

**BOARD OF ZONING ADJUSTMENT**  
**December 12, 2013**

The Board of Zoning Adjustment Meeting was held on Thursday, December 12, 2013 in the Aberdeen Recreation & Cultural Center - Alumni Room, Aberdeen, South Dakota with Kezar presiding as Acting Chairman. Chairman Kezar called the meeting to order. Members present at roll call were Kezar, Grebner, Musel, and Weigel. Absent was VanDeRostyne. Also present were Ken Hubbard, 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.

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

Chairman Kezar began with new business as follows:

- 1) Stacy Artz 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 8, Block 14, Eighth Addition to Highland North Subdivision, a.k.a. 622 Seventeenth Avenue NE. Stacy Artz was present to represent the property. Following discussion Grebner moved and Musel 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) Jerry Reif requested permission, as per site plan submitted, for existing residence to remain 8' from the South property line rather than the required 10', which would be a 2' Building Variance in order to construct 2 additions to the residence that will meet all required setbacks, all on Lot 2, Block 10, Sixth Addition to Highland North Addition, a.k.a. 1710 Kline Street N. There being no representative this item was moved to the end of the agenda.

- 3) S&S Rentals, LLC requested permission, as per site plan submitted, for existing structure to remain 22' from the West property line in order to construct an addition to second and third stories 18' from the West property line rather than the required 25', which would be a 7' Building Variance, all on Lots 15-16, Block 40, Thomas Addition, a.k.a. 915 Main Street S. Michael Hammrich was present to represent the property. Following discussion Weigel moved and Grebner seconded to approve existing structure to remain, all members voting aye, the motion carried. Following further discussion Musel moved and Grebner seconded to deny the requested additions, all members voting nay, the motion failed. Following further discussion Weigel moved and Musel seconded to approve the requested additions 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) Building permit, with penalty applied, must be obtained for rear addition constructed without permit in place. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 4) James Keeley and Mike Bonin requested permission, as per site plan submitted, to permit the open storage, parking and sale of agricultural equipment and parking, which would be a Special Exception in a (I-2) Unrestricted Industrial Zoning District, all on Keeley's Outlot B in the SW¼ Sect. 14-T123N-R64W, a.k.a. 1900 Sixth Avenue SW. Following discussion Grebner moved and Musel seconded to deny. Upon roll call, Weigel-aye, Kezar-aye, Grebner-nay, Musel-nay (2-aye,2-nay) the motion failed. Following further discussion Musel moved and Grebner seconded to approve with the following stipulations: 1) No more than six (6) vehicles or pieces of equipment may be displayed at one time, 2) No storage/parking in 35' corner visibility triangle, 3) Signs installed without permits must be permitted with penalty applied, 4) Special Exception is for Mike Bonin only, as long he is the owner/operator, 5) All vehicles/equipment must be licensed and operable as applicable, 6) No storage or sale of vehicles for anyone other than this business, 7) Written approval must be obtained from the SD DOT (regarding corner visibility), and 8) Representatives from Code Enforcement and Planning/Zoning to meet with property owner to identify which portion of lot assigned to which applicable business. Upon roll call, Weigel-nay, Kezar-nay, Grebner-aye, Musel-aye (2-nay,2-aye), the motion failed. **SPECIAL EXCEPTION DENIED.**
- 5) Tom Hinz requested permission, as per site plan submitted, for 1) existing residence to remain 0' from the South property line rather than the required 25', which would be a 25' Setback Variance and 10" from the East property line rather than the required 5', which would be a 4'2" Building Variance and 4'10" from the North property line rather than the required 20', which would be a 15'2" Building Variance in order to construct a basement under an existing residence and 2) to plat a lot that is 46' wide rather than the permitted 50', which would be a 4' Minimum Lot Width Variance and 50' deep rather than the required 100', which would be a 50' Minimum Lot Depth Variance, all on Lot 7, except the West 96', Block 20, Bennett & Thomas Addition, a.k.a. 109 Fourth Avenue NE. Tom Hinz was present to represent the property. Ken Hubbard stated that a building permit was

issued at time of application. Following discussion Musel moved and Grebner seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified, 2) All required inspections must be completed, and 3) Property must be replatted to clean up legal description. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE, MINIMUM LOT WIDTH VARIANCE, AND MINIMUM LOT DEPTH VARIANCE APPROVED.**

- 6) Jim Thorpe requested permission, as per site plan submitted, to permit the open storage of auction trailers and equipment which would be a Special Exception in the (C-1) Neighborhood Commercial Zoning District, all on The East 134' of Lot 804 and Lot 805, Morning Heights Extended Addition, a.k.a. 1002 Lawson Street S. Jim Thorpe was present to represent the property. Following discussion Weigel moved and Musel seconded to approve with the following stipulations: 1) The storage must be in a neat and orderly manner in the location specified on site plan, 2) No storage of any property not owned by Thorpe Auction/Real Estate Service, 3) The property must be replatted to clean up legal description, 4) No illegal or unpermitted signs allowed on property, and 5) No storage in corner visibility triangle. Upon roll call, all members voting aye, the motion carried. `213.
  
- 2) Jerry Reif requested permission, as per site plan submitted, for existing residence to remain 8' from the South property line rather than the required 10', which would be a 2' Building Variance in order to construct 2 additions to the residence that will meet all required setbacks, all on Lot 2, Block 10, Sixth Addition to Highland North Addition, a.k.a. 1710 Kline Street N. Jerry Reif was present to represent the property. Ken Hubbart stated that a building permit was issued at the time of application for additions. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
December 12, 2013