

BOARD OF ZONING ADJUSTMENT
August 14, 2014

The Board of Zoning Adjustment Meeting was held on Thursday, August 14, 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 Weigel, Musel, Grebner, Babcock, and Kezar. VanDeRostyne was absent. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbart, City Planner, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Weigel moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of July 10, 2014, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Audra Roettele 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 14, Block 16, Thirteenth Addition to Highlands North Addition, a.k.a. 721 Eighteenth Avenue NE. Audra Roettele 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) Dwayne Reinhardt requested permission, as per site plan submitted, for 1) existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance and 5' from the North property line rather than the required 15', which would be a 10' Building Variance in order to 2) construct a wheelchair ramp 0' from the East property line rather than the required 15', which would be a 15' Building Variance, all on Lots 1-2, Block 12, Hagerty & Lloyd Addition, a.k.a. 623 Lloyd Street N. There being no representative present this item was moved to the end of the agenda.

- 3) Mickey Schulz requested permission, as per site plan submitted, for existing residence to remain 24' from the North property line rather than the required 25', which would be a 1' Building Variance and for existing detached garage to remain 2.5' from the West property line rather than the required 5', which would be a 2.5' Building Variance and 2' from the South property line rather than the required 5', which would be a 3' Building Variance in order to replace two decks that will meet all setbacks, all on Lots 8-10, Block 38, West Aberdeen Addition, a.k.a. 917 Third Avenue SW. Mickey Schulz 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.**
- 4) John Carlson requested permission, as per site plan submitted, for existing residence to remain 22.5' from the East property line rather than the required 25', which would be a 2.5' Building Variance and for detached garage to remain 2.5' from the South property line rather than the required 5', which would be a 2.5' Building Variance, in order to construct a wheelchair ramp that will meet all setbacks, all on Lot 3, Block 19, First Addition to Highlands, a.k.a. 1015 Lloyd Street N. There being no representative present this item was moved to the end of the agenda.
- 5) John Gasco requested permission, as per site plan submitted, to 1) plat a lot that is 42' wide rather than the minimum 50', which would be an 8' Minimum Lot Width Variance and 75' in depth rather than the required 100', which would be a 25' Minimum Lot Depth Variance and 2) to construct a new residence 4' within the 35' corner visibility triangle at the intersection of two public R.O.W.s, which would be an Appeal to the Board of Zoning Adjustment, all on Proposed Lot 1, Gasco Consolidation Subdivision, a.k.a. 711 Arch Street S. John Gasco and Antonio Perez were present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda #1, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND MINIMUM LOT DEPTH VARIANCE APPROVED.** Following further discussion Kezar moved and Weigel seconded to approve agenda item #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. **APPEAL APPROVED.**
- 6) The Aberdeen American News requested permission, as per site plan submitted, to 1) permit the installation of six non ridged projecting banners, which would be an Appeal to the board of Zoning Adjustment, and 2) to permit six projecting banners on one property rather than the permitted 1 banner securely fastened to a structure, which would be a 5 Projecting Banner Variance and 3) to permit banners used for commercial advertising to extend into public R.O.W., which would be an Appeal to the Board of Zoning Adjustment, all on Lots 4-6, Block 18, First Addition to Aberdeen, a.k.a. 124 Second Street S. There being no representative present this item was moved to the end of the agenda.

- 7) Leonard Suel requested permission, as per site plan submitted, for 1) existing residence to remain 7' from the South property line rather than the required 10', which would be a 3' Building Variance and 9' from the North property line rather than the required 10', which would be a 1' Building Variance in order to 2) construct a 22'x28' addition to attached garage 8'2" from the North property line rather than the required 10', which would be a 1'10" Building Variance, all on Lot 1, Jark's Replat of Block 5, Gorder's Replat Fourth Addition, a.k.a. 1822 Eisenhower Circle. Tyler Forsythe was present to represent the property. Following discussion Weigel moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Grebner moved and Musel seconded to approve agenda item #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. **BUILDING VARIANCE APPROVED.**
- 8) Molded Fiberglass and The Aberdeen Development Corporation requested permission, as per site plan submitted, to permit the construction of an addition to an existing fiberglass manufacturing facility, which would be a Special Exception in a (I-2) Unrestricted Industrial District, all on Brown County Addition in the SE¼ Sect. 8-T123N-R63W , except the North 33', a.k.a. 1401 Brown County 19. Chris Haar 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 with Babcock abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 9) Charles Edwards requested permission, as per site plan submitted, for 1) existing residence to remain 14.5' from the West property line rather than the required 25', which would be a 10.5' Building Variance and for detached garage to remain 13.5' from the North property line rather than the required 25', which would be an 11.5' Building Variance and for shed to remain 0' from the South property line rather than the required 5', which would be a 5' Building Variance in order to 2) construct a 9'4"x22'3" addition to the nonconforming detached garage, that will meet all required setbacks, all on Proposed Lot 1, Charles Edward Addition to the City of Aberdeen, a.k.a. 1024 State Street N. Charles Edwards was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Musel moved and Grebner seconded to approve agenda item #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, 3) All required inspections must be completed, 4) Addition must meet all setbacks, and 5) Plat of property must be approved and filed with Register of Deeds

office. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 10) Eric Archambeau requested permission, as per site plan submitted, to construct an accessory structure with sidewalls that are 10'4½" tall rather than the permitted 10', which would be a 4½" Building Variance, all on Lot 1, Archambeau Addition to the City of Aberdeen, a.k.a. 511 First Street N. Eric Archambeau was present to represent the property. Following discussion Musel moved and Weigel seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Babcock 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.**
- 11) Terry Marko requested permission, as per site plan submitted, to 1) plat a lot that is 48' wide rather than the permitted 50', which would be a 2' Minimum Lot Width Variance and 2) for existing residence to remain 1'8" from the West property line rather than the required 5', which would be a 3'4" Building Variance and 17'8" from the South property line rather than the required 25', which would be a 7'4" Building Variance in order to replace an attached garage that will meet all required setbacks, all on Lot 1, Marko Addition to the City of Aberdeen, a.k.a. 205 Ninth Avenue SE. Terry Marko was present to represent the property. Following discussion Kezar moved and Weigel 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. **MINIMUM LOT WIDTH VARIANCE & BUILDING VARIANCES APPROVED.**
- 12) Wagner Holdings, LLC and Dakota Motor Sports requested permission, as per site plan submitted, to permit the open storage and display of ATV's, snowmobiles and related equipment and to permit a test course to test drive said vehicles, which would be a Special Exception in a (C-2) Highway Commercial District, all on Lot 2B, First Subdivision of Lot 2, Auto Plaza Addition, a.k.a. 628 Circle Drive. Jerome Ottenbacher was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) This special exception is for Dakota Motor Sports only, as long as they are the owner/operator of proposed use, 2) Open storage is for ATV's, snowmobiles and similar merchandise only, 3) All items displayed must be available for sale, no unrelated or off-premise storage, 4) Property must be maintained in a neat and orderly manner at all times, 5) Any signage must be approved and permitted prior to installation, 6) No storage in 35' corner visibility triangle, and 7) Test driving must take place on private property only. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 13) Nick Rayman requested permission, as per site plan submitted, for 1) existing structure to remain 23' from the North property line rather than the required 45', which would be a 22'

Building Variance and 24' from the West property line rather than the required 25', which would be a 1' Building Variance and 25.5' from the South property line rather than the required 30', which would be a 4.5' Building Variance in order to 2) replace front porch with an enclosed addition 23' from the North property line rather than the required 45', which would be a 22' Building Variance and to 3) replace front stairway 15' from the North property line rather than the required 45', which would be a 30' Building Variance and 4) to plat a lot in a (C-2) Highway Commercial District that is 92' in depth rather than the required 142', which would be a 50' Minimum Lot Depth Variance, all on The North 92' of Lots 10, 11, and 12, Block 18, Thomas Addition, a.k.a. 304 Sixth Avenue SE. There being no representative present this item was moved to the end of the agenda.

Chairman Babcock continued with other business as follows:

- 1) Letter from Steven D. Sandven re: Hutterville Hutterian Brethern, Inc. Ken Hubbart stated that this letter was received and placed on file. No action taken.

Chairman Babcock continued with new business as follows:

- 2) Dwayne Reinhardt requested permission, as per site plan submitted, for 1) existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance and 5' from the North property line rather than the required 15', which would be a 10' Building Variance in order to 2) construct a wheelchair ramp 0' from the East property line rather than the required 15', which would be a 15' Building Variance, all on Lots 1-2, Block 12, Hagerty & Lloyd Addition, a.k.a. 623 Lloyd Street N. Brett Bill was present to represent the property. Following discussion Grebner 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, 3) All required inspections must be completed, and 4) The ramp must be removed if no longer needed or if house is sold. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 13) Nick Rayman requested permission, as per site plan submitted, for 1) existing structure to remain 23' from the North property line rather than the required 45', which would be a 22' Building Variance and 24' from the West property line rather than the required 25', which would be a 1' Building Variance and 25.5' from the South property line rather than the required 30', which would be a 4.5' Building Variance in order to 2) replace front porch with an enclosed addition 23' from the North property line rather than the required 45', which would be a 22' Building Variance and to 3) replace front stairway 15' from the North property line rather than the required 45', which would be a 30' Building Variance and 4) to plat a lot in a (C-2) Highway Commercial District that is 92' in depth rather than the required 142', which would be a 50' Minimum Lot Depth Variance, all on The North 92' of Lots 10, 11, and 12, Block 18, Thomas Addition, a.k.a. 304 Sixth Avenue SE. Nick Rayman was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) State Historical Preservation Office must approve the plans

that were submitted to and approved by the Brown County Landmarks Commission, 2) Property must be replatted and filed with the Register of Deeds Office, 3) Plans must be submitted for review and a permit must be obtained prior to work commencing, 4) Property pins must be located for inspection and setbacks must be verified, and 5) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 4) John Carlson requested permission, as per site plan submitted, for existing residence to remain 22.5' from the East property line rather than the required 25', which would be a 2.5' Building Variance and for detached garage to remain 2.5' from the South property line rather than the required 5', which would be a 2.5' Building Variance, in order to construct a wheelchair ramp that will meet all setbacks, all on Lot 3, Block 19, First Addition to Highlands, a.k.a. 1015 Lloyd Street N. Brett Bill 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, 3) All required inspections must be completed, and 4) The ramp must be removed if no longer needed or if house is sold. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 6) The Aberdeen American News requested permission, as per site plan submitted, to 1) permit the installation of six non ridged projecting banners, which would be an Appeal to the board of Zoning Adjustment, and 2) to permit six projecting banners on one property rather than the permitted 1 banner securely fastened to a structure, which would be a 5 Projecting Banner Variance and 3) to permit banners used for commercial advertising to extend into public R.O.W., which would be an Appeal to the Board of Zoning Adjustment, all on Lots 4-6, Block 18, First Addition to Aberdeen, a.k.a. 124 Second Street S. Tyler Oliver was present to represent the property. Following discussion Kezar moved and Babcock seconded to deny agenda item #1. Upon roll call, Kezar-aye, Weigel-aye, Musel-nay, Grebner-nay, Babcock-aye (3-aye,2-nay), the motion carried. **APPEAL DENIED.** No action taken on agenda items #2 and #3.

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

Paula Nelson
Board of Zoning Adjustment Secretary
August 14, 2014