

BOARD OF ZONING ADJUSTMENT
October 10, 2013

The Board of Zoning Adjustment Meeting was held on Thursday, October 10, 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, Musel, Babcock, and Weigel. Also present were Ken Hubbart, City Planner, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of September 12, 2013, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Bill & Mary Arndt 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 an (R-2) Medium Density Residential Zoning District, all on Lot 4, Block 24, Simmons First Addition, a.k.a. 1716 Lincoln Street S. Jarell & Ashlee Arndt were present to represent the property. Following discussion Kezar moved and VanDeRostyne 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 December 31, 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) Brandon Englund & Tara Hunstad 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 an (R-3/R4) High Density/ Special Density Residential Zoning District, all on Lot 1, Peter Pagones First Pagones Subdivision, a.k.a. 1125 Roosevelt Street S. Tara Hunstad was present to represent the property. Following discussion Musel moved and Kezar 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 May 1, 2014, 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) Eric Nelson requested permission, as per site plan submitted, to construct an accessory structure prior to the construction of a primary structure, which would be an Appeal to the Board of Zoning Adjustment in a (M-Ag) Mini-Agricultural Zoning District, all on Lot 9, Block C, Droog First Subdivision in the S½ Sect. 22-T123N-R64W, a.k.a. 1756 Droog Court. Troy Woehl of Woehl Construction was present to represent the property. Following discussion VanDeRostyne moved and Kezar 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, 4) Permit for primary structure must be obtained and construction must be started by 10/10/14, 5) If construction of primary structure is not started by 10/10/14; this accessory building must be removed, and 6) No outside storage allowed on this property. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 4) Curtis Brewer requested permission, as per site plan submitted, for existing residence to remain 1' from the South property line rather than the required 5', which would be a 4' Building Variance and 23' from the East property line rather than the required 25', which would be a 2' Building Variance, in order to 2) construct a 7'x19' deck and stairs 12' from the East property line rather than the required 15', which would be a 3' Building Variance and 3) 1' from the South property line rather than the permitted 5', which would be a 4' Building Variance, all on Lots 7-8, Block 11, Sullivan & Easton Addition, a.k.a. 909 Main Street N. Curtis Brewer was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve agenda items #1 and #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 submitted, and, 4) Previously submitted plat of this property must be approved and filed with the Brown County Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES 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) Twelfth St., LLC requested permission, as per site plan submitted to 1) permit the parking of cars for a school, which would be a Special Exception in a (R-2) Medium Density Residential Zoning District and 2) to permit 5 freestanding signs rather than the permitted 1 freestanding sign, which would be a 4 Freestanding Sign Variance and 3) to permit 243.5sf of freestanding signage rather than the permitted 16sf, which would be a 227.5sf Freestanding Sign Variance, and 4) to permit the installation of a wall sign that is 69sf in area rather than the permitted 36sf, which would be a 33sf Wall Sign Variance and to 5) permit 312.5sf of total signage rather than the permitted 36sf, which would be a 276.5sf Total Sign Size Variance, all on Outlot 1 in the NW¼ Sect. 11-T123N-

R64W, except Bike Trail Lot 1 & except Lot A, Dakota Midland Hospital, a.k.a. 1500 Highway 281 N. Jason Grebner and Cam Schock were present to represent the property. Following discussion Kezar moved and Musel seconded to approve agenda #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Musel seconded to deny agenda #2. Upon roll call, Weigel-nay, Kezar-aye, VanDeRostyne-nay, Musel-nay, Babcock-aye (3-nay,2-aye), the motion carried. Following further discussion Kezar moved and Babcock seconded to approve agenda item #2, as amended: 2) to permit 4 freestanding signs rather than the permitted 1 freestanding sign, which would be a 3 Freestanding Sign Variance with the stipulation that when lettering the “Dakota Midland Campus” on the brick wall, the existing 32 sf wood sign must be removed with the deadline to complete this by October 10, 2014. Upon roll call, all members voting aye, the motion carried. Following further discussion Kezar moved and Musel seconded to approve agenda items #3, #4, and #5, as amended: 3) to permit 211.5sf of freestanding signage rather than the permitted 16sf, which would be a 195.5sf Freestanding Sign Variance, and 4) to permit the installation of a wall sign that is 69sf in area rather than the permitted 36sf, which would be a 33sf Wall Sign Variance and to 5) permit 280.50sf of total signage rather than the permitted 36sf, which would be a 244.50sf Total Sign Size Variance. **SIGN VARIANCES APPROVED.**

- 6) Gremdary, LLC requested permission, as per site plan submitted, to permit the construction of additional dog boarding kennels and a fenced enclosure at a veterinary clinic, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 1, Hettich First Addition in the NE¼ Sect. 22-T123N-R64W, a.k.a. 2503 Highway 12 W. Gregory Adolf was present to represent the property. Following discussion Kezar moved and Weigel 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. **SPECIAL EXCEPTION APPROVED.**
- 7) Ken Blanchard requested permission, as per site plan submitted, for existing residence to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance in order to construct a deck that will meet all required setbacks, all on Lot 9, Block 19, Thomas Addition, a.k.a. 715 Jay Street S. Carolyn Blanchard was present to represent the property. Ken Hubbard stated that a building permit was issued for this deck at time of application. Following discussion Musel moved and Babcock seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 8) Brenda Pigors and Travis & Jessica Rychlik requested permission, as per site plan submitted, for 1) existing residence to remain 72' from the East property line rather than the required 100', which would be a 28' Building Variance in order to 2) construct an 18'x32' addition 72' from the East property line rather than the required 100', which would be a 28' Building Variance, all on Lot 1, Block B, Edwards First Subdivision in the SE¼ Sect. 20-T124N-R64W, a.k.a. 12875 387th Avenue. Travis & Jessica Rychlik were present to represent the property. Following discussion Kezar 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, and 3) All required inspections must

be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 9) Joshua Ruenz requested permission, as per site plan submitted, for 1) existing residence to remain 16'10" from the East property line rather than the required 25', which would be an 8'2" Building Variance in order to construct a 24'x28' addition to the rear of house, and 2) to plat a lot in a (R-2) Medium Density Residential Zoning District with 44' of frontage rather than the required 50', which would be a 6' Minimum Lot Width Variance, all on The North 44' of Lot 5, Block 20, First Addition to the Highlands, a.k.a. 1005 State Street N. Joshua Ruenz was present to represent the property. Ken Hubbart stated that a building permit was issued for this addition at time of application. Following discussion Musel moved and Babcock seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED & MINIMUM LOT WIDTH VARIANCE APPROVED.**
- 10) Troy Hubbs d.b.a. Karst Car Care requested permission, as per site plan submitted, to permit the open storage and display of vehicles and equipment, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 3, Hyde First Mini Addition, a.k.a. 23 Dakota Street S. Troy Hubbs was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to approve with the following stipulations: 1) The 35' corner visibility triangle at the property corner on 1st and Dakota Street must be located and no storage may be allowed in this area, 2) No more than 1 vehicle per 10' x 20' designated parking stall may be stored on lot, 3) No junk, unlicensed or inoperable vehicles may be stored on property, 4) No outside storage of parts, tires, equipment, 5) Property must be maintained in a neat and orderly manner at all times, 6) This special exception is for Troy Hubbs only, as long as he is the owner/operator of proposed use, 7) Current property must be cleaned up on the East side of the building. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 11) Eric & Tiffany Imbery requested permission, as per site plan submitted, to construct a 24'x28' accessory structure 15' from the East property line rather than the required 25', which would be a 10' Setback Variance, all on Lot 2, Block 1, Hyde Park Second Addition, .a.k.a. 11 Linda Lane. Eric Imbery and Jonathan Ristau were present to represent the property. Following discussion Weigel moved and Kezar 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. **SETBACK VARIANCE APPROVED.**
- 12) East Briar Commons, LLC requested permission, as per site plan submitted, to 1) install a 25sf freestanding sign rather than the permitted 16sf, which would be a 9sf Freestanding Sign Variance and 2) to install a freestanding sign 2' from the South property line rather than the permitted 10', which would be an 8' Freestanding Sign Setback Variance, all on Lot 1, East Briar Addition, a.k.a. 1201 Third Avenue NE. Todd Lamont was present to present the property. Following discussion Kezar moved and Musel seconded to deny agenda item #1, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE DENIED.** Following further discussion

VanDeRostyne moved and Kezar seconded to deny agenda item #2, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE DENIED.**

- 13) Dale & Kae Weigel requested permission, as per site plan submitted, to construct an accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 9, Block 2, Willowwood Addition, a.k.a. 1017 Larkspur Lane. Dale Weigel was present to represent the property. Following discussion Musel moved and Kezar seconded to approve with the stipulation that the West front facing walls must be constructed with 3' or 4' of brick to match home. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 14) Double S Properties, LLC requested permission, as per site plan submitted, to 1) construct two mini-storage buildings, which would be an Appeal in an (I-2) Unrestricted Industrial Zoning District, and 2) to construct two mini-storage buildings that are 50' wide rather than the permitted 30', which would be two 20' Maximum Width Variances, all on the North 218' of Lot A, Replat of Evelo's Subdivision in the NW¼ Sect. 21-T123N-R64W, a.k.a. 38403 133rd Street. Greg Stroch was present to represent the property. Following discussion VanDeRostyne moved and Kezar 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. **APPEAL AND MAXIMUM WIDTH VARIANCES APPROVED.**
- 15) Stephanie Fjeldheim requested permission, as per site plan submitted, for 1) existing residence to remain 1' from the West property line rather than the permitted 5', which would be a 4' Building Variance and 10' from the North property line rather than the permitted 25', which would be a 15' Building Variance, in order to 2) construct a 24'x28' unattached garage 1' from the West property line rather than the permitted 5', which would be a 4' Building Variance, all on the North 92' of Lot 8 and West 15' of North 92' of Lot 7, Block 55, Hagerty & Lloyd Addition and Adjacent Vacated Alley R.O.W., a.k.a. 710 First Avenue NE. Clarence Fjeldheim and Michael McCarty were present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve agenda #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda #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, 4) Plat and petition to rezone must be approved by the Planning Commission and City Council, 5) The run-off from this structure may not adversely affect neighboring properties and 6) All building and fire code requirements must be met. **BUILDING VARIANCE APPROVED.**
- 16) Daniel and Heidi Smilloff requested permission, as per site plan submitted, for 1) existing residence to remain 18' from the West property line rather than the required 25', which would be a 7' Building Variance and 13.5' from the North property line rather than the required 15', which would be a 1.5' Building Variance in order to 2) replace front steps that are 9' from the West property line rather than the required 15', which would be a 6' Building Variance, all on the West

84' of Lots 23-24, Block 45, Hagerty & Lloyd Addition, a.k.a. 124 State Street N. Mike Olson was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve with the following stipulations: 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.**

- 17) Randy Graham requested permission, as per site plan submitted, for 1) existing house to remain 8' from North property line rather than the required 15', which would be a 7' Building Variance and garage to remain 10' from South property line rather than the required 15', which would be a 5' Building Variance, in order to construct a deck on back of residence that will meet all required setbacks, and 2) to construct a 18'x20' carport 8' from the South property line rather than the required 15', which would be a 7' Building Variance, all on Lot 2, Dosch's Outlots in the SW¼ Sect. 3-T123N-R64W, a.k.a. 2404 Twenty Fourth Avenue NW. Randy Graham 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 VARIANCES APPROVED.** Following further discussion VanDeRostyne 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 18) Continued hearing for possible revocation of Special Exception for the open storage, sale and display of boats, boat docks, boat lifts, and pontoon trailers on a property in an (I-2) Unrestricted Industrial Zoning District granted by the Aberdeen Board of Zoning Adjustment on June 14, 2012, all on Lots 7-12, Block 39, Bennett & Thomas Addition, a.k.a. 102 Third Street N. Jeffrey Hieb was present to represent the property. Following discussion Kezar moved and Musel seconded that all stipulations must be met within 30 days or this special exception will be immediately revoked. Upon roll call, all members voting aye, the motion carried.

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

Paula Nelson
Board of Zoning Adjustment Secretary
October 10, 2013