



City of Aberdeen Board of Zoning Adjustment Agenda

8:00 a.m. Regular Meeting

February 12, 2026

City Council Chambers

123 South Lincoln Street

Aberdeen, South Dakota 57401

I. Call to Order

II. Roll Call

III. Approval of Minutes

- 1) January 8, 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) Andrew Woehl requests permission, as per site plan submitted, to 1) construct a 840 sf detached garage rather than the required 709 sf, which would be a 131 sf Accessory Structure Lot Coverage Variance, and 2) construct a 28' x 30' detached garage 11'2" from the North property line rather than the required 25', which would be a 13'10" Building Variance, all on Lot 1-2, Block 52, West Aberdeen Addition, a.k.a. 502 Ninth St S.
- 2) Consideration of possible revocation of Special Exception granted on July 13, 2023, for the open storage, parking and sale of vehicles and related items for Loren Feist d.b.a. Advance Automotive all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Ave SW.

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 themselves, 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
January 8, 2026

The Board of Zoning Adjustment Meeting was held on Thursday, January 8, 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 Gardner, Weigel, Babcock, Sommers and Schumacher. Also present were Eric Miller, City Planner, Ken Hubbart, Community Development Director, Barry Dunlavy, Building Official, Benjamin Phillips, GIS Coordinator, Mike Hepola, Code Enforcement Officer, Paula Nelson, City Planner, Destin Spellman, Assistant City Engineer and Emily Ellingson, Board of Zoning Adjustment Secretary.

Gardner moved, and Sommers seconded, to approve the Board of Zoning Adjustment Minutes of December 11, 2025, 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) Padgett Auto Sales and Old Hickory requested permission, as per site plan submitted, to permit the expansion of open storage and sale of storage sheds, which would be a Special Exception in the (C-2) Highway Commercial District, all on Lot 1, Northwest Realty, a.k.a. 805 Sixth Ave SW. Tim Padgett was present to represent the property.

Staff's report included findings and recommendation for approval of the Special Exception upon conditions. Gardner moved, and Schumacher seconded to approve the Special Exception upon the following conditions: (1) This Special Exception is for Padgett Auto Sales and Old Hickory only, as long as they are the owner/operator of the proposed use and in compliance with all conditions applied to this Special Exception. (2) All storage sheds and other materials associated with the business must be neatly organized and stored appropriately. (3) The property itself must be properly maintained. (4) No junk (vehicles/equipment), debris, discard, building material waste, or trash may be stored on site. (5) Vegetation growth (volunteer trees, grass and weeds) must be maintained. (6) Corner visibility triangles must be kept clear. (7) Sheds over 200 square feet shall be secured from overturning during 115 mph wind event. Temporary hold downs may be required per Building Official. (8) No more than 40 storage sheds may be stored on the property at any given time as determined by the Board following discussion. (9) The grassed area located North of existing detached garage shall be converted to a gravel surface, with completion no later than June 1, 2026. (10) All temporary signs must be immediately removed (or properly permitted) from storage sheds on display. (11) Sign permits must be obtained by January 22, 2026, for the face changes previously made to the freestanding sign (located on 727 6th Ave SW) and wall sign (located on East side of building). Tim Padgett verbally accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION CONDITIONALLY APPROVED.**


- 2) Consideration of possible revocation of Special Exception granted on July 13, 2023, for the open storage, parking and sale of vehicles and related items for Loren Feist d.b.a. Advance Automotive all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Ave SW. Loren Feist was present to represent the property.

Staff's report included findings and recommendation for approval of the revocation of Special Exception. Schumacher moved, and Sommers seconded to approve the revocation of Special Exception. Upon further discussion, Schumacher moved, and Weigel seconded to table this item until the February 12, 2026, Board of Zoning Adjustment meeting. Upon roll call, all members voting aye, the motion carried.

OTHER BUSINESS:

- 1) Schumacher opened nominations by nominating Bob Babcock for Chairman. Sommers seconded the nomination. There being no further nominations for Chairman, all members voting aye to elect Bob Babcock as Chairman, the motion carried.
- 2) Schumacher opened nominations by nominating Don Weigel for Vice-Chairman. Sommers seconded the nomination. There being no further nominations for Vice-Chairman, all members voting aye to elect Don Weigel as Vice-Chairman, the motion carried.

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



Emily Ellingson
Board of Zoning Adjustment Secretary
January 8, 2026



Aberdeen City Board of Zoning Adjustment

Variance Staff Report

Meeting Date: February 12, 2026

Agenda Item #1	
Applicant Request(s)	
<p>permission, as per site plan submitted, to 1) construct a 840 sf detached garage rather than the required 709 sf, which would be a 131 sf Accessory Structure Lot Coverage Variance, and 2) construct a 28' x 30' detached garage 11'2" from the North property line rather than the required 25', which would be a 13'10" Building Variance</p>	
Applicant Information	
Applicant: Andrew Woehl	
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: Captain Tony Bisbee	
Property Information	
Address and Legal Description	502 Ninth St S Lot 1-2, Block 52, West Aberdeen Addition
Existing Zoning	
Subject Property	(R-3) High Density Residential District
Adjacent North	(R-3) High Density Residential District
Adjacent South	(C-2) Highway Commercial District
Adjacent East	(C-2) Highway Commercial District
Adjacent West	(C-2) Highway Commercial District
Applicant's Justification	
Pursuant to Chapter 60-198 of the Aberdeen City Municipal Code, before the Board shall have the authority to grant a Variance, the applicant must adequately address the following criteria:	
Criteria:	
<p>1. <i>Special conditions exist.</i> Special conditions regarding the particular property do not apply generally in the district. Special conditions must relate to the hardship complained of and may include, but are not limited to, unique physical characteristics such as lot size or dimension, topography, or an existing structure location. Such special conditions that an extraordinary and exceptional situation on the property exists, or that denial of the variance would create peculiar and exceptional practical difficulties or exceptional and unnecessary hardship to the applicant shall be described in the findings of the board.</p>	<p>Applicants Response (verbatim):</p> <p>Dimension of lot does not allow for enough room to fit one vehicle inside the garage.</p>
<p>2. <i>Permitted use only.</i> The variance will not permit a use of land, building, or structure which is not</p>	<p>The garage will not be used for business, only to park vehicles in for the homeowner.</p>

permitted in the district. The mere existence of a nonconforming use of any neighboring land, building, or structure in the same district or of permitted or nonconforming uses in other districts shall not justify the variance.	
3. <i>No special privilege.</i> The variance will not confer upon the applicant a special privilege denied to other residents of the district.	No
4. <i>Enjoyment of common privileges.</i> Failure to authorize the variance will deny the applicant a privilege commonly enjoyed by other residents of the district.	Yes
5. <i>Established business.</i> Failure to authorize the variance will result in unjust financial hardship to a previously established business or industry at the particular property.	No
6. <i>Deprivation of reasonable use.</i> Special conditions are such that the strict application of the provisions of this chapter will deprive the applicant of reasonable use of the particular property. Mere loss in value is not a deprivation of reasonable use so as to justify the variance.	Yes, I just want to have a secure place for my vehicles.
7. <i>Minimum adjustment.</i> The variance will be the minimum adjustment necessary for the reasonable use of the land.	Yes
8. <i>Intent observed.</i> The variance will be in harmony with the general purposes and intent of this chapter and not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan of the city.	Yes

Board of Adjustment Criteria and Findings

Criteria:	Findings:
1. Authorizing the variance will not be contrary to the public interest;	Granting these variances would not negatively impact or cause harm to the neighborhood but granting a lot coverage variance sets precedent for other properties to reference in the future.
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	No special conditions exist on this property.
3. Because of the special conditions, strict application of the ordinance will result in unnecessary hardship to the applicant;	An accessory structure could be built to meet all required setbacks.
4. The spirit of this chapter and the comprehensive plan will be observed by authorizing the variance; and	Similar properties are also required to meet the same setbacks and adhere to the lot coverage requirements for construction of an accessory structure.
5. Substantial justice will be done by authorizing the variance.	Similar properties are also required to meet the same setbacks and adhere to the lot coverage requirements for construction of an accessory structure.

Location Map

Property of Interest

502 9th St S



Summary of Findings & Staff Recommendations

This board has consistently upheld this requirement in the past; therefore, staff recommend the Board **Deny item #1** in accordance with the ordinance. However, if approved, the following conditions shall apply:

1. Property must be replatted prior to construction.
2. Plans must be submitted and approved prior to issuance of a Building Permit.
3. Building Permit must be obtained.
4. Property lines must be located to verify setbacks at time of inspection.
5. All required inspections must be completed.

As with similar requests in the past, staff recommend the Board **Deny item #2** in accordance with the ordinance. At a minimum, the proposed accessory structure could be shifted to the South to improve the proposed setback. The 35' corner visibility triangle would not be a factor. However, if approved, the following conditions shall apply:

1. Property must be replatted prior to construction.
2. Plans must be submitted and approved prior to issuance of a Building Permit.
3. Building Permit must be obtained.
4. Property lines must be located to verify setbacks at time of inspection.
5. All required inspections must be completed.

Paula Nelson, City Planner
Name/Title

02/02/2024
Date



Application for Hearing Board of Zoning Adjustment

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

PAID

JAN 5 2026

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: \$100.00 for Variance and \$200.00 for Special Exception or Appeal (**NON-REFUNDABLE**)

CITY FINANCE OFFICE
ABERDEEN, SOUTH DAKOTA

200⁰⁰

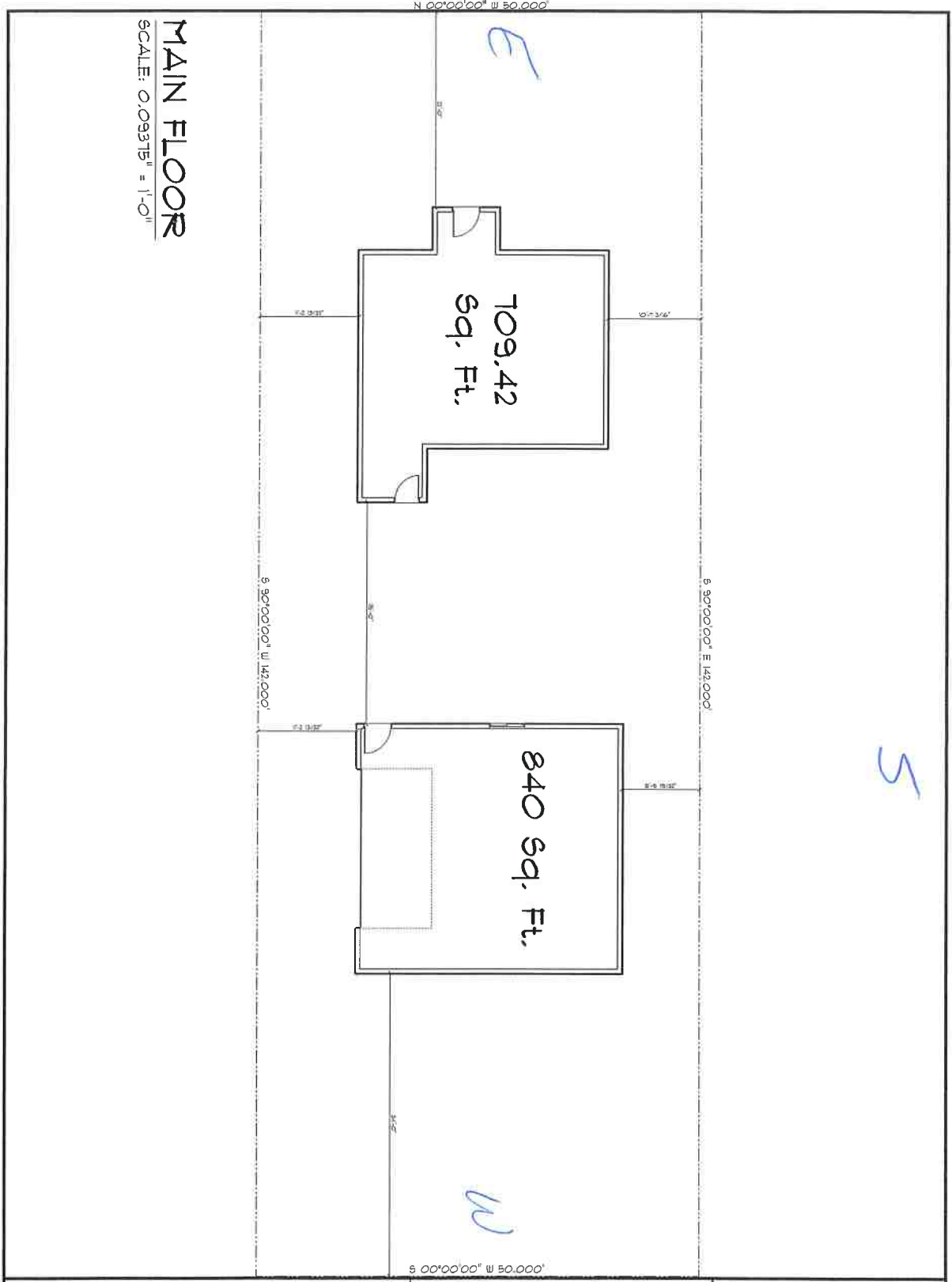
Applicant Information					
Applicant(s) Name:	Andrew Woehl				
Phone:	605-277-5252				
Mailing Address:	502 S 9 th St				
City:	Aberdeen	State:	SD	Zip:	57401

Property Information	
Address:	502 S 9 th St
Legal Description:	Lot 1-2, Block 52, West Aberdeen Addition
Current Zoning:	R-3

Type of Action Requested		
Variance <input checked="" type="checkbox"/>	Special Exception <input type="checkbox"/>	Appeal <input type="checkbox"/>
Action Requested:	1) Construct a 28'x30' detached garage (840 SF). Primary residence is 709.42 SF. 2) Detached garage to be placed 11'2" from North property line rather than required 25' which would be a 13'10" Building Variance	
Hardship (if applicable):		

Signature: Andrew Woehl Date: 01/05/2026

Office Use Only					
Date:	1/5/26	Receipt:	BO1553742	Fee:	\$200 ⁰⁰
Sign Issued <input checked="" type="checkbox"/>	Received By:	Paula Nelson			



MAIN FLOOR
SCALE: 0.09375" = 1'-0"

N

S

W

 1749 Droog Ct. Aberdeen, SD 57401	Andrew Woehl's Site Plan 502 S 9th St. www.woehlconstruction.com	Phone: (605) 380-4473 Email: troy@woehlconstruction.com
		PAGE: 1



Application for Variance(s)

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

Written statement describing the proposed and/or intended use and detailing the Variance(s) being requested:

Construct a 28' x 30' unattached garage.

Pursuant to Chapter 60-198 of the Aberdeen City Municipal Code, before the Board shall have the authority to grant a Variance, the applicant must adequately address the following criteria:

1. *Special conditions exist.* Special conditions regarding the particular property do not apply generally in the district. Special conditions must relate to the hardship complained of and may include, but are not limited to, unique physical characteristics such as lot size or dimension, topography, or an existing structure location. Such special conditions that an extraordinary and exceptional situation on the property exists, or that denial of the variance would create peculiar and exceptional practical difficulties or exceptional and unnecessary hardship to the applicant shall be described in the findings of the board.

Dimension of lot does not allow for enough room to fit ~~car~~ vehicle inside the garage.

2. *Permitted use only.* The variance will not permit a use of land, building, or structure which is not permitted in the district. The mere existence of a nonconforming use of any neighboring land, building, or structure in the same district or of permitted or nonconforming uses in other districts shall not justify the variance.

The garage will not be used for business, only to park vehicles in for the homeowner.

3. *No special privilege.* The variance will not confer upon the applicant a special privilege denied to other residents of the district.

No

4. *Enjoyment of common privileges.* Failure to authorize the variance will deny the applicant a privilege commonly enjoyed by other residents of the district.

Yes

5. Established business. Failure to authorize the variance will result in unjust financial hardship to a previously established business or industry at the particular property.
No
6. Deprivation of reasonable use. Special conditions are such that the strict application of the provisions of this chapter will deprive the applicant of reasonable use of the particular property. Mere loss in value is not a deprivation of reasonable use so as to justify the variance.
Yes, I just want to have a secure place for my vehicles.
7. Minimum adjustment. The variance will be the minimum adjustment necessary for the reasonable use of the land.
Yes
8. Intent observed. The variance will be in harmony with the general purposes and intent of this chapter and not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan of the city.
Yes



Aberdeen City Board of Zoning Adjustment

Special Exception Staff Report
Meeting Date: February 12, 2026

Agenda Item #2	
Applicant Request(s)	
Possible revocation of Special Exception granted on July 13, 2023, for the open storage, parking and sale of vehicles and related items for Loren Feist, d.b.a. Advanced Automotive	
Applicant Information	
Applicant/Property Owner: Loren Feist d.b.a. Advanced Automotive	
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: Captain Tony Bisbee	
Property Information	
Address and	720 Sixth Ave SW
Legal Description	Lot 1, Clinton's First Subdivision
Existing Zoning	
Subject Property	(C-2) Highway Commercial District
Adjacent North	(R-3) High Density Residential District
Adjacent South	(I-2) Unrestricted Industrial District
Adjacent East	(C-2) Highway Commercial District
Adjacent West	(C-2) Highway Commercial District
Board of Adjustment Criteria and Findings	
Criteria:	Findings:
1. <i>Fire Hazard.</i> 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.	No, this property has numerous tires placed directly adjacent to the building which is in violation of the 2018 International Fire Code Sections 304.1 – 304.1.1.
2. <i>Noise.</i> The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	Yes, the existing repair of vehicles is contained within the structure so excess noise is not produced.
3. <i>Vibration.</i> The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	Yes, the existing repair of vehicles is contained within the structure and not causing excess vibration.
4. <i>Air Pollution.</i> 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 existing repair of vehicles is contained within the structure and not causing excess air pollution.

5. <i>Odors</i> . The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	Yes, the existing repair of vehicles is contained within the structure and not causing excess odors.
6. <i>Glare</i> . 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 existing use of this property is not causing excess glare.
7. <i>Traffic Hazard</i> . 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.	No, vehicles are being stored within corner visibility triangles, which is in violation of Aberdeen City Code Section 60-153.
8. <i>Overtaxing of public facilities and utilities</i> . The use shall not substantially increase the burden on public utilities or facilities, unless provision is made for any necessary adjustments.	Yes, the existing use of this property is not substantially increasing the burden on utilities.
9. <i>Character of neighborhood</i> . 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.	No, the continued violations on the exterior of this property are negatively impacting the surrounding neighborhood. A general, or constant, decline in appearance and upkeep sends a negative message that ‘no one cares’ about the neighborhood, potentially perpetuating further decay if not addressed through consistent enforcement.
10. <i>General welfare of the community</i> . The use shall not adversely affect the public health, safety, or general welfare of the community.	No, the continued violations on the exterior of this property are the direct result of the property owner’s inability to keep his property compliant as required. Unsecured vehicles left outside of repair shop can be considered an attractive nuisance if left unlocked or otherwise unsecured.

Summary of Findings & Staff Recommendations

This item was placed on the agenda today because Mr. Feist was previously granted a Special Exception on July 13, 2023, permitting the open storage, parking or sale of vehicles and related items on this property. In the nearly 2 ½ years since, he has failed to comply with the majority of the conditions set by this board at that time.

This is not a rehashing of the existing Special Exception and the previously approved conditions, but rather an opportunity to determine whether Mr. Feist can comply with the requirements, as previously approved, or if revocation is the solution for the ongoing problems.

Staff recommend the Board approve the revocation of Special Exception granted on July 13, 2023, for the open storage, parking and sale of vehicles & related items for Loren Feist d.b.a. Advanced Automotive in accordance with ordinance:

- 05/14/2009 – Special Exception granted for open storage.
- 01/17/2013 – Special Exception revoked for non-compliance/continued violations.
- 10/14/2015 – Notice & Order sent by CO Smith re: lack of Special Exception, non-compliance/continued violations.
- 12/17/2017 – Notice & Order sent by CO Smith re: lack of Special Exception, non-compliance/continued violations.
- 12/15/2022 – Notice & Order sent by CO Nelson re: lack of Special Exception, non-compliance/continued violations.
- 07/13/2023 – Special Exception granted for open storage with numerous conditions attached.
- 08/20/2024 – Verbal warning by CO Hepola re: non-compliance/continued violations.
- 04/21/2025 – Notice & Order sent by CO Hepola re: non-compliance/continued violations.
- 11/04/2025 – Notice & Order sent by CO Hepola re: non-compliance/continued violations.
- 12/02/2025 – Notice & Order sent by CO Hepola re: non-compliance/continued violations.
- 12/22/2025 – Written notification sent by CO Hepola notifying Mr. Feist of Zoning Board meeting.

Location Map



Paula Nelson / City Planner
 Name/Title

02/02/2024
 Date



Aberdeen City Board of Zoning Adjustment

Special Exception Staff Report

Meeting Date: January 8, 2026

Agenda Item #2	
Applicant Request(s)	
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Subject Property	(C-2) Highway Commercial District
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Board of Adjustment Criteria and Findings	
Criteria:	Findings:
1. <i>Fire Hazard.</i> 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.	No, this property has numerous tires placed directly adjacent to the building which is in violation of the 2018 International Fire Code Sections 304.1 – 304.1.1.
2. <i>Noise.</i> The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	Yes, the existing repair of vehicles is contained within the structure so excess noise is not produced.
3. <i>Vibration.</i> The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	Yes, the existing repair of vehicles is contained within the structure and not causing excess vibration.
4. <i>Air Pollution.</i> 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 existing repair of vehicles is contained within the structure and not causing excess air pollution.

5. <i>Odors.</i> The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	Yes, the existing repair of vehicles is contained within the structure and not causing excess odors.
6. <i>Glare.</i> 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 existing use of this property is not causing excess glare.
7. <i>Traffic Hazard.</i> 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.	No, vehicles are being stored within corner visibility triangles, which is in violation of Aberdeen City Code Section 60-153.
8. <i>Overtaxing of public facilities and utilities.</i> The use shall not substantially increase the burden on public utilities or facilities, unless provision is made for any necessary adjustments.	Yes, the existing use of this property is not substantially increasing the burden on utilities.
9. <i>Character of neighborhood.</i> 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.	No, the continued violations on the exterior of this property are negatively impacting the surrounding neighborhood. A general, or constant, decline in appearance and upkeep sends a negative message that ‘no one cares’ about the neighborhood, potentially perpetuating further decay if not addressed through consistent enforcement.
10. <i>General welfare of the community.</i> The use shall not adversely affect the public health, safety, or general welfare of the community.	No, the continued violations on the exterior of this property are the direct result of the property owner’s inability to keep his property compliant as required. Unsecured vehicles left outside of repair shop can be considered an attractive nuisance if left unlocked or otherwise unsecured.

Summary of Findings & Staff Recommendations

This item was placed on the agenda today because Mr. Feist was previously granted a Special Exception on July 13, 2023, permitting the open storage, parking or sale of vehicles and related items on this property. In the nearly 2 ½ years since, he has failed to comply with the majority of the conditions set by this board at that time.

This is not a rehashing of the existing Special Exception and the previously approved conditions, but rather an opportunity to determine whether Mr. Feist can comply with the requirements, as previously approved, or if revocation is the solution for the ongoing problems.

Staff recommend the Board approve the revocation of Special Exception granted on July 13, 2023, for the open storage, parking and sale of vehicles & related items for Loren Feist d.b.a. Advanced Automotive in accordance with ordinance:

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- 12/15/2022 – Notice & Order sent by CO Nelson re: lack of Special Exception, non-compliance/continued violations.
- 07/13/2023 – Special Exception granted for open storage with numerous conditions attached.
- 08/20/2024 – Verbal warning by CO Hepola re: non-compliance/continued violations.
- 04/21/2025 – Notice & Order sent by CO Hepola re: non-compliance/continued violations.
- 11/04/2025 – Notice & Order sent by CO Hepola re: non-compliance/continued violations.
- 12/02/2025 – Notice & Order sent by CO Hepola re: non-compliance/continued violations.
- 12/22/2025 – Written notification sent by CO Hepola notifying Mr. Feist of Zoning Board meeting.

Location Map



Paula Nelson, City Planner
 Name/Title

12/29/2025
 Date



City of Aberdeen
Community Development
123 Lincoln Street South
Aberdeen, South Dakota 57401
(605)-626-7017

COPY

Loren Feist
dba/Advance Automotive
720 6th Avenue SW
Aberdeen, SD 57401

December 22, 2025

RE: Violation of Zoning Board Order

Dear Mr. Feist,

This letter is a follow up of the Notice and Order that was sent to you on December 2, 2025. There were several issues that were observed on December 19, 2025, that were not in compliance with the conditions of your current Special Exception granted July 13, 2023. Therefore, your Special Exception will be presented to the Zoning Board for possible revocation on January 8, 2026, at 8:00 am in the City Council Chambers at 123 South Lincoln Street, for review and possible revocation of your Special Exception.

I have enclosed a copy of the Special Exception granted by the Zoning Board for your review.

You are encouraged to attend this hearing and speak to the matter. If you have any questions, please contact the Community Development Department at (605) 626-7017 or stop in at your earliest convenience.

Sincerely,

Mike Hepola
Code Enforcement Officer
City of Aberdeen



720 6th Ave SW

12/18/2025

12/18/2025 @ 10:30 a.m. City Planner Paula Nelson and Community Development Director Ken Hubbart conducted an inspection of this property from the street rights-of-way (photos attached).

Ongoing violations observed:

- Tires openly stored on north side of shipping container.
- Maroon colored pickup displaying expired license tags (SD 47F703).
 - Also missing both rear wheels (inoperable).
- Brown colored Chevy Trailer Blazer failing to display any license.
- Small white trailer (with at least one flat tire) parked on the north side of the building being used to openly store tires (unable to view any displayed license from ROW)
- Numerous stacks of tires being openly stored on the north side of the building.
- Numerous vehicles (I did not zoom in to determine license status) remain parked on the non-hard surfaced areas of the property on the North, South, East, and West areas of the property (a small amount of gravel was spread, but not enough to consider it appropriately hard surfaced per Zoning Board condition).
- Snow that was scraped from somewhere on the property appears to have been piled onto the public sidewalk on the northwest corner of the property blocking safe pedestrian access.
- Silver colored Nissan Frontier appears to be parked within the NW corner visibility triangle.





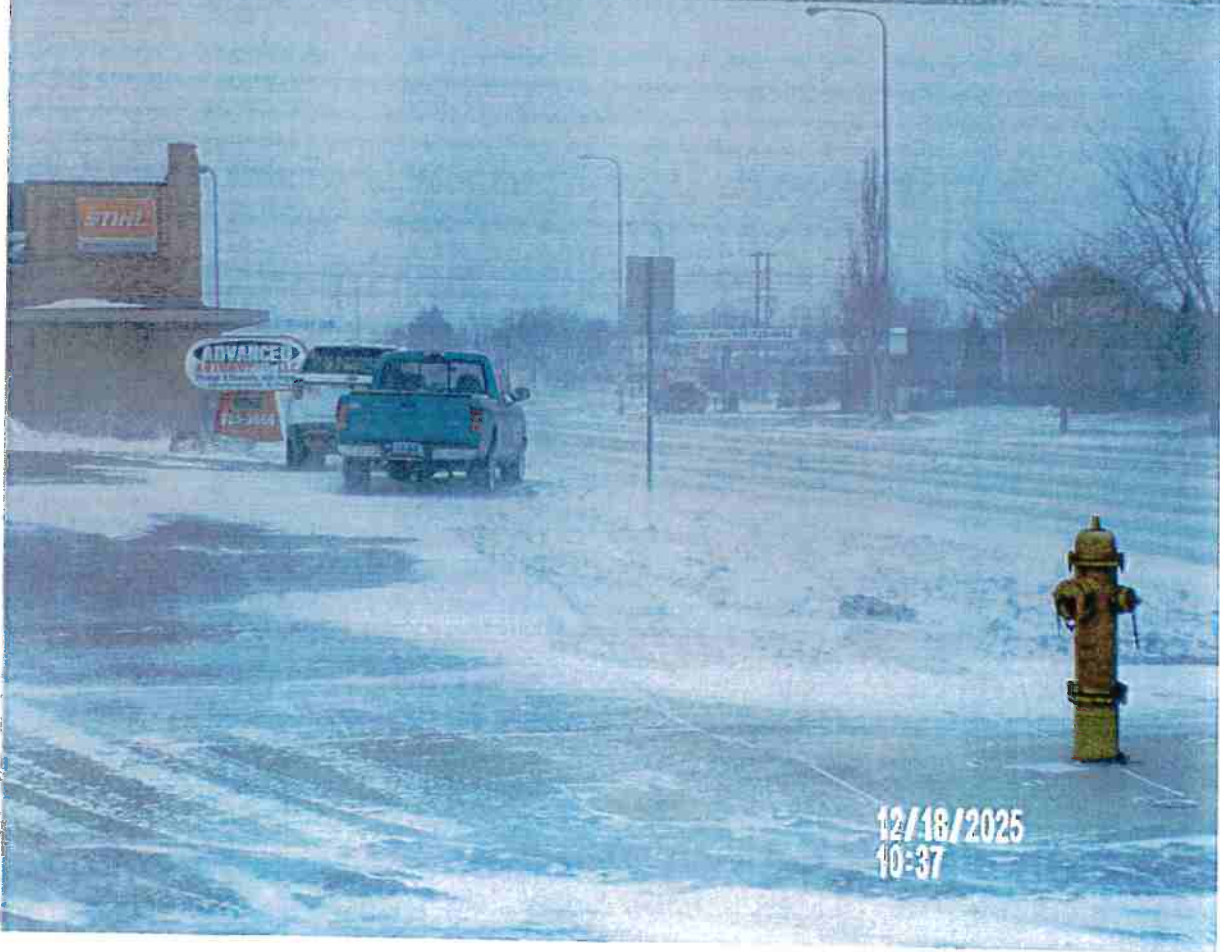
















City of Aberdeen
Community Development
123 Lincoln Street South
Aberdeen, South Dakota 57401
(605)-626-7017

COPY

NOTICE and ORDER
SPECIAL EXCEPTION VIOLATIONS

Advance Auto, LLC
720 6th Avenue SW
Aberdeen, SD 57401

December 2, 2025

RE: 720 6th Avenue SW

Dear Sir or Madam,

NOTICE OF VIOLATIONS

As you know, on July 13, 2023, you appeared before the City of Aberdeen Board of Zoning Adjustment requesting a Special Exception for the (1) to permit the open storage, parking, or sale of vehicles and related items at 720 6th Avenue SW, which is in a (C-2) Highway Commercial Zoning District, and (2) to permit an 8' x 40' 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,

And on November 4, 2025, you were mailed a Notice and Order to bring your property into compliance with the Special Exception that was granted at the aforementioned hearing with a compliance date of November 19, 2025.

And on November 21, 2025, you were granted an extension until December 1, 2025, to bring your property into compliance, given a copy of the original Notice and Order as well as a copy of the Special Exception. The property still remains noncompliant with the Special Exception granted to you.

The Special Exception was granted with the following stipulations:

For item #1

- No more than one vehicle per 10' x 20' parking stall and all required employee or customer stall may not be used for storage;
- All vehicles must be licensed and operable if stored outside, any junk, inoperable vehicles or vehicles in disrepair must be stored in the building;
- No parking or storage in 35' corner visibility triangles
- Outside storage may be inspected by Code Enforcement in order to ensure compliance with all regulations;

- This Special Exception is for Loren Feist as long as he is owner/operator of this use;
- No parking on unpaved portions of the property;
- The area on the north side of the property must be graveled and property in compliance by August 15, 2023.

For items #2 & #3

- All junk needs to be stored inside the shipping container;
- Shipping container needs to be aesthetically similar to structure and kept in decent condition;
- The shipping container must be in compliance by August 15, 2023.

As of today, your property is still in violation of several of the Special Exception stipulations, including no more than one vehicle per 10' x 20' parking stall, all vehicles must be licensed and operable if stored outside, no parking on unpaved portions of the property, and graveling the area on the north side of the property.

ORDER TO CORRECT VIOLATIONS

You are hereby Ordered to take the following actions:

- 1) You must **fully comply** with ALL of the Zoning Board stipulations by **8:00am on DECEMBER 19, 2025**. If you are not fully compliant at that time, you will be brought before the Board of Zoning Adjustment on **JANUARY 8, 2026**, for a revocation hearing on your Special Exception.

Failure to comply with this notice and order will result in further action by The City, including the abatement of said nuisance and the costs associated with the same, as provided for by Aberdeen City Code, Sec. 26-122 If the person so notified and ordered as set forth in section 26-120 fails to correct the condition as required in the notice and order within the time specified, an authorized city official may cause the condition to be abated by initiating whatever actions are necessary to correct the condition and cause it to be in compliance with this chapter. Any expense incurred by the city in the abatement of a nuisance may be recovered through civil suit or through special assessment against the property. The remedy of abatement shall be in addition to all other remedies available, including prosecution for a violation of this chapter and/or revocation of Special Exception.

Thank you for your immediate attention to this matter. If you have any questions, please contact the Community Development Department at 605-626-7017.

Sincerely,



Mike Hepola
Code Enforcement Officer
City of Aberdeen



City of Aberdeen
Community Development
123 Lincoln Street South
Aberdeen, South Dakota 57401
(605)-626-7017

COPY

NOTICE and ORDER
SPECIAL EXCEPTION VIOLATIONS

Advance Auto, LLC
720 6th Avenue SW
Aberdeen, SD 57401

November 4, 2025

RE: 720 6th Avenue SW

Dear Sir or Madam,

NOTICE OF VIOLATIONS

As you know, on July 13, 2023, you appeared before the City of Aberdeen Board of Zoning Adjustment requesting a Special Exception for the (1) to permit the open storage, parking, or sale of vehicles and related items at 720 6th Avenue SW, which is in a (C-2) Highway Commercial Zoning District, and (2) to permit an 8' x 40' 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.

The Special Exception was granted with the following stipulations:

For item #1

- No more than one vehicle per 10' x 20' parking stall and all required employee or customer stall may not be used for storage;
- All vehicles must be licensed and operable if stored outside, any junk, inoperable vehicles or vehicles in disrepair must be stored in the building;
- No parking or storage in 35' corner visibility triangles
- Outside storage may be inspected by Code Enforcement in order to ensure compliance with all regulations;
- This Special Exception is for Loren Feist as long as he is owner/operator of this use;
- No parking on unpaved portions of the property;
- The area on the north side of the property must be graveled and property in compliance by August 15, 2023.

For items #2 & #3

- All junk needs to be stored inside the shipping container;
- Shipping container needs to be aesthetically similar to structure and kept in decent condition;
- The shipping container must be in compliance by August 15, 2023.

As of today, your property is in violation of several of the Special Exception stipulations, including no more than one vehicle per 10' x 20' parking stall, all vehicles must be licensed and operable if stored outside, no parking on unpaved portions of the property, and graveling the area on the north side of the property.

Please see the enclosed photographs of your property and copy of the Special Exception granted on July 13, 2023.

ORDER TO CORRECT VIOLATIONS

You are hereby Ordered to take the following actions:

- 1) You must fully comply with ALL of the Zoning Board stipulations by end of day on **NOVEMBER 19, 2025.**

Failure to comply with this notice and order will result in further action by The City, including the abatement of said nuisance and the costs associated with the same, as provided for by Aberdeen City Code, Sec. 26-122 If the person so notified and ordered as set forth in section 26-120 fails to correct the condition as required in the notice and order within the time specified, an authorized city official may cause the condition to be abated by initiating whatever actions are necessary to correct the condition and cause it to be in compliance with this chapter. Any expense incurred by the city in the abatement of a nuisance may be recovered through civil suit or through special assessment against the property. The remedy of abatement shall be in addition to all other remedies available, including prosecution for a violation of this chapter and/or revocation of Special Exception. You have the right to appeal this matter within 20 days.

Thank you for your immediate attention to this matter. If you have any questions, please contact this Planning & Zoning at 605-626-7017.

Sincerely,



Mike Hepola
Code Enforcement Officer
City of Aberdeen



720 6th Avenue SW (8th street view)

11/04/25

11/04/25 CO Hepola, while conducting neighborhood inspections, observed multiple nuisance violations on the property located at 720 6th Avenue SW. These nuisances are also violations of the Special Exception that was granted by the zoning adjustment board on July 13, 2023.

The Special Exception, applied for by Loren Feist (owner) was for (1) to permit open storage, parking or sale of vehicles and related items, which would be a Special Exception in the (C-2) Highway Commercial district, and (2) to permit an 8' x 40' 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 6th Avenue SW.

These requests were granted with the following stipulations; for item #1 No more than 1 vehicle per 10' x 20' parking stall and all required employee or customer stalls may not be used for storage; All vehicles must be licensed and operable if stored outside, any junk, inoperable vehicles, or vehicles in disrepair must be stored in the building; No parking or storage in 35' visibility triangles (NW& SW corner of lot); Outside storage may be inspected

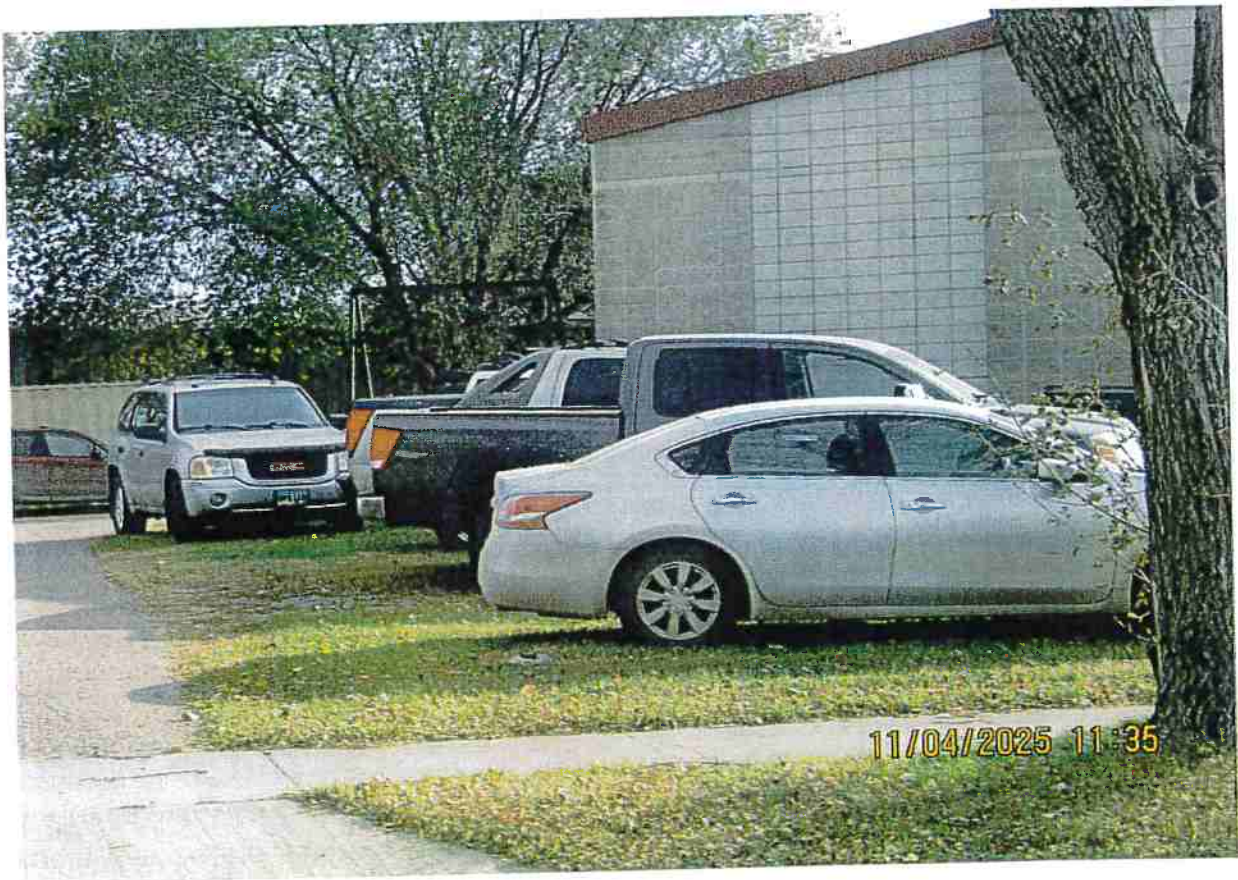
1 | 720 6th Avenue SW(open storage)NOV250

by Code Enforcement in order to ensure compliance with all regulations; This Special Exception is for Loren Fiest as long as he is owner/operator of this use; No parking on unpaved portions of the property; and The area on the north side of the property must be graveled and property in compliance by August 15, 2023.

For items #2-3 All junk needs to be stored inside the shipping container; Shipping container needs to be aesthetically similar to structure and kept in decent condition; and The shipping container must be in compliance by August 15, 2023.

Nuisance items that were observed by Hepola several vehicles were parked on unpaved surfaces along 7th Avenue SW & 6th Avenue SW between the entrance/exits of the property, and piles of tires by the building and the shipping container. These are a violation of City Ordinance and the Special Exception that was granted on July 13, 2023.

CO Hepola mailed a written Notice and Order, regarding the violations, to Advance Auto LLC, 720 6th Avenue SW, Aberdeen SD 57401, with a compliance date of November 19, 2025.



2 | 720 6th Avenue SW(open storage)NOV25O



3 | 720 6th Avenue SW(open storage)NOV250



4 | 720 6th Avenue SW(open storage)NOV250



11/20/25 CO Hepola conducted an onsite follow-up inspection of the property and observed that there did not appear to be any improvement of the property towards compliance with City Ordinance or the Special Exception. Hepola will visit with Loren Feist tomorrow regarding his property and give him an extension until 8:00 am Monday December 1, 2025, to bring the property into compliance or everything not in compliance will be abated.

11/21/25 CO Hepola spoke with Loren regarding the Special Exception violations. Loren stated that he had only recently received the Notice and Order and had started having the vehicles removed (a tow truck showed up while Hepola was onsite). Hepola explained that an extension was being offered and informed him that if he was not in compliance at that time, abatements for everything would be scheduled. Loren indicated that he understood.

5 | 720 6th Avenue SW(open storage)NOV250



6 | 720 6th Avenue SW(open storage)NOV250



7 | 720 6th Avenue SW(open storage)NOV250



8 | 720 6th Avenue SW(open storage)NOV250



9 | 720 6th Avenue SW(open storage)NOV250



10 | 720 6th Avenue SW(open storage)NOV25O

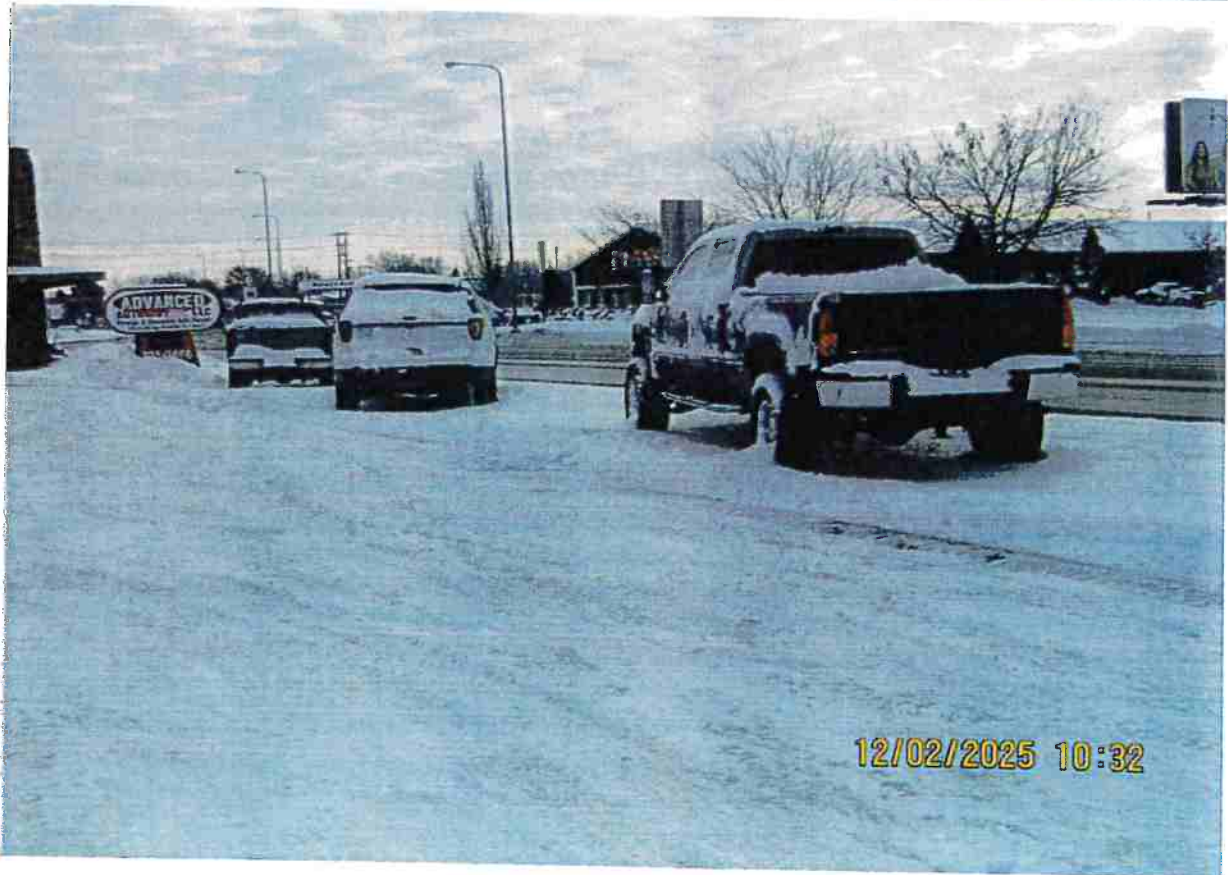


11 | 720 6th Avenue SW(open storage)NOV250

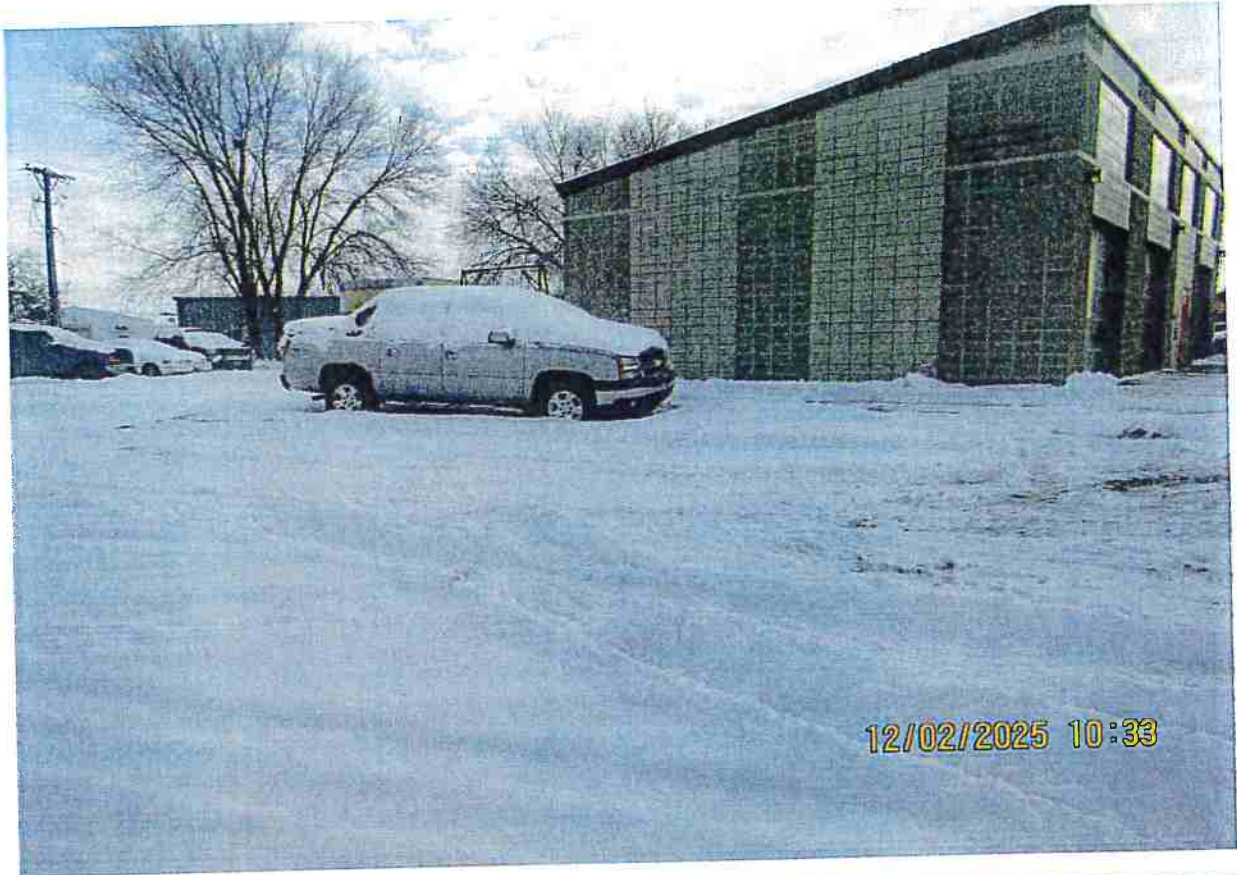


12/02/25 CO Hepola conducted an onsite follow-up inspection and noted that the some of the Special Exception violations had been removed from the property, several vehicles still remained parked illegally and there were still piles of tires behind the building and next to the shipping container.

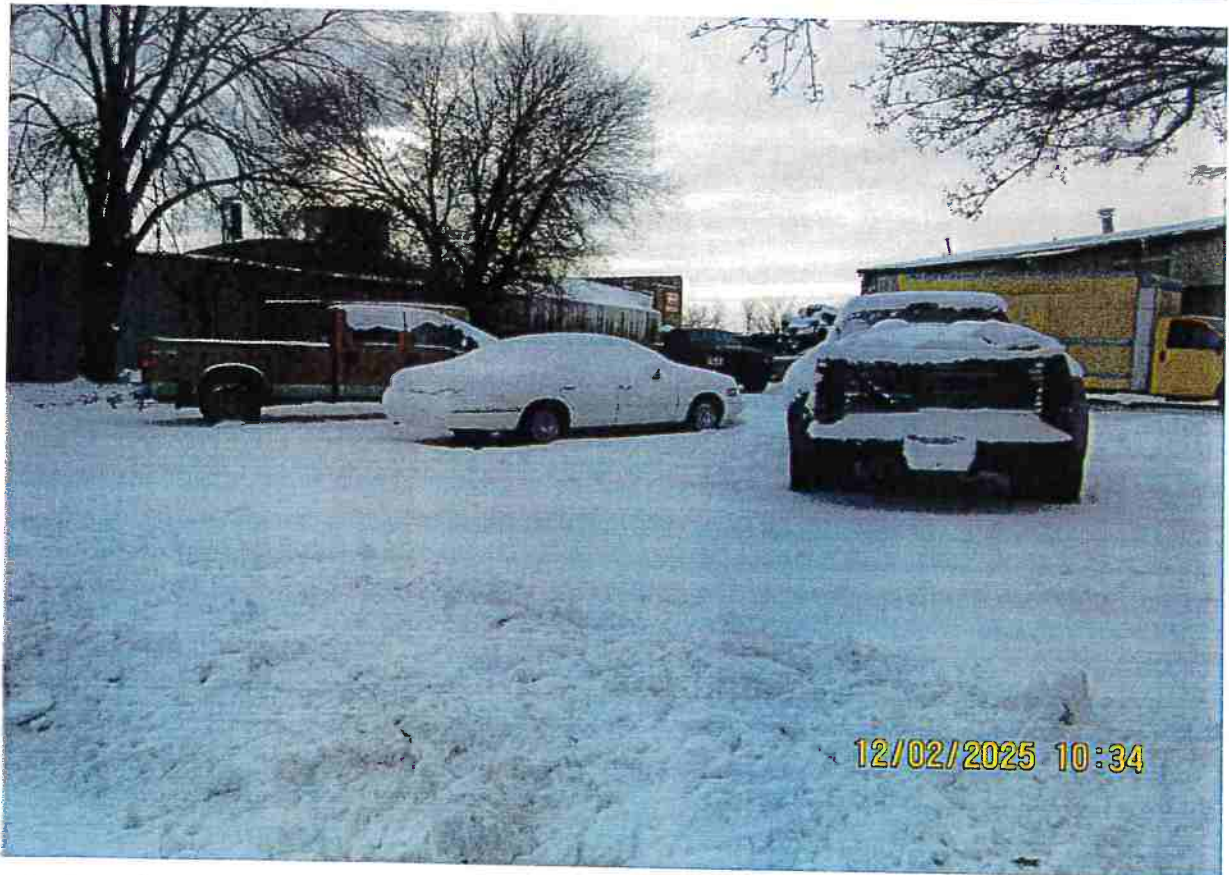
CO Hepola mailed a written Notice and Order, regarding the non-compliance to Advance Auto LLC, 720 6th Avenue SW, Aberdeen SD 57401, with a compliance date of by 8:00 am December 19, 2025, if the property remained non-compliant at the time a revocation hearing for the Special Exception would be held on January 8, 2026.



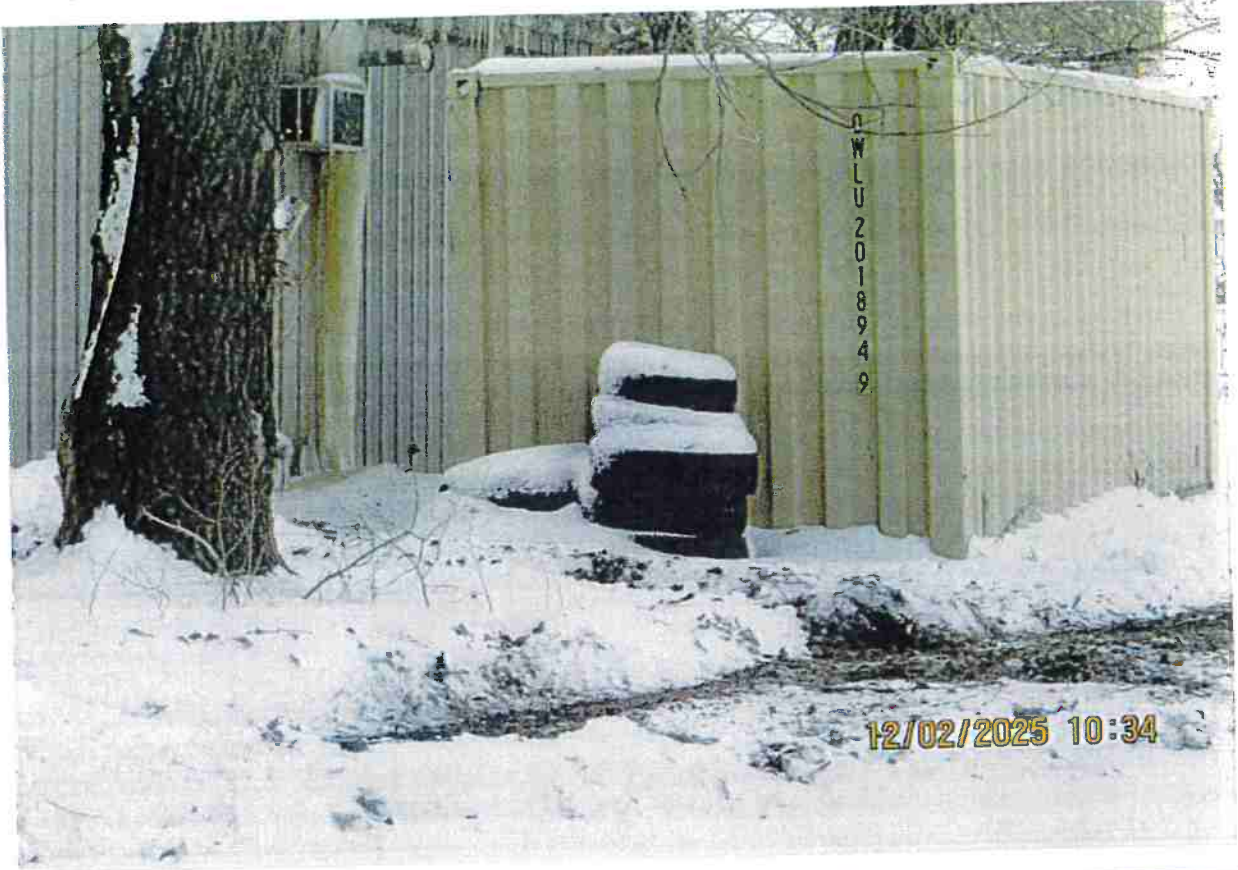
13 | 720 6th Avenue SW(open storage)NOV250



14 | 720 6th Avenue SW(open storage)NOV250



15 | 720 6th Avenue SW(open storage)NOV250



16 | 720 6th Avenue SW(open storage)NOV250



720 6th Avenue SW

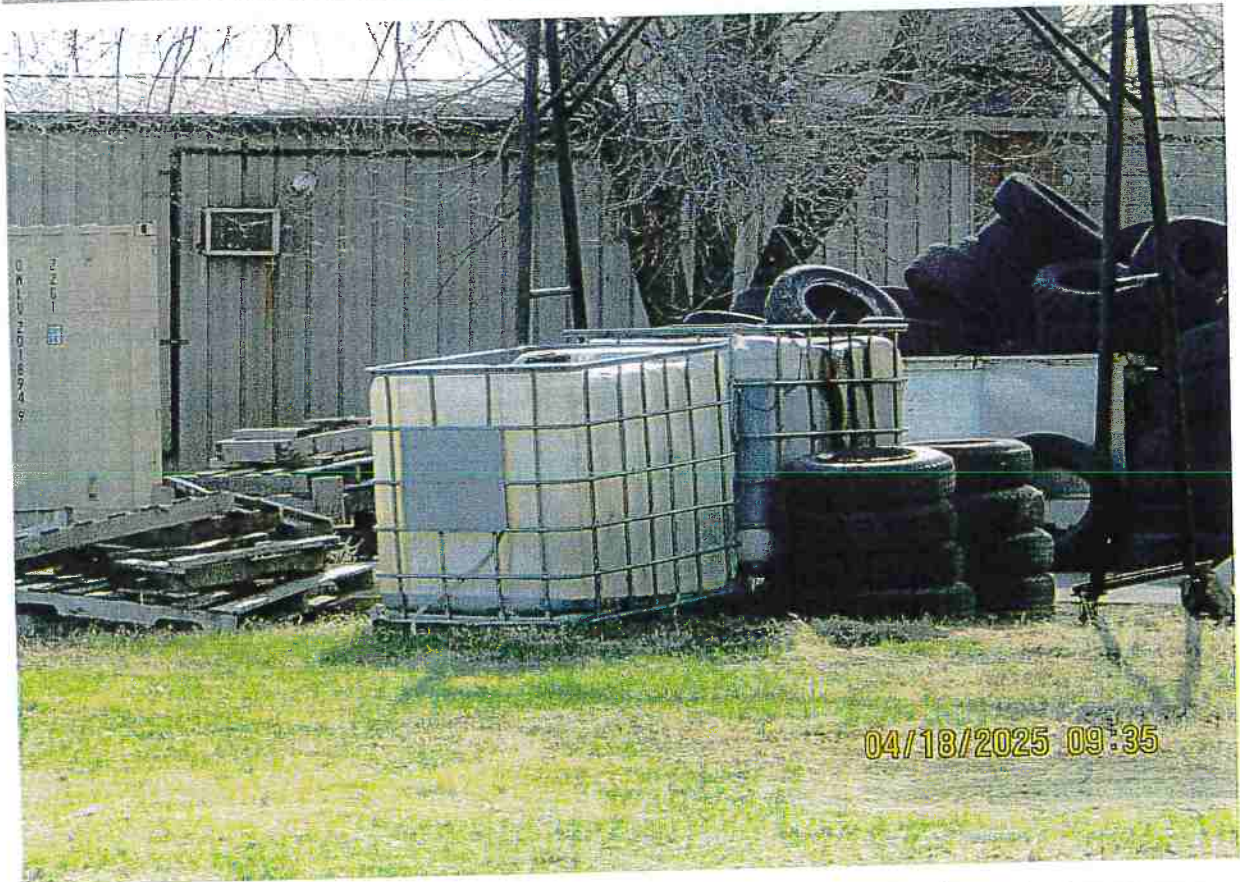
04/18/25

04/18/25 CO Hepola received a report regarding the property located at 720 6th Avenue SW from Community Development Director Ken Hubbart. Ken informed Hepola that some of the stipulations of the special exception were being violated. Notable violations are vehicles stored outside must be licensed and operable if stored outside, no parking on unpaved portions of the property, the area on the north side of the property must be graveled, and that all junk needs to be stored inside the shipping container. Upon conducting an onsite inspection of the property, Hepola observed and confirmed this to be true, with at least one vehicle being unlicensed and another being inoperable, several vehicles parked on unpaved areas of the property, and piles of tires, vehicle parts, and pallets being openly stored outside of the shipping container. According to the Beacon website, Advanced Auto LLC, 720 6th Avenue SW, Aberdeen SD 57401, owns the property.

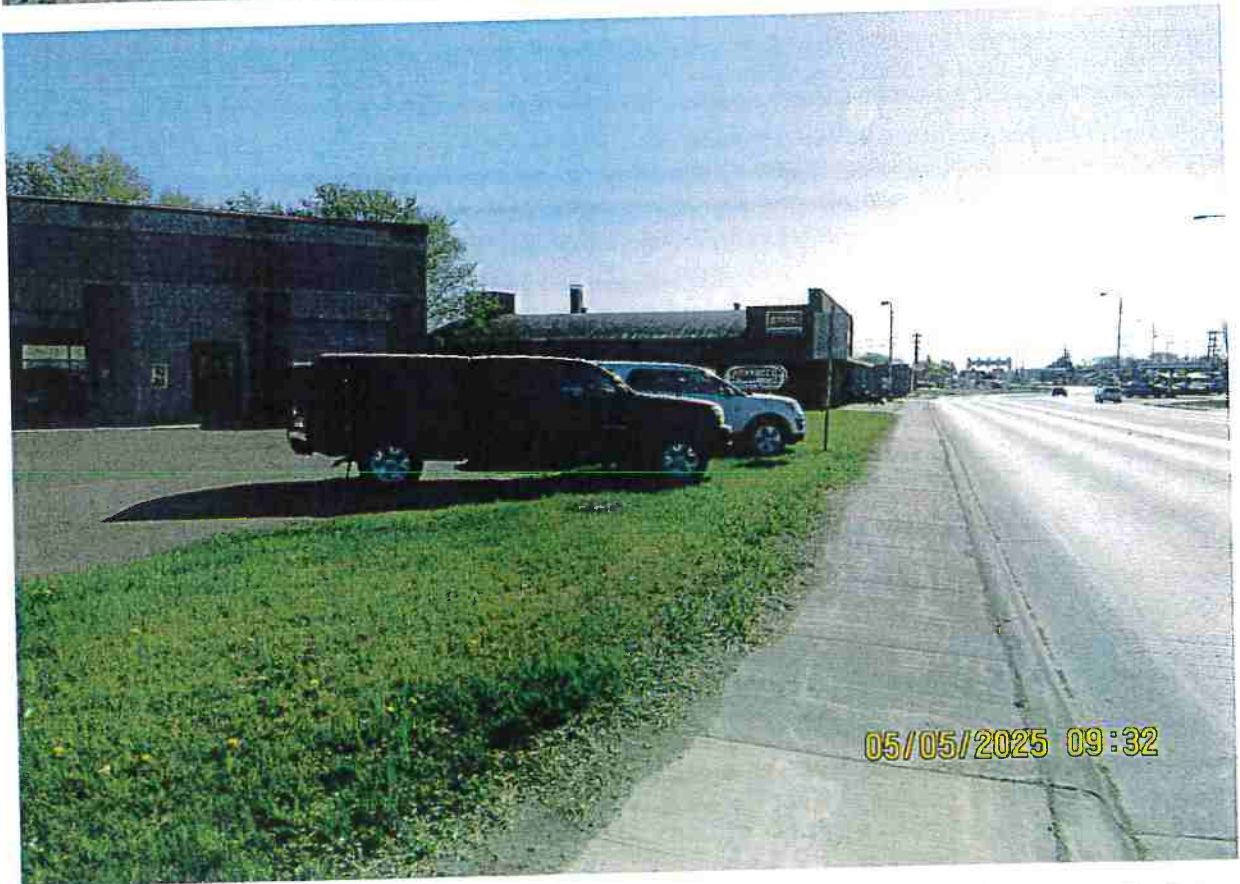
CO Hepola mailed a written Notice and Order, regarding the special exception violations, to Advanced Auto LLC, 720 6th Avenue SW, Aberdeen SD 57401, with a compliance date of May 3, 2025.





























CITY OF ABERDEEN BOARD OF ZONING ADJUSTMENT

Municipal Building – Council Chambers
123 South Lincoln Street
Aberdeen, South Dakota 57401

In the Matter of the Application of:
LOREN FEIST
720 6TH AVE SW
ABERDEEN, SD 57401



WHEREAS, this matter came before the Board of Zoning Adjustment (“Board”) on the following Application:

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; and

WHEREAS, an Applicant seeking to appeal an order, requirement, decision, or determination made by the zoning inspector in the enforcement of Aberdeen City Code, Chapter 60 – Zoning or of any ordinance adopted pursuant thereto (collectively the “Zoning Ordinance”), pursuant to Sec. 60-257(b)(1), or by the code officer in the enforcement of any other provision of the Aberdeen City Code authorizing an appeal to the Board, must show the city official is in error; and

WHEREAS, an Applicant seeking, pursuant to Sec. 60-257(b)(2), a special exception to the terms of the Zoning Ordinance must show the special exception is in accordance with the use district for the property and the criteria set forth in the Zoning Ordinance; and

WHEREAS, an Applicant seeking, pursuant to Sec. 60-257(b)(3), a variance from the terms of the Zoning Ordinance must show the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in Applicant’s case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; and

WHEREAS, a public hearing on the Application was held by the Board in Council Chambers of the Municipal Building on the 13th day of July, 2023, at 8:00 a.m., after due notice by publication in the official local newspaper, at which hearing Loren Feist appeared in support of said Application, nobody appeared in opposition thereto, and the Board heard from and received the recommendation of City Staff regarding the Application; and

WHEREAS, Applicant at the time and place set for hearing was afforded a full opportunity to then and there present evidence and argument relative to the Application; and

WHEREAS, the Board fully considered the evidence and arguments presented and the Staff recommendation regarding said Application.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Board finds the Applicant failed to make the required showing but that the deficiencies may be corrected and the Application may be GRANTED if the following conditions and safeguards are prescribed and imposed:

Item #1

- No more than 1 vehicle per 10'X20' parking stall and all required employee or customer stalls may not be used for storage;
- All vehicles must be licensed and operable if stored outside, any junk, inoperable vehicles or vehicles in disrepair must be stored in the building;
- No parking or storage in 35' corner visibility triangles (NW & SW corner of lot);
- Outside storage may be inspected by Code Enforcement in order to ensure compliance with all regulations;
- This Special Exception is for Loren Feist as long as he is owner/operator of this use;
- No parking on unpaved portions of property; and
- The area on the north side of property must be graveled and property in compliance by August 15, 2023.

Item #2-3

- All junk needs to be stored inside the shipping container;
- Shipping container needs to be aesthetically similar to structure and kept in decent condition; and
- The shipping container must be in compliance by August 15, 2023.

2. Applicant, no later than 10 days after this Resolution is filed, shall acknowledge and agree in writing to comply with the above conditions and safeguards in substantially the following form:

The above-named Applicant, by and through the undersigned Loren Feist, following the hearing of the Board of Zoning Adjustment held on July 13, 2023, hereby acknowledges and agrees to the conditions and safeguards required by the Board for a grant of my Application, as set forth in the **Resolution For Contingent Approval Of Application** entered, or to be entered, in this file. Applicant further acknowledges and agrees that the refusal or failure of Applicant to hereafter comply with such conditions and safeguards shall be a violation of the Aberdeen City Code, which violation shall be subject to the penalties and remedies allowed by law.

3. No permit contingent or dependent upon such conditions and safeguards may be issued by the zoning or building official prior to Applicant's execution and delivery of the written acknowledgement.

4. If Applicant fails to timely acknowledge and agree to the conditions and safeguards set forth in paragraph 1, the Board finds the Applicant failed to make the required showing and the Application should be and is hereby DENIED.

5. Any person, jointly or severally, aggrieved by this decision of the Board may appeal by presenting to a court of record within 30 days after the date below, but not thereafter, a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality, whereupon such decision of the Board shall be subject to review by certiorari as provided by law.

The foregoing Resolution was approved by the Board upon Roll Call vote at the hearing noted above, and a copy was filed with the Planning & Zoning Director.

Dated and filed in the office of the Board this 13th day of July, 2023.

BOARD OF ZONING ADJUSTMENT



Chairman

ATTEST:



Brett Bill, Planning & Zoning Director



CITY OF ABERDEEN PLANNING & ZONING DEPARTMENT

Municipal Building – Third Floor
123 South Lincoln Street
Aberdeen, South Dakota 57401

In the Matter of the Application of:
LOREN FEIST
720 6TH AVE SW
ABERDEEN, SD 57401

**AGREEMENT AND ACKNOWLEDGMENT
OF CONDITIONS AND SAFEGUARDS
IMPOSED BY BOARD OF
ZONING ADJUSTMENT**

The above-named Applicant, by and through the undersigned Loren Feist, following the hearing of the Board of Zoning Adjustment held on July 13, 2023, hereby acknowledges and agrees to the conditions and safeguards required by the Board for a grant of my Application, as set forth in the **Resolution For Contingent Approval Of Application** entered, or to be entered, in this file. Applicant further acknowledges and agrees that the refusal or failure of Applicant to hereafter comply with such conditions and safeguards shall be a violation of the Aberdeen City Code, which violation shall be subject to the penalties and remedies allowed by law.

APPLICANT

Date: 8 24 23

By: Loren Feist

Its: Owner

Received in the office of the Planning & Zoning Department this 13th day of July, 2023.

PLANNING & ZONING DEPARTMENT

By: [Signature]

Its: Planning & Zoning Director

APPLICATION FOR HEARING Rec# 01291110
BOARD OF ZONING ADJUSTMENT
ABERDEEN, SOUTH DAKOTA

APPLICATION RECEIVED: DATE: 4/25/2023 TIME: 11:30am BY: EM

APPLICANT(S) NAME
HOME ADDRESS
Loren Feist / Advanced Auto LLC
720 6th Ave SW

ADDRESS & LEGAL DESCRIPTION OF
PROPERTY REQUESTING VARIANCE
720 6th Ave SW
Lot 1, Clintons 1st Subdivision
in the SE 1/4 of Sec 14 - T123N-R64W

TELEPHONE NUMBERS
HOME: 228-3279
WORK: _____

PAID
APR 25 2023

CITY FINANCE OFFICE
ABERDEEN, SOUTH DAKOTA

CURRENT ZONING: C-2

TYPE OF ACTION REQUESTED:

- Building Variance
- Special Exception
- Appeal
- Proposed set-back
- Sign Variance

STATE ACTION REQUESTED AND ATTACH DRAWING(S) SHOWING ALL PERTINENT INFORMATION:

- Request new open storage for business, Revoked in Jan. 2013.
- * Appeal to allow shipping container.
- Setbacks for shipping container. 38' ?? per phone conversation 3/24/23

HARDSHIP (if applicable): _____

SIGN ISSUED BY: EM
(SIGNATURE)

(APPLICANT(S) SIGNATURE)
Loren Feist 4 25-23

**FEE: \$100.00 for Variance
And \$200 for Special Exception or Appeal
(NON-REFUNDABLE)**

DATE


BOARD OF ZONING ADJUSTMENT MEETS 2ND THURSDAY OF EACH MONTH,
8:00 A.M. IN THE COUNCIL CHAMBERS - **FIRST FLOOR, CITY HALL.**

REPRESENTATION REQUIRED BEFORE REQUEST MAY BE HEARD!

- 6) Consideration of possible revocation of Special Exception granted on May 14, 2009 for the open storage, parking and sale of vehicles for Loren Feist d.b.a. Advance Automotive all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Avenue SW. Attorney Bill Gerdes and Loren Feist were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve the revocation if all listed stipulations are not met within 30 days: 1) Gary Kost Motors must remove all vehicles immediately and make application with the City Planning & Zoning Department to discuss the open storage of these vehicles, 2) Mr. Feist must be under contract, within 30 days, with the applicable general contractor's and/or plumber's to get adequate bathroom facilities installed in this facility with all work to be completed within 90 days, 3) The existing enter/exit signs that are in disrepair should be removed from the property, and 4) Must be in compliance with all stipulations of previous approval & code enforcement letter. Upon roll call, all members voting aye, the motion carried.
- 3) Cory Gollnick requested permission, as per site plan submitted, for 1) existing residence to remain 9.5' from the West property line rather than the required 25', which would be a 15.5' Building Variance in order to 2) construct a front deck 3' from the West property line rather than the required 15', which would be a 12' Building Variance, all on Lot 2, Hopkin's First Rearrangement of Lots 7-8, Block 18, First Addition, a.k.a. 117 Third Street S. Brett Bill was present to represent the property. Following discussion Kezar moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Grebner moved and Musel seconded to approve agenda item #2 as follows: 2) construct a front deck 6' from the West property line rather than the required 15', which would be a 9' building variance with the following stipulations: 1) The stairs must be located on the South side of landing, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

Ken Hubbart introduced Karl Palmquist, City Planner.

Following further discussion Kezar moved and VanDeRostyne seconded to adjourn the meeting.



Paula Nelson
Board of Zoning Adjustment Secretary
January 17, 2013



5th Ave SW



5th St

Shipping Center

720

179.35

6.72

143.27

178.23

6th Ave SW

Advanced Auto/720 6th Ave SW

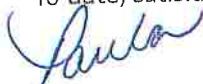
- 05/14/2009 – Special Exception granted for open storage
- 01/17/2013 – Special Exception revoked for non-compliance/continued violations
- 10/14/2015 – Notice & Order sent by CO Smith re: non-compliance/continued violations
- 02/17/2017 – Notice & Order sent by CO Smith re: non-compliance/continued violations
- 12/15/2022 – Notice & Order sent by CO Nelson re: non-compliance/continued violations

This property is entering its **fifteenth (15th) year of non-compliance.**

The Notice & Order I sent dated 12/15/2022 was an acknowledgement that I knew he was continuing to operate with a revocation of his open storage special exception. I've been extremely willing to work with the property owner if he would bring his property into compliance including the stipulations from his original approval and keep it compliant from that point forward including:

- 1) ALL vehicles and items for sale on this property must be located within designated parking stalls on hard surfaced areas,
- 2) NO vehicles may be parked on grass areas,
- 3) ALL vehicles openly stored on this property must, at all times, be operable AND displaying current license plates & decals,
- 4) ALL vehicle parts (including tires) and bulk fluid containers must be stored indoors or completely removed from the property,
- 4) ALL tree branches and yard waste must be completely removed from the property, and
- 5) The storage pod must be appropriately permitted or completely removed from the property.

To date, satisfactory compliance has yet to be achieved.



Paula Nelson
Code Enforcement Officer



CITY OF
ABERDEEN

123 South Lincoln Street
Aberdeen, SD 57401-4215

CODE ENFORCEMENT
(605) 626-7017
FAX (605) 626-7014
www.aberdeen.sd.us

COPY

NOTICE and ORDER

CONTINUED VIOLATIONS FOLLOWING SPECIAL EXCEPTION REVOCATION

December 15, 2022

Loren Feist
c/o Advanced Auto LLC
720 6th Ave SW
Aberdeen, SD 57401

PROPERTY: **720 6th Ave SW**

Dear Mr. Feist,

As you are aware, your property was granted a Special Exception for Open Storage by the Board of Zoning Adjustment on 05/14/2009 at this location. Due to continued violations, on 01/17/2013, this same board approved a motion to revoke the special exception for open storage at this property; if various stipulations were not met within thirty days and continued from that point on. Additionally, on 10/14/2015 and 02/07/2017 Code Enforcement Officer Shane Smith mailed written Notice & Orders regarding your property continuing to be in violation.

As of today, your property remains in violation. The only vehicles allowed on the property exterior are employee and customer vehicles. Customer vehicles are vehicles that are contracted for timely repair. Employee and customer vehicles are required to be parked on hard surfaced areas with 1 vehicle per 10' x 20' designated parking stall. Any required customer or employee parking stalls may not be used for storage at any time. No vehicles are allowed to be parked on grass areas.

There are numerous vehicles currently openly stored on this lot that are parked on the grass areas. Many of these vehicles are not displaying current vehicle license and/or would be considered inoperable. You continue to park vehicles within the corner visibility triangles and are currently storing yard waste, tree branches, vehicle parts (including tires), and bulk fluid containers/waste outside on your property. There is a temporary storage pod on your property and records indicate no building/zoning permit was issued for that unit to be located on your property.

Remedy: 1) ALL vehicles and items for sale on this property must be located within designated parking stalls on hard surfaced areas, 2) NO vehicles may be parked on grass areas, 3) ALL vehicles openly stored on this property must, at all times, be operable AND displaying current license plates & decals, 3) ALL vehicle parts (including tires) and bulk fluid

containers must be stored indoors or completely removed from the property, 4) ALL tree branches and yard waste must be completely removed from the property, and 5) The storage pod must be appropriately permitted or completely removed from the property.
Due Date: January 15, 2022.

Failure to comply with this notice and order will result in further action by the City, including the abatement of said nuisance and/or citation and the costs associated with the same, as provided for by Ordinance including full revocation of your special exception for open storage. You have the right to appeal this matter within 20 Days.

Thank you for your immediate attention to this matter. If you have any questions about what items are being referenced to in this Notice & Order, please contact this officer at 626-7017.

Sincerely,



Paula Nelson
Code Enforcement Officer
City of Aberdeen

- 6) Consideration of possible revocation of Special Exception granted on May 14, 2009 for the open storage, parking and sale of vehicles for Loren Feist d.b.a. Advance Automotive all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Avenue SW. Attorney Bill Gerdes and Loren Feist were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve the revocation if all listed stipulations are not met within 30 days: 1) Gary Kost Motors must remove all vehicles immediately and make application with the City Planning & Zoning Department to discuss the open storage of these vehicles, 2) Mr. Feist must be under contract, within 30 days, with the applicable general contractor's and/or plumber's to get adequate bathroom facilities installed in this facility with all work to be completed within 90 days, 3) The existing enter/exit signs that are in disrepair should be removed from the property, and 4) Must be in compliance with all stipulations of previous approval & code enforcement letter. Upon roll call, all members voting aye, the motion carried.
- 3) Cory Gollnick requested permission, as per site plan submitted, for 1) existing residence to remain 9.5' from the West property line rather than the required 25', which would be a 15.5' Building Variance in order to 2) construct a front deck 3' from the West property line rather than the required 15', which would be a 12' Building Variance, all on Lot 2, Hopkin's First Rearrangement of Lots 7-8, Block 18, First Addition, a.k.a. 117 Third Street S. Brett Bill was present to represent the property. Following discussion Kezar moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Grebner moved and Musel seconded to approve agenda item #2 as follows: 2) construct a front deck 6' from the West property line rather than the required 15', which would be a 9' building variance with the following stipulations: 1) The stairs must be located on the South side of landing, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

Ken Hubbart introduced Karl Palmquist, City Planner.

Following further discussion Kezar moved and VanDeRostyne seconded to adjourn the meeting.



Paula Nelson
Board of Zoning Adjustment Secretary
January 17, 2013

CITY OF ABERDEEN

PLANNING & ZONING DEPARTMENT

CODE ENFORCEMENT

123 S Lincoln St

Aberdeen, South Dakota 57401

(605) 626-7017

February 19th, 2013

Loren Feist
dba/Advanced Auto
720 6th Avenue SW
Aberdeen, SD 57401

Re: Revocation of Special Exception for Open Storage at 720 6th Ave SW

Dear Mr. Feist,

This letter is to inform you that the Special Exception for open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies (granted on 5/14/09) on the property at 720 6th Avenue SW in Aberdeen, has been revoked by the Zoning Board of Adjustment. On 01/17/13, the Zoning Board of Adjustment approved a motion to revoke the special exception at this property, if various stipulations were not met within thirty days.

As of 02/19/13, the Zoning Board of Adjustment stipulations were not met.

NOTICE and ORDER are hereby given that all open storage including:

- **vehicles for sale**
- **machinery and trailers**
- **building materials and supplies**
- **any other items stored outside on the property**

at 720 6th Avenue SW in Aberdeen, SD, **shall be removed from the property exterior by 02/26/13.**

The only vehicles allowed on the property exterior will be employee and customer vehicles. Customer vehicles are vehicles that are contracted for immediate repair.

Failure to comply with this notice and order will require further action from the city which may include the abatement of said violations and/or penalty and costs associated with the same as provided for by Ordinances. You have the right to appeal this matter in 10 days.

Thank you for your immediate attention to this matter. If you have any questions, please give me a call at 626-7017.

Sincerely,

Ken Hubbart
City Planner
City of Aberdeen

- 10) Ryan and Zach Remily requested permission, as per site plan submitted, for existing residence to remain 3.4' from the South property line rather than the required 5', which would be a 1.6' Building Variance and 3.6' from the North property line rather than the required 15', which would be a 11.4' Building Variance in order to construct a 14'x16' deck on rear of residence, all on Lot 1, Block 21, Bennett & Thomas Addition, a.k.a. 523 Washington Street N. Ryan Remily was present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) Luke & Andrea Heupel requested permission, as per site plan submitted, to 1) construct a 25'x28' detached garage 3' from the South property line rather than the required 5', which would be a 2' Building Variance and 2) 19' from the North property line rather than the required 25', which would be a 6' Building Variance, all on Lot 1, Block 22, Simmon's First Addition to Aberdeen, a.k.a. 1502 Second Street S. Luke & Andrea Heupel were present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to deny item #1. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.** Following further discussion Zumbaum moved and Kezar seconded to approve item #2 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, and 4) Boulevard trees need to be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 12) Dan Brenner requested permission, as per site plan submitted, to place a 50'x100' steel structure 16' from the North property line rather than the required 25', which would be a 9' Building Variance, all on Lot 4, Premack's Second Subdivision, E½ Sect. 14-T123N-R64W, a.k.a. 115 East Drive. Eric Brenner was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 13) Tracy and Sally Kopecky requested permission, as per site plan submitted, for existing residence to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance, and 15.5' from the West property line rather than the required 25', which would be a 9.5' Building Variance in order to replace foundation, all on Lots 14 & 15, Block 26, Hagerty & Lloyd Addition, a.k.a. 406 State Street N. Tracy Kopecky was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspections and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 14) Loren Feist requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a



Special Exception in a (C-2) Highway Commercial Zoning District, 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 Zumbaum moved and Babcock seconded to approve with the following stipulations: 1) No more than 1 vehicle per 10' x 20' parking stall and any required customer or employee parking 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 within the building, 3) No illegal or unpermitted signage on property, 4) No parking or storage will be permitted within the 35' corner visibility triangle, 5) Outside storage may be inspected by Code Enforcement Department in order to ensure compliance with all regulations, 6) This special exception is for Loren Feist, as long as he is the owner/operator of this proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 15) Scott Dell requested permission, as per site plan submitted, to 1) construct mini-storage units, which would be a Special Exception in a (I-2) Unrestricted Industrial Zoning District and 2) to construct mini-storage buildings 60' deep rather than the permitted 30', which would be a 30' Maximum Depth Variance and 156' in width rather than the required 120', which would be a 36' Maximum Width Variance, all on Lots 1-5, Block 61, Hagerty & Lloyd Addition and the West 33' of Vacated Arch Street R.O.W., a.k.a. 421 Railroad Avenue SE. Scott Dell was present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve item #1 with the following stipulations: 1) Property must be platted into one parcel, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, 4) All required inspections must be completed, 5) If these units are to be used for shops, offices, or warehouses, off-street parking must be provided as required by ordinance, 6) These units cannot be used for residential living purposes, and 7) Boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to approve item #2, all members voting aye, the motion carried. **MAXIMUM DEPTH VARIANCE APPROVED.**
- 16) Jeremy Hoag requested permission, as per site plan submitted, for existing residence to remain 23.5' from the West property line rather than the required 25', which would be a 1.5' Building Variance in order to construct an addition to the rear of residence, all on Lot 9, Block 49, Thomas Addition, a.k.a. 919 Third Street S. Jeremy Hoag was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 17) Bob LeGrand requested permission, as per site plan submitted, for existing residence to remain 4'6" from the South property line rather than the required 5', which would be a 6" Building Variance, and 16' from the West property line rather than the required 25', which would be a 9' Building Variance in order to construct an attached garage, all on Lot 1, Gese First Consolidation Subdivision, a.k.a. 1715 Lincoln Street S. Bob LeGrand was present to represent the property. Following discussion Sikkink moved and Babcock seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained

(STATE OF SOUTH DAKOTA)

BOARD OF ZONING ADJUSTMENT
CITY OF ABERDEEN

(COUNTY OF BROWN)

In the Matter of the Application

ORDER

Loren Feist
906 South 9th Street Apt. #2
Aberdeen, SD 57401



This matter coming to be heard on an Application for a special exception pertaining to 1303.2 of Zoning Ordinance No. 1164, as amended, of the City of Aberdeen, to permit:

permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a Special Exception in a (C-2) Highway Commercial Zoning District with the following stipulations: 1) No more than 1 vehicle per 10' x 20' parking stall and any required customer or employee parking 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 within the building, 3) No illegal or unpermitted signage on property, 4) No parking or storage will be permitted within the 35' corner visibility triangle, 5) Outside storage may be inspected by Code Enforcement Department in order to ensure compliance with all regulations, 6) This special exception is for Loren Feist, as long as he is the owner/operator of this proposed use

on premises situated on the following real property, to-wit:

all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Avenue SW.

A public hearing on this Application having been held by the Board of Zoning Adjustment at the Municipal Building on the 14th day of May, 2009, after due notice by publication in the Aberdeen American News, at which hearing **Loren Feist** appeared in support of said Application, and **nobody** appeared in opposition thereto;

The Board having determined that this special exception should be granted under the provisions of Section 1303.2 of the Zoning Ordinance No. 1164 of the City of Aberdeen;

IT IS HEREBY ORDERED that the application be and the same hereby is granted and the operation may be allowed to operate on the premises.

Dated this 14th day of May, 2009.

ATTEST:

BOARD OF ZONING ADJUSTMENT
CITY OF ABERDEEN



Planning & Zoning Director

By: 

Chairman

APPLICATION FOR HEARING
BOARD OF ZONING ADJUSTMENT
ABERDEEN, SOUTH DAKOTA

APPLICATION RECEIVED: DATE: 4/24/09 TIME: 11:15am BY: Ken

APPLICANT(S) NAME
HOME ADDRESS

Loren Feist
906 S 9th St Apt 7

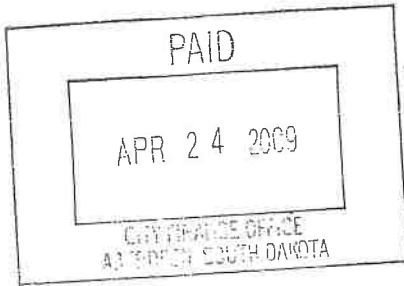
ADDRESS & LEGAL DESCRIPTION OF
PROPERTY REQUESTING VARIANCE

720 SW 6th Ave
Lot 7, Clinton's First Subdivisi

TELEPHONE NUMBERS

HOME: 228-3279

WORK: 225-9896



CURRENT ZONING: C-2

TYPE OF ACTION REQUESTED:

Building Variance

Proposed set-back

Special Exception

Sign Variance

Building Code Appeal

STATE ACTION REQUESTED AND ATTACH DRAWING(S) SHOWING ALL PERTINENT INFORMATION:

A REQUEST FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED AT 720 6TH AVE SW.

THE PURPOSE OF THIS REQUEST IS TO ALLOW FOR
SHORT TERM PARKING OF UNATTENDED VEHICLES

ATTACHED FIND SUPPORTING DOCUMENTS CONCERNING
HOW THIS EXCEPTION WILL BE USED ON THE PROPERTY

HARDSHIP (if applicable): _____

SIGN ISSUED BY: Ken
(SIGNATURE)

Loren Feist
(APPLICANT(S) SIGNATURE)

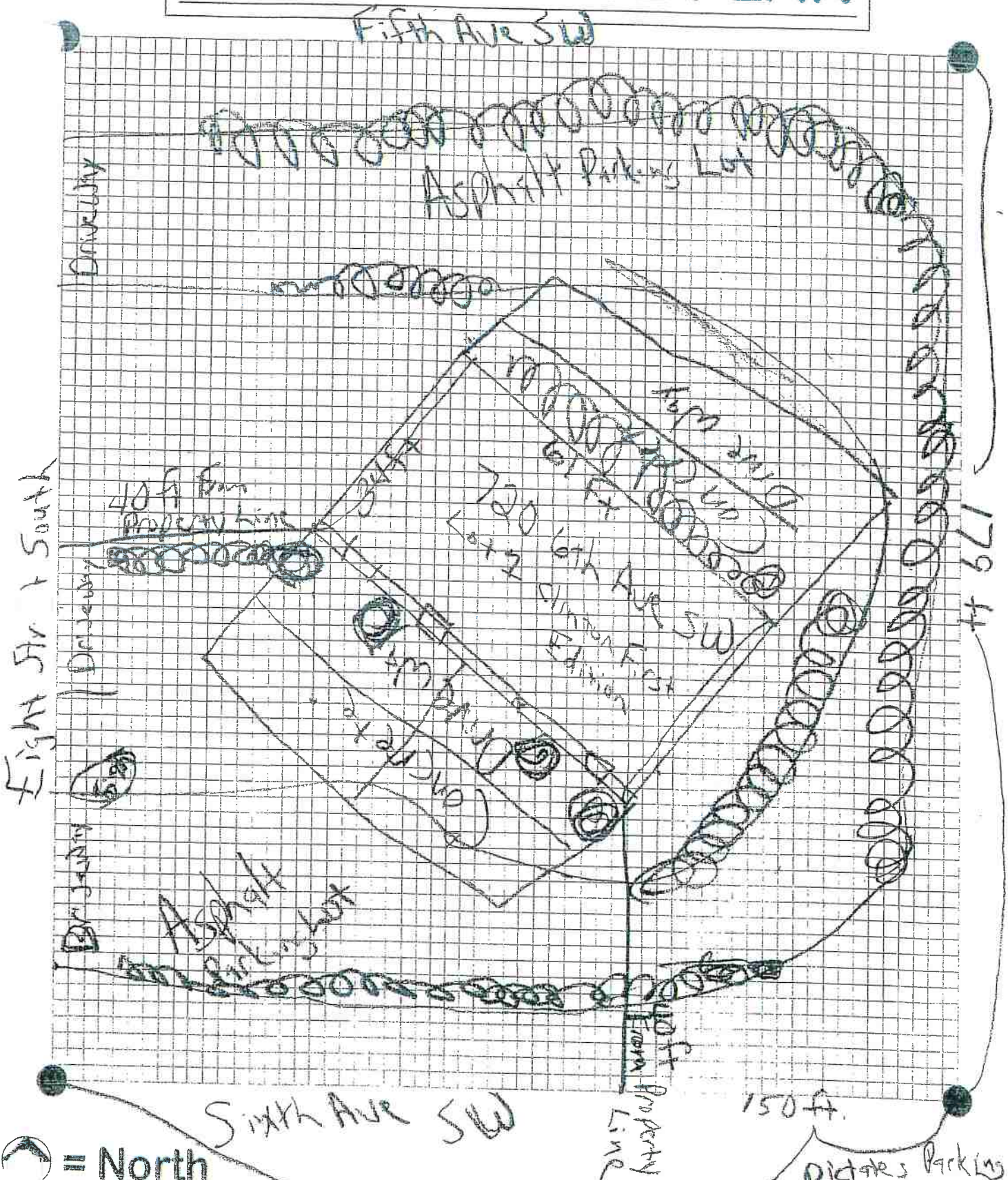
FEE: \$75.00
(NON-REFUNDABLE)

4-24-09
DATE

BOARD OF ZONING ADJUSTMENT MEETS 2ND THURSDAY OF EACH MONTH,
8:00 A.M. IN THE COURTROOM - THIRD FLOOR, CITY HALL.

REPRESENTATION REQUIRED - BEFORE APPROVAL IS GRANTED!

PROPERTY SITE PLAN



☺ = North

● = Property Pins (property pins must be located for inspection)

All structures on property must be shown on site plan

DEPARTMENTAL REVIEW AND RECOMMENDATIONS REGARDING:

Consideration of possible revocation of Special Exception granted on July 13, 2023, for the open storage, parking and sale of vehicles and related items for Loren Feist d.b.a. Advance Automotive all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Ave SW.

COMMENTS:

Approve of revocation of Special Exception.
- Waste tire accumulation must be
removed in accordance with 304.1 - 304.1.1
of the International Fire Code 2018 edition.

RECOMMENDATION: APPROVE ^{Revoke} DISAPPROVE N/A

NAME/TITLE: Max Stollenburg Fire Marshal

DATE: 12/22/25