

**BOARD OF ZONING ADJUSTMENT**  
**October 9, 2014**

The Board of Zoning Adjustment Meeting was held on Thursday, October 9, 2014 in the Aberdeen Recreation & Cultural Center – Alumni Room, Aberdeen, South Dakota with Kezar presiding as Acting Chairman. Chairman Kezar called the meeting to order. Members present at roll call were Weigel, VanDeRostyne, Kezar, Winter, & Grebner. Babcock was absent. Also present were Ken Hubbard, City Planner, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Weigel seconded to approve the Board of Zoning Adjustment minutes of September 11, 2014, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Darci Withers 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 3, Block 1, D&G Second Subdivision of Roosevelt Crystals Subdivision, a.k.a. 2002 Sapphire Avenue SE. Darci Withers was present to represent the property. Following discussion Weigel 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, 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) Jodi Fish 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 29, Block 2, Gorder's First Addition, a.k.a. 1749 Second Street S. Jodi Fish was present to represent the property. Following discussion Grebner moved and VanDeRostyne 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) Carl Antanitis requested permission, as per site plan submitted, for 1) existing unattached garage to remain 0' from the East property line rather than the required 5', which would be a 5' Building Variance and .5' from the North property line rather than the required 25', which would be a 24.5' Building Variance and 0' from the South property line rather than the required 5', which would be a 5' Building Variance and for existing residence to remain 21.5' from the West property line rather than the required 25', which would be a 3.5' Building Variance and 3.5' from the North property line rather than the required 15', which would be an 11.5' Building Variance and 0' from the South property line rather than the required 5', which would be a 5' Building Variance in order to 2) construct a 6'x7' shed 14' from the North property line rather than the required 25', which would be an 11' Building Variance, all on Lot 24, Block 46, Hagerty & Lloyd Addition, a.k.a. 124 Arch Street N. Carl Antanitis was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Dave Usselman requested permission, as per site plan submitted, to construct a 14'x28' accessory structure that does not match the brick exterior of the primary structure, which would be an Accessory Structure Aesthetically Similar Variance, all on Lot 1, North Main Fire Station #2 Subdivision, a.k.a. 604 Main Street N. Dave Usselman was 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) Accessory structure must be sided with horizontal masonite siding and painted a similar color to match the primary structure's existing addition. Upon roll call, all members voting aye, the motion carried. **ACCESSORY STRUCTURE AESTHETICALLY SIMILAR VARIANCE APPROVED.**

- 5) David Fischer requested permission, as per site plan submitted, to construct a 26'x40' accessory structure that does not match the exterior of the primary structure, which would be an Accessory Structure Aesthetically Similar Variance, all on Lot 28, Block 2, Wylie Park Estates Fourth Addition, a.k.a. 1632 Olive Drive. David Fischer was present to represent the property. Following discussion VanDeRostyne 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, 3) All required inspections must be completed, and 4) 4' brick wainscot must be added on North side of garage. Upon roll call, all members voting nay, the motion failed. Following further 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, 4) 4' brick wainscot must be added on North side of garage, and 5) Building permit for accessory structure must also include residing the house, with existing brick to remain, to be completed within the standard two-year permit guidelines. Upon roll call, all members voting aye, the motion carried. **ACCESSORY STRUCTURE AESTHETICALLY SIMILAR VARIANCE APPROVED.**
- 6) Stuart Himes requested permission, as per site plan submitted, for 1) existing residence to remain 4.5' from the South property line rather than the required 5', which would be a .5' Setback Variance and 23' from the East property line rather than the required 25', which would be a 2' Building Variance in order to construct a front deck that will meet setback requirements, all on Lots 280-281, Morning Heights Addition, a.k.a. 806 Merton Street S. Stuart Himes was 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 7) Nickolas & Bobbie Fesler requested permission, as per site plan submitted, to 1) replace a 6.5'x22' front addition with a 12'x24' front addition that is 15'4" from the North property line rather than the required 25', which would be a 9'8" Building Variance and to 2) construct a 4'x5' landing and steps 7'4" from the North property line rather than the required 15', which would be a 7'8" Building Variance, all on Lot 2, Block 12, Thomas Addition, a.k.a. 418 Ninth Avenue SE. Nickolas Fesler and Jeremy Ahoe of Ahoe Construction were present to represent the property. Following discussion Weigel moved and Grebner seconded to approve agenda item #1 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) **This approval is to replace only with a 6.5' x 24' front addition.** Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further

discussion VanDeRostyne moved and Grebner seconded to approve agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 8) Brookes Geary requested permission, as per site plan submitted, for 1) existing residence and attached garage to remain 4'9" from the West property line rather than the required 5', which would be a 3" Building Variance in order to 2) construct a 20'x26' attached garage addition 4'9" from the West property line rather than the required 5', which would be a 3" Building Variance, all on Lot 18, Block 3, Northview Fifth Addition, a.k.a. 1112 Eleventh Avenue NE. Brookes Geary was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE 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 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.**
- 9) Frank Benoit requested permission, as per site plan submitted, for existing residence to remain 14' from the East property line rather than the required 25', which would be an 11' Building Variance and uncovered front deck to remain 12' from the East property line rather than the required 15', which would be a 3' Building Variance in order to construct a 15'x15' back deck that will meet all setback requirements, all on Lots 394-395, Morning Heights Addition, a.k.a. 816 McCoy Street S. Frank Benoit was present to represent the property. Following discussion VanDeRostyne 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.**
- 10) William J. Hoar requested permission, as per site plan submitted, for existing residence to remain 23.5' from the East property line rather than the required 25', which would be a 1.5' Building Variance and 5' from the South property line rather than the required 8', which would be a 3' Building Variance in order to construct a 12'x27' back deck that will meet all required setbacks, all on Lot 8, Block 3, Replat of Blocks 3-4, Huffman's Second Addition, a.k.a. 1534 Dick Drive. Adam Burgard of Burgard Construction was present to represent the property. Following discussion VanDeRostyne 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. **BUILDING VARIANCES APPROVED.**
- 11) Terry Goldade requested permission, as per site plan submitted, for 1) existing residence to remain 5' from the North property line rather than the required 10', which would be a 5' Building Variance and for existing attached garage to remain 5'4" from the South property line

rather than the required 10', which would be a 4'8" Building Variance, if it is not demolished and to 2) construct a 24'x30' unattached garage 6' from the South property line rather than the required 10', which would be a 4' Building Variance, all on The South 75.33' of Lots 1-6, and the East 7' of the South 75' of Lot 7, Block 5, Corrected Plat of Highlands, a.k.a. 1115 Second Street N. Terry Goldade was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE 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, and 3) All required inspections must be completed. Upon roll call, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Winter-nay, Grebner-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE APPROVED.**

- 12) Terry Larson 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 Zoning District, and 2) to construct a 44'x54' mini-storage building that is 55' deep rather than the required 30', which would be a 25' Maximum Depth Variance and 3) to construct a 44'x54' mini-storage building that is 20' in height rather than the required 16', which would be a 4' Building Variance and 4) request permission to permit an off-premise warehouse for an adjacent property, which would be an Appeal to the Board of Zoning Adjustment, and 5) to plat a lot that is 125' deep rather than the required 142', which would be a 17' Minimum Lot Depth Variance, all on Lots 8-10, Block 43, Roches East Side Addition and North ½ of Vacated Fifth Avenue SE, a.k.a. 402 Illinois Street S. Tracy Battest was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve agenda item #1 with the following stipulations: 1) The property must be platted together, including vacating alley between this property & the upholstery shop to the West, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) All required parking and landscaping must be provided, and 4) All required inspections must be completed. Following further discussion VanDeRostyne moved and Weigel seconded to postpone this item indefinitely, all members voting aye, the motion carried.
- 13) Mark Rich requested permission, as per site plan submitted, to permit the installation of vinyl window signs in two adjacent businesses that are located within the Aberdeen Historical Commercial District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 8 and Lot 9, Block 11, Original Plat, a.k.a. 218 and 216 Main Street S. There being no representative present this item was moved to the end of the agenda.
- 14) Midwest Business Condos requested permission, as per site plan submitted, to 1) construct a 60sf freestanding sign 7' from the South property line rather than the required 10', which would be a 3' Freestanding Sign Setback Variance and 2) request permission to permit the installation of off-premise advertising on a freestanding sign to advertise for adjacent properties, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Nordstrom-Pierson Second Addition to Aberdeen, a.k.a. 3011 Eighth Avenue NE. Steve

Lewno, General Manager, Quality Quick Print, was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny agenda item #1, all members voting aye, the motion carried. **FREESTANDING SIGN SETBACK VARIANCE DENIED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda #2 with the following stipulations: 1) No additional freestanding signs will be allowed on the adjacent 2 properties, 2) All signs & face changes must be permitted prior to installation, 3) Existing illegal temporary signs must be removed, 4) Any existing unpermitted signs must be permitted, and 5) Signage is only for the businesses and/or services provided on these lots; absolutely no off-premise entities allowed on sign. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 15) Bart Walker and Jacob Bosmoe requested permission, as per site plan submitted, to permit the installation of a 4'x8' flat mounted wall sign within the Aberdeen Commercial Historic District, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 7-8, Block 7, Original Plat, a.k.a. 121 Main Street S. Bart Walker and Jacob Bosmoe were present to represent the property. Following discussion VanDeRostyne moved and Weigel 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 Aberdeen Commercial District Design Review Committee and Planning Commission must approve the sign prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
  
- 13) Mark Rich requested permission, as per site plan submitted, to permit the installation of vinyl window signs in two adjacent businesses that are located within the Aberdeen Historical Commercial District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 8 and Lot 9, Block 11, Original Plat, a.k.a. 218 and 216 Main Street S. Mark Rich was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the stipulation that the Aberdeen Commercial District Design Review Committee and Planning Commission must approve the signs prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
October 9, 2014