic on surrounding public streets unless provision is made to limit traffic hazards and reduce congestion. A substantial increase in the movement of traffic includes any single use or density of development that generates traffic volumes on surrounding public street in excess of 100 vehicle trips per day per acre of the property.

AS ATTACHED DRAW POINTS IT OUT WE CAN ADD UP TO 18 CARS PARKING SPOTS.

8. *Overtaxing of public facilities and utilities.* The use shall not substantially increase the burden on public utilities or facilities, unless provision is made for any necessary adjustments.

N/A

9. *Character of neighborhood.* The use shall not involve any activity not in character with the majority if the uses in the neighborhood unless, by design, setback, nature of operation, and other measures, the character of the neighborhood will be maintained. A finding that the use will create undue concentration of similar uses, cause blight or deterioration to occur, or diminish or impair property values in the neighborhood shall be supported by substantial evidence.

Apartments & residences exist in the surrounding zoning district.

10. *General welfare of the community.* The use shall not adversely affect the public health, safety, or general welfare of the community.

N/A

N Main St
122
120
42 FT
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