



# City of Aberdeen Board of Zoning Adjustment Agenda

8:00 a.m. Regular Meeting

March 12, 2026

City Council Chambers

123 South Lincoln Street

Aberdeen, South Dakota 57401

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## **I. Call to Order**

## **II. Roll Call**

## **III. Approval of Minutes**

- 1) February 12, 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) Rodney A Mack requests permission, as per site plan submitted, to 1) construct a monopole cell tower, which would be a Special Exception in a (C-2) Highway Commercial District, and 2) request permission to construct a 150' tall cell tower rather than the permitted 45', which would be a 105' Maximum Height Variance, all on Lot 2, Teigen 3<sup>rd</sup> Addition, NW ¼ of Section 29, T123N-R63W, a.k.a. 2516 Melgaard Rd E.
- 2) Brady and Michelle Lesnar request permission, as per site plan submitted, for 1) existing house and 12' x 29' enclosed porch to remain 17' from the East property line rather than the required 25' which would be a 8' Building Variance, 2) existing detached garage to remain 2' from the West property line rather than the required 5' which would be a 3' Building Variance, in order to 3) construct a new larger 14' x 29' enclosed porch 15' from the East property line rather than the required 25' which would be a 10' Building Variance, and 4) construct a new 3-stall attached garage 6' from the West property line rather than the required 20' which would be a 14' Building Variance, all on Lesnar First Addition to the City of Aberdeen, a.k.a. 1021 Lincoln St N.
- 3) 4 aces, LLC requests permission to permit the conversion of an existing single family residence to a 2-family residence, which would be a Special Exception in a (R-1) Low Density Residential District, all on Lot 1, Block 5, 19<sup>th</sup> Addition to Highland North to the City of Aberdeen, a.k.a. 2203 N State St.
- 4) SWS Rentals requests permission, to Appeal a condition of the determination of the Board of Zoning Adjustment decision from November 13, 2025, to seek an extension of the project's completion deadline, all on Lot 1, Suedmeier Addition to the City of Aberdeen, a.k.a. 106 Lloyd 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](http://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  
February 12, 2026**

The Board of Zoning Adjustment Meeting was held on Thursday, February 12, 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, Benjamin Phillips, GIS Coordinator, Brandon Smith, Building Inspector, Mike Hepola, Code Enforcement Officer, Destin Spellman, Assistant City Engineer and Emily Ellingson, Board of Zoning Adjustment Secretary.

Gardner moved, and Weigel seconded, to approve the Board of Zoning Adjustment Minutes of January 8, 2026, all members voting aye, the motion carried.

OPEN FORUM – No one was present.

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

OLD BUSINESS – None.

**NEW BUSINESS:**

- 1) Andrew Woehl requested 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. Andrew Woehl was present to represent the property.

Staff's report included findings and recommendation for denial of the Accessory Structure Lot Coverage Variance upon conditions. Schumacher moved, and Gardner seconded to approve the Variance upon the following conditions: (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. Andrew Woehl verbally accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE CONDITIONALLY APPROVED.**

Staff's report included findings and recommendations for denial of the Building Variance. Schumacher moved, and Sommers seconded to approve the Building Variance. Upon roll call, all members voting nay, the motion failed. Upon further discussion, Schumacher moved, and Sommers seconded to approve the Building Variance upon the following conditions: (1) Detached garage must be constructed 14' from the North Property line rather than the requested 11'2" (2) Property must be replatted prior to construction. (3) Plans must be submitted and approved prior to issuance of a Building Permit. (4) Building Permit must be obtained. (5) Property lines must be located to verify setbacks at time if inspection. (6) All required inspections must be completed. Andrew Woehl verbally accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE 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. Nobody was present to represent the property.

Staff's report included findings and recommendation for approval of the revocation of Special Exception. Sommers moved, and Schumacher seconded to approve the revocation of Special Exception. Upon roll call, all members voting aye, the motion carried. **REVOCATION OF SPECIAL EXCEPTION APPROVED.**

OTHER BUSINESS:

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*

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Emily Ellingson  
Board of Zoning Adjustment Secretary  
February 12, 2026



**Aberdeen City Board of Zoning Adjustment**  
 Special Exception/Maximum Height Variance Staff Report  
 Meeting Date: March 12, 2026

<b>Agenda Item #1</b>	
<b>Applicant Request(s)</b>	
permission, as per site plan submitted, to 1) construct a monopole cell tower, which would be a Special Exception in a (C-2) Highway Commercial District, and 2) request permission to construct a 150' tall cell tower rather than the permitted 45', which would be a 105' Maximum Height Variance	
<b>Applicant Information</b>	
Applicant: Rodney A Mack	
<b>City Staff Reviewers</b>	
Planner: Paula Nelson	
Code Enforcement: David Dosch	
Building Inspection: Barry Dunlavy	
Engineering: Destin Spellman	
Fire Marshal: Max Stoltenberg	
Public Works: Jeromy Thorstenson	
Public Safety: Captain Tony Bisbee	
<b>Property Information</b>	
Address and Legal Description	2516 Melgaard Rd E all on Lot 2, Teigen 3 <sup>rd</sup> Addition, NW ¼ of Section 29, T123N-R63W
<b>Existing Zoning</b>	
Subject Property	(C-2) Highway Commercial District
Adjacent North	Brown County parcel – not in city limits
Adjacent South	Brown County parcel – not in city limits
Adjacent East	(C-2) Highway Commercial District
Adjacent West	(C-2) Highway Commercial District
<b>Applicant's Justification</b>	
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:	
<b>Criteria:</b>	
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.	<b>Applicants Response (verbatim):</b> <b>The tower will comply with all building and electrical codes. No hazardous materials will be stored on-site.</b>
2. <i>Noise.</i> The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	<b>Equipment will produce negligible noise and no discernible vibration beyond the property boundary.</b>

3. <i>Vibration.</i> The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	<b>Equipment will produce negligible noise and no discernible vibration beyond the property boundary.</b>
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.	<b>Lighting will comply with FAA requirements and be shielded to minimize glare.</b>
5. <i>Odors.</i> The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	<b>No emissions, dust, or odors will be generated.</b>
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.	<b>Equipment will produce negligible noise and no discernible vibration beyond the property boundary.</b>
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.	<b>The site will generate minimal traffic, limited to occasional maintenance visits.</b>
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.	
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.	<b>The monopole design and fenced compound will be sited to minimize visual impact and maintain compatibility with surrounding land uses.</b>
10. <i>General welfare of the community.</i> The use shall not adversely affect the public health, safety, or general welfare of the community.	<b>The project will enhance public safety, emergency response, and economic development by improving wireless infrastructure.</b>
<b>Board of Adjustment Criteria and Findings</b>	
<b>Special Exception Criteria:</b>	<b>Findings:</b>
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	<b>Yes, the proposed use will not involve fire hazard(s).</b>

equipment and by such safety devices as are normally used in the handling of such material.	
2. <i>Noise</i> . The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	<b>Yes, the proposed use will not produce excess noise.</b>
3. <i>Vibration</i> . The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	<b>Yes, the proposed use will not cause excess vibration.</b>
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.	<b>Yes, the proposed use will not cause air pollution.</b>
5. <i>Odors</i> . The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	<b>Yes, the proposed use will not cause excess odors.</b>
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.	<b>Yes, the proposed use will not cause excess glare.</b>
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.	<b>Yes, the proposed use will not substantially increase traffic in the neighborhood.</b>
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.	<b>Yes, the proposed use will not substantially increase the burden on utilities.</b>
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.	<b>Yes, the proposed use will not have an impact on the character of the neighborhood.</b>
10. <i>General welfare of the community</i> . The use shall not adversely affect the public health, safety, or general welfare of the community.	<b>Yes, the proposed use will not adversely affect the community.</b>

Maximum Height Variance Criteria:	Findings:
1. Authorizing the variance will not be contrary to the public interest;	<b>Granting a variance would not negatively impact or cause harm to the neighborhood.</b>
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	<b>No special conditions exist on the property.</b>
3. Because of the special conditions, strict application of the ordinance will result in unnecessary hardship to the applicant;	<b>No special conditions exist on the property; therefore, strict application does not create a hardship.</b>
4. The spirit of this chapter and the comprehensive plan will be observed by authorizing the variance; and	<b>Granting a variance would not conflict with the intent of the ordinance or comprehensive plan.</b>
5. Substantial justice will be done by authorizing the variance.	<b>Granting a variance would not conflict with principles of substantial justice.</b>

**Location Map**

# Property of Interest

2516 Melgaard Rd S



**Summary of Findings & Staff Recommendations**

As with similar requests in the past, staff recommend the Board **Conditionally Approve item #1** with the conditions set forth below:

1. Applicant must notify Aberdeen Regional Airport, Avera St Luke's, and Sanford Hospitals and written responses from these entities must be provided to the Community Development Department prior to permitting.
2. Plans must be submitted and approved prior to issuance of a building permit.
3. Because the property is located within the floodplain, a Floodplain Development Permit will need to be completed and approved prior to the issuance of a Building Permit.
4. Per the Fire Marshal, if the site requires a propane tank, a combustible/flammable tank installation permit must be filled out and submitted to the fire department for review.
5. Property pins must be located to verify setbacks at the time of inspections.
6. All required inspections must be completed.

As with similar requests in the past, staff recommend the Board **Approve item #2**.

*Aula Nelson / City Planner*  
Name/Title

*02/27/2024*  
Date



# Application for Hearing Board of Zoning Adjustment

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

**PAID**

FEB - 9 2026

CITY FINANCE OFFICE  
ABERDEEN SOUTH DAKOTA

The Board of Zoning Adjustment meets the 2<sup>nd</sup> 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**)

Applicant Information					
Applicant(s) Name:	Rodney A Mack				
Phone:	605-225-6845				
Mailing Address:	1302 N Lloyd Street				
City:	Aberdeen	State:	SD	Zip:	57401

Property Information	
Address:	2516 MELGAARD Rd <i>East</i>
Legal Description:	Lot 2, TEIGEN 3RD ADD NW 29-123-63
Current Zoning:	C-2

Type of Action Requested		
Variance <input checked="" type="checkbox"/>	Special Exception <input checked="" type="checkbox"/>	Appeal <input type="checkbox"/>
Action Requested:	New Cellular Communications Site & height variance (45' max in C-2)	
The applicant seeks approval to construct and operate a 150foot monopole cellular communications tower with associated ground equipment on the subject property. The tower will serve as part of a regional wireless network, improving coverage, reliability, and public safety communications in Aberdeen and surrounding areas. The monopole design was selected for its minimal footprint, reduced visual impact, and ability to accommodate multiple carriers, thereby limiting the need for additional towers in the area.		
Hardship (if applicable):		

*Rodney A. Mack*  
Signature

*12-8-25*  
Date

Office Use Only					
Date:	<i>2/3/26</i>	Receipt:	<i>RC1559923</i>	Fee:	<i>200</i>
Sign Issued <input type="checkbox"/>	Received By:				



## 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:**

The applicant seeks approval to construct and operate a 150-foot monopole cellular communications tower with associated ground equipment on the subject property. The tower will serve as part of a regional wireless network improving coverage, reliability, and public safety communications in Aberdeen and surrounding areas. The monopole design was selected for its minimal footprint, reduced visual impact, and ability to accommodate multiple carriers thereby limiting the need for additional towers in the area.

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.**

The tower will comply with all building and electrical codes. No hazardous materials will be stored on-site.

**2. Noise. The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.**

Equipment will produce negligible noise and no discernible vibration beyond the property boundary.

**3. Vibration. The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.**

Equipment will produce negligible noise and no discernible vibration beyond the property boundary.

**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.**

Lighting will comply with FAA requirements and be shielded to minimize glare.

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

No emissions, dust, or odors will be generated.

**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.

Equipment will produce negligible noise and no discernible vibration beyond the property boundary.

**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.

The site will generate minimal traffic, limited to occasional maintenance visits.

**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.

**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.

The monopole design and fenced compound will be sited to minimize visual impact and maintain compatibility with surrounding land uses.

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

The project will enhance public safety, emergency response, and economic development by improving wireless infrastructure.

## Eric Miller

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**From:** Chris Monson <chrisonson33@outlook.com>  
**Sent:** Wednesday, February 18, 2026 1:06 PM  
**To:** Eric Miller  
**Subject:** Fw: [EXTERNAL] New tower proposed off E Melgaard Rd

FWD

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**From:** Chris Monson <chrisonson33@outlook.com>  
**Sent:** Wednesday, February 18, 2026 12:49 PM  
**To:** Berg, Kerry <Kerry.Berg@SanfordHealth.org>  
**Subject:** Re: [EXTERNAL] New tower proposed off E Melgaard Rd

Thanks Kerry.  
I also heard from Cassidy Nelson:

Hi Chris,

I confirm there are No concerns for our operations

Regards,

**Kassidy Nelson** | Base Pilot Supervisor  
Avera Careflight & MIRS L.L.C.

Chris Monson  
TelTerra LLC  
19605 N Gama Beach Rd  
Grand Rapids MN 55744  
612.387.5343

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**From:** Berg, Kerry <Kerry.Berg@SanfordHealth.org>  
**Sent:** Wednesday, February 18, 2026 12:39 PM  
**To:** Chris Monson <chrisonson33@outlook.com>  
**Subject:** RE: [EXTERNAL] New tower proposed off E Melgaard Rd

It's doesn't appear it will have an impact on our Aberdeen helipad.

I'm assuming, if you don't get an objection from the airport authorities, you should be good.

Any other questions, let me know.

Thanks.

*Kerry Berg  
Director of Operations, ATP/MBA  
Sanford Health Rotor Wing  
Sanford USD Medical Center  
1305 W. 18<sup>th</sup> Street  
Stouxs Falls, SD 57105  
605-360-7377*



**From:** Chris Monson <chrisonson33@outlook.com>  
**Sent:** Wednesday, February 18, 2026 11:13 AM  
**To:** Berg, Kerry <Kerry.Berg@SanfordHealth.org>  
**Subject:** [EXTERNAL] New tower proposed off E Melgaard Rd  
**Importance:** High

Hi Kerry

I work with Verizon. They are proposing a new 150' monopole cell tower at 2516 MELGAARD Rd. Would you be able to comment on if this is ok with the flight pattern(s) for Sanford medical center? Attached is the engineer sketch.

Thank you!

Chris Monson  
TelTerra LLC  
19605 N Gama Beach Rd  
Grand Rapids MN 55744  
612.387.5343

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## Eric Miller

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**From:** Chris Monson <chrisonson33@outlook.com>  
**Sent:** Thursday, February 5, 2026 2:01 PM  
**To:** Cassidy Nelson; Travis Struss; Eric Schwan; Eric Miller  
**Subject:** Re: New Monopole Communications tower proposed

Thank you! Heads up Eric Miller on this.

Chris Monson  
TelTerra LLC  
19605 N Gama Beach Rd  
Grand Rapids MN 55744  
612.387.5343

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**From:** Cassidy Nelson <Kassidy.Nelson@avera.org>  
**Sent:** Thursday, February 5, 2026 11:56 AM  
**To:** Travis Struss <Travis.Struss@avera.org>; Chris Monson <chrisonson33@outlook.com>; Eric Schwan <Eric.Schwan@avera.org>  
**Subject:** Re: New Monopole Communications tower proposed

Hi Chris,

I confirm there are No concerns for our operations

Regards,

**Kassidy Nelson** | Base Pilot Supervisor  
Avera Careflight & MIRS L.L.C.  
kassidy.nelson@avera.org  
cell: (605) 695-2287

Avera.org  
*Sponsored by the Benedictine and Presentation Sisters*

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**From:** Travis Struss <Travis.Struss@avera.org>  
**Sent:** Wednesday, February 4, 2026 9:38:34 PM  
**To:** Chris Monson <chrisonson33@outlook.com>; Eric Schwan <Eric.Schwan@avera.org>  
**Cc:** Cassidy Nelson <Kassidy.Nelson@avera.org>  
**Subject:** Re: New Monopole Communications tower proposed

Hello Chris,

I've cc'd Cassidy Nelson who is our lead pilot for his input.

**Travis Struss MBA, FP-C, CMTE** | Operations & Quality Manager  
Emergency Services | Avera McKennan Hospital & University Health Center  
1325 S Cliff Ave | Sioux Falls, SD 57117  
Direct: 605.622.8994 | Cell: 605.228.2782

Avera.org  
Sponsored by the Benedictine and Presentation Sisters

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**From:** Chris Monson <chrisonson33@outlook.com>  
**Sent:** Wednesday, February 4, 2026 10:14 AM  
**To:** Eric Schwan <Eric.Schwan@avera.org>; Travis Struss <Travis.Struss@avera.org>  
**Subject:** New Monopole Communications tower proposed

**EXTERNAL EMAIL.** Proceed with caution. If you suspect phishing use the Report Phishing button or forward this email to [phish@avera.org](mailto:phish@avera.org)

Hello Eric & Travis

I work with rick Adams. He is retiring. I am taking over a job for him in Aberdeen. There is a proposal to build a 190' Monopole at 2516 MELGAARD Rd Aberdeen, SD 57401.

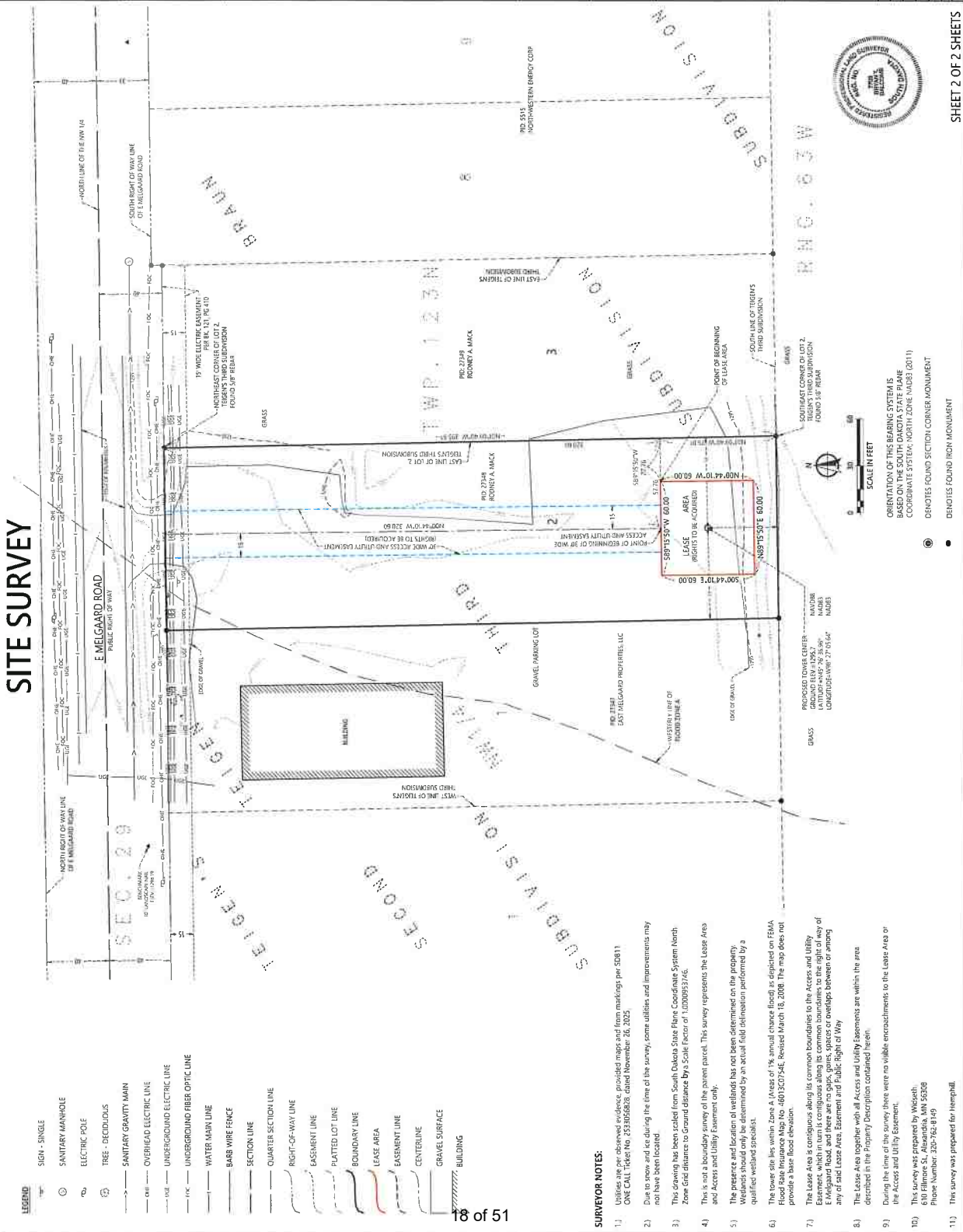
Would you be able to confirm is would be of concern for Avera flight patterns?

Thank you!

Chris Monson  
TelTerra LLC  
19605 N Gama Beach Rd  
Grand Rapids MN 55744  
612.387.5343



# SITE SURVEY



- LEGEND**
- SGN - SINGLE
  - SANITARY MANHOLE
  - ⊙ ELECTRIC POLE
  - ⊙ TREE - DECIDUOUS
  - SANITARY GRAVITY MAIN
  - OVERHEAD ELECTRIC LINE
  - UNDERGROUND ELECTRIC LINE
  - UNDERGROUND FIBER OPTIC LINE
  - WATER MAIN LINE
  - BARR WIRE FENCE
  - SECTION LINE
  - QUARTER SECTION LINE
  - RIGHT-OF-WAY LINE
  - EASEMENT LINE
  - PLATTED LOT LINE
  - BOUNDARY LINE
  - LEASE AREA
  - EASEMENT LINE
  - CENTERLINE
  - GRAVEL SURFACE
  - BUILDING

**PROPERTY OWNER:**  
**RODNEY A. MACK**

**PARCEL NO.:**  
**27348 & 27349**

**ZONED:**  
**C-2 (HIGHWAY COMMERCIAL)**

**DEED REFERENCED:**  
**WARRANTY DEED**  
**BK. 305, PG 277**

**SITE NAME:**  
**MOCCASIN CREEK**

**SITE NUMBER:**  
**1979**

**SITE ADDRESS:**  
**2516 Melgaard Rd,**  
**Aberdeen, Brown County, SD 57401**

**PROPERTY OWNER:**  
**RODNEY A. MACK**

**PARCEL NO.:**  
**27348 & 27349**

**ZONED:**  
**C-2 (HIGHWAY COMMERCIAL)**

**DEED REFERENCED:**  
**WARRANTY DEED**  
**BK. 305, PG 277**

**SITE NAME:**  
**MOCCASIN CREEK**

**SITE NUMBER:**  
**1979**

**SITE ADDRESS:**  
**2516 Melgaard Rd,**  
**Aberdeen, Brown County, SD 57401**

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA

**BRYANT BALCONE, L.L.C.** LICENSE # 7708 DATE: 1/15/26  
 2025-11897

**REVISIONS**

NO.	DATE	BY	CHK	APP'D

FIELD WORK: 12/07/25 CHECKED BY: BJB DRAWN BY: TLW

**ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE SOUTH DAKOTA STATE PLANE COORDINATE SYSTEM; NORTH ZONE NAD83 (2011)**

● DENOTES FOUND SECTION CORNER MONUMENT

○ DENOTES FOUND IRON MONUMENT

**SCALE IN FEET**

0 30 60



# Aberdeen City Board of Zoning Adjustment

Variance Staff Report

Meeting Date: March 12, 2026

<b>Agenda Item #2</b>	
<b>Applicant Request(s)</b>	
<p>permission, as per site plan submitted, for 1) existing house and 12' x 29' enclosed porch to remain 17' from the East property line rather than the required 25' which would be a 8' Building Variance, 2) existing detached garage to remain 2' from the West property line rather than the required 5' which would be a 3' Building Variance, in order to 3) construct a new larger 14' x 29' enclosed porch 15' from the East property line rather than the required 25' which would be a 10' Building Variance, and 4) construct a new 3-stall attached garage 6' from the West property line rather than the required 20' which would be a 14' Building Variance</p>	
<b>Applicant Information</b>	
Applicant: Brady and Michelle Lesnar	
<b>City Staff Reviewers</b>	
Planner: Paula Nelson	
Code Enforcement: David Dosch	
Building Inspection: Barry Dunlavy	
Engineering: Destin Spellman	
Fire Marshal: Max Stoltenberg	
Public Works: Jeromy Thorstenson	
Public Safety: Captain Tony Bisbee	
<b>Property Information</b>	
Address and Legal Description	1021 Lincoln St N all on Lesnar First Addition to the City of Aberdeen
<b>Existing Zoning</b>	
Subject Property	(R-2-old/R-4) Medium Density/Special Density Residential District
Adjacent North	(R-2-old/R-4) Medium Density/Special Density Residential District
Adjacent South	(R-2-old/R-4) Medium Density/Special Density Residential District
Adjacent East	(R-2-old/R-4) Medium Density/Special Density Residential District
Adjacent West	(R-2-old/R-4) Medium Density/Special Density Residential District
<b>Applicant's Justification</b>	
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:	
<b>Criteria:</b>	<b>Applicants Response (verbatim):</b>
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.	<b>The lot configuration and long-standing alley access create a unique circumstance where strict application of the front and rear setbacks would create difficulties in reconstructing a functional</b>

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.	<b>garage &amp; porch consistent with the established neighborhood.</b>
2. <i>Permitted use only.</i> 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.	<b>We are proposing to replace the existing front porch to meet current building code, and to build an attached garage with increased living space. The request is solely for dimensional setback variances and does not seek approval of any prohibited use.</b>
3. <i>No special privilege.</i> The variance will not confer upon the applicant a special privilege denied to other residents of the district.	<b>Approval of this variance would not grant a special privilege. The porch has been in this place since the home's origination, with the garage much closer to the alley. Our request is to construct in a manner consistent with neighborhood development.</b>
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.	<b>Enclosed front porches are common in our neighborhood, and many surrounding garages are located significantly closer to the alley or the street along 11<sup>th</sup> Ave NE.</b>
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.	N/A
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.	<b>Strict application of the rear and side setback would substantially reduce usable yard space and limit reasonable placement of a functional attached garage. While strict application of the front setback would alter the historical home's appearance.</b>
7. <i>Minimum adjustment.</i> The variance will be the minimum adjustment necessary for the reasonable use of the land.	<b>The requested 14-foot rear variance, 10-foot side variance, and 10-foot front variance are the minimum adjustments necessary to allow reasonable new construction and reconstruction.</b>
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.	<b>The proposed variances are consistent with the character of the neighborhood. It will not be injurious to neighboring properties, detrimental to public welfare. The new structures will improve safety, appearance, and long-term property value.</b>
<b>Board of Adjustment Criteria and Findings</b>	

Criteria:	Findings:
1. Authorizing the variance will not be contrary to the public interest;	<b>Granting a variance to expand the existing footprint into the corner visibility triangles would negatively impact or potentially harm the neighborhood.</b>
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	<b>No special conditions exist on this property.</b>
3. Because of the special conditions, strict application of the ordinance will result in unnecessary hardship to the applicant;	<b>An adequately sized garage could be constructed while meeting all required setbacks.</b>
4. The spirit of this chapter and the comprehensive plan will be observed by authorizing the variance; and	<b>Similar properties are required to meet the same setbacks.</b>
5. Substantial justice will be done by authorizing the variance.	<b>Similar properties are required to meet the same setbacks.</b>

**Location Map**

**Property of Interest**

1021 Lincoln St N



### Summary of Findings & Staff Recommendations

As with similar requests in the past, staff recommend the Board **Approve items #1 & #2** to bring the property into compliance.

As with similar requests in the past, staff recommend the Board **Deny item #3** in accordance with ordinance, as the existing front porch already encroaches into required setbacks, and further encroachment is not supported. 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. Property lines must be located to verify setbacks at the time of inspection.
4. All required inspections must be completed.

As with similar requests in the past, staff recommend the Board **Deny item #4** in accordance with ordinance, to preserve the corner visibility triangle at the intersection of the public street and alley. A hardship does not exist to justify such a large variance for the construction of a three-stall garage in addition to a large, detached garage. 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. Property lines must be located to verify setbacks at the time of inspection.
4. All required inspections must be completed.

Paula Nelson / City Planner  
Name/Title

02/27/2024  
Date



# Application for Hearing Board of Zoning Adjustment

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

# PAID

FEB 19 2026

The Board of Zoning Adjustment meets the 2<sup>nd</sup> 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, Special Exception and Appeal (NON-REFUNDABLE)

Applicant Information					
Applicant(s) Name:	Brady and Michelle Lesnar				
Phone:	605-216-7036, 605-228-8774				
Mailing Address:	1021 N Lincoln St.				
City:	Aberdeen	State:	SD	Zip:	57401

Property Information	
Address:	1021 N Lincoln St., Aberdeen SD, 57401
Legal Description:	LT 1 & N 40' LT 2, Block 7, Sullivan and Easton Addition; replatt
Current Zoning:	Residential Zoning <i>R-2(old)/R-4 "Lesnar First Addition To the City of Aberdeen"</i>

Type of Action Requested		
Variance <input checked="" type="checkbox"/> <i>- See attached sheet</i>	Special Exception <input type="checkbox"/>	Appeal <input type="checkbox"/>
Action Requested:	We respectfully request a 14-foot rear yard setback variance and <del>a 10-foot side street variance to construct a new attached living space and garage.</del>	
The current garage has a 2-foot rear set back.		
We also request a 10-foot front yard setback variance to reconstruct the existing enclosed front porch.		
Hardship (if applicable):	Strict enforcement of set-backs would significantly reduce usable backyard space and prevent reasonable reconstruction in alignment with the historic placement and development of structures in this neighborhood.	

*Michelle Lesnar*  
Signature

*02/18/2026 2.18.26*  
Date

Office Use Only					
Date:	<i>2/19/</i>	Receipt:	<i>PG1562393</i>	Fee:	<i>\$200</i>
Sign Issued <input checked="" type="checkbox"/>	Received By:	<i>EM</i>			



## Application for Hearing Board of Zoning Adjustment

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

The Board of Zoning Adjustment meets the 2<sup>nd</sup> 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**)

Applicant Information				
Applicant(s) Name:				
Phone:				
Mailing Address:				
City:		State:		Zip:

Property Information	
Address:	
Legal Description:	
Current Zoning:	

Type of Action Requested		
Variance <input checked="" type="checkbox"/>	Special Exception <input type="checkbox"/>	Appeal <input type="checkbox"/>
Action Requested: <i>* House to remain 17' from east/Front, detached garage to remain 2' from west/rear</i>		
<i>* New/rebuilt <sup>covered</sup> front porch 15' from east/Front</i>		
<i>* New 3-stall attached garage 6' from west/rear</i>		
Hardship (if applicable):		

Signature \_\_\_\_\_

Date \_\_\_\_\_

Office Use Only				
Date:		Receipt:		Fee:
Sign Issued <input type="checkbox"/>	Received By:			



## 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:

Our current garage is original to the home. Due to age and condition, we are proposing to remove the existing garage and add onto the existing house, increasing living space and an attached garage. We would also like to replace the existing front porch.

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.

The lot configuration and long-standing alley access create a unique circumstance where strict application of the front and rear setbacks would create difficulties in reconstructing a functional garage & porch consistent with the est. neighborhood.

**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.

We are proposing to replace the existing front porch to meet current building code, & to build an attached garage with increased living space. The request is solely for dimensional setback variances and does not seek approval of any prohibited use.

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

Approval of this variance would not grant a special privilege. The porch has been in this place since the home's origination, with the garage much closer to the alley.

Our request is to construct in a manner consistent with neighborhood development.

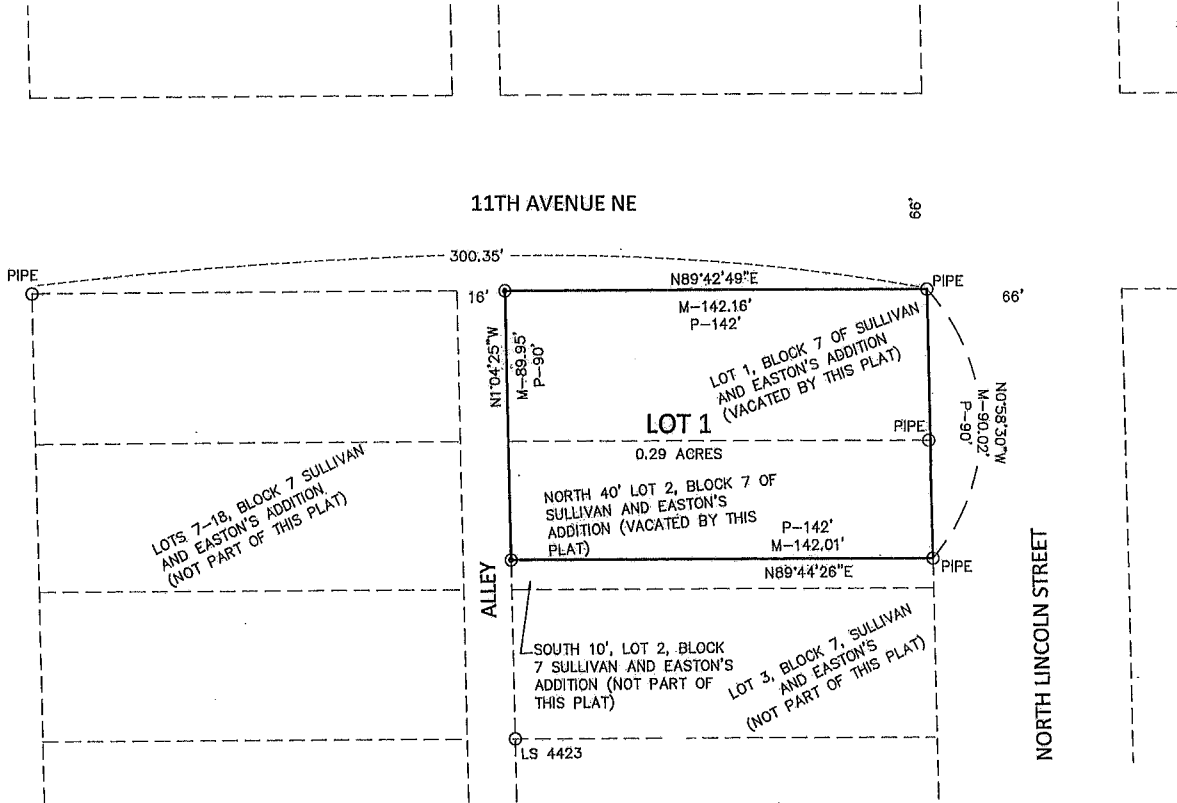
**4. *Enjoyment of common privileges.*** Failure to authorize the variance will deny the applicant a privilege commonly enjoyed by other residents of the district.

Enclosed front porches are common in our neighborhood, and many surrounding garages are located significantly closer to the alley or the street along 11th Ave NE.

<b>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.</b>
N/A
<b>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.</b>
Strict application of the rear and side setback would substantially reduce usable yard space & limit reasonable placement of a functional attached garage. While strict application of the front set back would alter the historical home's appearance.
<b>7. <i>Minimum adjustment.</i> The variance will be the minimum adjustment necessary for the reasonable use of the land.</b>
The requested 14-foot rear variance, 10-foot side variance, and 10-foot front variance are the minimum adjustments necessary to allow reasonable new construction and reconstruction.
<b>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.</b>
The proposed variances are consistent with the character of the neighborhood.
It will not be injurious to neighboring properties, detrimental to public welfare.
The new structures will improve safety, appearance, and long-term property value.

A-10146

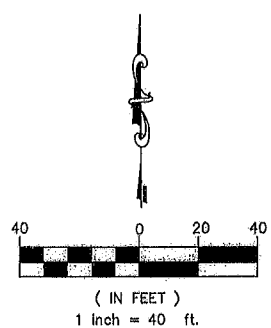
PLAT OF  
**LESNAR FIRST ADDITION TO THE CITY OF ABERDEEN**  
 IN THE SW 1/4 OF SECTION 12-T123N-R64W OF THE 5th P.M.,  
 BROWN COUNTY, SOUTH DAKOTA



REGISTERED LAND SURVEYOR  
 REG. NO. 9214  
 ROBERT K. KIESO  
 SOUTH DAKOTA  
 8/27/25

- LEGEND**
- FOUND PROPERTY CORNER
  - ⊙ SET 3" SURVEY SPIKE WITH WASHER STAMPED KIESO RLS 9214
  - ▲ CALCULATED POSITION
  - M MEASURED IN FIELD
  - P PREVIOUSLY PLATTED

**BASIS OF BEARINGS**  
 SD STATE PLANE NORTH ZONE  
 NAD 83 (2011) US SURVEY FEET  
 DISTANCES ARE GROUND



**SPN Helms**  
 CIVIL ENGINEERS & LAND SURVEYORS

416 N. PRODUCTION ST.  
 Aberdeen, S.D. 57401  
 Phone: 605.225.1212  
 Fax: 605.225.3189

DWG. 10146-LS BY:NGP SHEET 1 OF 3

Current - Lesnar - 1021 N. Lincoln St. Aberdeen

11th Ave NE

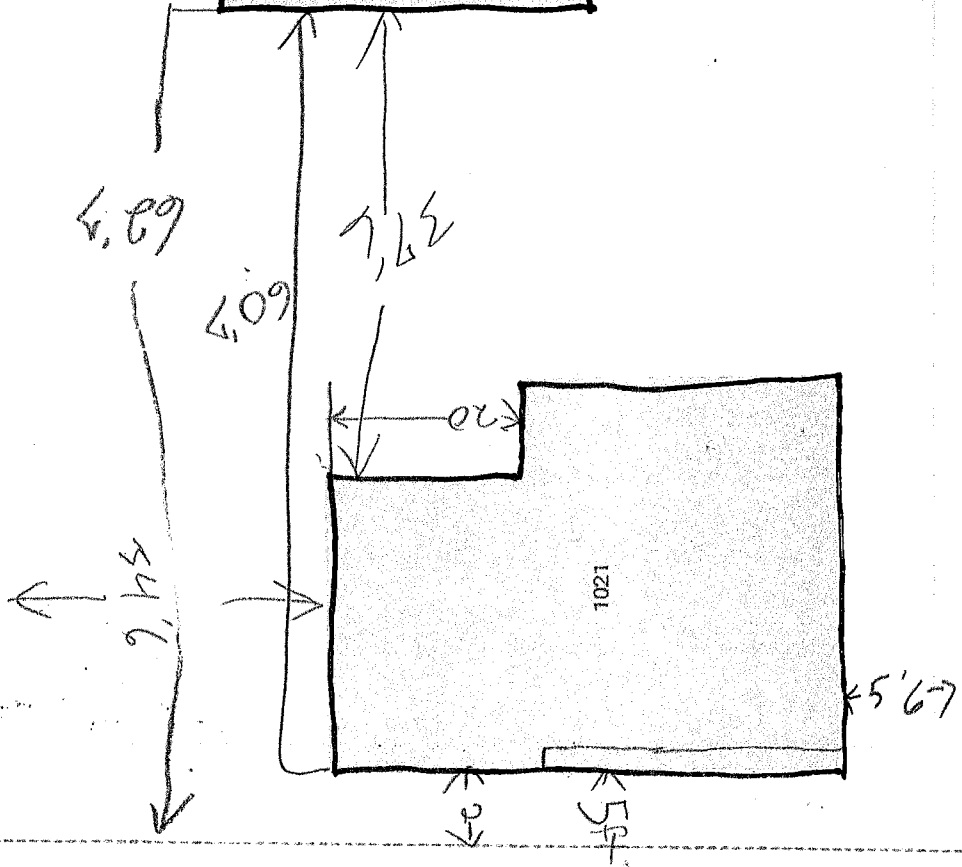
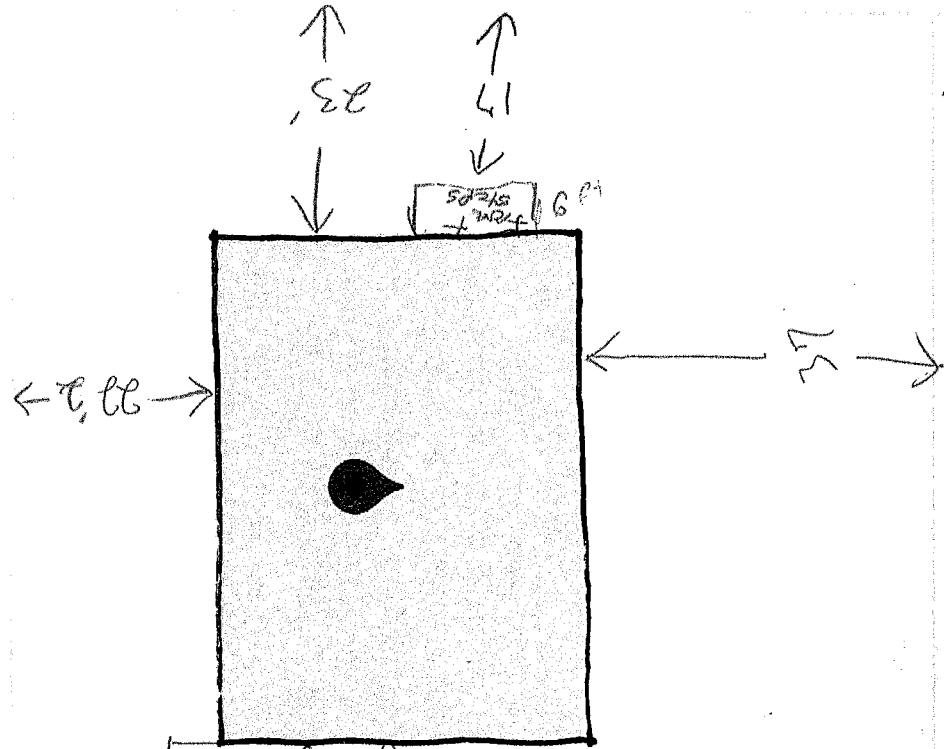
11th Ave NE

11th Ave NE

e NE

N Lincoln St

N Lincoln St



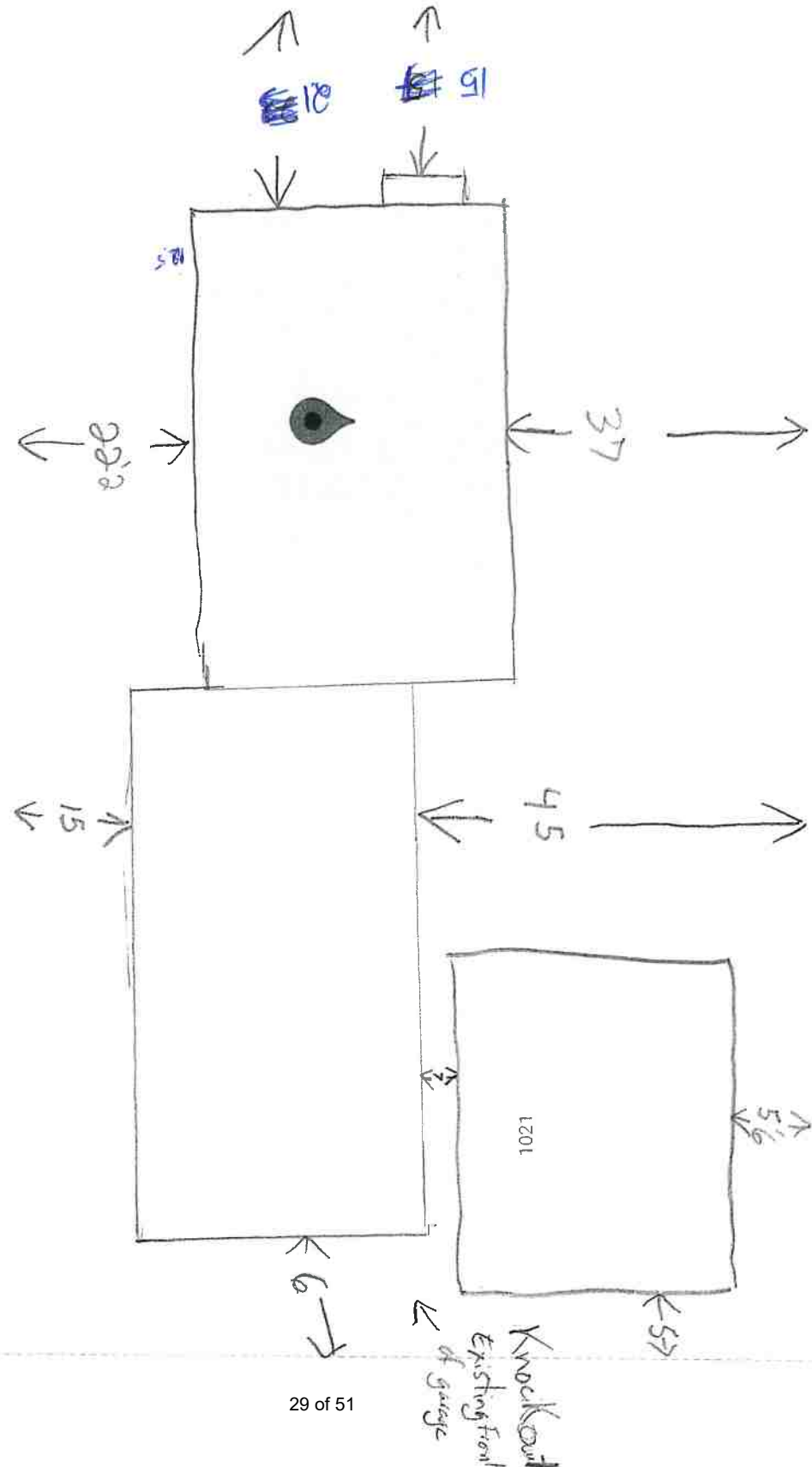
Projected - Lesnar 1021 N. Lincoln St. Aberdeen

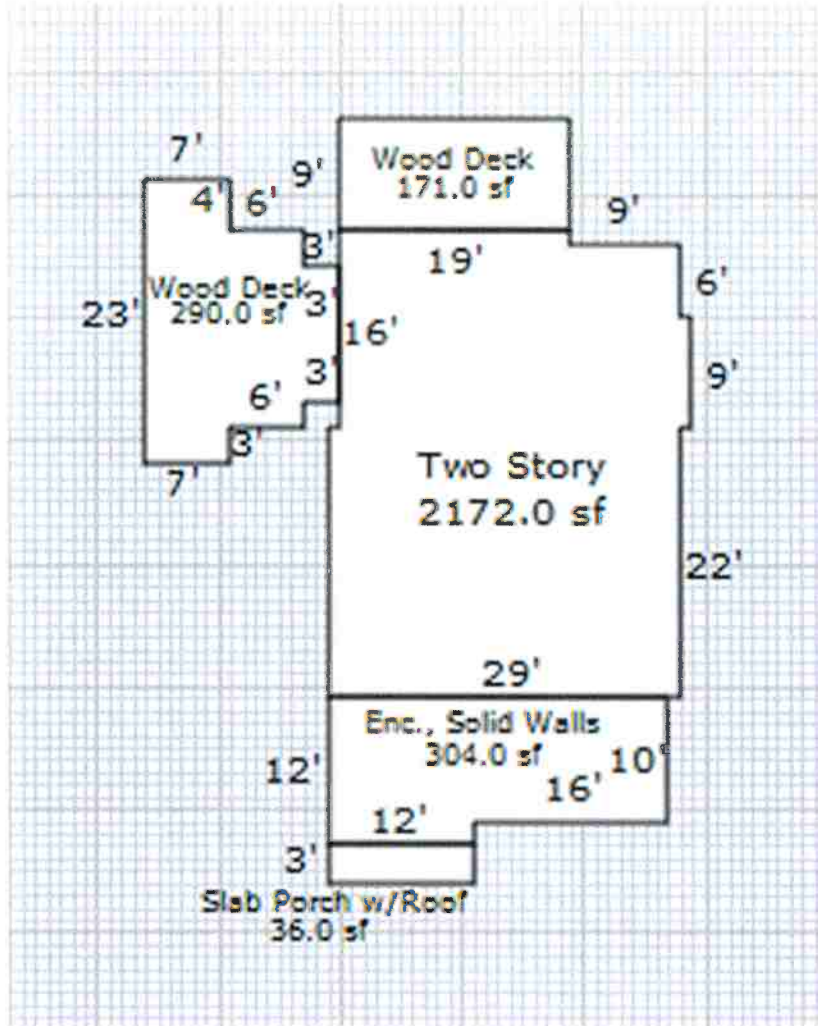
11th Ave NE

11th Ave NE

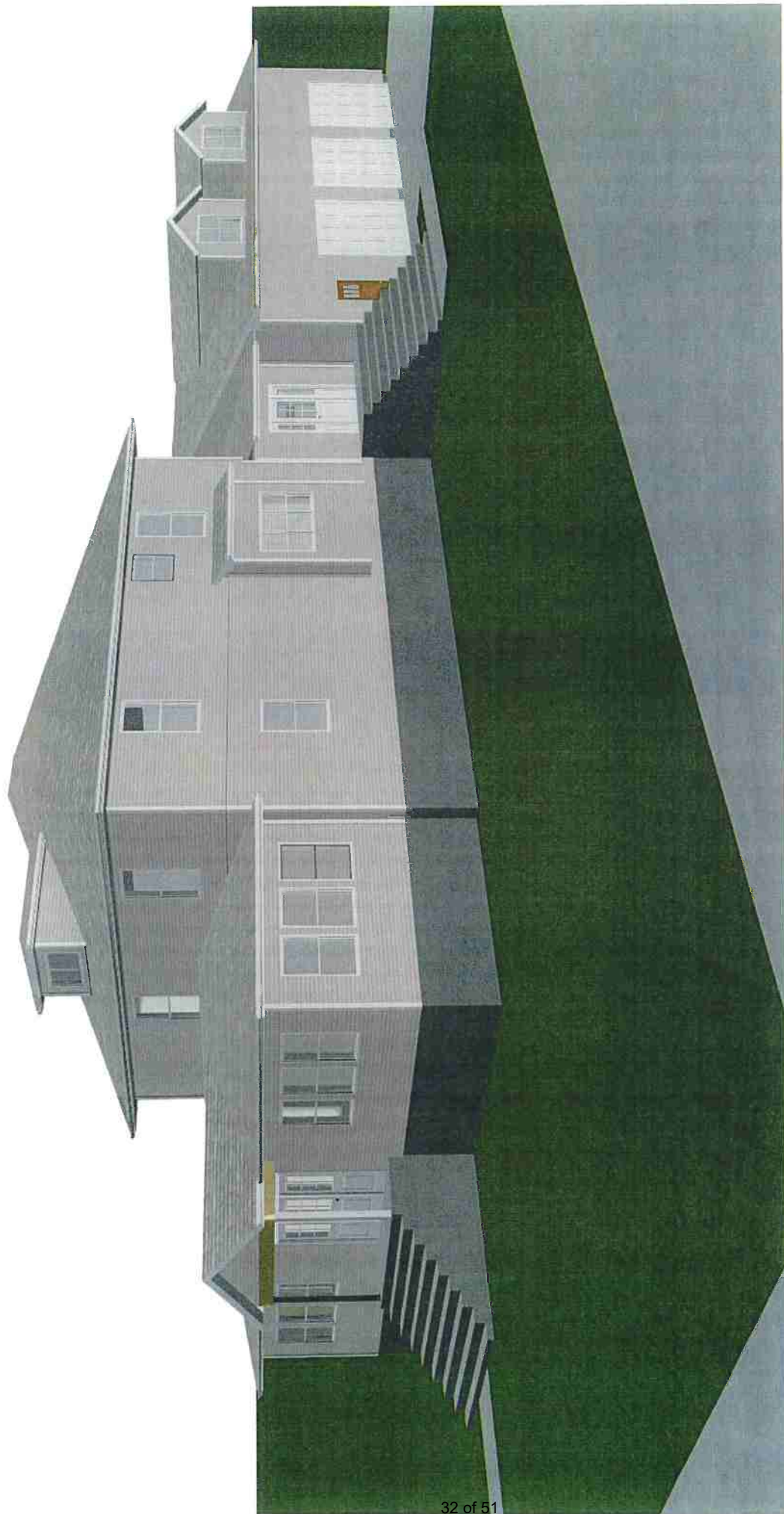
11th Ave NE

e NE











# Aberdeen City Board of Zoning Adjustment

Special Exception Staff Report

Meeting Date: March 12, 2026

<b>Agenda Item #3</b>	
<b>Applicant Request(s)</b>	
permission to permit the conversion of an existing single family residence to a 2-family residence, which would be a Special Exception in a (R-1) Low Density Residential District	
<b>Applicant Information</b>	
Applicant: 4 Aces, LLC	
<b>City Staff Reviewers</b>	
Planner: Paula Nelson	
Code Enforcement: David Dosch	
Building Inspection: Barry Dunlavy	
Engineering: Destin Spellman	
Fire Marshal: Max Stoltenberg	
Public Works: Jeromy Thorstenson	
Public Safety: Captain Tony Bisbee	
<b>Property Information</b>	
Address and	2203 State St N
Legal Description	all on Lot 1, Block 5, 19 <sup>th</sup> Addition to Highland North to the City of Aberdeen
<b>Existing Zoning</b>	
Subject Property	(R-1) Low Density Residential District
Adjacent North	(R-1) Low Density Residential District
Adjacent South	(R-1) Low Density Residential District
Adjacent East	(R-1) Low Density Residential District
Adjacent West	(R-1) Low Density Residential District
<b>Applicant's Justification</b>	
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:	
<b>Criteria:</b>	<b>Applicants Response (verbatim):</b>
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.	<b>Yes</b>
2. <i>Noise.</i> The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	<b>Yes</b>

3. <i>Vibration</i> . The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	Yes
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
5. <i>Odors</i> . The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	Yes
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
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.	<b>Will not noticeably increase the movement of traffic.</b>
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.	<b>Minimal increase in utility usage – no additional construction and/or addition of living spaces.</b>
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.	<b>Will not change the character of the neighborhood. Will be two living spaces that, generally, will not house more occupants at one time than a typical single-family dwelling with 2 levels and 5 bedrooms.</b>
10. <i>General welfare of the community</i> . The use shall not adversely affect the public health, safety, or general welfare of the community.	<b>Will not adversely affect the general welfare of the community. Conversely, will help to address the shortage of short-term living spaces available in the community.</b>

**Board of Adjustment Criteria and Findings**

**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

**Findings:**

**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. <i>Noise</i> . The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.	<b>Yes, the proposed use will not produce excess noise.</b>
3. <i>Vibration</i> . The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.	<b>Yes, the proposed use will not cause excess vibration.</b>
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.	<b>Yes, the proposed use will not cause air pollution.</b>
5. <i>Odors</i> . The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.	<b>Yes, the proposed use will not cause excess odors.</b>
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.	<b>Yes, the proposed use will not cause excess glare.</b>
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.	<b>Yes, the proposed use will not substantially increase traffic in the neighborhood.</b>
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.	<b>Yes, the proposed use will not substantially increase the burden on utilities.</b>
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.	<b>Yes, the proposed use will not have an impact on the character of the neighborhood.</b>
10. <i>General welfare of the community</i> . The use shall not adversely affect the public health, safety, or general welfare of the community.	<b>Yes, the proposed use will not adversely affect the community.</b>

## Location Map

# Property of Interest

2203 N State St



0 20 40 80 120 160 Feet

## Summary of Findings & Staff Recommendations

As with similar requests in the past, staff recommend the Board **Conditionally Approve** with the conditions set forth below:

1. Plans must be submitted and approved prior to issuance of a Building Permit.
2. A Building Permit must be obtained.
3. Each bedroom shall have one egress window.
4. Smoke detectors are required in each bedroom.
5. Smoke/CO detectors are required directly outside each bedroom.
6. One-hour rated separation wall required between furnace and units.
7. Floor/ceiling assembly shall be one-hour rated.
8. Walls between units shall be one-hour rated.
9. 7' ceiling height shall be maintained.
10. Stairways shall also be of one-hour rated construction.
11. Each unit shall have an operational kitchen and bathroom.
12. All required inspections must be completed.
13. Must provide three designated off-street parking stalls.

*Paula Nelson / City Planner*  
Name/Title

*02/27/2024*  
Date



# Application for Hearing Board of Zoning Adjustment

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

PAID

FEB 20 2026

CITY FINANCE OFFICE  
ABERDEEN, SOUTH DAKOTA

The Board of Zoning Adjustment meets the 2<sup>nd</sup> 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)

<b>Applicant Information</b>					
Applicant(s) Name:	4 Aces, LLC				
Phone:	(605) 824-0320				
Mailing Address:	1608 12th Ave SE				
City:	Aberdeen	State:	SD	Zip:	57401

<b>Property Information</b>	
Address:	2203 N State St, Aberdeen, SD 57401
Legal Description:	Lot 1, Block 5, 19th Addition to Highland North, Aberdeen, SD
Current Zoning:	R-1

<b>Type of Action Requested</b>		
Variance <input type="checkbox"/>	Special Exception <input checked="" type="checkbox"/>	Appeal <input type="checkbox"/>
Action Requested:	Designation as Multi-Family Dwelling (2 units)	
Hardship (if applicable):		

  
Signature

2.12.26  
Date

<b>Office Use Only</b>					
Date:	2/18/26	Receipt:	RO1562842	Fee:	200 <sup>00</sup>
Sign Issued <input type="checkbox"/>	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:

Converting a Single-Family Dwelling into a Multi-Family Dwelling for rental purposes.  
(2 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.

Yes

**2. Noise.** The use shall not produce noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

Yes

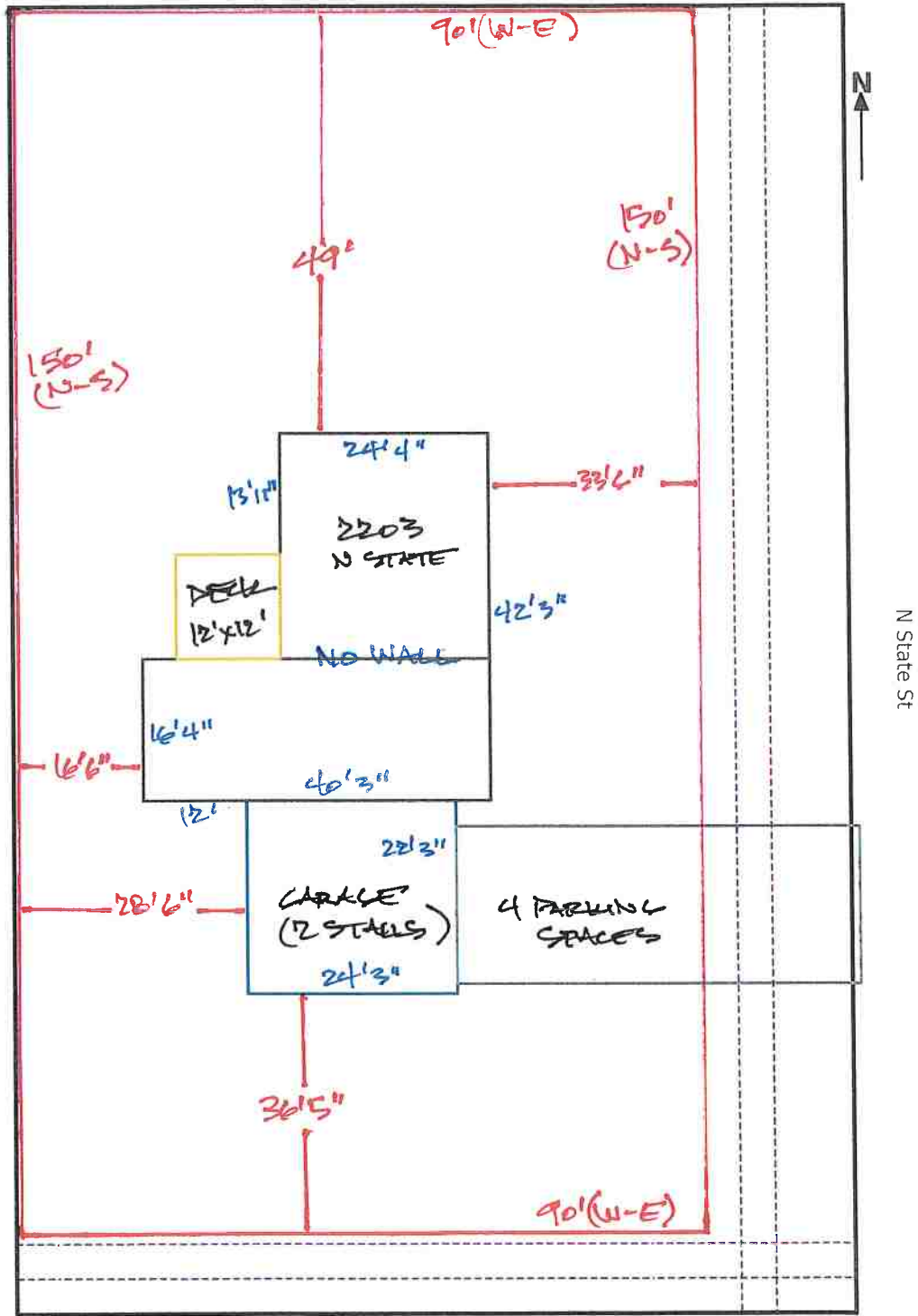
**3. Vibration.** The use shall not cause vibration which is discernible without instruments on any adjoining lot or property.

Yes

**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.

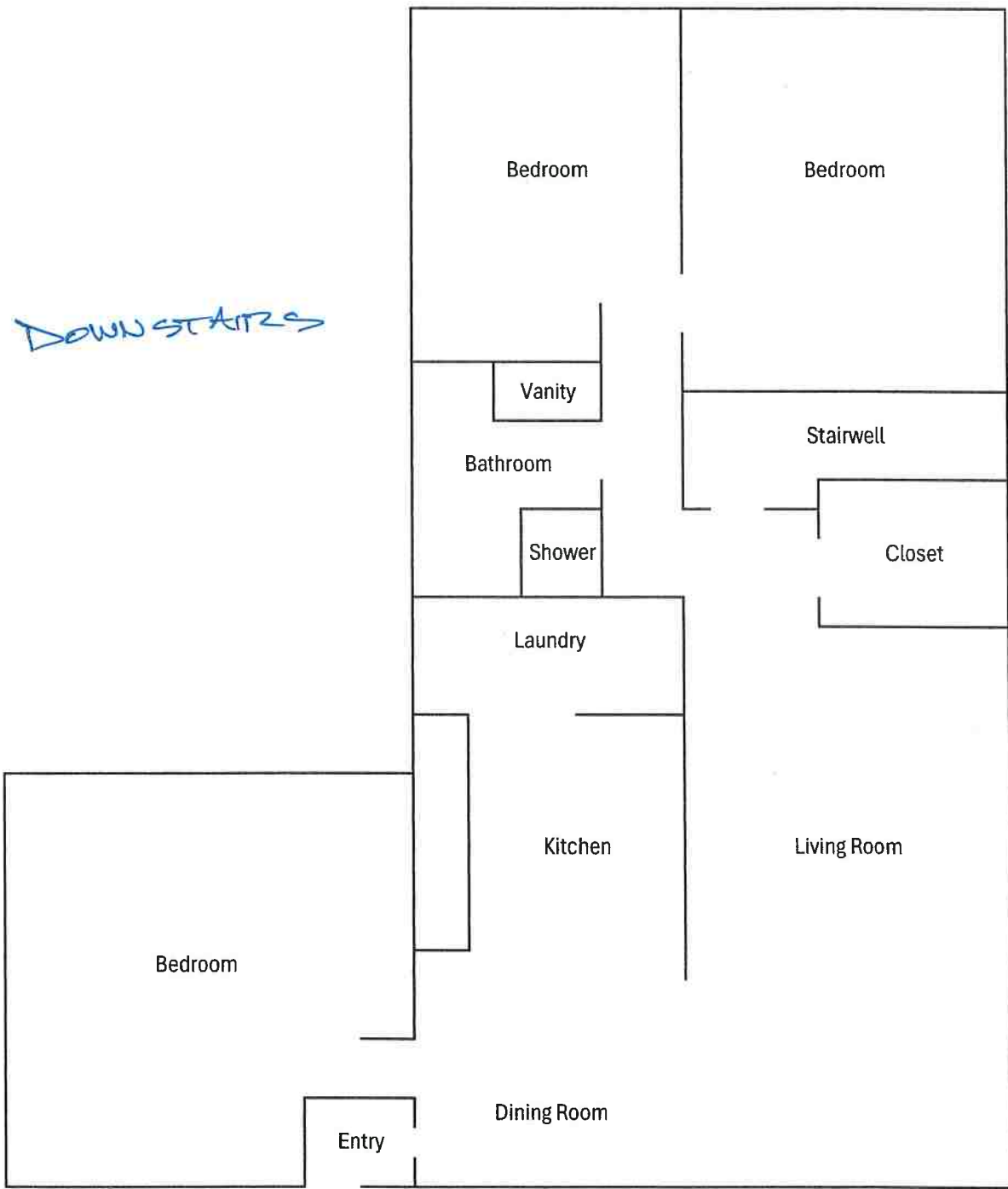
Yes

<b>5. Odors.</b> The use shall not involve malodorous gas or matter which is discernible on any adjoining lot or property.
Yes
<b>6. Glare.</b> 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
<b>7. Traffic Hazard.</b> 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.
Will not noticeably increase the movement of traffic.
<b>8. Overtaxing of public facilities and utilities.</b> The use shall not substantially increase the burden on public utilities or facilities, unless provision is made for any necessary adjustments.
Minimal increase in utility usage - no additional construction and/or addition of living spaces.
<b>9. Character of neighborhood.</b> 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.
Will not change the character of the neighborhood. Will be two living spaces that, generally, will not house more occupants at one time than a typical single-family dwelling with 2 levels and 5 bedrooms.
<b>10. General welfare of the community.</b> The use shall not adversely affect the public health, safety, or general welfare of the community.
Will not adversely affect the general welfare of the community. Conversely, will help to address the shortage of short-term living spaces available in the community.

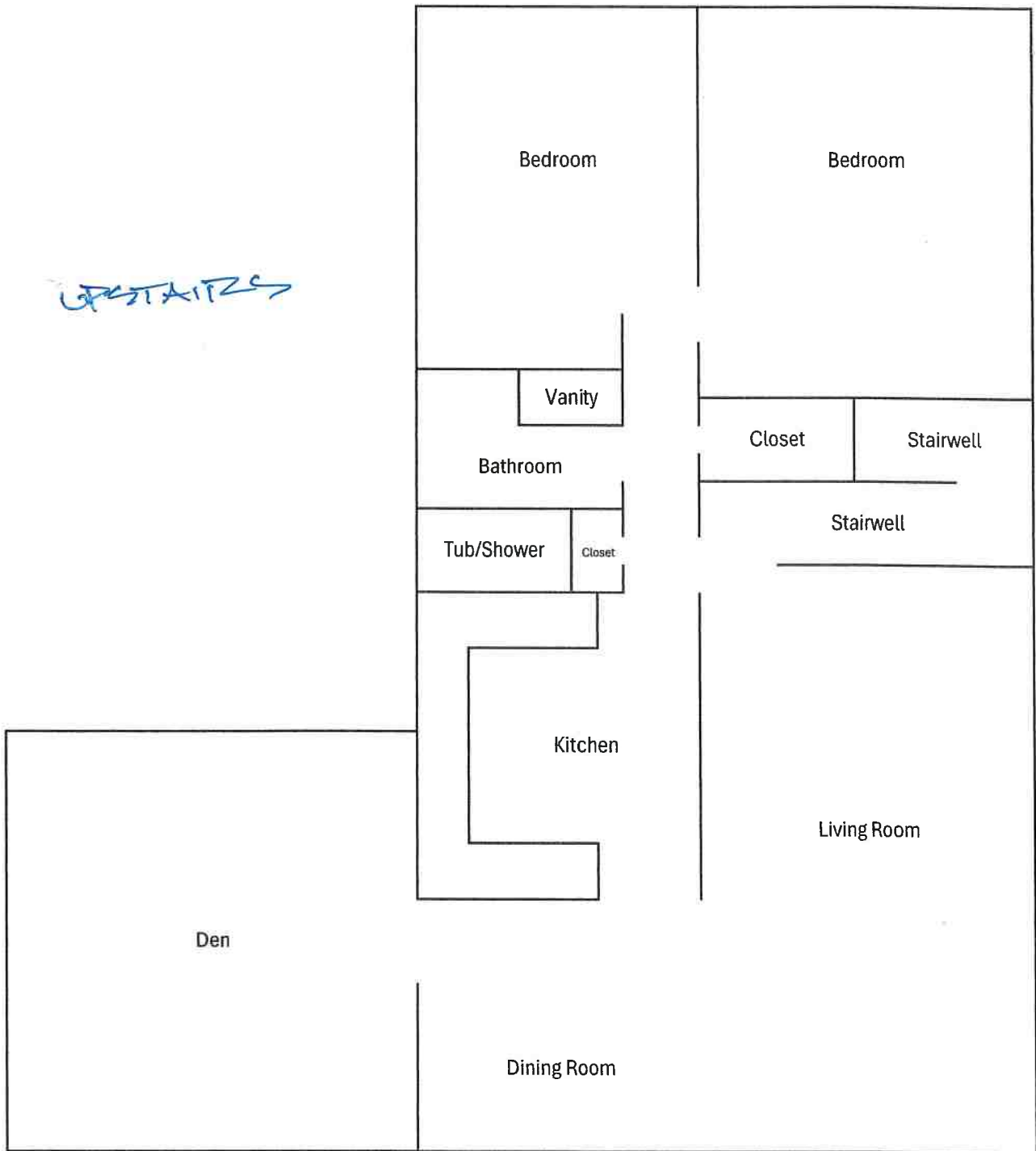


22nd Ave NE

DOWN STAIRS



UPSTAIRS





# Aberdeen City Board of Zoning Adjustment

Appeal Staff Report

Meeting Date: March 12, 2026

<b>Agenda Item #4</b>	
<b>Applicant Request(s)</b>	
permission, to Appeal a condition of the determination of the Board of Zoning Adjustment decision from November 13, 2025, to seek an extension of the project's completion deadline	
<b>Applicant Information</b>	
Applicant: SWS Rentals, LLC	
<b>City Staff Reviewers</b>	
Planner: Paula Nelson	
Code Enforcement: David Dosch	
Building Inspection: Barry Dunlavy	
Engineering: Destin Spellman	
Fire Marshal: Max Stoltenberg	
Public Works: Jeromy Thorstenson	
Public Safety: Captain Tony Bisbee	
<b>Property Information</b>	
Address and	106 N Lloyd St
Legal Description	all on Lot 1, Suedmeier Addition to the City of Aberdeen
<b>Existing Zoning</b>	
Subject Property	(R-3) High Density Residential District
Adjacent North	(R-3) High Density Residential District
Adjacent South	(R-3) High Density Residential District
Adjacent East	(R-3) High Density Residential District
Adjacent West	(R-3) High Density Residential District
<b>Summary of Findings &amp; Staff Recommendations</b>	
<p><b>In accordance with Aberdeen City Code and the 2018 International Property Maintenance Code, staff recommends that the Board Deny this Appeal of the November 13, 2025 decision.</b> While staff acknowledges the personal circumstances cited by the applicant as reasons for delays, the City has a responsibility to protect nearby residents from ongoing blight and safety concerns associated with this incomplete project.</p> <ul style="list-style-type: none"> <li>• These two buildings were moved on to this property prior to any approval being granted and any building and/or moving permits being issued.</li> <li>• Building Permit #64314 was issued on July 13, 2023, for <i>'new foundation for two moved in structures and breezeway to existing house. Plumbing permit for existing fixtures.'</i></li> <li>• Residential building permits are valid for two years from the date issued, and these permits become null and void if work is suspended or abandoned for a period of 180 days at any time after work is started.</li> </ul>	

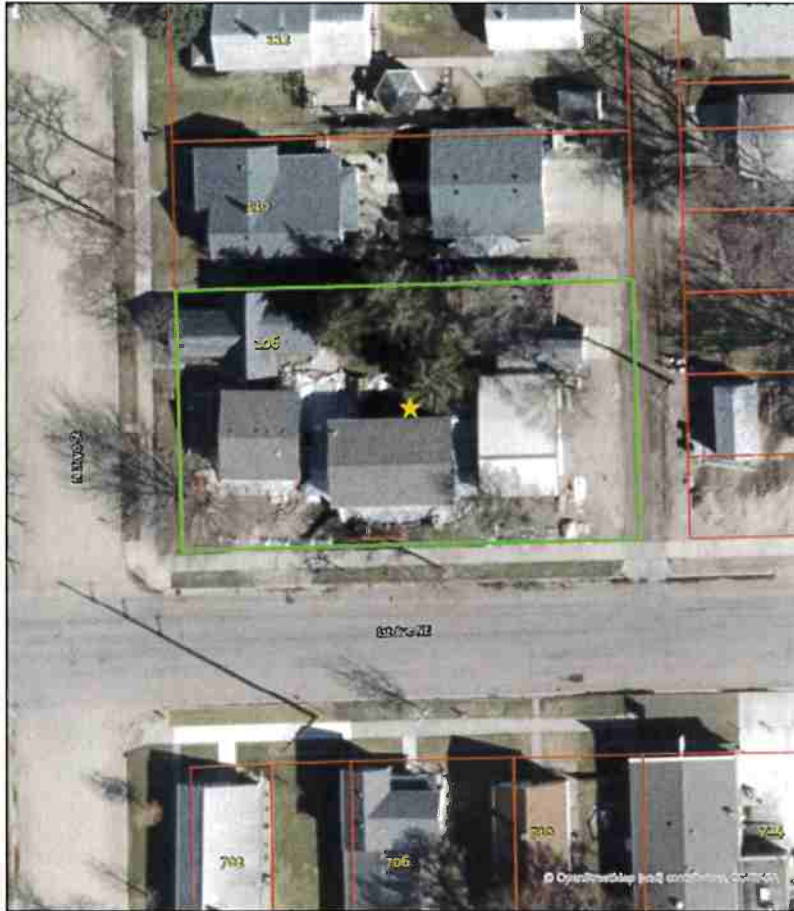
- On April 19, 2025, a Notice and Order regarding an unsafe/dangerous structure was mailed to the property owner identifying Building Permit #64314 had expired due to the long term inactivity on this property.
- On July 25, 2025, Community Development Director Ken Hubbart granted a time extension to complete the entire foundation, completely attach the two moved in accessory structures to the primary residence, and backfill the entire foundation by September 26, 2025. Furthermore, this extension also stated *'No additional extensions will be granted. Once additions are completely attached, owner can obtain a new permit for all interior work.'*
- As of this date, the conditions of the building permit extension have not been met and the violations continue to exist rendering the entire Property unsafe and potentially dangerous per the **2018 IPMC Section 108.1.1 Unsafe structures** and **Section 108.1.5 Dangerous structure or premises**.
- As of this date, the property remains in violation of **Aberdeen City Code Section 60-115 Principal building** and **Section 60-55 R-3 high density residential district**.
- Board of Zoning Adjustment modified decision on 11/13/2025 with the following conditions:
  - a. All open excavation areas on the property must be securely and completely enclosed with a freestanding construction fence.
  - b. All structures must be fully connected to the primary structure and set on a completed foundation, with all backfilling, exterior roofing, siding, and any other exterior improvements finished no later than May 1, 2026. If these requirements are not met by May 1, 2026, the City will immediately proceed with abatement of the property via demolition after May 1, 2026.
  - c. Before resuming construction on the property, Owner must obtain all necessary building permits to perform the work required by the above conditions, such permit(s) to be issued with a completion deadline of May 1, 2026, such modification(s) being deemed necessary so that the spirit of the relevant ordinance shall be observed, the public safety and welfare secured, and substantial justice done under the provisions of the Aberdeen City Code.

Building Permit #67276 issued on 11/24/2025 for *'Finish permanent wood foundation under new and existing house. Construct two story with new first floor walls for east addition. Walls to completely combine all moved in buildings to the existing house. Build roofs in those locations. Per Board of Zoning Adjustment, all additions must be fully connected to the primary structure and set on completed foundation with all backfilling, exterior roofing, siding and any other exterior improvements finished no later than May 1, 2026.'*
- This is a conspicuous property located along a highly traveled residential street within the City of Aberdeen. Our office has received and continues to receive multiple complaints on an ongoing basis regarding the unending project and the city's inability to get this property cleaned up and compliant.

Location Map

# Property of Interest

106 Lloyd St. N



*Paula Nelson / City Planner*

*02/27/2024*

Name/Title

Date





# 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:  
**SWS Rentals, LLC**  
**119 Penn St N**  
**Aberdeen, SD 57401**

## RESOLUTION REGARDING APPEAL OF DECISION

**WHEREAS**, this matter came to be heard on an application appealing an order, requirement, decision, or determination made by the zoning inspector or code enforcement officer dated October 17, 2025, denying approval of demolition of two moved in accessory structures;

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

**all on Lot 1, Suedmeier Addition to the City of Aberdeen, a.k.a. 106 Lloyd St N.; and**

**WHEREAS**, a public hearing on this Application was held by the Board of Zoning Adjustment in Council Chambers of the Municipal Building on the 13<sup>th</sup> day of November, 2025, after due notice by publication in the official newspaper, at which hearing **Scott Suedmeier** appeared in support of said Application, **nobody** appeared in opposition thereto, and the Board received the recommendation of City Staff regarding the Application; and

**WHEREAS**, 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**, Applicant at the time and place set for hearing was afforded a full opportunity to then and there present evidence, including any witnesses on Applicant’s behalf, 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, BE IT RESOLVED** that the Board has determined the order, requirement, decision, or determination that is the subject of this Appeal is hereby:

- REVERSED** as erroneously made under the provisions of the Aberdeen City Code.
- AFFIRMED** as factually and legally correct under the provisions of the Aberdeen City Code.

**MODIFIED** as follows: (1) All open excavation areas on the property must be securely and completely enclosed with a freestanding construction fence; (2) All structures must be fully connected to the primary structure and set on a completed foundation, with all backfilling, exterior roofing, siding and any other exterior improvements finished no later than May 1, 2026. If these requirements are not met by May 1, 2026, the City will immediately proceed with abatement of the property via demolition after May 1, 2026; and (3) Before resuming construction on the property, Owner must obtain all necessary building permits to perform the work required by

the above conditions, such permit(s) to be issued with a completion deadline of May 1, 2026, such modification(s) being deemed necessary so that the spirit of the relevant ordinance shall be observed, the public safety and welfare secured, and substantial justice done under the provisions of the Aberdeen City Code.

**APPEAL OF RESOLUTION:** Pursuant to Aberdeen City Code, Sec. 60-260, 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 duly adopted by the Board upon Roll Call vote at the hearing noted above.

Dated this 13<sup>th</sup> day of November, 2025.

BOARD OF ZONING ADJUSTMENT  
CITY OF ABERDEEN

ATTEST:

By:   
Ken Hubbart, Community Development Director

By:   
Chairman

**MINUTES**  
**BOARD OF ZONING ADJUSTMENT**  
**November 13, 2025**

The Board of Zoning Adjustment Meeting was held on Thursday, November 13, 2025, 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, Destin Spellman, Assistant City Engineer, Ken Hubbart, Community Development Director, Barry Dunlavy, Building Official, Brandon Smith, Building Inspector, Benjamin Phillips, GIS Coordinator, Ron Wager, City Attorney, Mike Hepola, Code Enforcement Officer, Paula Nelson, City Planner, and Emily Ellingson, Board of Zoning Adjustment Secretary.

Gardner moved, and Sommers seconded, to approve the Board of Zoning Adjustment Minutes of October 9, 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) Legacy Apartments, LLC requested permission, as per site plan submitted, 1) for existing structure to remain 9' from the West property line rather than the required 25' which would be a 16' Building Variance, 2) for existing structure to remain 12.25' from the South property line rather than the required 15' which would be a 2.75' Building Variance, 3) for existing structure to remain 5' from the East property line rather than the required 20' which would be a 15' Building Variance, and 4) to construct three 8' x 12' uncovered decks 2' from the North property line rather than the required 5' which would be a 3' Building Variance all on Lot 1, Gohn's Second Subdivision, a.k.a. 915 17<sup>th</sup> St S. Larry and Stacy Lee of Legacy Apartments, LLC were present to represent the property.

Staff's report included findings and recommendation for approval of the Building Variances upon conditions. Gardner moved, and Sommers seconded to approve the Building Variances (items #1, #2, and #3) Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Staff's report included findings and recommendation for denial of the Building Variance. Schumacher moved, and Babcock seconded to approve item #4 upon the following conditions: (1) Plans must be submitted and approved prior to issuance of a Building Permit. (2) Building Permit must be obtained. (3) Property lines must be located to verify setbacks at time of inspection. (4) All required inspections must be completed. (5) Property must be replatted prior to construction. (6) Additionally, per Building Official Dunlavy – any projections shall have a one-hour fire resistant construction of fire retardant wood, heavy timber, or other approved materials within the 5 foot distance from the property line. (7) The fence that is currently on the property must be maintained as an opaque style fence. Larry and Stacy Lee accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE CONDITIONALLY APPROVED.**

- 2) SWS Rentals, LLC Appealed the Notice of Continued Violations and Order of Demolition - 2018 International Property Maintenance Code - Unsafe/Dangerous Structures dated October 6, 2025, requiring the demolition of two moved in accessory structures, all on Lot 1, Suedmeier Addition to the City of Aberdeen, a.k.a. 106 Lloyd St N. Scott Suedmeier of SWS Rentals, LLC was present to represent the property.

Staff's report included findings and recommendation for denial of the Appeal. Schumacher moved, and Weigel seconded to deny the Appeal. Discussion followed with Suedmeier presenting information and argument in support of his appeal and requesting an extension of time in which to complete the work on the structures.

Discussion by Board members included statements of compassion for personal issues causing Suedmeier's inability to meet the September 26, 2025, extension earlier granted to Suedmeier but a recognition that the unfinished project is a safety issue for the neighborhood and that neighbors have had to live with the unfinished project for over two years. Babcock called the vote on the motion to deny the Appeal. Upon roll call, Weigel nay, Sommers nay, Babcock nay, Gardner nay, Schumacher aye, (4 nay, 1 aye) the motion failed.

Upon further discussion, Suedmeier assured the Board he would marshal the necessary resources to complete all exterior work on the structure by May 1, 2026, and agreed that the City could demolish the structure on May 2, 2026, if he failed to have all required work done by the deadline. Babcock and Weigel expressed concern that Suedmeier may invest significant time and money to try to complete the required work but still come up short by the deadline. Suedmeier acknowledged that demolition by the City would be the appropriate abatement if he fails to deliver as promised. Babcock asked if any other person desired to speak on the Appeal. No other persons spoke on the Appeal.

Weigel moved, and Sommers seconded to grant the Appeal requesting an extension of time upon the following conditions: (1) All open excavation areas on the property must be securely and completely enclosed with a freestanding construction fence. (2) All structures must be fully connected to the primary structure and set on a completed foundation, with all backfilling, exterior roofing, siding and any other exterior improvements finished no later than May 1, 2026. If these requirements are not met by May 1, 2026, the City will immediately proceed with abatement of the property via demolition after May 1, 2026. (3) Before resuming construction on the property, Owner must obtain all necessary building permits to perform the work required by the above conditions, such permit(s) to be issued with a completion deadline of May 1, 2026. Scott Suedmeier accepted the conditions of approval. Upon roll call, Weigel aye, Sommers, aye, Babcock aye, Gardner aye, Schumacher nay, (4 aye, 1 nay) the motion carried. **APPEAL CONDITIONALLY APPROVED.**

- 3) Hieb's High Rev Repair requests permission, as per site plan submitted to permit the open storage and parking of vehicles waiting for repair and display vehicles for sale on a limited basis, which would be a Special Exception in the (C-3) Neighborhood Commercial District, all on Lot 1, GPHC Corner Subdivision, a.k.a. 101 Main St N. Anthony Hieb was present to represent the property.

Staff's report included findings and recommendation for approval of the Special Exception upon conditions. Sommers moved, and Schumacher seconded to approve the Special Exception upon the following conditions: (1) This Special Exception is for Hieb's High Rev Repair 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) No open storage within 35' corner visibility triangle on Southeast corner of the property. (3) No open storage within 35' corner visibility triangle on Southwest corner of the property. (4) All vehicles stored openly on this property must be licensed and operable per state law and city ordinance requirements. (5) The property itself must be properly maintained. Vehicles must be stored/parked/displayed in a neat and orderly manner. This includes the open storage of work products, materials, and equipment. (6) Only the open storage of business related vehicles, equipment, products, and materials will be allowed. (7) No accumulation of vehicle parts, junk, debris, discard, building material waste (i.e. pallets), or trash may be stored on site. (8) Vegetation growth (including volunteer trees & grass and weeds) must be appropriately maintained. (9) No illegal or unpermitted signage. (10) Additionally, per Fire Marshal Stoltenburg – the storage of exterior combustible materials must be stored according to Fire Code requirements. (11) No more than, 20 vehicles stored openly on the property. Anthony Hieb accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION CONDITIONALLY APPROVED.**

- 4) Schopp Properties, LLC and Northern Electric Coop requested permission, as per site plan submitted to install a 3' x 5' and 1.5' x 5' free standing/off-premise sign as an accessory land use for Northern Electric Cooperative which would be an Appeal in the (I-2) Unrestricted Industrial District, all on Outlot 4 in the NE ¼ of Section 17, T123N-R63W, a.k.a. 403 Brown Co 19 N. Kathy Haas of Northern Electric Cooperative. was present to represent the property.

Staff's report included findings and recommendation for denial of the Appeal. Schumacher moved, and Weigel seconded to approve the Appeal upon the following conditions: (1) A Sign Permit must be obtained prior to

installation. (2) Sign will not be permitted within 35' corner visibility triangle on Southeast corner of the property. (3) Free standing/off-premise sign must be removed when Northern Electric Cooperative is no longer operating in their temporary location or no later than December 31, 2026. Kathy Haas accepted the conditions of approval. Upon roll call, all members voting aye, the motion carried. **APPEAL CONDITIONALLY APPROVED.**

**OTHER BUSINESS:**

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



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Emily Ellingson  
Board of Zoning Adjustment Secretary  
November 13, 2025