

BOARD OF ZONING ADJUSTMENT
September 13, 2012

The Board of Zoning Adjustment Meeting was held on Thursday, September 13, 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 Grebner, Kezar, VanDeRostyne, Musel, and Babcock. Weigel was absent. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Dennis “Mike” Olson, Code Enforcement Officer, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, and Stuart Nelson, Assistant City Engineer.

VanDeRostyne moved and Musel seconded to approve the Board of Zoning Adjustment minutes of August 9, 2012, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Kevin Ernst requested permission, as per site plan submitted, for existing multi-family residence to remain 21’ from the North property line rather than the required 25’, which would be a 4’ Building Variance in order to replace front steps, all on The East 75’ of Lots 19-20, Block 11, Garden Park Addition, a.k.a. 907 Ninth Avenue SW. Kevin Ernst was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 2) Roger Krueger and GCR Firestone requested permission, as per site plan submitted, to permit the open storage, parking or sale of tires and related materials and equipment on a vacant lot, which would be Special Exception in a (C-2) Highway Commercial Zoning District, all on the South ½ of Lot 13, Block 14, Smith Addition, a.k.a. 601 Seventh Avenue SE. Chad Jurgens of GCR Firestone was present to represent the property. Following discussion, petitioner withdrew this request in its entirety. No action taken.
- 3) Roger Krueger and GCR Firestone requested permission, as per site plan submitted, to permit the open storage, parking or sale of tires and related materials and equipment on a vacant lot, which would be Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 14, Block 14, Smith Addition, a.k.a. 605 Seventh Avenue SE. Chad Jurgens of GCR Firestone was present to represent the property. Following discussion, petitioner withdrew this request in its entirety. No action taken.
- 4) Homes Are Possible, Inc. requested permission, as per site plan submitted, to temporarily place a 12’x16’ accessory structure on a property without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 7, Block 3, Homes Are Possible Eighth Addition, a.k.a. 1015 Seventeenth Avenue SW. There being no representative this item was moved to the end of the agenda.

- 5) Ray Hollan requested permission, as per site plan submitted, for existing residence to remain 22' from the East property line rather than the required 25', which would be a 3' Building Variance in order to construct a front deck that will meet required setbacks, all on Lot 1, Hollan's Second Subdivision, a.k.a. 508 Fourth Street S. Ray Hollan was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the stipulation that the new deck meets required setbacks. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 6) Jeff Weismantel requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to permit 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 Proposed Lot 1, Rent All Addition to the City of Aberdeen, a.k.a. 708 Second Street N. and 123 Eighth Avenue NW. Jeff Weismantel was present to represent the property. Following discussion Musel moved and Babcock seconded to approve agenda item #1 with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) No storage in 35' corner visibility triangle at 8th Ave NW & 2nd St N, 3) No storage on public ROW's, 4) All vehicles must be licensed and operable, and 5) All lifts, loaders, equipment, etc. must be stored in lowered, unextended positions. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #2, all members voting aye, the motion carried. **APPEAL DENIED.** Following further discussion Kezar moved and Babcock seconded to approve agenda item #2 with the stipulation that vertical steel siding and shingles, to match existing primary structure, must be added by November 1, 2012. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 7) James Keeley, Jerry Keeley and Brentwood Enviro Builders, LLC. requested permission, as per site plan submitted, to permit the open storage and sale of pre-built homes, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Keeley Outlots 1&2 in the SE¼ of Section 15-T123N-R64W, a.k.a. 1916 & 1924 Sixth Avenue SW. There being no representative this item was moved to the end of the agenda.

- 8) Norbert Fuhrmann requested permission, as per site plan submitted, to construct an accessory structure with 12' sidewalls rather than the permitted 10', which would be a 2' Maximum Sidewall Height Variance, all on Lot 6, Block 2, Lakeview First Replat, a.k.a. 2219 Twenty-Fourth Avenue NW. Betsy Dinger was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) Property must be rezoned in order to eliminate split zoning on parcel, 2) Accessory structure must be constructed to be aesthetically similar to primary structure, 3) Plans must be submitted for review and a permit must be obtained prior to work commencing, 4) Property pins must be located for inspection and setbacks must be verified, and 5) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MAXIMUM SIDEWALL HEIGHT VARIANCE APPROVED.**

- 9) James R. Wood and Dial-A-Move requested permission, as per site plan submitted, to permit the open storage of merchandise, vehicles, storage containers and moving equipment, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lots 1&2, Wood's First Addition, a.k.a. 715 Sixth Avenue SW and 619 Eighth Street S. James R Wood was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) Approval is for moving vehicles, storage containers (pods) and existing cement figures only, any additional items must be approved by this board, 3) Storage containers and excess vehicles shall be kept in a fenced or screened location when not in use (for example the fenced area at storage units), and 4) Vehicles and other items may not reduce required parking stalls for the retail business on lot. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 10) AT&T Mobility requested permission, as per site plan submitted, to 1) permit the temporary installation of a cellular phone tower, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to permit the temporary installation of an 80' tall cellular phone tower, rather than the permitted 45', which would be a 35' Maximum Height Variance, all on a Tract 708' East & West and 708' North and South in the SW¼ Sect. 11-T123N-R64W, a.k.a. 1822 Eighth Avenue NW. There being no representative this item was moved to the end of the agenda.
- 11) Purple Cow, LLC requested permission, as per site plan submitted, to 1) plat a lot with 48.55' of frontage rather than the required 60', which would be a 11.45' Minimum Lot Width Variance and 4791.6sf in area rather than the required 6000sf, which would be a 1208.4sf Minimum Lot Size Variance and 2) to plat a lot with 48.64' of frontage rather than the required 60', which would be a 11.36' Minimum Lot Width Variance and 4791.6sf in area rather than the required 6000sf, which would be a 1208.4sf Minimum Lot Size Variance and 3) to plat six lots with 15.81' of frontage rather than the required 60', which would be six 44.19' Minimum Lot Width Variances and 2178sf in area rather than the required 6000sf, which would be six 3822sf Minimum Lot Size Variances, and 4) to plat six lots with 21.96' of frontage rather than the required 60', which would be six 38.04' Minimum Lot Width Variances and 2613.6sf in area rather than the required 6000sf, which would be six 3386.4sf Minimum Lot Size Variances, and 5) to plat four lots with 35.57' of frontage rather than the required 60', which would be four 24.43' Minimum Lot Width Variances, and 3920.4sf in area rather than the required 6000sf, which would be four 2079.6sf Minimum Lot Size Variances, and 6) request permission to permit 0' side setbacks rather than the required 8' setbacks in order to construct town homes, which would be thirty 8' Side Setback Variances, all on Proposed Lots 16-33, Replat of Blocks 2&3, Dakota Estates Subdivision, a.k.a. 909, 915, 921, 927, 1003, 1011, and 1017 Villa Drive. Jason Lee was present to represent the property. Following discussion Kezar moved and Musel seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCES, MINIMUM LOT WIDTH VARIANCES, AND SIDE SETBACK VARIANCES APPROVED.**
- 12) Catherine Pulatie requested permission, as per site plan submitted, for 1) existing residence to remain 7' from the West property line rather than the required 25', which would be a 18'

- Building Variance and 10' from the South property line rather than the required 15', which would be a 5' Building Variance in order to repair front porch and stairs, and 2) request permission to construct a 5 ½' x12' home addition 22'11" from the West property line rather than the required 25', which would be a 2'1" Building Variance all on Lot 7, Block 2, North Aberdeen Addition, a.k.a. 302 First Street N. Catherine Pulatie was present to represent the property. Following discussion VanDeRostyne 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, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 13) The Aberdeen Development Corp requested permission, as per site plan submitted, to permit the open storage of vehicles, equipment and merchandise, which would be a Special Exception in an (I-1) Industrial Park Zoning District, all on Lot 2, Aberdeen Development Corp 2003-1 Subdivision, NE¼ Sect. 17-T123N-R63W, a.k.a. 2919 Industrial Avenue NE. Chris Haar was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) Approval is for the proposed use (tank storage) only, any change in use will require Zoning Board approval, 2) Containers shall be stored in an approved location. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 4) Homes Are Possible, Inc. requested permission, as per site plan submitted, to temporarily place a 12'x16' accessory structure on a property without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 7, Block 3, Homes Are Possible Eighth Addition, a.k.a. 1015 Seventeenth Avenue SW. Jeff Mitchell was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner, and 2) No outdoor storage allowed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 7) James Keeley, Jerry Keeley and Brentwood Enviro Builders, LLC. requested permission, as per site plan submitted, to permit the open storage and sale of pre-built homes, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Keeley Outlots 1&2 in the SE¼ of Section 15-T123N-R64W, a.k.a. 1916 & 1924 Sixth Avenue SW. Jerry Reif was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Homes must be displayed at current location, 2) No more than three homes and one office building on lot at one time, and 3) Any and all signage must comply with all sign ordinances and be issued a sign permit. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 10) AT&T Mobility requested permission, as per site plan submitted, to 1) permit the temporary installation of a cellular phone tower, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to permit the temporary installation of an 80' tall cellular phone tower, rather than the permitted 45', which would be a 35' Maximum Height Variance, all on a Tract 708' East & West and 708' North and South in the SW¼ Sect. 11-

T123N-R64W, a.k.a. 1822 Eighth Avenue NW. Barry Dunlavy was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulation: 1) This temporary tower must be completely removed by January 1, 2013. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION AND MAXIMUM HEIGHT VARIANCE APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
September 13, 2012