

BOARD OF ZONING ADJUSTMENT
April 11, 2013

The Board of Zoning Adjustment Meeting was held on Thursday, April 11, 2013 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 Weigel, Musel, Grebner, VanDeRostyne, and Kezar. Babcock was absent. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbard, City Planner, Karl Palmquist, City Planner, Chad Nilson, Building Inspector, Mike Olson, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Musel seconded to approve the Board of Zoning Adjustment minutes of March 14, 2013, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Kayla Mansfield requests permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-3) High Density Residential Zoning District, all on The S. 10' of W. 92' of Lot 11 & W. 92' of Lot 10, Block 24, Highland Park Addition and E. 32' of Vacated 16th Street S, a.k.a. 909 Sixteenth Street S. Kayla Mansfield was present to represent the property. Following discussion Musel moved and Grebner seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area. Fence must be installed by June 15, 2013, 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) Hunter Barnett requested permission, as per site plan submitted, for 1) existing residence to remain 22.5' from the West property line rather than the required 25', which would be a 2.5' Building Variance and 2) for existing detached garage to remain 3' from the East property line rather than the required 5', which would be a 2' Building Variance, in order to construct an addition to residence that will meet all required setbacks, all on Lot 15, Block 1, Normal Addition to Aberdeen, a.k.a. 1531 Grant Street S. Hunter Barnett was present to represent the property. Following discussion VanDeRostyne moved and Musel 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) Garage may not be replaced at existing location, all setbacks would have to be adhered to at that time. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 3) Darrell S. Humphries requested permission, as per site plan submitted, to 1) construct a ministorage/warehouse building, which would be an Appeal to the Board of Zoning Adjustment in a (I-2) Unrestricted Industrial Zoning District 2) 56' wide rather than the permitted 30', which would be a 26' Maximum Width Variance and 3) 175' in long rather than the permitted 120', which would be a 55' Maximum Length Variance, all on Lot 2, D&S Business Park Subdivision, NW¼ Sect. 9-T123N-R63W, a.k.a. 4050 Schipke Lane. Darrell Humphries was present to represent the property. Following discussion VanDeRostyne moved and Musel 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 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) There shall be no open storage without prior approval by this board, and 5) All building and fire code requirements must be met. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion VanDeRostyne moved and Grebner seconded to approve agenda items #2 & #3. Upon roll call, all members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCE & MAXIMUM LENGTH VARIANCE APPROVED.**
- 4) Avera St. Luke's Hospital requested permission, as per site plan submitted, to 1) permit a 10'x60' (600sf) banner rather than the required 120sf, which would be a 480sf Maximum Banner Size Variance and 2) request permission to install banner over Third Avenue SE Public R.O.W., which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Avera St. Luke's Addition, a.k.a. 305 State Street S. Jim Dobbs of Avera St. Luke's Hospital was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to deny agenda #1. Upon roll call, Weigel-aye, VanDeRostyne-aye, Grebner-nay, Musel-aye, Kezar-aye (1-nay,4-aye), motion carried. **MAXIMUM BANNER SIZE VARIANCE DENIED.** Following further discussion VanDeRostyne moved and Grebner seconded to approve agenda #2 with the following stipulations: 1) Method of installation of banner must be approved by City Engineering staff prior to installation, and 2) Banner may only be displayed for 6 months. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Bill Meidinger and Clear Blue Retreat requested permission, as per site plan submitted, to permit the open storage and display of pools, spas, three season rooms and work vehicles, trailers and materials, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 21, Block 2, Pleasant Hill Addition, except H-1, a.k.a. 1111 Sixth Avenue SW. Jason Reinke of Clear Blue Retreat was present to represent the property. Following discussion Weigel moved and Musel seconded to approve with the following stipulations: 1) This special exception is for Clear Blue Retreat only, as long as they are the owner/operator of proposed use, 2) All merchandise must be related to the pool/spa business, no off-premise storage or sales, 3) No more than 4 merchandise items for sale displayed at any one time with no storage allowed within public right-of-way and 35' corner visibility triangle, 4) No pools or spas shall be displayed that are filled with water, and 5) All vehicles, trailers, etc. shall be licensed, operable and in good repair and used for regular business. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 7) Ethan Barton requested permission, as per site plan submitted, for 1) existing residence to remain 2.5' from the South property line rather than the permitted 15', which would be a 12.5' Building Variance and 2) to construct a 25'x35' detached garage 15' from the South property line rather

than the required 25', which would be a 10' Building Variance, all on Lots 11-12, except the North 5' of Lot 11, Block 48, Hagerty & Lloyd Addition, a.k.a. 101 Kline Street N. Ethan Barton was present to represent the property. Following discussion Weigel moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Musel moved and Grebner seconded to approve agenda item #2 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) The entire garage must be constructed outside 35' corner site visibility triangle. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 6) The Aberdeen Aquatic Center and the Aberdeen Swim Club requested permission, as per site plan submitted, to 1) permit the installation of a 17.5'x11' Freestanding sign with 6'x11' Electronic Message Center panel, which would be an Appeal in the (M) Municipal, State and County Use District and 2) to permit a running time clock feature on EMC, rather than the minimum 6 second requirement for message changes, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Aquatic Center Addition, a.k.a. 1025 Dakota Street S. Scott Kuck, Joel Mann, James Haugen, Doug Johnson, and Corey Weisenburger of Service Signs were present to represent the property. City Councilman Todd Campbell was also present. Following discussion Weigel moved and Musel seconded to approve agenda item #1 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) Because of its' proximity to residential properties, the sign may not be operated between the hours of 10 p.m. and 6 a.m., 7) This sign shall not be used to advertise any business, event, service, etc. that does not specifically take place on this property. No off-premise advertising on EMS portion of sign, 8) Violation of the previous stipulations may result in a citation with a penalty of \$500 for each day that the violation persists, and 9) Sign permit must be obtained prior to erection of sign. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Musel moved and VanDeRostyne seconded to approve agenda item #2, all members voting aye, the motion carried. **APPEAL APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
April 11, 2013