

BOARD OF ZONING ADJUSTMENT
September 11, 2014

The Board of Zoning Adjustment Meeting was held on Thursday, September 11, 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, VanDeRostyne, Babcock, Weigel, and Grebner. Also present were Brett Bill, Planning and Zoning Director, Ron Wager, Acting City Attorney, Ken Hubbart, City Planner, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, Chad Nilson, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of August 14, 2014, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Jennifer Bruce 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 a (R-3) High Density Residential District, all on The North 16.8' of Lot 7 & the South 16.8' of Lot 6, Block 18, Hagerty & Lloyd Addition, a.k.a. 515 State Street N. Jennifer Bruce was present to represent the property. Following discussion Kezar moved and Grebner 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 15, 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, 10) Owner/operator and any employees must be licensed with the City of Aberdeen, 11) All Building Inspection recommendations must be completed, and 12) Petitioner must address the recommendation of the City Attorney with the City Attorney. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 2) Rachel Brown 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 a (R-2) Medium Density Residential District, all on Lot 5, Block 17, Simmon's First Addition, a.k.a. 1518 Lincoln Street S. Rachel Brown was present to represent the property. Following discussion Kezar moved and Grebner 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, 10) Owner/operator and any employees must be licensed with the City of Aberdeen, and 11) All Building Inspection recommendations must be completed. Upon roll call all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 3) Andrew Radtke requested permission, as per site plan submitted, for existing residence to remain 23' from the North property line rather than the required 25', which would be a 2' Building Variance and 2' from the East property line rather than the required 5', which would be a 3' Building Variance and for existing garage to remain 4' from the South property line rather than the required 5', which would be a 1' Building Variance in order to construct a back deck that will meet all required setbacks, all on Lot 2, Block 48, Second Addition to Aberdeen, a.k.a. 207 Eighth Avenue SW. Andrew Radtke was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 4) Carol Schumacher requested permission, as per site plan submitted, for existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance and 3.5' from the North property line rather than the required 5', which would be a 1.5' Building Variance and for existing garage to remain 1.5' from the South property line rather than the required 5', which would be a 3.5' Building Variance in order to construct a back deck that will meet all required setbacks, all on Lot 4, Block 22, Bennett & Thomas Addition, a.k.a. 613 Washington Street N. There being no representative present this item was moved to the end of the agenda.
- 5) Ed Bauer requested permission, as per site plan submitted, for 1) existing residence to remain 22' from the East property line rather than the required 25', which would be a 3' Building Variance and 4' from the North property line rather than the required 5', which would be a 1' Building Variance in order to 2) construct a 14'x24' attached garage 22' from the East property line rather than the required 25', which would be a 3' Building Variance, all on Lots 76-77, Morning Heights Addition, a.k.a. 616 Harrison Street S. Ed Bauer was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Plans must be submitted and permit obtained prior to construction, 2) All required inspections must be completed, 3) A plat combining Lots 76 and 77 must be filed in order to obtain building permit, 4) Property lines must be located at time of inspection

to verify setbacks, and 5) Property must be rezoned to Residential. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 6) Joan Kelly requested permission for 1) existing residence to remain 12'3" from the East property line rather than the required 25', which would be a 12'9" Building Variance and for garage to remain 0' from the North property line rather than the required 5', which would be a 5' Building Variance and 0' from the West property line rather than the required 5', which would be a 5' Building Variance and for existing 8'x8' shed to remain 2'4" from the South property line rather than the required 5', which would be a 2'8" Building Variance in order to 2) construct a new 10'x14' shed 2'4" from the South property line rather than the required 5', which would be a 2'8" Building Variance, all on Lot 3, Block 23, Bennett & Thomas Addition, a.k.a. 715 Washington Street N. Owen Jones was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve agenda #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Weigel moved and Grebner seconded to deny agenda item #2. Upon roll call, Weigel-nay, Kezar-nay, VanDeRostyne-aye, Babcock-nay, Grebner-nay (1-aye, 4-nay), the motion failed. Following further discussion Kezar 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, 3) All required inspections must be completed, and 4) All Fire Marshal stipulations must be met. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Office Building Partnership requested permission, as per site plan submitted, to 1) move a non-fireproof 44'x54' frame building onto a lot that is zoned I-1, which would be an Appeal to the Board of Zoning Adjustment, and 2) that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Outlot 15 in the NE¼ Sect. 17-T123N-R63W, a.k.a. 421 Commerce Street. Ryan Rivett was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve agenda item #1 with the following stipulations: 1) A building permit and moving permit must be obtained prior to the structure being moved, 2) All building code requirements must be met, 3) Landscape Ordinance requirements must be met, 4) Structure must meet all setbacks, and 5) All Fire codes must be adhered to. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #2. Upon roll call, Weigel-nay, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Grebner-nay (3-aye, 2-nay), the motion carried. **APPEAL DENIED.**
- 8) Francis Jensen & Domino's Pizza requested permission, as per site plan submitted, to 1) replace a portion of an existing freestanding sign, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit internally illuminated wall signs, rather than the permitted blade sign or channel letter sign, which would be an Appeal to the Board of Zoning Adjustment, and 3) to permit 30" sign letters, rather than the permitted 12", which would be an 18" Sign Variance, and 4) to reside the parapet wall with steel siding, which would be an

Appeal to the Board of Zoning Adjustment, all on Lot 1, Jensen's Corner Subdivision, a.k.a. 518 Main Street S. Frank Jensen and Darin Duvall were present to represent the property. Attorney Rod Tobin spoke in favor of this request in reference to his involvement in writing this downtown ordinance. Following discussion Kezar moved and Weigel seconded to approve agenda item #1 with the stipulation that the electronic message center portion is operated in accordance with the Electronic Message Center Sign Ordinance. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda item #2. Upon roll call, Weigel-aye, Kezar-aye, VanDeRostyne-nay, Babcock-nay, Grebner-nay (2-aye, 3-nay) the motion fails. Following further discussion VanDeRostyne moved and Grebner seconded to approve agenda item #2 with the stipulation that the sign on the Main Street side be replaced as a blade sign. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Grebner moved and Babcock seconded to approve agenda item #3 on the 6th Avenue side only. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Weigel moved and VanDeRostyne seconded to approve with the stipulation that the material used to reside the parapet wall must be approved by the Planning Commission and Downtown Association prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 9) Doug Braa requested permission, as per site plan submitted, to 1) construct covered decks on the North side of a proposed apartment building 11' from the North property line rather than the required 15', which would be a 4' Building Variance and 2) to construct covered decks on the West side of a proposed apartment building 17.75' from the West property line rather than the required 20', which would be a 2.25' Building Variance, all on Lot 1A of Lots 1A & 2A in Block 43, of Thomas Addition, a.k.a. 1116 Main Street S. Jared Carda of CO-OP Architecture was present to represent the property. Following discussion Kezar moved and Weigel seconded to deny. Upon roll call, Weigel-nay, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Grebner-aye (4-aye, 1-nay) the motion carried. **BUILDING VARIANCES DENIED.**
- 10) Marilyn Maloney requested permission, as per site plan submitted, to construct a shed (200sf or less) on a lot without the necessary primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot D, Maloney Subdivision in the N½ Sect. 11-T123N-R64W, a.k.a. 1717 Olive Drive. Marilyn Maloney was present to represent the property. Following discussion Grebner moved VanDeRostyne seconded to approve with the following stipulations: 1) Shed must meet all setbacks, 2) The property permit must be obtained prior to construction, and 3) If owner (Marilyn Maloney) sells the North lot, the shed must be removed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 11) Stiles & Byron, LLC requested permission, as per site plan submitted, to 1) provide 19 (10'x20') parking stalls rather than the required 25 stalls, which would be a 6 Parking Stall Variance and 2) to provide no loading and unloading stalls rather than the required 1, which would be a 1 stall Loading and Unloading Stall Variance, all on The West 8' of Lot 7 and Lots

8-12, Block 14, Smith Addition, a.k.a. 604 Sixth Avenue SE. Attorneys Rod Tobin & Matt Campbell were present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda item #2, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #2 with the following stipulations: 1) Lot must be landscaped to meet landscape ordinance, and 2) All parking stalls must be striped and remain as indicated on approval plan. Upon roll call, all members voting aye, the motion carried. **LOADING & UNLOADING STALL VARIANCE APPROVED.**

- 12) Jerry Markovetz requested permission, as per site plan submitted, to 1) plat a lot in an (R-3) High Density Residential District that is 25' in width rather than the required 50', which would be a 25' Minimum Lot Width Variance and 2) for existing residence to remain 2.1' from the South property line rather than the required 5', which would be a 2.9' Setback Variance, all on Proposed Lot 1, Markovetz First Improvement Subdivision, a.k.a. 313 Eighth Street S. Jerry Markovetz was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the stipulation that the plat must be approved and filed with the Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE & SETBACK VARIANCE APPROVED.**
- 13) Jerry Markovetz requested permission, as per site plan submitted, to 1) plat a lot in an (R-3) High Density Residential District that is 25' in width rather than the required 50', which would be a 25' Minimum Lot Width Variance and 2) for existing residence to remain 3' from the South property line rather than the required 5', which would be a 2' Setback Variance and for residence to remain 22.5' from the West property line rather than the required 25', which would be a 2.5' Building Variance and for existing garage to remain 1' from the South property line rather than the required 5', which would be a 4' Building Variance, all on Proposed Lot 2, Markovetz First Improvement Subdivision, a.k.a. 315 Eighth Street S. Jerry Markovetz was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the stipulation that the plat must be approved and filed with the Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE & BUILDING VARIANCES APPROVED.**
- 14) Jerry Markovetz requested permission, as per site plan submitted, to 1) plat a lot in an (R-3) High Density Residential District that is 42' in width rather than the required 50', which would be an 8' Minimum Lot Width Variance and 2) for existing residence to remain 22' from the West property line rather than the required 25', which would be a 3' Building Variance and for a detached garage to remain 1' from the South property line rather than the required 5', which would be a 4' Setback Variance, all on Proposed Lot 3, Markovetz First Improvement Subdivision, a.k.a. 317 Eighth Street S. Jerry Markovetz was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with

the stipulation that the plat must be approved and filed with the Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, BUILDING VARIANCE, & SETBACK VARIANCE APPROVED.**

- 15) Presentation College requested permission, as per site plan submitted, to 1) construct a 240'x450' inflatable dome that is not aesthetically similar to the primary structure on the lot, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct a 240'x450' inflatable dome that is 76.5' in height rather than the required 35', which would be a 41.5' Maximum Height Variance and 3) to construct two 50'x60' accessory structures that are not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment and 4) to provide 0 parking stalls rather than the required 1080, which would be a 1080 stall Minimum Parking Stall Variance, all on Lot 1, Russo Addition, NW¼ Sect. 12-T123N-R64W, a.k.a. 26 Twenty Fourth Avenue NW. Dr. Margaret Huber, Bob Schuchardt, & Larry Wirebaugh of Presentation College and Jared Carda of CO-OP Architecture were present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion VanDeRostyne 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, and 4) Applicant must obtain and submit copies of approval notices from FAA, Aberdeen Regional Airport, Avera St. Luke's Hospital, and Sanford Hospital prior to permitting. Upon roll call, all members voting aye, the motion carried. **MAXIMUM HEIGHT VARIANCE APPROVED.** Jared Carda clarified that on agenda item #3 they are only asking to construct one accessory structure, not two. Following further discussion Kezar moved and Grebner seconded to approve agenda #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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #4, all members voting nay, the motion failed. Following further discussion Grebner moved and Babcock seconded to approve agenda item #4 with the stipulation that there must be 1 parking stall for each 4 seats of occupancy as determined by Fire Marshal. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL VARIANCE APPROVED.**
- 16) Leslie Dutenhoffer requested permission, as per site plan submitted, to construct a 24'x26' unattached garage 19' from the East property line rather than the required 25', which would be a 6' Building Variance, all on Lot 1, Block 7, Vahldick's Replat of Howard & Hedger's Replat of Northwest Addition & 8' Vacated Alley, a.k.a. 924 Eighth Avenue NE. Leslie Dutenhoffer and Delbert Dutenhoffer were present to represent the property. Following discussion Grebner moved and VanDeRostyne 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 property must be replatted and filed with Register of Deeds office in order to obtain permit. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 17) Richard and Nichole Zephier requested permission, as per site plan submitted, for 1) existing unattached garage to remain 5' from the South property line rather than the required 10', which would be a 5' Building Variance and for existing residence to remain 6' from the North property line rather than the required 10', which would be a 4' Building Variance, in order to 2) construct a 24'x28' addition to unattached garage 5' from the South property line rather than the required 10', which would be a 5' Building Variance, all on Lot 3, Block 2, Replat of Gorder's Fourth Addition to Addition to Aberdeen, a.k.a. 1815 Lincoln Street S. Richard and Nichole Zephier were present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Grebner moved and Kezar 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.**
- 18) Ryan Hansen requested permission, as per site plan submitted, to permit the open storage, parking and sale of ATV's, boats, personal watercraft, loaders, loader attachments, boats and boat lifts, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 1, Crompton Addition, NW¼ Sect. 23-T123N-R63W, a.k.a. 39205 133rd Street. Ryan Hansen was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) No storage in corner visibility triangles, 2) All vehicles must be licensed and operable, 3) No illegal signs allowed and all signs must be permitted, 4) No off-premise storage of items not consigned to Ryan Hansen, Sole Proprietor, 5) Property must be maintained in a neat and orderly manner, 6) This approval is for Ryan Hansen only, 7) Approval is for the three locations on the site plan labeled #1's, and 8) Approval is limited to the #'s of each category of equipment as indicated on site plan. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 19) Jon Malsam requested permission, as per site plan submitted, to 1) operate a construction business in an (R-2) Medium Density Residential District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit the open storage of trailers, materials and equipment, which would be an Appeal to the Board of Zoning Adjustment, and 3) to construct a 1200sf accessory structure (24'x50') in addition to an existing 1080sf of accessory structures for a total of 2280sf of accessory structures rather than the permitted 1000sf, which would be a 1280sf Accessory Structure Lot Coverage Variance, and 4) to construct a 24'x50' 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 8, Auditor's Second Subdivision, SE¼

Sect. 27-T123N-R64W, a.k.a. 2728 Highway 281 S. Jon Malsam was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny agenda item #1. Upon roll call, Weigel-nay, Kezar-aye, VanDeRostyne-nay, Babcock-nay, Grebner-nay (1-aye, 4-nay), the motion failed. Following further discussion Grebner moved and Babcock seconded to approve agenda #1 with the following stipulations: 1) Property must be rezoned to (R-2) Medium Density Residential District, 2) No outside changes to the property; property must adhere to “residential” look, and 3) No business signage allowed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Weigel moved and Babcock seconded to deny agenda item #2. Upon roll call, Weigel-nay, Kezar-nay, VanDeRostyne-aye, Babcock-nay, Grebner-nay (1-aye, 4-nay) the motion failed. Following further discussion Weigel moved and Babcock seconded to approve agenda item #2 with the stipulation that all licensed trailers & motorized equipment utilized for business must be licensed and operable. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Grebner moved and Weigel seconded to approve agenda item #3 with the stipulation that the accessory structure must be constructed aesthetically similar to the primary structure (house). Upon roll call, Weigel-nay, Kezar-nay, VanDeRostyne-nay, Babcock-nay, Grebner-aye (1-aye, 4-nay) the motion failed. Following further discussion agenda item #3 died for lack of second motion. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE DENIED.**

Grebner left meeting at this time.

- 20) Avera St. Luke’s Hospital requested permission, as per site plan submitted, for existing residence to remain 20.3’ from the West property line rather than the required 25’, which would be a 4.7’ Building Variance and for existing unattached garage to remain 3.5’ from the North property line rather than the required 5’, which would be a 1.5’ Building Variance in order to replace 3.5’x7’ front deck, all on The North 16’ of Lot 17 and Lot 18 & the South 18’ of Lot 19, Block 89, Hagerty & Lloyd Addition, a.k.a. 313 Kline Street S. Brian Schreter was present to represent the property. Following discussion Kezar 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.**
- 21) Jaela Johnson requested permission, as per site plan submitted, to permit the installation of asphalt shingles on residence and steel roofing on an accessory structure, which would be an Appeal to the Board of Zoning Adjustment, as they are not aesthetically similar materials, all on Lot 27 & the North 10’ of Lot 28, Garden Addition, a.k.a. 810 Eighth Street S. Jaela Johnson was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the stipulation that a building permit must be obtained prior to construction. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Grebner re-entered meeting at this time.

- 22) Lew Raderschadt and Joe Gross requested permission, as per site plan submitted, to permit the open storage, display and sale of construction and related equipment, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 2, First Replat of East Highway 12 Addition in the NE¼ Sect. 22-T123N-R63W, a.k.a. 5990 Highway 12 E. Joe Gross was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) All signage on the property must be removed before any storage may occur on lot. If JGE wants signs, they must be properly permitted with this office, 2) This approval is for Joe Gross only, as long as he is the tenant, 3) Only storage of licensed, operable equipment for sale or rent by JGE will be allowed, no off-premise storage or sales and no storage of anything by any other person, business, etc., 4) No personal storage, 5) Property must be maintained in a neat and orderly manner at all times, 6) The fireworks billboard shall be removed as was previously stipulated by this board when Lew's Fireworks relocated. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 4) Carol Schumacher requested permission, as per site plan submitted, for existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance and 3.5' from the North property line rather than the required 5', which would be a 1.5' Building Variance and for existing garage to remain 1.5' from the South property line rather than the required 5', which would be a 3.5' Building Variance in order to construct a back deck that will meet all required setbacks, all on Lot 4, Block 22, Bennett & Thomas Addition, a.k.a. 613 Washington Street N. Brett Bill was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) Discussion ensued concerning Aberdeen Commercial Historic District Ordinances. No action taken.
- 2) Brett Bill introduced Ron Wager, Acting City Attorney.

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

Paula Nelson
Board of Zoning Adjustment Secretary
September 11, 2014