

**BOARD OF ZONING ADJUSTMENT**  
**May 10, 2012**

The Board of Zoning Adjustment Meeting was held on Thursday, May 10, 2012 in the City Hall 3<sup>rd</sup> Floor Courtroom, Aberdeen, South Dakota with Sikkink presiding as Acting Chairman. Chairman Sikkink called the meeting to order. Members present at roll call were Sikkink, Kezar, VanDeRostyne, and Grebner. Weigel and Babcock were absent. Also present were Ken Hubbard, City Planner, John Stoll, City Planner, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of April 12, 2012, all members voting aye, the motion carried.

Chairman Sikkink began with new business as follows:

VanDeRosytne moved and Kezar seconded to move agenda item #1 to the end of the agenda, upon roll call, all members voting aye, the motion carried.

- 2) Melinda Robertson 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-3) High Density Residential Zoning District, all on Lot 6, Block 6, Garden Park Addition, a.k.a. 721 Ninth Street S. Melinda Robertson 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. Fence must be installed by July 1, 2012, 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.**
  
- 3) Kristin Jacobs requested permission, as per site plan submitted, for existing residence to remain 11' from the South property line rather than the required 15', which would be a 4' Building Variance in order to construct a front porch that will meet all required setbacks, all on Lot 8 & South 50' of Lot 9 & 50' East and adjacent to South 50' of Lot 9, Block 19, Simmon's Addition, a.k.a. 1625 Lincoln Street S. Collin Jacobs 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.**

Bob Babcock entered the meeting at this time.

- 4) Jeff Sveen requested permission, as per site plan submitted, to construct an accessory structure that is not aesthetically similar to the primary structure on the property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Sveen Addition, in the NE¼ Sect. 25-T123N-R64W, a.k.a. 410 Melgaard Road E. Jeff & Marcia Sveen were present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve with the following stipulations: 1) Previously obtained Zoning Permit must be replaced with appropriate Building Permit, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed, and 4) This building must be aesthetically similar to the adjacent shop building. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Barry Sroufe requested permission, as per site plan submitted, for existing residence to remain 7' from the West property line rather than the required 25', which would be an 18' Building Variance order to construct a 4'x15' addition to rear of residence, all on Lots 780-782, except the East 64', Morning Heights Addition, a.k.a. 801 Park Street S. Barry Sroufe was present to represent the property. Following discussion Babcock moved and VanDeRostyne seconded to approve with the following stipulations: 1) Property must be replatted into one parcel prior to permit being issued, 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, 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 6) Brian Beidler requested permission, as per site plan submitted, for 1) existing residence to remain 7' from the West property line rather than the required 8', which would be a 1' Building Variance in order to 2) construct a 22'x32' addition 7' from the West property line rather than the required 8', which would be a 1' Building Variance, all on Lot 27, Block 15, Twelfth Addition to Highlands North Addition, a.k.a. 821 Seventeenth Avenue NE. Brian Beidler 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 VARIANCES APPROVED.**
- 7) Jacob Bosmoe requested permission, as per site plan submitted, for existing residence to remain 9.5' from the East property line rather than the required 20', which would be a 10.5' Building Variance and for existing detached garage to remain 4' from the East property line rather than the required 5', which would be a 1' Building Variance and 1' from the South property line rather than the required 5', which would be a 4' Building Variance, all on Lots 13-14, Block 26, Roches Eastside Addition to Aberdeen, a.k.a. 221 Greenwood Street S. John McGlaughlin was present to represent the property. Following discussion VanDeRostyne

moved and Grebner seconded to approve, all members voting aye, the motion carried.  
**BUILDING VARIANCES APPROVED.**

- 8) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 1, Prairie's Edge Sixth Addition, a.k.a. 2405 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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.**
- 9) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 2, Prairie's Edge Sixth Addition, a.k.a. 2417 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 3, Prairie's Edge Sixth Addition, a.k.a. 2421 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 4, Prairie's Edge Sixth Addition, a.k.a. 2427 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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.**
- 12) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 5, Prairie's Edge Sixth Addition, a.k.a. 2501

- Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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.**
- 13) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 6, Prairie's Edge Sixth Addition, a.k.a. 2507 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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.**
- 14) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 7, Prairie's Edge Sixth Addition, a.k.a. 2511 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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.**
- 15) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 8, Prairie's Edge Sixth Addition, a.k.a. 2519 Whisper Wind Drive. Collin Jacobs of Prairie's Edge Development, LLC was present to represent the property. Following discussion Grebner moved and Kezar 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.**
- 16) Richard Turgeon and MJ's Team 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 Overhead Door Outlot 1 in the NW¼ Sect. 22-T123N-R64W, a.k.a. 2980 Highway 12 W. Richard Turgeon was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) This approval is for Richard Turgeon as long as he is the owner/operator of proposed use, 2) Any and all Fire Marshal requirements must be adhered to, and 3) Any signage must be in compliance with City Ordinance and permits must be

obtained prior to installation. Upon roll call, all members voting aye, the motion carried.  
**SPECIAL EXCEPTION APPROVED.**

- 1) 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, of The Journey Church, was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny. Suzy Giovannettone-Cope, John Lentz, and Holly Hedge were present and spoke in favor of this item. Steve Graf, representing YMCA Childcare, spoke in opposition of this item. Upon roll call, all members voting nay, the motion failed. Following further discussion Babcock 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) All required inspections must be completed, 3) Appeal is subject to review and/or revocation by this board at any time, 4) The Background Investigation Policy and Procedure submitted at today's meeting needs to have the word "may" replaced with the word "shall" as it relates to background investigations, 5) Surveillance cameras must be installed at all entrances, 6) As long as the Journey Church is the owner/operator of this proposed use, and 7) Any major changes to the submitted "The Journey Home Business Plan" must be submitted to the City Planning and Zoning office for review and filing. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Chairman Sikkink continued with other business as follows:

- 1) Discussion ensued concerning the boards' concerns regarding the lack of response from the City Police Department in reference to agenda items from both today's meeting and previously held meetings as well. The board requests a general follow-up from the Planning and Zoning Director, with any newly obtained information, to be presented at the next meeting. No action taken.

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
April 12, 2012