

BOARD OF ZONING ADJUSTMENT
December 13, 2012

The Board of Zoning Adjustment Meeting was held on Thursday, December 13, 2012 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Kezar presiding as Acting Chairman. Chairman Kezar called the meeting to order. Members present at roll call were Kezar, VanDeRostyne, Grebner, and Musel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Mike Olson, Code Enforcement Officer, Chad Nilson, Building Inspector, Stuart Nelson, Assistant City Engineer, 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 November 8, 2012, with two amendments, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Pamela A. Fahrni requested permission, as per site plan submitted, to 1) permit three primary structures on one parcel, rather than the permitted one primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) for existing residences to remain 13.45' from the East property line rather than the required 25', which would be a 11.55' Building Variance and 15' from East property line rather than the required 25', which would be a 10' Building Variance in order to replace front steps, all on the South 90.6' of Lots 821-824, Morning Heights Extended Addition, a.k.a. 920 High Street S. There being no representative present this item was moved to the end of the agenda.
- 2) Jim Koehler requested permission, as per site plan submitted, to 1) construct a mini-storage facility, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to construct a mini-storage facility that is 130' in length rather than the permitted 120', which would be a 10' Maximum Length Variance, and 3) to construct a mini-storage facility that is 60' wide rather than the permitted 30', which would be a 30' Maximum Width Variance, all on Lot 1, TKO Addition, a.k.a. 805 Circle Drive. Attorney Bill Bowen was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Musel moved and Grebner seconded to approve agenda item #1 with the following stipulation: 1) If building is sold and/or used for mini-storage purposes a building permit must be obtained prior to work commencing, and all building code and fire code requirements would need to be met. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Grebner seconded to approve agenda items #2 and #3, all members voting aye, the motion carried. **MAXIMUM LENGTH VARIANCE AND MAXIMUM WIDTH VARIANCE APPROVED.**
- 3) James Lacher and Jerry Sjerven requested permission, as per site plan submitted, to permit the open storage, parking and sale of farm tanks and related farm equipment, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lots A&B of C&J

- Subdivision in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sect. 22-T123N-R64W, a.k.a. 770 & 790 Highway 281 S. James Lacher and Jerry Sjerven were present to represent the property. Following discussion Musel seconded and VanDeRostyne seconded to deny, all members voting nay, the motion carried. Following further discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) All items currently stored outdoors for the existing business (storage buildings & carports) must be removed by May 31, 2013, 2) No more than six tanks stored at one time for display purposes in front of the building and no more than 20 tanks total stored on property; any tanks stored behind building must be completely screened by building or by opaque fence, 3) No storage on any existing green space; graveled or paved surfaces only, 4) Any items displayed must be available for sale by owner/operator; no off-premise merchandise, 5) Open storage may not interfere with required parking, 6) Property must be maintained in a neat and orderly manner at all times, 7) This special exception is for Jerry Sjerven only, 8) No products may be stored in these tanks – they must be stored completely empty. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 4) S&S Rentals requested permission, as per site plan submitted, to 1) plat a rear lot line 13'9" from the back of two multifamily structures rather than the permitted 30', which would be two 16'3" Building Variances and 2) to permit 7 dwelling units on proposed lot 2 rather than the permitted 6.43 units, which would be a .57 unit Maximum Density Variance, all on Lot 1, Kuhfeld's First Addition, a.k.a. 1916 Prospect Avenue SE. Loren Bowers of S&S Rentals & Kurt Weisbeck of Quest Construction were present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the stipulation that the plat must be approved by Planning Commission. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE AND MAXIMUM DENSITY VARIANCE APPROVED.**
- 5) Richard C. Lord requested permission, as per site plan submitted to construct a wastewater treatment system, which would be an Appeal to the Board of Zoning Adjustment in a (R-5) Trailers, Trailer Parks and Planned Residential Area Zoning District, all on Graves Outlots A, B & C, in the SW $\frac{1}{4}$ Sect. 34-T124N-R64W, a.k.a. 2640 130th Street NW. Richard Lord, George Aker, and Lonnie Anderson of Clark Engineering were present to represent the property. The following adjacent property owners voiced their concerns about this project: Tony Gross, Joe Gross, Bill Edwards, & Mike Bickel. Following discussion Musel moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **APPEAL DENIED.**
- 6) Cygnet Profit Sharing Plan requested permission, as per site plan submitted, to permit the construction of 70 dwelling units rather than the permitted 46, which would be a 24 unit Maximum Density Variance, all on Lot H1 M&T First Subdivision and the East 481.9' of Lot 4, Bonaccord Heights Subdivision, Except Land Platted and Deeded, a.k.a. 1001 and 1009 $\frac{1}{2}$ Lawson Street S. Marvin J. Brown was present to represent the property. Petitioner withdrew application. No action taken.
- 1) Pamela A. Fahrni requested permission, as per site plan submitted, to 1) permit three primary structures on one parcel, rather than the permitted one primary structure, which would be an

Appeal to the Board of Zoning Adjustment, and 2) for existing residences to remain 13.45' from the East property line rather than the required 25', which would be a 11.55' Building Variance and 15' from East property line rather than the required 25', which would be a 10' Building Variance in order to replace front steps, all on the South 90.6' of Lots 821-824, Morning Heights Extended Addition, a.k.a. 920 High Street S. Duane Fahrni was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) If the mobile home, or either house, on this property is removed it may not be replaced. At that time the two houses should be platted into separate lots to clarify the legal descriptions of the remaining houses. Or if two structures are removed only 1 residence shall be allowed on property, and 2) No structures may be rebuilt or replaced without meeting setbacks. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED & BUILDING VARIANCES APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
December 13, 2012