

**BOARD OF ZONING ADJUSTMENT**  
**July 10, 2014**

The Board of Zoning Adjustment Meeting was held on Thursday, July 10, 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 VanDeRostyne, Musel, Kezar, Winter, and Babcock. Grebner and Weigel were absent. Also present were Ken Hubbart, City Planner, Chris Witzel, City Planner, Mike Olson, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of June 12, 2014, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Erica Coughlin 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-1) Low Density Residential Zoning District, all on Lot 14, Block 10, Eleventh Addition to Highlands North Addition, a.k.a. 510 Eighteenth Avenue NE. Erica Coughlin was present to represent the property & stated at this time she was not allowing kids to play outside in the yard. Following discussion Kezar 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) Mylee Radtke 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 2, Block 48, Second Addition to Aberdeen, a.k.a. 207 Eighth Avenue SW. Mylee Radtke was present to represent the property. Following discussion VanDeRostyne 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 October 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.**

- 3) Tamara Appletoft 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 20, Block 1, North Plains First Addition to Aberdeen, a.k.a. 1018 Eighteenth Avenue NE. Tamara Appletoft was present to represent the property. Following discussion Kezar moved and Musel 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 October 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.**

- 4) Homes Are Possible, Inc. requested permission, as per site plan submitted, to temporarily place a 12'x16' accessory structure on a lot without a primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Block 7, Homes Are Possible Third Central Subdivision, a.k.a. 2121 Merton Street S. Jeff Mitchell was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) A permit must be obtained prior to locating the shed on the lot, 3) The shed must meet all setback requirements, 4) No outside storage, all equipment must be kept in shed, 5) Shed must be removed if lot is developed or sold, and 6) Shed must be

removed by July 10, 2016. Upon roll call, all members voting aye, the motion carried.  
**APPEAL APPROVED.**

- 5) Aberdeen Development Corporation and Velocitel, Inc. d.b.a. AT&T Mobility requested permission, as per site plan submitted, to 1) permit the installation of a monopole tower, which would be a Special Exception in the (I-1) Industrial Park District, and 2) to construct a 75' tall monopole tower rather than the permitted 70', which would be a 5' Maximum Height Variance, all on Lot 1, Safeguard /ADC Subdivision, a.k.a. 2830 Industrial Avenue NE. Blair Ransom of Velocitel, Inc. was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) The Airport Manager and the FAA must approve the height and location of the proposed tower prior to permitting, 2) Plans must be submitted and permit obtained prior to construction, 3) Avera St. Luke's and Sanford hospitals must both be notified and written responses provided to Planning & Zoning Office prior to permitting, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) Rose Marie Hawk requested permission, as per site plan submitted, for 1) existing residence to remain 1'8" from the West property line rather than the required 20', which would be a 18'4" Building Variance and 2'6" from the North property line rather than the required 5', which would be a 2'6" Building Variance and 8' from the East property line rather than the required 25', which would be a 17' Building Variance in order to 2) construct a 7'2" x9'6" front deck 10" from the East property line rather than the required 15', which would be a 14'2" Building Variance, all on The North 50' of Lot 6, Block 60, Second Addition and 8' of Vacated Alley, a.k.a. 210 Fourth Street S. Rose Marie Hawk was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) The submitted petition to rezone must be approved by Planning Commission and City Council, 2) Permit must be obtained prior to construction (issued at time of application), 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 7) Sacred Heart Parish requested permission, as per site plan submitted, to 1) construct an accessory structure without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct an accessory structure that is 1430sf rather than the permitted 1065sf, which would be a 365sf Accessory Structure Lot Coverage Variance, all on Lots 19&20, Block 75, Hagerty & Lloyd Addition, a.k.a. 124 Arch Street S. Jeff Swank was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to deny agenda item #1. Upon roll call, VanDeRostyne-aye, Kezar-abstain, Musel-nay, Babcock-nay, Winter-nay (1-aye,1-abstain,3-nay), the motion failed. Following further discussion Musel moved and Winter seconded to approve agenda item #1 with the following stipulations: 1) The property may not be sold to another party if garage is still on lot, 2) Plans must be submitted and a permit must be

obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, 4) All required inspections must be completed, 5) The property must be replatted into one parcel prior to permitting, 6) No outside storage of any type on the lot, 7) Property must be maintained in a neat and orderly manner, 8) The existing accessory structure must be removed within 90 days after this proposed structure is constructed, and 9) All city landscaping requirements must be adhered to. Upon roll call, VanDeRostyne-nay, Kezar-abstain, Musel-aye, Babcock-aye, Winter-aye (3-aye,1-abstain,1-nay), the motion failed. **APPEAL DENIED.** No action taken on agenda item #2.

- 8) Ron Fischer requested permission, as per site plan submitted, to 1) construct a mini-storage building, which would be a Special Exception in a (C-2) Highway Commercial District and 2) construct a mini-storage building that is 134' in length rather than the permitted 120', which would be a 14' Maximum Length Variance and 3) to construct a 30'x134' mini-storage building 20' from the rear property line rather than the required 30', which would be a 10' Building Variance, all on Lot 2, Cambridge Second Addition to Aberdeen, a.k.a. 1527 Eighth Avenue NE. Ron Fischer was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve agenda items #1 & #2 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. **SPECIAL EXCEPTION AND MAXIMUM LENGTH VARIANCE APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda item #3, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 9) Aberdeen School District 6-1 requested permission, as per site plan submitted, to permit the installation of a 2'5"x5'9" Multicolor Electronic Message Center sign panel on an existing freestanding sign, which would be a Special Exception for a school located in a (R-2) Medium Density Residential District, all on Block 1, Huffman's First Addition, a.k.a. 612 Fourteenth Avenue SE. Cory Wiesenberger of Service Signs was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve with the following stipulations: 1) Sign permit must be obtained prior to installation of sign, 2) School and operator(s) must adhere to all applicable city ordinances regarding EMC's, 3) No off-premise advertising on the EMC or sign structure, and 4) Sign may not be used between the hours of 10 p.m. and 7 a.m. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 10) Roger & Sandra Hauck requested permission, as per site plan submitted, for 1) existing residence to remain 18.5' from the East property line rather than the required 25', which would be a 6.5' Building Variance and for garage to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance, in order to 2) construct a 4.5'x14' with 5' steps 9' from the East property line rather than the required 15', which would be a 6' Building Variance, all on The South 44.5' of the East ½ of Lot 3, Block 7, Pleasant Hill Addition, a.k.a. 918 Eleventh Street S. Russell Entzel of Empire

Builders was present to represent the property. Following discussion VanDeRostyne 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.**

- 11) Richard C. Lord and Arrow Companies requested permission, as per site plan submitted, to permit the construction and upgrade of a wastewater treatment system, which would be an Appeal to the Board of Zoning Adjustment, all on Grave's Outlot A, SW¼ Sect. 34-T124N-R64W, a.k.a. 2640 130th Street NW. Richard Lord, George Ackre, & Gordon Larson, Arrow Companies Partners and Lonnie Anderson of Clark Engineering were present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) SD DENR approved plans must be submitted to the Planning & Zoning Office prior to installation, and 2) Permit must be obtained for structural components of the system and all setback requirements must be met. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
July 10, 2014