

**BOARD OF ZONING ADJUSTMENT**  
**January 17, 2013**

The Board of Zoning Adjustment Meeting was held on Thursday, January 17, 2013 in the City Hall 3<sup>rd</sup> Floor Courtroom, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Grebner, VanDeRostyne, Kezar, Musel, and Babcock. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Karl Palmquist, 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.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of December 13, 2012, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Shantel Nikolas 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 19, Draeger's Rearrangement of Block 11, Draeger & Yeager's Addition, a.k.a. 1310 Fifth Avenue SE. Shantel Nikolas was present to represent the property. Following discussion Kezar moved and Musel 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, 10) Owner/operator and any employees must be licensed with the City of Aberdeen, and 11) Basement must be reinspected prior to relocating daycare when construction is finished. Upon roll call, all members voting aye, the motion carried.  
**SPECIAL EXCEPTION APPROVED.**

- 2) Park Village Mobile Home Court requested permission, as per site plan submitted, to construct a 20'x26' detached garage 1) 6' from the mobile home adjacent to the North rather than the required 20', which would be a 14' Building Variance, and 2) 8.5' from the mobile home adjacent to the South rather than the required 20', which would be a 11.5' Building Variance and 3) 8' from an adjacent deck rather than the required 20', which would be a 12' Building Variance, all on BOLS #1230, Park Village Lot 2, Block 1, Park Village Subdivision, a.k.a. 1623 Tenth Avenue SW #1230. Roger Schipke, General Manager, was present to

represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCES DENIED.**

- 3) Cory Gollnick requested permission, as per site plan submitted, for 1) existing residence to remain 9.5' from the West property line rather than the required 25', which would be a 15.5' Building Variance in order to 2) construct a front deck 3' from the West property line rather than the required 15', which would be a 12' Building Variance, all on Lot 2, Hopkin's First Rearrangement of Lots 7-8, Block 18, First Addition, a.k.a. 117 Third Street S. There being no representative this item was moved to the end of the agenda.
- 4) Saint Mary's Catholic Church requested permission, as per site plan submitted, to install an electronic message center in an existing freestanding sign, which would be a Special Exception for a church or school in a (R-3) High Density Residential Zoning District, all on Lot 1, St. Mary's First Addition, a.k.a. 409 Second Avenue NE. Patrick King of QQP/Creative Signs was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to approve with the following stipulations: 1) All electronic message board signs shall be in compliance with all other applicable codes regarding signs, 2) This sign shall not interfere with traffic safety, and may not be confused with or construed as a traffic control device, 3) Each message displayed shall remain static for a minimum of 6 seconds, with all change sequences to be instantaneous, no fading, dissolving, spinning in/out, etc., 4) Electronic message board signs shall not contain animated images or graphics, audio components, scrolling, blinking, flashing, pulsating, or fluttering images or the appearance or illusion of writing, printing, or other movement, 5) Electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. Monochrome electronic message board signs shall be limited to utilizing only amber colored lights, 6) Violation of the previous stipulations may result in a citation with a penalty of \$500 for each day that the violation persists, 7) Lighted sign must be turned off from 10 p.m. to 7 a.m. daily, and 8) The electronic message board shall display information pertaining to the church and school related activities (on premise) only. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 5) Midwest Business Condos requested permission, as per site plan submitted, to 1) construct three mini-storage buildings, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to construct three mini-storage buildings that are 359'2" long, 306' long and 193' long rather than the permitted 120', which would be a 239'2", a 186' and a 73' Maximum Length Variance, and 3) to construct 3 mini-storage buildings that are 50' wide, 101'4½" wide and 60' wide rather than the permitted 30', which would be a 20', a 71'4½" and a 30' Maximum Width Variance, all on Lot 5, Nordstrom-Pierson Addition in the SW¼ Sect. 8-T123N-R63W, a.k.a. 3011 Eighth Avenue NE. Scott Munger was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve with the following stipulations: 1) Adequate customer/employee parking must be provided for all businesses (per code requirements), 2) No outside parking/storage other than enclosed trailers or business vehicles, and 3) All fire/building codes must be met. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION, MAXIMUM LENGTH VARIANCE, AND MAXIMUM WIDTH VARIANCE APPROVED.**

- 6) Consideration of possible revocation of Special Exception granted on May 14, 2009 for the open storage, parking and sale of vehicles for Loren Feist d.b.a. Advance Automotive all on Lot 1, Clinton's First Subdivision, a.k.a. 720 Sixth Avenue SW. Attorney Bill Gerdes and Loren Feist were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve the revocation if all listed stipulations are not met within 30 days: 1) Gary Kost Motors must remove all vehicles immediately and make application with the City Planning & Zoning Department to discuss the open storage of these vehicles, 2) Mr. Feist must be under contract, within 30 days, with the applicable general contractor's and/or plumber's to get adequate bathroom facilities installed in this facility with all work to be completed within 90 days, 3) The existing enter/exit signs that are in disrepair should be removed from the property, and 4) Must be in compliance with all stipulations of previous approval & code enforcement letter. Upon roll call, all members voting aye, the motion carried.
- 3) Cory Gollnick requested permission, as per site plan submitted, for 1) existing residence to remain 9.5' from the West property line rather than the required 25', which would be a 15.5' Building Variance in order to 2) construct a front deck 3' from the West property line rather than the required 15', which would be a 12' Building Variance, all on Lot 2, Hopkin's First Rearrangement of Lots 7-8, Block 18, First Addition, a.k.a. 117 Third Street S. Brett Bill 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. **BUILDING VARIANCE APPROVED.** Following further discussion Grebner moved and Musel seconded to approve agenda item #2 as follows: 2) construct a front deck 6' from the West property line rather than the required 15', which would be a 9' building variance with the following stipulations: 1) The stairs must be located on the South side of landing, 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.**

Ken Hubbart introduced Karl Palmquist, City Planner.

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
January 17, 2013