

BOARD OF ZONING ADJUSTMENT
March 13, 2014

The Board of Zoning Adjustment Meeting was held on Thursday, March 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, Babcock, Musel, and Weigel. Absent were Grebner & VanDeRostyne. Also present were Brett Bill, Planning & Zoning Director, Ken Hubbart, City Planner, Chris Witzel, City Planner, Mike Olson, Code Enforcement Officer, Barry Dunlavy, Building Inspector, Chad Nilson, Building Inspector & Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Musel seconded to approve the Board of Zoning Adjustment minutes of February 13, 2014, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Melissa Zastrow 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 6 & the East 5' of Lot 5, Block 22, Ganje Addition to Melros Estates, a.k.a. 1308 Merton Street S. Melissa Zastrow was present to represent the property. Following discussion Weigel 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) Shelley Kolb 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) High Density Residential Zoning District, all on Lot 3, Block 32, Bennett & Thomas Addition, a.k.a. 715 First Street N. Shelley Kolb 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 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.**

- 3) Kessler's, Inc. requested permission, as per site plan submitted, to 1) permit a second freestanding sign, which would be a one freestanding sign variance, and 2) to permit 363.99sf of freestanding signage rather than the permitted 300sf, which would be a 63.99sf Freestanding Sign Size Variance, and 3) to permit an off-premise sign as an accessory land use on a property, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Kessler's Third Addition to the City of Aberdeen, NE¼ Sect. 24-T123N-R64W, a.k.a. 702 Sixth Avenue SE. Courtney Rott Jr. of Kessler's and Zach Flakus of NSU were present to represent the property. Following discussion Musel moved and Weigel seconded to deny agenda item #1, all members voting aye, the motion carried. **VARIANCE DENIED.** With the denial of agenda item #1, no action was taken on agenda items #2 and #3.

- 4) Aberdeen Shopping Centers requested permission, as per site plan submitted, to permit the addition of an 18sf sign panel to a previously approved 571.5sf of free standing signage for a total of 589.5sf rather than the permitted 300sf, which would be a 289.5sf Freestanding Sign Variance, all on Block A, Super City Corner Subdivision, a.k.a. 2105 Sixth Avenue SE. Cory Weisenburger of Service Signs was present to represent the property. Following discussion Kezar moved and Musel seconded to deny, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE DENIED.**

Brett Bill introduced Chris Witzel as City Planner.

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

Paula Nelson
Board of Zoning Adjustment Secretary
March 13, 2014