

BOARD OF ZONING ADJUSTMENT
March 9, 2017

The Board of Zoning Adjustment Meeting was held on Thursday, March 9, 2017 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Weigel presiding as Acting Chairman. Chairman Weigel called the meeting to order. Members present at roll call were Musel, VanDeRostyne, Grebner, Schumacher, and Weigel. Absent was Babcock. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, David Dosch, Code Enforcement Officer, John Pantzlaff, GIS/Planning Technician, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, and Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Musel seconded to approve the Board of Zoning Adjustment minutes of February 9, 2017, all members voting aye, the motion carried.

- 1) Danielle Frazier and Dustin Hendrickson requested permission, as per site plan submitted, to permit the operation of a daycare as a home occupation, which would be a Special Exception in the (R-3/R-4) High Density/Special Density Residential Zoning District, all on Lot 3, Block 21, Thomas Addition, a.k.a. 312 Ninth Avenue SE. Dustin Hendrickson was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this daycare commencing. Fence must be installed by May 31, 2017, 2) No more than one individual other than the owner, may work at the daycare at one time, 3) A floor plan must be submitted for review showing the location used for childcare, 4) Age range of children, the number of children and hours of operation must be submitted, 5) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 6) Announced and unannounced inspections must be permitted by operator, 7) The operator must schedule a home inspection with the Building Inspection Department and/or the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any required changes or modifications must be made, and 8) Owner/operator and any employees must be licensed with the City of Aberdeen. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 2) Kenneth Cartney requested permission, as per site plan submitted, to construct a 40'x80' commercial primary structure 5' from the South property line rather than the required 25', which would be a 20' Building Variance, all on Lot 2, Baggett's First Addition to Block 3, Woolverton Addition, a.k.a. 618 Penn Street S. Kenneth Cartney was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to deny. Upon roll call, Musel-aye, VanDeRostyne-aye, Grebner-nay, Schumacher-aye, Weigel-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE DENIED.**
- 3) Ka-Boomer's, Inc. requested permission, as per site plan submitted, to permit the operation of a temporary fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Judy Outlot 1, NW¹/₄ Sect. 22-

T123N-R63W, a.k.a. 5050 Highway 12 E. Rebecca Taylor was present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Must comply with all Fire Marshal requirements, 2) No illegal or unpermitted signs, banners, inflatables, etc. may be displayed at this location, and 3) Approval is for the 2017 fireworks season. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 4) Flash Rock Enterprises, LLC requested permission, as per site plan submitted, to permit the off-premise open storage and display of miscellaneous equipment, which would be an **Appeal to the Board of Zoning Adjustment, all on Lot 1, UPC First Addition, SW¼ Sect. 15-T123N-R63W, a.k.a. 5225 Highway 12E.** Josh Gross was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) A maximum number of 50 items may be displayed, 2) Open storage is for J. Gross Equipment only, no additional off-premise items may be stored on property, 3) All equipment must be licensed and operable as applicable, 4) No off-premise advertising, 5) If property is leased or sold for another use, this Appeal shall become null & void, 6) Property must be maintained in a neat and orderly manner at all times, and 7) Approval expires September 1, 2018. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

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

Paula Nelson
Board of Zoning Adjustment Secretary
March 9, 2017