

BOARD OF ZONING ADJUSTMENT
January 9, 2014

The Board of Zoning Adjustment Meeting was held on Thursday, January 9, 2014 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, VanDeRostyne, and Babcock. Absent was Weigel. Also present were Ken Hubbart, City Planner, Rob Baumgartner, Code Enforcement Officer, Barry Dunlavy, Building Inspector, Chad Nilson, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

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

Chairman Babcock began with new business as follows:

- 1) Nicole Weisser 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 1, Block 1, Homes Are Possible Fifth Subdivision, a.k.a. 1118 Ash Lane. Nicole Weisser was present to represent the property. Following discussion Grebner 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 June 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.**

- 2) Frost Development, Inc. requested permission, as per site plan submitted, to 1) permit a 32sf on premise real estate sign rather than the permitted 8sf, which would be a 24sf Sign Size Variance, and 2) to construct a second off-premise real estate sign, which would be an Appeal for an Off-Premise Sign and 3) to permit 64sf of Freestanding Real Estate Signs rather than the permitted 8sf, which would be a 56sf Real Estate Sign Variance, all on Lot 1, Cambridge Addition, a.k.a. 1501 Eighth Avenue NE. Chris Frost was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner

- moved and Musel seconded to approve with the following stipulations: 1) Sign Permits must be obtained prior to installation and 2) This approval expires on January 9, 2016. Upon roll call, all members voting aye, the motion carried. **SIGN SIZE VARIANCE, APPEAL, AND REAL ESTATE SIGN VARIANCES APPROVED.**
- 3) B&B Real Estate requested permission, as per site plan submitted, to construct a 30'x70' addition to an existing building 30' from the North property line rather than the permitted 80', which would be a 50' Setback Variance, all on Lot 1, Bellikka's Prairie Tool Addition, NE¼ Sect. 17-T123N-R63W, a.k.a. 723 Commerce Street N. Neil Bellikka 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. **SETBACK VARIANCE APPROVED.**
- 4) First State Bank of Warner and First United Methodist Church requested permission, as per site plan submitted, to 1) permit the open parking of vehicles, which would be a Special Exception in the (C3/R4) Central Business/Special Density Residential Zoning District and 2) to construct 22 parking stalls that are 9.5' wide rather than the permitted 10', which would be twenty-two .5' Minimum Parking Stall Width Variances and 3) to construct 22 parking stalls that are 18.5' in length rather than the permitted 20', which would be twenty-two 1.5' Minimum Parking Stall Length Variances, all on Lot 6 & the South 15' of Lot 5, Block 28, First Addition, a.k.a. 422 Washington Street S. H. Oscar Schlenker was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Any applicable ADA requirements must be met, 2) Lot must be maintained as a paved surface, no gravel, 3) City Forester must approve a landscape plan prior to permitting, 4) Applicant must obtain demolition permit and parking lot building permit prior to work commencing, and 5) This approval is only for the appropriate number of stalls that will fit after meeting all landscape requirements and site visibility triangle requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION, MINIMUM PARKING STALL WIDTH VARIANCES, AND MINIMUM PARKING STALL LENGTH VARIANCES APPROVED.**
- 5) Todd & Roberta Kolden requested permission, as per site plan submitted, for 1) existing residence to remain 11.5' from the West property line rather than the permitted 15', which would be a 3.5' Building Variance and for existing detached garage to remain 2' from the East property line rather than the required 5', which would be a 3' Building Variance, in order to 2) construct a new 26'x26' detached garage 3' from the East property line rather than the permitted 5', which would be a 2' Building Variance and 3) 21' from the West property line rather than the required 25', which would be a 4' Building Setback Variance, all on Lot 6, Block 3, Simmon's First Addition to Aberdeen, a.k.a. 124 Thirteenth Avenue SW. Todd Kolden was present to represent the property. Following discussion Kezar

moved and Grebner 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.**

- 6) Proffutt Limited Partnership requested permission, as per site plan submitted, to 1) construct a third freestanding sign rather than the permitted one freestanding sign, which would be a Two Freestanding Sign Variance, and 2) to permit 348sf of freestanding signage rather than the permitted 300sf, which would be a 48sf Freestanding Sign Size Variance, all on Lot 3, Deere Second Subdivision in the SE¼ Sect. 16-T123N-R63W, a.k.a. 4935 Sixth Avenue SE. There being no representative this item was moved to the end of the agenda.
- 7) Terry Sorenson requests permission, as per site plan submitted, to 1) construct a 4'x11' monument sign 8' from the South property line rather than the required 20', which would be a 12' Setback Variance and 2) to construct a 4' tall freestanding sign in the 35' Corner Visibility Triangle, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Gohn's First Addition, a.k.a. 702 Third Avenue SW. There being no representative this item was moved to the end of the agenda.
- 8) Family Worship Center requested permission, as per site plan submitted, to 1) construct a second freestanding sign, which would be a One Freestanding Sign Variance, and 2) to construct a freestanding sign that is 121.5sf in size rather than the permitted 16sf, which would be a 105.5sf Freestanding Sign Size Variance, all on Lot A, Church of God Addition, a.k.a. 435 Highway 281 North. Lee Klitzke was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve with the following stipulations: 1) Sign Permit must be obtained prior to installation, and 2) Illegal billboard must be removed prior to installation of new sign. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.**
- 9) Mike Carrels requested permission, as per site plan submitted, to construct a 12'x29' addition to residence 7' from the East property line rather than the required 8', which would be a 1' Building Variance, all on Lot 21, Block 12, Prairiewood Village Subdivision, NE¼ Sect. 33-T124N-R63W, a.k.a. 12920 Ironwood Drive. Mike Carrels and John Kokales of Quest Construction were present to represent the property. Following discussion Musel 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. **BUILDING VARIANCE APPROVED.**

- 6) Proffutt Limited Partnership requested permission, as per site plan submitted, to 1) construct a third freestanding sign rather than the permitted one freestanding sign, which would be a Two Freestanding Sign Variance, and 2) to permit 348sf of freestanding signage rather than the permitted 300sf, which would be a 48sf Freestanding Sign Size Variance, all on Lot 3, Deere Second Subdivision in the SE¼ Sect. 16-T123N-R63W, a.k.a. 4935 Sixth Avenue SE. Evan Fonder, RDO Store Manager, was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny. Upon roll call, Kear-aye, Musel-aye, VanDeRostyne-aye, Babcock-aye, Grebner-nay (4-aye, 1-nay), the motion carried. **SIGN VARIANCES DENIED.**

- 7) Terry Sorenson requested permission, as per site plan submitted, to 1) construct a 4'x11' monument sign 8' from the South property line rather than the required 20', which would be a 12' Setback Variance and 2) to construct a 4' tall freestanding sign in the 35' Corner Visibility Triangle, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Gohn's First Addition, a.k.a. 702 Third Avenue SW. Ryan Sorenson was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.** Following further discussion Musel moved and Kezar seconded to deny agenda item #2, all members voting aye, the motion carried. **APPEAL DENIED.** Following further discussion Mr. Sorenson was told that if the top levels of blocks are removed from this sign structure, with the total height not to be greater than 36", the structure can remain in its current location.

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

Paula Nelson
Board of Zoning Adjustment Secretary
January 9, 2014