

BOARD OF ZONING ADJUSTMENT
February 13, 2014

The Board of Zoning Adjustment Meeting was held on Thursday, February 13, 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, Weigel, VanDeRostyne, and Babcock. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Rob Baumgartner, Code Enforcement Officer, Barry Dunlavy, Building Inspector, & Chad Nilson, Building Inspector.

VanDeRostyne moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of January 9, 2014, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Dustin Guthmiller requested permission, as per site plan submitted, to construct an accessory structure without the required primary structure which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Fulker's Homestead Subdivision in the SE $\frac{1}{4}$ Sect. 17-T123N-R64W, a.k.a. 38382 133rd Street. There being no representative this item was moved to the end of the agenda.
- 2) Ka-Boomer's, Inc. requested permission, as per site plan submitted, to permit the operation of a temporary fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Judy Outlot 1, NW $\frac{1}{4}$ Sect. 22-T123N-R63W, a.k.a. 5050 Highway 12 E. Stacy Bauer was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Must comply with Fire Marshal requirements, and 2) Any signage must be permitted and in compliance with the sign ordinance. Following further discussion, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 3) M&O Properties, LLC and Graham Tire of Aberdeen requested permission, as per site plan submitted, to 1) construct an accessory structure that is not subordinate in size or height to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit an accessory structure with an 18' sidewall height rather than the permitted 10', which would be a Special Exception in a C-2 Highway Commercial Zoning District and 3) 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 1, Teigen Second Addition in the NW $\frac{1}{4}$ Sect. 29-T123N-R63W, a.k.a. 1805 Roosevelt Street S. Ken LaBrie, Graham Tire Manager & Shane Spooner, Reave's Building Systems were present to represent the property. Following discussion Grebner moved and Kezar seconded to approve agenda item #1 with the stipulation that no merchandise can be stored outside. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Grebner moved and Kezar seconded to approve agenda item #2, all members voting aye, the motion carried.

SPECIAL EXCEPTION APPROVED. Following further discussion Grebner moved and Kezar seconded to approve agenda item #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, 3) All required inspections must be completed, and 4) City Council must approve project as this property lies in the school safe zone. Upon roll call, all members voting aye, the motion carried.
APPEAL APPROVED.

- 1) Dustin Guthmiller requested permission, as per site plan submitted, to construct an accessory structure without the required primary structure which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Fulker's Homestead Subdivision in the SE $\frac{1}{4}$ Sect. 17-T123N-R64W, a.k.a. 38382 133rd Street. Dustin Guthmiller was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the stipulation primary structure must be built within two years. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Babcock continued with other business as follows:

- 1) Brett Bill gave building permit, Planning Commission and Board of Zoning Adjustment statistics for 2013.

Rob Baumgartner gave code enforcement statistics for 2013.

- 2) VanDeRostyne brought up concerns with digital signs and possible solutions. Discussion followed. Ken Hubbard stated that he had mailed notices to all EMC sign owners to inform them of the requirements for their use and possible repercussions for misuse.

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

Paula Nelson
Board of Zoning Adjustment Secretary
February 13, 2014