

BOARD OF ZONING ADJUSTMENT
November 8, 2012

The Board of Zoning Adjustment Meeting was held on Thursday, November 8, 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 Kezar, VanDeRostyne, Musel, Babcock, and Weigel. Also present were Brett Bill, Planning & Zoning Director, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Musel seconded to approve the Board of Zoning Adjustment minutes of October 11, 2012, with two amendments, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) JGE Rentals requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, which would be a Special Exception in a (C-2) Highway Commercial Zoning District all on Lot 1, First Replat of Lot 5, East Highway 12 Addition in the NE $\frac{1}{4}$ Sect. 22-T123N-R63W, a.k.a. 5914 Highway 12 E. This item was moved to the end of the agenda.
- 2) Nancy R. Hansen requested permission, as per site plan submitted, to 1) permit 5 apartment units, rather than the permitted 4 units, which would be a 1 unit Maximum Density Variance, and 2) to provide 6 off-street parking stalls rather than the required 8 parking stalls, which would be a 2 stall Minimum Parking Stall Variance, all on The East 71' of Lots 1-3, Block 3, Hagerty & Lloyd Addition, a.k.a. 620 Eighth Avenue NE. Nancy Hansen and Mike Buechler were present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the stipulation that off-premise parking, as shown on site plan, is made available for tenants of this building. Upon roll call, all members voting aye, the motion carried. **MAXIMUM DENSITY VARIANCE AND MINIMUM PARKING STALL VARIANCE APPROVED.**
- 3) Michael Beadle requested permission, as per site plan submitted, to permit a residence in a commercial structure in a (C-2) Highway Commercial Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Beadle's First Subdivision in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sect. 26-T124N-R64W, a.k.a. 12850 386th Avenue. Michael Beadle was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Babcock seconded to approve with the stipulation that this residential use must cease by January 1, 2016. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 4) Paris Briscoe requested permission, as per site plan submitted, to construct a 9'x11' Addition to residence 4' from the West property line rather than the required 10', which would be a 6' Building Variance, all on Lot 11, Block 9, Seventh Addition of North Highland Addition, a.k.a. 1824 Jay Street N. Paris Briscoe was present to represent the property. Following

- discussion VanDeRostyne moved and Weigel seconded to deny, all members voting nay, the motion failed. Following further discussion Musel 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, 3) All required inspections must be completed, 4) The addition must be fire-related construction as required by Building Code. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Marvin Holsing requested permission, as per site plan submitted, to 1) construct a 20'x24' garage and 8'x16' breezeway addition to residence 3'1" from the East property line rather than the required 5', which would be a 1'11" Building Variance and 2) to construct attached garage and breezeway 13' from the North property line rather than the required 20', which would be a 7' Building Variance, all on Lot 3, Pepper-Gorder's Replat of Lots 4-6, Block 11, Thomas Addition, a.k.a. 411 Eleventh Avenue SE. Marvin Holsing and Bob Rausch were present to represent the property. Following discussion Musel moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Kezar 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 VARIANCES APPROVED.**
- 6) Ramona Pesek requested permission, as per site plan submitted, to 1) construct a covered deck and fence 2'4" from the North property line rather than the required 10', which would be a 7'8" Building Variance, and 2) for existing residence to remain 4'3" from the North property line rather than the required 10', which would be a 5'9" Building Variance and 3'6" from the South property line rather than the required 10', which would be a 6'6" Building Variance, all on Lots 3-4, Block 10, Corrected Plat of Highlands Addition, a.k.a. 1219 Washington Street N. Ramona Pesek was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Musel moved and Kezar seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Weigel 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, 3) All required inspections must be completed, and 4) All building and fire code requirements must be met. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Purple Cow, LLC requested permission, as per site plan submitted, to 1) plat a lot with 51.1' of frontage rather than the required 60', which would be a 8.9' Minimum Lot Frontage Variance, and 2) to plat a lot with 36.26' of frontage rather than the required 60', which would be a 23.74' Minimum Lot Frontage Variance, and 3) to plat a lot with 38.87' of frontage rather than the required 60', which would be a 21.13' Minimum Lot Frontage Variance, and 4) to plat a lot with 32.68' of frontage rather than the required 60', which would be a 27.32' Minimum Lot Frontage Variance, and 5) request permission, to permit the

- construction of townhomes 0' from the South property line of lot 1, rather than the required 8' and 0' from the North property line of Lot 2, rather than the required 8', and 0' from the South property line of Lot 2 rather than the required 8', and 0' from the North property line of Lot 3 rather than the required 8' and 0' from the South property line of Lot 3 rather than the required 8' and 0' from the North property line of Lot 4 rather than the required 8', which would be six 8' Side Setback Variances, all on Proposed Lots 1-4, Block 2, Dakota Estates Second Subdivision, a.k.a. 902, 904, 906 and 908 Villa Drive. There being no representative this item was moved to the end of the agenda.
- 8) Jung Development, LLC requested permission, as per site plan submitted, to construct a second 4 unit condominium on a lot with an existing 4 unit condominium, which would be a Special Exception for a Group Project, all on Lot 1, Lakeview Preserve Subdivision, a.k.a. 2021 Twentieth Avenue NW. Mike Jung was present to represent the property. Mike Jung was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 9) Kent Properties, LLC requested permission, as per site plan submitted, to 1) permit the construction of mini-storage units, which would be a Special Exception in a (C-2) Highway Commercial Zoning District and 2) to construct mini-storage units that are 55' wide rather than the permitted 30', which would be a 25' Maximum Width Variance, and 3) to construct mini-storage units that are 135' in length rather than the permitted 120', which would be a 15' Maximum Length Variance, all on Lot 2, Biegler's Third Subdivision, a.k.a. 1514 Sixth Avenue SW. David Mohn of Huff Construction was present to represent the property. Following discussion Kezar moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda items #2 and #3 with the stipulation that all building and fire code regulations must be met. Upon roll call, all members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCE AND MAXIMUM LENGTH VARIANCE APPROVED.**
- 10) Ochenta, Inc. requested permission, as per site plan submitted, to 1) permit the installation of two 5'x8' off-premise multicolor electronic message center signs, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit two off premise electronic message center roof signs in addition to an existing freestanding sign with electronic message center, which would be 2 Appeals to the Board of Zoning Adjustment to permit roof signs in addition to freestanding signs, all on Lots 1-3, Block 23, Smith Addition, except H-1, a.k.a. 524 Sixth Avenue SE. Mike Carrels was present to represent the property. Kezar expressed concern that the Police Chief didn't submit any comments/concerns regarding these signs being placed at this high traffic intersection. Following discussion VanDeRostyne moved and Musel seconded to deny agenda item #1, all members voting aye, the motion carried. **APPEAL DENIED.** No action taken on agenda item #2.
- 7) Purple Cow, LLC requested permission, as per site plan submitted, to 1) plat a lot with 51.1' of frontage rather than the required 60', which would be a 8.9' Minimum Lot Frontage Variance, and 2) to plat a lot with 36.26' of frontage rather than the required 60', which

would be a 23.74' Minimum Lot Frontage Variance, and 3) to plat a lot with 38.87' of frontage rather than the required 60', which would be a 21.13' Minimum Lot Frontage Variance, and 4) to plat a lot with 32.68' of frontage rather than the required 60', which would be a 27.32' Minimum Lot Frontage Variance, and 5) request permission, to permit the construction of townhomes 0' from the South property line of lot 1, rather than the required 8' and 0' from the North property line of Lot 2, rather than the required 8', and 0' from the South property line of Lot 2 rather than the required 8', and 0' from the North property line of Lot 3 rather than the required 8' and 0' from the South property line of Lot 3 rather than the required 8' and 0' from the North property line of Lot 4 rather than the required 8', which would be six 8' Side Setback Variances, all on Proposed Lots 1-4, Block 2, Dakota Estates Second Subdivision, a.k.a. 902, 904, 906 and 908 Villa Drive. Randy Tschappat was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve, all members voting aye with Babcock abstaining, the motion carried. **MINIMUM LOT FRONTAGE VARIANCES AND SIDE SETBACK VARIANCES APPROVED.**

- 1) JGE Rentals requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, which would be a Special Exception in a (C-2) Highway Commercial Zoning District all on Lot 1, First Replat of Lot 5, East Highway 12 Addition in the NE¼ Sect. 22-T123N-R63W, a.k.a. 5914 Highway 12 E. Brett Bill was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Property must be kept neat and orderly at all times, 2) No illegal or unpermitted signs may be placed on property, 3) All equipment on lot must be available for sale or rent, and 4) No personal storage, or off-premise vehicle/merchandise sales. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
November 8, 2012