

BOARD OF ZONING ADJUSTMENT June 13, 2013

The Board of Zoning Adjustment Meeting was held on Thursday, June 13, 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 Kezar, VanDeRostyne, Grebner, Weigel, and Babcock. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Karl Palmquist, City Planner, 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 May 9, 2013, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Tami Mielke and Grant Manhardt 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 1, Block 55, Bennett & Thomas Addition, a.k.a. 323 Fourth Street N. Tami Mielke was present to represent the property. Following discussion Kezar moved and Weigel 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) Alicia Garrett 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 The West 50' of Lots 585-587, Morning Heights Addition, a.k.a. 2003 Goodrich Avenue SE. Alicia Garrett was present to represent the property. Following discussion VanDeRostyne 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) Jim Koehler requested permission, as per site plan submitted, to permit a 14'x32' accessory structure that is sided with vertical wood sheeting rather than the required vertical steel sheeting, which would be an Aesthetically Similar Accessory Structure Variance, all on Lot 1, TKO Addition, in the NE¼ Sect. 14-T123N-R64W, a.k.a. 805 Circle Drive. Attorney Bill Bowen was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Accessory structure must be painted to match siding and trim on primary structure. Upon roll call, all members voting aye, the motion carried. **AESTHETICALLY SIMILAR ACCESSORY STRUCTURE VARIANCE APPROVED.**
- 4) The Holman Family Trust requested permission, as per site plan submitted, to plat a lot in an (I-2) Unrestricted Industrial Zoning District that is 100.26' in depth rather than the required 150', which would be a 49.74' Minimum Lot Depth Variance, all on Proposed Lot 1, Holman Addition to the City of Aberdeen, a.k.a. 517 Second Avenue NW. Craig Schaunaman was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) Plat must be approved and filed with Register of Deeds, and 2) Property must be annexed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT DEPTH VARIANCE APPROVED.**
- 5) Lewis Raderschadt requested permission, as per site plan submitted, to permit the sale of fireworks from a permanent structure, which would be a Special Exception within the three-mile zoning jurisdiction of the City of Aberdeen, all on Lot 1, Raderschadt Addition, in the NE¼ of Sect. 22-T123N-R64W, a.k.a. 2301 Highway 12 W. Lewis Raderschadt was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Building plans must be approved and building constructed in accordance with all Building and Fire Code Requirements, 2) If hoop building is used for this fireworks season, plans must be submitted for building and fire code review and all requirements must be adhered to, 3) The hoop building must be removed by August 4, 2013, 4) Any and all signage must be reviewed & permitted by this office prior to installation, and 5) Code Enforcement Officer must verify building removed as specified. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) Chris Jung requested permission, as per site plan submitted, for 1) existing residence to remain 3' from the West property line rather than the required 5', which would be a 2' Building Variance and 3.5' from the East property line rather than the required 5', which would be a 1.5' Building Variance, and 19' from the North property line rather than the required 25', which would be a 6'

Building Variance, and existing detached garage to remain 3' from the West property line rather than the required 5', which would be a 2' Building Variance in order to 2) construct an uncovered front deck 12' from the North property line rather than the required 15', which would be a 3' Building Variance, and 3) 3' from the West property line rather than the required 5', which would be a 2' Building Variance and 4) 3.5' from the East property line rather than the required 5', which would be a 1.5' Building Variance, all on Lot 4, Block 36, Hagerty & Lloyd Addition to Aberdeen, a.k.a. 220 Third Avenue NE. Chris Jung and Don Brockel were present to represent the property. Following discussion Weigel moved and Kezar seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #2. Upon roll call, Kezar-aye, VanDeRostyne-aye, Grebner-nay, Weigel-aye, Babcock-aye (4-aye, 1-nay), the motion carried. **BUILDING VARIANCE DENIED.** Following further discussion VanDeRostyne moved and Weigel seconded to approve agenda items #3 and #4 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 7) Charles Beaner requested permission, as per site plan submitted, to 1) construct an accessory structure with 16' sidewalls rather than the required 10', which would be a 6' Maximum Sidewall Height Variance and 2) to construct an accessory structure with vertical steel siding rather than the horizontal vinyl lap siding that is on the primary structure, which would be an Aesthetically Similar Variance, all on the 195' North of the South 1125' of the East 333' of the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sect. 22-T123N-R64W, a.k.a. 1002 Highway 281 S. Charles Beaner was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) Plans must be submitted and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MAXIMUM SIDEWALL HEIGHT VARIANCE AND AESTHETICALLY SIMILAR VARIANCE APPROVED.**
- 8) Richard Turgeon and MJ's Team requested permission, as per site plan submitted, to permit the temporary sale of fireworks, which would be a Special Exception within the three-mile zoning jurisdiction of the City of Aberdeen, all on Lot 2, Browning First Addition in the NW $\frac{1}{4}$ Sect. 22-T123N-R64W of the 5th P.M., a.k.a. 2980 Highway 12 West. There being no representative this item was moved to the end of the agenda.
- 9) Joe Huber requested permission, as per site plan submitted, for 1) existing residence to remain 13' from the South property line rather than the required 25', which would be a 12' Building Variance and for existing detached garage to remain 1' from the North property line, which would be a 4' Building Variance, and 3.5' from the East property line rather than the required 5', which would be a 1.5' Building Variance in order to 2) construct a 4'x12' uncovered deck and stairs 5' from the South property line rather than the required 15', which would be a 10' Building Variance, all on Lot 17, Block 35, Second Addition, a.k.a. 306 Seventh Avenue SW. Joe Huber 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 10) Robert Imberi requested permission, as per site plan submitted, to construct an accessory structure with lap siding rather than the required lap siding and brick, which would be an Aesthetically Similar Accessory Structure Variance, all on Lot 1, Proposed Imberi First Consolidation Subdivision, a.k.a. 1229 Fourth Street N. Robert Imberi was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **AESTHETICALLY SIMILAR ACCESSORY STRUCTURE VARIANCE APPROVED.**
- 11) Jeremy Kippley requested permission, as per site plan submitted, for existing residence to remain 22.5' from the East property line rather than the required 25', which would be a 2.5' Building Variance, and 12' from the South property line rather than the required 15', which would be a 3' Building Variance and for existing detached garage to remain 1.5' from the West property line rather than the required 5', which would be a 3.5' Building Variance and 3' from the South property line rather than the required 25', which would be a 22' Building Variance in order to construct a 35.5'x18.5' uncovered deck on back of house that will meet all required setbacks, all on Lots 1-2, Larson's Second Replat of Lot 6, Block 10, Thomas Addition, a.k.a. 1124 Arch Street S. There being no representative this item was moved to the end of the agenda.
- 12) Scott Suedmeier requested permission, as per site plan submitted, for 1) existing residence to remain 4' from the West property line rather than the required 25', which would be a 21' Building Variance and 4' from the North property line rather than the required 5', which would be a 1' Building Variance in order to 2) construct an addition to residence 20' from the West property line rather than the required 25', which would be a 5' Building Variance, all on Lot 1, Suedmeier Addition, a.k.a. 106 Lloyd Street N. Scott Suedmeier was present to represent the property. Following discussion Weigel moved and Babcock seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Grebner moved and VanDeRostyne seconded to deny agenda #2, all members voting nay, the motion failed. Following further discussion Kezar moved and VanDeRostyne 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) Entire proposed structure must be kept out of site corner visibility triangle. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 13) Lance Habeck requested permission, as per site plan submitted, to 1) plat a lot in the (M-Ag) Mini-Agricultural Zoning District with 125.13' of Frontage rather than the required 200', which would be a 74.87' Minimum Lot Width Variance, and 2) to plat a lot that is 1.01 acres in size rather than the required 2.5 acres, which would be a 1.49 acre Minimum Lot Size Variance, all on Proposed Lot 1, L. Habeck Addition in the NE¼ Sect. 34-T123N-R64W, a.k.a. 3104 Highway 281 S. Lance

Habeck was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Plat must be approved by Planning Commission, City Council, & County Commission and filed with Brown County Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE & MINIMUM LOT SIZE VARIANCE APPROVED.**

- 14) Northwestern Energy requested permission, as per site plan submitted, to construct a 50' tall telecommunication facility, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Northwestern Energy Addition, a.k.a. 113 Centennial Street S. Ron Gogolin of Northwestern Energy was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve with the following stipulations: 1) Plans must be submitted and approved and a permit must be obtained prior to construction, 2) Applicant must notify Avera & Sanford Hospitals prior to permitting, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 11) Jeremy Kippley requested permission, as per site plan submitted, for existing residence to remain 22.5' from the East property line rather than the required 25', which would be a 2.5' Building Variance, and 12' from the South property line rather than the required 15', which would be a 3' Building Variance and for existing detached garage to remain 1.5' from the West property line rather than the required 5', which would be a 3.5' Building Variance and 3' from the South property line rather than the required 25', which would be a 22' Building Variance in order to construct a 35.5'x18.5' uncovered deck on back of house that will meet all required setbacks, all on Lots 1-2, Larson's Second Replat of Lot 6, Block 10, Thomas Addition, a.k.a. 1124 Arch Street S. Brett Bill represented this property. Following discussion VanDeRostyne moved and Grebner seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 8) Richard Turgeon and MJ's Team requested permission, as per site plan submitted, to permit the temporary sale of fireworks, which would be a Special Exception within the three-mile zoning jurisdiction of the City of Aberdeen, all on Lot 2, Browning First Addition in the NW¼ Sect. 22-T123N-R64W of the 5th P.M., a.k.a. 2980 Highway 12 West. Brett Bill represented the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Must comply with all Building & Fire Marshal requirements, 2) All signage must be permitted with Planning & Zoning Office prior to installation, and 3) A representative must appear in subsequent requests or the request will immediately be denied. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
June 13, 2013