

BOARD OF ZONING ADJUSTMENT
August 9, 2018

The Board of Zoning Adjustment Meeting was held on Thursday, August 9, 2018 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 VanDeRostyne, Grebner, Winter, and Babcock. Also present were Eric Miller, City Planner, Chad Nilson, Building Inspector, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of July 12, 2018, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Freedom Church requested permission, as per site plan submitted, to permit the operation of a daycare, which would be an Appeal to the Board of Zoning Adjustment in the (I2) Unrestricted Industrial Zoning District, all on Lot 2, ADC 2005-1 Subdivision, a.k.a. 516 Production Street N. Drew Becker was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area. Fence must be installed by October 15, 2018, 2) A floor plan must be submitted for review showing the location used for childcare, 3) Age range of children, the number of children and hours of operation must be submitted, 4) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 5) Announced and unannounced inspections must be permitted by operator, 6) The operator must schedule a building 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 7) Owner/operator and any employees must be licensed with the State DSS. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 2) Dennis & Marie DeGroot requested permission, as per site plan submitted, to 1) Operate a business in an accessory structure, which would be an Appeal to the Board of Zoning Adjustment in a (M-Ag) Mini-Agricultural Zoning District, and 2) to permit the open storage of vehicles, construction equipment and supplies related to concrete construction business, which would be an Appeal to the Board of Zoning Adjustment, all on Dohn's Outlot 1, NW¼ Sect. 27-T123N-R64W, a.k.a. 2503 Melgaard Road W. Dennis & Marie DeGroot were present to represent the property. Following discussion VanDeRostyne moved and Winter seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times. Any complaints shall be remedied by the owner immediately upon notification, 2) No outside storage of fill material, concrete remnants, rubble, or similar material, 3) No excess traffic, noise dust, glare, etc., and 4) Any signage must be approved and permitted in accordance with city ordinance prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEALS APPROVED** .

- 3) Aaron Herceg requested permission, as per site plan submitted, for 1) existing residence to remain 23' from the East property line rather than the required 35', which would be a 12' Building Variance, and 2) for existing front deck to remain 18' from the East property line rather than the required 25', which would be a 7' Building Variance, all on Lot 26, Block 4, Replat of Gorder's Fourth Addition, a.k.a. 1869 Eisenhower Circle. Aaron Herceg was present to represent the property. Following discussion Grebner moved and Babcock seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

- 4) Stacy Harty requested permission, as per site plan submitted, for 1) existing residence to remain 17' from the West property line rather than the required 25', which would be an 8' Building Variance and 2) 4' from the North property line rather than the required 15', which would be an 11' Building Variance in order to 3) construct a 4' wide covered porch on the West side of the residence 13' from the West property line rather than the required 25', which would be a 12' Building Variance and/or a 6' wide covered porch on the South side of the residence 13' from the West property line rather than the required 25', which would be a 12' Building Variance, all on Lots 23-24, Block 23, Hagerty & Lloyd Addition, a.k.a. 424 Jay Street N. Stacy Harty was present to represent the property. Following discussion Grebner moved and Babcock seconded to approve agenda items #1 and #2 with the following stipulations: 1) The required work needs to be completed on the existing residence within 90 days from today's date, and 2) No additional work will be permitted at this property until said work is completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion Grebner moved and VanDeRostyne seconded to deny agenda item #3, all members voting nay, the motion failed. Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda item #3 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) Proposed porch can be covered, but no portion can be enclosed (above and below deck). Upon roll call, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

Weigel entered meeting at this time.

- 5) Rich Conn requested permission, as per site plan submitted, to construct a 5'x6' covered porch and stairs 13' from the East property line rather than the required 25', which would be a 12' Building Variance, all on Lot A, Conn Subdivision of Lot 1, Block 50, Thomas Addition, a.k.a. 1002 Second Street S. Rich Conn was present to represent the property. Following discussion Grebner moved and Weigel 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, 3) All required inspections must be completed, and 4) Proposed porch can be covered, but no portion can be enclosed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 6) Thomas Wipf requested permission, as per site plan submitted, to permit an existing accessory structure to remain on a property without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Fulker's

Homestead Subdivision, in the SE¼ Sect. 17-T123N-R64W, a.k.a. 38390 133rd Street.

Michael Wipf was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Owner must rectify situation within 2 years of date of approval, and 2) Proper permits must be obtained prior to any work on property. Dustin and Sandra Tople were in attendance and voiced opposition to this project because the property owner had not posted required notification signs on property. Following discussion VanDeRostyne moved and Winter seconded to table this item until City Attorney can be consulted. No action taken.

- 7) Ochenta, Inc. requested permission, as per site plan submitted, to provide 9' wide parking stalls rather than the required 10', which would be a 1' Minimum Parking Stall Width Variance, all on Lots 1-3, Block 23, Smith's Addition, Except H-1 and Lots 1&2, Thomas Addition, a.k.a. 518 & 524 Sixth Avenue SE. Mike Carrels was present to represent the property and withdrew this item. No action taken.
- 8) Spike II, LLC. requested permission, as per site plan submitted, to provide 9' wide parking stalls rather than the required 10', which would be a 1' Minimum Parking Stall Width Variance, all on Lots 1-5, Block 4, Howard & Hedger Replat of Northwest Addition and Vacated Alley, a.k.a. 1202 Eighth Avenue NE. Mike Carrels was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL WIDTH VARIANCE APPROVED .**
- 6) Thomas Wipf requested permission, as per site plan submitted, to permit an existing accessory structure to remain on a property without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Fulker's **Homestead Subdivision, in the SE¼ Sect. 17-T123N-R64W, a.k.a. 38390 133rd Street.** Michael Wipf was present to represent the property. VanDeRostyne moved and Grebner seconded to bring this item back to the table. City Attorney Ron Wager stated that this item needs to be postponed for one month. Following discussion VanDeRostyne moved and Grebner seconded to withdraw the previous motion for approval. Upon roll call, all members voting aye, the motion carried. Following further discussion VanDeRostyne moved and Weigel seconded to postpone this item for one month, with the stipulation that the applicant must pay application fee and must hang applicable notification signs as instructed. Upon roll call, all members voting aye, the motion carried. **APPEAL POSTPONED UNTIL SEPTEMBER 13, 2018 .**

VanDeRostyne moved and Grebner seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
July 12, 2018