

BOARD OF ZONING ADJUSTMENT
April 12, 2012

The Board of Zoning Adjustment Meeting was held on Thursday, April 12, 2012 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Sikkink, Kezar, VanDeRostyne, and Babcock. Weigel was absent. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, John Stoll, City Planner, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, and Stuart Nelson, Assistant City Engineer.

Kezar moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of March 8, 2012, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Gail Stotz 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 a (R-2) Medium Density Residential Zoning District, all on Lot 4, Block 2, Gorder's Replat Fourth Addition, a.k.a. 1817 Lincoln Street S. Doug Stotz was present to represent the property. Following discussion Kezar moved and VanDeRostyne 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, 2) All applicable state regulations must be met, 3) No more than one individual other than the owner, may work at the daycare at one time, 4) Pending notification that the applicant and members of the household have not been rejected by the state due to abuse or neglect, 5) A floor plan must be submitted for review showing the location used for childcare, 6) Age range of children, the number of children and hours of operation must be submitted, 7) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 8) Announced and unannounced inspections must be permitted by operator, 9) 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 10) 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.**

Don Weigel entered the meeting at this time.

- 2) Lorraine Keeler requested permission, as per site plan submitted, for 1) existing residence to remain 23'2" from the East property line rather than the required 25', which would be a 1'10" Building Variance and 14'2" from the South property line rather than the required 15', which would be a 10" Building Variance in order to 2) construct an addition 9'8" from the South property line rather than the required 15', which would be a 5'4" Building Variance and 3) request permission for existing detached garage to remain 4'8" from the West property line rather than the permitted 5', which would be a 4" Building Variance, all on Lot 6, Block 22, Thomas Addition, a.k.a. 1024 Kline Street S. Lorraine Keeler was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve agenda

- items #1 and #3, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion VanDeRostyne moved and Babcock seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Kezar moved and Sikkink 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, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 3) Wayne Beck requested permission, as per site plan submitted for existing residence to remain 19' from the East property line rather than the required 25', which would be a 6' Building Variance and 2' from the North property line rather than the required 5', which would be a 3' Building Variance and 2' from the South property line rather than the required 5', which would be a 3' Building Variance all in order to replace foundation, all on The North 24' of Lot 3, Block 15, North Aberdeen Addition, a.k.a. 115 First Street N. Sharon Schwan was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 4) Lois J. Pletten requested permission, as per site plan submitted, to plat a lot in a M-Ag District with 90.56' off frontage rather than the permitted 200', which would be a 109.44' Minimum Lot Frontage Variance, all on Proposed Outlot 1, Luke's Farm Outlots in the N½ Sect. 13-T123N-R63W. Lois Pletten was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**
- 5) Marvin Holsing requested permission, as per site plan submitted, for 1) existing residence to remain 15.5' from the South property line rather than the permitted 25', which would be a 9.5' Building Variance and 2) for existing detached garage to remain 1' from the West property line rather than the required 5', which would be a 4' Building Variance and 4' from the North property line rather than the required 5', which would be a 1' Building Variance in order to 3) construct a 14' x 20' attached garage 3' from the East property line rather than the required 5', which would be a 2' Building Variance, all on Lot 3, Pepper-Gorder's Replat of Lots 4-6, Block 11, Thomas Addition to Aberdeen, a.k.a. 411 Eleventh Avenue SE. Marvin Holsing was present to represent the property. Following discussion Weigel moved and Babcock seconded to approve agenda items #1 and #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion VanDeRostyne moved and Weigel seconded to deny agenda item #3. Upon roll call, Sikkink-nay, Kezar-nay, VanDeRostyne-aye, Weigel-nay, Babcock-nay (1-aye,4-nay), the motion failed. Following further discussion Kezar moved and Weigel seconded to approve agenda item #3 with the following stipulations: 1) Garage may not be constructed closer than 3'1" from the East property line rather than the required 5', which would be a 1'11" building variance, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 6) Mark Musel requested permission, as per site plan submitted, to permit the operation of a fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Lot 2, Musel Second Subdivision, SE¼ Sect. 2-T123N-R64W, a.k.a. 3155 Brown County 10 N. Mark Musel was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the following stipulations: 1) All Fire Marshal's requirements must be met, and 2) All signage must be permitted prior to installation. Upon roll call, all members voting aye with Musel abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 7) East Briar Commons, LLC. requested permission, as per site plan submitted, to 1) construct a group project consisting of four primary structures, which would be a Special Exception in a (R-3) High Density Residential District all on Lots 4-9, Block 25, Lots 4-9, Block 32, Lot 1, Block 33, and Bremer's Outlot 2, Block 33, Northwestern Addition to Aberdeen and Adjacent Vacated Street and Alley Right of Way, a.k.a. 1212 Fifth Avenue NE, 301 & 306 Harrison Street N, and 1115 Third Avenue NE. Jeff Lamont was present to represent the property. Neighboring property owners, Jerry Sandmeier and Greg Simon were present to voice their concerns. Following discussion Sikkink moved and Kezar seconded to approve, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 8) Ka-Boomer's, Inc. requested permission, as per site plan submitted, to permit the operation of a fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Judy Outlot 1, NW¼ Sect. 22-T123N-R63W, a.k.a. 5050 Highway 12 E. Stacy Bauer was present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve with the following stipulations: 1) All Fire Marshal's requirements must be met, and 2) All signage must be permitted prior to installation. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 9) WSA, LLC. requested permission, as per site plan submitted, to permit a group project consisting of 3 apartment buildings, which would be a Special Exception in a (R-3/R-4) High Density/Special Density Residential Zoning District, all on Lot 1, Mobil Oil Corporation, Derian's Outlot 1 and Lot 1, Larson's Subdivision, a.k.a. 1121 Lincoln Street S, 110 Eleventh Avenue SE and 103 Twelfth Avenue SE. Mike Bockorny was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Project must adhere to density, setback, and parking requirements, 2) Property must be platted into one parcel and rezoned to R-3/R-4, 3) City Forester must approve landscape plan, 4) Plans must be submitted for review and a permit must be obtained prior to work commencing, 5) Property pins must be located for inspection and setbacks must be verified, and 6) All required inspections must be met. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 10) Joel Weig requested permission, as per site plan submitted, to construct a new covered deck 20' from the South property line rather than the permitted 25', which would be a 5' Building Variance, all on Lot 2, Pine Knot Subdivision, a.k.a. 1714 Wells Street S. Joel Weig was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted for review

- and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) Homes Are Possible, Inc. and K&J Investments requested permission, as per site plan submitted, to construct a group project consisting of two 12 unit apartment buildings, which would be a Special Exception in a Residential Zoning District, all on Proposed Lot A, Homes Are Possible First Central Subdivision to Aberdeen. Josh Kraft was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Property must be platted, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 12) Kirk Karlen requested permission, as per site plan submitted, to 1) convert existing structure into mini-storage building, which would be an Appeal to the Board of Zoning Adjustment in a (I-2) Unrestricted Industrial Zoning District, and 2) to permit the open storage, parking or sale of vehicles, equipment and machinery, which would be a Special Exception, all on CPA Outlot 1, NE¼ Sect. 18-T123N-R63W, a.k.a. 337 Roosevelt Street N. Kirk Karlen was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve agenda item #1 with the following stipulations: 1) Abandoned sign structure must be removed, and 2) Property must be cleaned up and maintained in a neat and orderly manner. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Weigel moved and VanDeRostyne seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #2 with the stipulation that open storage is for personal vehicles & equipment only, no sale of vehicles permitted, all vehicles must be licensed & operable, and nothing may be stored with 30' of Roosevelt Street R.O.W. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 13) Aberdeen School District 6-1 requested permission, as per site plan submitted, 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 in a (R-2) Medium Density Residential Zoning District, all on Outlots 1&2, Simmon's First Addition, a.k.a. 1300 & 1500 Third Street S. Tom Hurlbert of Thomas Hurlbert Architecture was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 14) DDG, LLC. and The Journey Church requested permission, as per site plan submitted, to permit the operation of a supportive housing facility, which would be an Appeal to the Board of Zoning Adjustment in a (C-3/R-4) Central Business/Special Density Residential Zoning District, all on Lot 4 & the North 35' of Lot 5, Block 28, First Addition, a.k.a. 418 Washington Street S. Devin Hebeisen, John Lintz, Jean Beard, and Holly Hedge were present

to represent the property. Steve Graf of YMCA spoke in opposition to the location of this proposed facility. Following discussion Kezar moved and VanDeRostyne seconded to continue this item until May 10th. Upon roll call, all members voting aye, the motion carried. **APPEAL CONTINUED UNTIL MAY 10, 2012.**

- 15) Kent Properties, LLP and Pheasant Country Express, Inc. requested permission, as per site plan submitted, to permit the open storage and sale of snowmobiles, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 1, Biegler First Subdivision, a.k.a. 1514 Sixth Avenue SW. Mike Rogers was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Permission is for Pheasant Country Express, Inc. only, and only for the display of snowmobiles (as requested), 2) All snowmobiles shall be operable and in good repair, 3) No storage in 35' corner visibility triangle at 6th Avenue SW and 15th Street South intersection, and 4) Any signage must be approved and permitted at this office prior to installation. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 16) Angelhaus, Inc. requested permission, as per site plan submitted, to 1) construct 43 dwelling units rather than the permitted 36 units, which would be a 7 unit Maximum Density Variance and 2) to construct a group project, which would be a Special Exception in a (R-2) Medium Density Residential Zoning District, all on Lots 1&2, SEA, Inc. First Subdivision in Mel-Ros Estates Seventh Addition, a.k.a. 1717 & 1735 Melgaard Road E. This item was withdrawn by the petitioner. No action taken.

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

Paula Nelson
Board of Zoning Adjustment Secretary
April 12, 2012