

BOARD OF ZONING ADJUSTMENT November 14, 2013

The Board of Zoning Adjustment Meeting was held on Thursday, November 14, 2013 in the Aberdeen Recreation & Cultural Center – Alumni Room, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Kezar, Grebner, Musel, Babcock, and Weigel. Absent was VanDeRostyne. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Mike Olson, Code Enforcement Officer, Barry Dunlavy, Building Inspector, Chad Nilson, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Musel seconded to approve the Board of Zoning Adjustment minutes of October 10, 2013, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Joyce Stugelmayer requested permission, as per site plan submitted, to 1) replace steps 1.5' from the East property line rather than the required 5', which would be a 3.5' Building Variance and 2) for existing 8'x8' shed to remain 0' from the East property line rather than the required 5', which would be a 5' Building Variance and 3) for existing detached garage to remain 3' from the East property line rather than the required 5', which would be a 2' Building Variance, all on Lot 8, Lawson's First Replat of Block 10, Woolverton's Addition, a.k.a. 806 Ninth Avenue SE. Rick Stugelmayer was present to represent the property and stated there is not a shed on this property as the site plan indicates. Following discussion Weigel moved and Kezar seconded to approve agenda items #1 and #3 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.** No action taken on agenda item #2.
- 2) Lakeside Estates Mobile Home Park requested permission, as per site plan submitted, for 1) an existing mobile home to remain 12' from a neighboring mobile home rather than the required 20', which would be an 8' Building Variance and 2) to construct a new deck 15' from a neighboring mobile home rather than the required 20', which would be a 5' Building Variance, all on Lot 1, Lakeside Estates First Addition, a.k.a. 105 Seventh Curve. There being no representative this item was moved to the end of the agenda.
- 3) Liana Claymore requested permission, as per site plan submitted, for 1) existing residence to remain 19' from the East property line rather than the required 25', which would be a 6' Building Variance and 1' from the North property line rather than the required 5', which would be a 4' Building Variance in order to 2) replace front deck and steps 10' from the East property line rather than the required 15', which would be a 5' Building Variance, all on Lot 4, Block 37, Thomas Addition to Aberdeen, a.k.a. 1216 Lincoln Street S. Liana

Claymore was 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.**

- 4) VanLaecken Orthodontics requested permission, as per site plan submitted, to construct two freestanding signs rather than the permitted one freestanding sign, which would be a 1 Freestanding Sign Variance, all on Lot B, Aberdeen Motor Hotels Addition of Bjornson's Outlot 2, a.k.a. 631 Roosevelt Street S. Ryan VanLaecken, Jennifer VanLaecken, & Chad Huff of Huff Construction were present to represent the property. Following discussion Kezar moved and Musel seconded to deny, all members voting nay with Babcock abstaining, the motion failed. Following further discussion Grebner moved to approve as requested but motion died for lack of second. **FREESTANDING SIGN VARIANCE DENIED.**
- 5) Northern Electric Cooperative requested permission, as per site plan submitted, to construct a 100' tall communication tower, which would be a Special Exception in a (A-1) Agricultural Zoning District, all on Lot U-1, SW¼SE¼ Sect. 21-T123N-R64W of the 5th P.M., Brown County, a.k.a. 38452 134th Street. James Moore was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve with the following stipulations: 1) Applicant must notify Aberdeen Regional Airport, Avera St. Luke's Hospital and Sanford Hospital of plans, including location, maximum height, lighting and anything else these entities may request, and 2) Proof of notification and site plan must be provided to City Planning & Zoning Office and a permit must be obtained prior to construction. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) CC Croal Post #17 VFW and Roger Gray request permission, as per site plan submitted, to 1) construct 5 mini-storage buildings, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to construct mini-storage buildings that are 140', 180', 160' and 400' in length rather than the permitted 120', which would be a 20', 60', 40' and a 280' Maximum Building Length Variance and 3) to construct a mini-storage building that is 70' in width rather than the permitted 30', which would be a 40' Maximum Width Variance and 4) to permit the open storage, parking and sale of vehicles, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lots 18-19, Auto Plaza Addition, a.k.a. 821 & 829 Circle Drive. Toby Doeden of Aberdeen Chrysler was present to represent the property. Adjacent property owners Ron & Patty VanMeter were present & expressed concern about how this project may affect the surrounding properties. Following discussion Weigel moved and Musel seconded to approve with the following stipulations: 1) All vehicles must be licensed & operable and available for sale by owner of property only, 2) No illegal or unpermitted signage may be allowed, 3) This special exception is for the applicant only, as long as they are the

owner/operator of proposed use, 4) The two lots must be replatted into one parcel before construction commences, 5) All Fire Marshal requirements must be met, and 7) Water & Sewer lines for the Rolling Hills Development lie in the North 60' of Lot 18 - Easements must be granted to allow them to remain & no construction can take place within this easement. Upon roll call, all members voting aye with Kezar abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 2) Lakeside Estates Mobile Home Park requested permission, as per site plan submitted, for 1) an existing mobile home to remain 12' from a neighboring mobile home rather than the required 20', which would be an 8' Building Variance and 2) to construct a new deck 15' from a neighboring mobile home rather than the required 20', which would be a 5' Building Variance, all on Lot 1, Lakeside Estates First Addition, a.k.a. 105 Seventh Curve. Shelley Merkel was 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, 3) All required inspections must be completed, and 4) When mobile home is removed or replaced, any new structure must meet required setbacks. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
November 14, 2013