

BOARD OF ZONING ADJUSTMENT
May 9, 2013

The Board of Zoning Adjustment Meeting was held on Thursday, May 9, 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 VanDeRostyne, Kezar, Grebner, Weigel, and Babcock. Also present were Ken Hubbart, City Planner, Karl Palmquist, City Planner, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Weigel seconded to approve the Board of Zoning Adjustment minutes of April 11, 2013, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Janis McDaniel 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, Hay's Replat of Block 40 and the East 12' of the North 53' of the West 1/2 of Lot 17, Block 40, Second Addition to Aberdeen, a.k.a. 614 Washington Street S. Janis McDaniel was present to represent the property. Following discussion Kezar moved and Grebner 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) Chasity Jones 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 Lot 4, Block 30, First Addition to Highlands, a.k.a. 811 Kline St N. Chasity Jones was present to represent the property. Following discussion Kezar moved and Grebner 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.**
- 3) Tom Pitz requested permission, as per site plan submitted, to 1) plat a lot with 45' of frontage rather than the required 75', which would be a 30' Minimum Lot Width Variance, and 2) request permission for existing residence on proposed Lot 1 to remain 5.5' from the North property line rather than the required 10', which would be a 4.5' Building Variance and 29.5' from the East property line rather than the required 35', which would be a 5.5' Building Variance and 4' from the South property line rather than the required 10', which would be a 6' Building Variance and 12.33' from the West property line rather than the required 25', which would be a 12.67' Building Variance, and 3) request permission, as per site plan submitted, for existing residence on proposed Lot 2 to remain 29.5' from the South property line rather than the required 35', which would be a 5.5' Building Variance and 4.5' from the North property line rather than the required 25', which would be a 20.5' Building Variance, all on Proposed Lots 1 & 2, Thomas Pitz First Subdivision, a.k.a. 19 Twelfth Avenue NE and 1209 Lincoln Street N. There being no representative present this item was moved to the end of the agenda.
- 4) Leslie Dutenhoffer requested permission, as per site plan submitted, for 1) existing residence to remain 4' from the West property line rather than the permitted 5', which would be a 1' Building Variance in order to 2) construct a home addition and attached garage 4' from the West property line rather than the permitted 5', which would be a 1' Building Variance and 3) 7' from the South property line rather than the required 20', which would be a 13' Building Variance, all on Lot 1, Block 7, Vahldick's Replat of Howard and Hedger's Replat of Northwest Addition & 8' Vacated Adjacent Alley, a.k.a. 924 Eighth Avenue NE. Leslie Dutenhoffer and Delbert Dutenhoffer were present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Weigel moved and Kezar 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) Construction may not adversely affect run-off onto neighboring properties. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Kezar moved and Weigel seconded to approve agenda item #3, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Ron Wagner and Keith Shishnia requested permission, as per site plan submitted, to permit the open storage and display of stone monuments, slabs and related merchandise, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Outlot A in the SE¼ of Sect. 15-T123N-R63W, a.k.a. 5485 Highway 12 E. Keith Shishnia was present

- to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve with the following stipulations: 1) Property must be successfully rezoned to (C-2) Highway Commercial Zoning District, 2) Property must be maintained in a neat and orderly manner at all times, 3) This special exception is for Keith Shishnia as long as he is the owner/operator of proposed use, 4) Only items related to granite business (monuments, slabs, etc.) may be displayed on site, and 5) Any proposed signage must be approved & permitted prior to installation. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) Jeffrey L. Kiesz requested permission, as per site plan submitted, to 1) construct a 4 unit warehouse, which would be a Special Exception in a (C-3/R-4) Central Business/Special Density Residential Zoning District and 2) to construct a 34'x80' warehouse 8' from the North property line rather than the required 30', which would be a 22' Setback Variance, all on The South½ of Lots 7-10, Block 57, Second Addition to Aberdeen, a.k.a. 524 Fourth Street S. Jeffrey Kiesz was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny agenda item #1. Upon roll call, VanDeRostyne-aye, Kezar-nay, Grebner-nay, Weigel-nay, Babcock-nay (1-aye,4-nay) the motion failed. Following further discussion Grebner moved and Kezar 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) Bottom 3' of building must be bricked or rocked, 5) Lot must be hard surfaced with asphalt or concrete, 6) All landscape requirements must be met, and 7) No construction to take place within corner visibility triangle. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Kezar moved and Weigel seconded to approve agenda item #2, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.**
- 7) Hub Area Habitat for Humanity requested permission, as per site plan submitted, to 1) plat a lot that is 63.17' deep rather than the required 100', which would be a 36.83' Minimum Lot Depth Variance and 2) to construct a residence 15' from the East property line rather than the required 20', which would be a 5' Building Variance, all on Lot 8, Ward's First Subdivision, a.k.a. 1725 Ward Drive. Tom Hurlbert was present to represent the property. Following discussion VanDeRostyne moved and Babcock 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) Plat must be approved and filed with Brown County Register of Deeds office following Planning Commission and City Council approvals. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE AND BUILDING VARIANCE APPROVED.**
- 3) Tom Pitz requested permission, as per site plan submitted, to 1) plat a lot with 45' of frontage rather than the required 75', which would be a 30' Minimum Lot Width Variance, and 2) request permission for existing residence on proposed Lot 1 to remain 5.5' from the North property line rather than the required 10', which would be a 4.5' Building Variance and 29.5' from the East property line rather than the required 35', which would be a 5.5' Building

Variance and 4' from the South property line rather than the required 10', which would be a 6' Building Variance and 12.33' from the West property line rather than the required 25', which would be a 12.67' Building Variance, and 3) request permission, as per site plan submitted, for existing residence on proposed Lot 2 to remain 29.5' from the South property line rather than the required 35', which would be a 5.5' Building Variance and 4.5' from the North property line rather than the required 25', which would be a 20.5' Building Variance, all on Proposed Lots 1 & 2, Thomas Pitz First Subdivision, a.k.a. 19 Twelfth Avenue NE and 1209 Lincoln Street N. Chad Nilson was present to represent the property. Following discussion Weigel moved and Babcock seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained with penalties and citations enforced as applicable for work started on site, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, and 4) Plat must be approved and filed with the Brown County Register of Deeds office following Planning Commission and City Council approvals. Upon roll call, all members voting aye, the motion carried. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
May 9, 2013