

BOARD OF ZONING ADJUSTMENT
October 11 , 2018

The Board of Zoning Adjustment Meeting was held on Thursday, October 11, 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 Winter, Grebner, Musel, Babcock, & Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Eric Miller, City Planner, Chad Nilson, Building Inspector, George Jones, GIS Technician, Barry Dunlavy, Building Inspector, David Dosch, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Grebner moved and Winter seconded to approve the Board of Zoning Adjustment minutes of September 13, 2018, all members voting aye, the motion carried.

OPEN FORUM - No one was present.

- 1) Emma Vig requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in the (M-Ag) Mini-Agricultural Zoning District, all on Lot 2, Dosch's Outlots in the SW¼ Sect. 3-T123N-R64W, a.k.a. 2404 Twenty-Fourth Avenue NW. Emma Vig 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 (petitioner stated there would be no outdoor play area at this time), 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, and 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. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 2) Kerry Menzia requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in the (R-2) Medium Density Residential Zoning District, all on Lot 3, Menzia Second Subdivision, a.k.a. 1224 Ninth Street S. Kerry Menzia 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. Fence must be installed by June 1, 2019, 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** .

- 3) Terri Peters and Jerrad Jangula requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in the (R-2) Medium Density Residential Zoning District, all on Lot 17, Block 4, Replat of Blocks 3-4, Huffman's Second Addition, a.k.a. 1523 Dick Drive. Terri Peters was present to represent the property. Following discussion Grebner moved and Winter 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 June 1, 2019, 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** .
- 4) Sheila Christofferson requested permission, as per site plan submitted, for existing residence to remain 18' from the South property line rather than the required 25', which would be a 7' Building Variance, all on Lot 7, Block 2, Hyde Park First Addition, a.k.a. 1515 Marsie Circle. Sheila Christofferson was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 5) Tom & Abby Cogley requested permission, as per site plan submitted, to construct a 16'x40' in ground pool and a 9'x16' in ground swimming pool 3' from the West property line rather than the required 25', which would be a 22' Building Variance, all on Lot 1, Block 1, Kyburz & Hurlbert Addition, a.k.a. 1403 Dakota Street S. Tom & Abby Cogley were present to represent the property. Following discussion Grebner moved and Winter seconded to deny. Upon roll call, Weigel-nay, Musel-nay, Babcock-aye, Winter-aye, Grebner-nay (3-nay,2-aye), the motion failed. Following further discussion Weigel moved and Musel seconded to approve 15' from the West property line, which would be a 10' variance with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 6) Tom Watson requested permission, as per site plan submitted, to 1) plat a lot that is 92' deep rather than the required 100', which would be an 8' Minimum Lot Depth Variance

and 2) to construct a 12'x14' accessory building 14' from the North property line rather than the required 25', which would be an 11' Setback Variance, all on The East 92' of Lots 1-3 & East 92' of the North 5' of Lot 4, Block 38, Hagerty & Lloyd Addition, a.k.a. 223 Arch Street N. Tom Watson was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE APPROVED**. Following further discussion Grebner moved and Musel seconded to approve agenda item #2 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, Weigel-aye, Musel-aye, Babcock-aye, Winter-nay, Grebner-aye (4-aye,1-nay), the motion carried. **SETBACK VARIANCE APPROVED**.

- 7) Jason Vilhauer requested permission, as per site plan submitted, for existing residence to remain 23'9" from the West property line rather than the permitted 25', which would be a 1'3" Building Variance, all on Lot 16, Block 11, Garden Park Addition, a.k.a. 917 Tenth Street S. Jason Vilhauer was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**.
- 8) Virginia Schwab requested permission, as per site plan submitted, for existing residence to remain 18' from the East property line rather than the required 25', which would be a 7' Building Variance, all on Lot 4, Kelley's Replat of Block 15, Hagerty & Lloyd Addition, a.k.a. 515 Dakota Street N. Virginia Schwab was present to represent the property. Following discussion Grebner moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**.
- 9) Robert Sayer requested permission, as per site plan submitted, for 1) existing residence to remain 16' from the North property line rather than the required 25', which would be a 9' Building Variance and 2) 1' from the East property line rather than the required 5', which would be a 4' Building Variance, and 3) for existing shed to remain 9" from the East property line rather than the required 5', which would be a 4'3" Building Variance, in order to 4) construct a 4'x6' front deck 8.5' from the North property line rather than the required 15', which would be a 6.5' Building Variance, all on The 35.5' East of the West 35.5' of the North ½ of Lot 10 and the 35.5' East of the West 35.5' of Lots 11 & 12, Block 41, Bennett & Thomas Addition, a.k.a. 219 Fourth Avenue NW. Robert Sayer was present to represent the property. Following discussion Grebner moved and Winter seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**.
- 10) Shawna Miller requested permission, as per site plan submitted, for 1) existing residence to remain 30' from the South property line rather than the required 35', which would be a 5' Building Variance and 2) 7.5' from the East property line rather than the required 10', which would be a 2.5' Building Variance, all on Lot 7, Block 10, Eleventh

Addition to Highland North, a.k.a. 407 Seventeenth Avenue NE. There being no representative present, this item was moved to the end of the agenda.

- 11) Hyle Anderson requested permission, as per site plan submitted, for 1) existing residence to remain 18.5' from the East property line rather than the required 35', which would be a 16.5' Building Variance and 2) 2' from the South property line rather than the required 10', which would be an 8' Building Variance, in order to 3) construct an access ramp 0' from the East property line rather than the required 25', which would be a 25' Building Variance, all on Lot 4, Block 10, Thomas Addition, a.k.a. 1114 Arch Street S. Jerry Ochsner was present to represent the property. Following discussion Grebner moved and Winter seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 12) Cory & Brittany Foley requested permission, as per site plan submitted, for 1) existing residence to remain 20.5' from the East property line rather than the required 25', which would be a 4.5' Building Variance in order to 2) construct a 4'x8' deck and stairs 12'10" from the East property line rather than the required 15', which would be a 2'2" Building Variance, all on The East 166' of Lot 2, Block 57, Thomas Addition, a.k.a. 916 Fourth Street S. There being no representative present, this item was moved to the end of the agenda.
- 13) Ruth Nelson requested permission, as per site plan submitted, to construct a 15'x26' addition to attached garage 3' from the North property line rather than the required 10', which would be a 7' Building Variance, all on Lot 10, Block 6, Gorder's Replat of Fourth Addition, a.k.a. 126 Elizabeth Drive. Ruth Nelson was present to represent the property. Following discussion Grebner moved and Weigel seconded to deny. Upon roll call, Weigel-aye, Musel-nay, Babcock-aye, Grebner-nay, Weigel-aye (3-aye,2-nay), the motion carried. Following further discussion Weigel moved and Musel seconded to approve 5' from the North property line, which would be a 5' building variance. Upon roll call, Weigel-aye, Musel-aye, Babcock-aye, Grebner-aye, Winter-nay (4-aye,1-nay), the motion carried. **BUILDING VARIANCE APPROVED** .
- 14) Harr Motors requested permission, as per site plan submitted, to 1) construct a 70'x130' accessory structure with 16' tall sidewalls rather than the permitted 10', which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) to construct an accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Harr Motors Second Subdivision, a.k.a. 4255 Sixth Avenue SE. Matt Harr was present to represent the property. Following discussion Grebner moved and Musel seconded to approve agenda #1 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, 4) FAA/Airport approval must be submitted to the city prior to permitting, 5) Two illegal signs for K & A Log Furniture and Amana must be removed prior to permitting, and 6)

This building must be located directly behind, and in line with, existing building. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED**. Following further discussion Musel moved and Grebner seconded to approve agenda #2, all members voting aye, the motion carried. **APPEAL APPROVED**.

- 15) Teton Development, LLC requested permission, as per site plan submitted, to 1) construct a hotel that is 62' tall rather than the permitted 45', which would be a 17' Maximum Height Variance, all on Proposed Lot 3, Teton Development First Subdivision, a.k.a. 2901 Sixth Avenue SE. Elizabeth Stoks and Luke Weithirtle were present to represent the property. Following discussion Grebner moved and Musel 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, 4) FAA/Airport approval must be submitted to city before permitting, and 5) Plat must be approved & filed with Brown County Register of Deeds. Upon roll call, all members voting aye, the motion carried. **MAXIMUM HEIGHT VARIANCE APPROVED**.
- 10) Shawna Miller requested permission, as per site plan submitted, for 1) existing residence to remain 30' from the South property line rather than the required 35', which would be a 5' Building Variance and 2) 7.5' from the East property line rather than the required 10', which would be a 2.5' Building Variance, all on Lot 7, Block 10, Eleventh Addition to Highland North, a.k.a. 407 Seventeenth Avenue NE. Brett Bill was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED**.
- 12) Cory & Brittany Foley requested permission, as per site plan submitted, for 1) existing residence to remain 20.5' from the East property line rather than the required 25', which would be a 4.5' Building Variance in order to 2) construct a 4'x8' deck and stairs 12'10" from the East property line rather than the required 15', which would be a 2'2" Building Variance, all on The East 166' of Lot 2, Block 57, Thomas Addition, a.k.a. 916 Fourth Street S. Brett Bill 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED**.

Grebner moved and Winter seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
October 11, 2018