

BOARD OF ZONING ADJUSTMENT
February 14, 2013

The Board of Zoning Adjustment Meeting was held on Thursday, February 14, 2013 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 Babcock, Musel, VanDeRostyne, Kezar, and Weigel. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Karl Palmquist, City Planner, Chad Nilson, Building Inspector, Stuart Nelson, Assistant City Engineer, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Musel seconded to approve the Board of Zoning Adjustment minutes of January 17, 2013, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Kelly Wolf and Rebecca Backous 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-2) Medium Density Residential Zoning District, all on The East 67' of Lots 11&12, Block 15, First Addition to Highlands North Subdivision, a.k.a. 712 Twelfth Avenue NE. Kelly Wolf was present to represent the property. Following discussion Musel moved and VanDeRostyne 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, 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.**
- 2) Ka-Boomer's, Inc. requested permission, as per site plan submitted, to permit the operation of a fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Judy Outlot 1, NW¼ Sect. 22-T123N-R63W, a.k.a. 5050 Highway 12 E. Stacy Bauer was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) All Fire Marshal's requirements must be met, and 2) All signage must be permitted prior to installation, and 3) The special exception is valid for the 2013 season only. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 3) Kevin & Kristi Bliese requested permission, as per site plan submitted, to construct a 26'x28' addition to existing residence 1) 32' from the North property line rather than the required 45', which would be a 13' Building Variance, and 2) 12' from the West property line rather than the required 15', which would be a 3' Building Variance and 3) to construct a new 32'x40' accessory structure 15' from the South property line rather than the required 35', which would be a 20'

Building Variance, all on Lot 1, Geffre/Sutton Subdivision in the SE¼ Sect. 35-T123N-R64W, a.k.a. 533 Buick Drive. Kevin Bliese was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to deny agenda items #1 and #2. Upon roll call, Weigel-aye, Kezar-nay, VanDeRostyne-nay, Musel-nay, Babcock-nay (1-aye,4-nay), the motion failed. Following further discussion Musel moved and Babcock seconded to approve agenda items #1 and #2 with the following stipulations: 1) Plans must be submitted for review and a zoning permit must be obtained prior to work commencing, and 2) Property pins must be located for inspection and setbacks must be verified. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny. Upon roll call, Weigel-aye, Kezar-aye, VanDeRostyne-aye, Musel-nay, Babcock-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE DENIED.**

- 4) G&M Development, Inc. requested permission, as per site plan submitted, to permit the agricultural use of raising crops in a (R-2) Medium Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Park Ridge Estates Sixth Addition to Aberdeen in the NE¼ Sect. 10-T123N-R64W and Lot 7, Park Ridge Estates Fourth Addition to Aberdeen, a.k.a. 1801 Nineteenth Street N. Greg Peterson, Attorney, was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to approve with the following stipulations: 1) Approval is strictly limited to the raising and harvesting of crops only, 2) This approval shall in no way permit other agricultural uses, such as livestock, feedlots, salebarns, etc., and 3) If this property is subdivided in the future for typical residential use, the Appeal shall become void. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Trinity Lutheran Church requested permission, as per site plan submitted, to construct a gymnasium addition 10' from the West property line rather than the required 25', which would be a 15' Building Variance, all on Lot 10, Plat of Divisions and Lots 1-5, Block 23, Coe & Howard Addition and 8' Vacated Alley and 50' Vacated Street, a.k.a. 915 Dakota St S and 900 Ninth Avenue SE. Jim Diede of JDH Construction and Attorney Ken Gosch were present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to deny, all members voting nay the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulation: 1) A plat consolidating church owned property must be prepared and submitted prior to the issuance of a building permit. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) Discussion ensued concerning revocation of Special Exception for Loren Feist. No action taken.

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

Paula Nelson
Board of Zoning Adjustment Secretary
February 14, 2013