

BOARD OF ZONING ADJUSTMENT
November 13, 2014

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

VanDeRostyne moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of October 9, 2014, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Doris Nelson 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-1) Low Density Residential District, all on Lot 13, Block 11, Ninth Addition to Highland North Subdivision, a.k.a. 509 Sixteenth Avenue NE. Doris Nelson 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 June 30, 2015, 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) Craig Mickelson requested permission, as per site plan submitted, for existing residence to remain 21.5' from the South property line rather than the required 25', which would be a 3.5' Building Variance and 3.7' from the West property line rather than the required 15', which would be a 11.3' Building Variance in order to replace entire foundation, all on Lot 7, Block 20, Thomas Addition to Aberdeen, a.k.a. 301 Ninth Avenue SE. There being no representative present this item was moved to the end of the agenda.
- 3) Janine Rathert requested permission, as per site plan submitted, for 1) existing 40'x75' shop to remain 60' from the South property line rather than the required 100', which would be a 40'

Building Variance in order to 2) construct a 60'x100' addition to existing accessory structure 50' from the South property line rather than the required 100', which would be a 50' Building Variance, all on Lot 1, Rathert Addition in the SE¼ Sect. 4-T123N-R63W, a.k.a. 2405 391st Avenue N. Janine Rathert was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda #1, upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Weigel seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Grebner moved and Kezar 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, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Weigel-nay, Grebner-aye (4-aye,1-nay), the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Matt Biegler requested permission, as per site plan submitted, to construct a 20'x22' 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 14, Block 3, Hyde Park First Addition, a.k.a. 123 Weber Street S. Matt Biegler 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 Babcock seconded to approve, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Inman Irrigation requested permission, as per site plan submitted, to permit the open storage, parking and display of irrigation equipment, trailers, vehicles, and related items, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on a parcel described as Beginning at the SW Corner or the SW¼ of Sect. 14-T123N-R63W, East 600' along Highway and North 726' & West 600' and South 726' to point of beginning, a.k.a. 421 392nd Avenue S. Tim Swisher was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) This special exception is for Inman Irrigation, as long as they are the owner/operator of proposed use, 2) All storage and display must be directly related to Inman Irrigation, irrigation parts, supplies, equipment, etc. No unrelated vehicles or items may be stored openly on lot, 3) The South side of property should be limited to product or merchandise display only; all vehicles, parts, materials and used equipment should be stored in North storage area, and 4) Property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) The Aberdeen Mall requested permission, as per site plan submitted, to 1) permit the installation of six freestanding signs rather than the permitted one freestanding signs, which would be a Five Freestanding Sign Variance, and 2) to permit the installation of 1322.2sf of Freestanding Signage rather than the permitted 300sf, which would be a 1022.2sf Freestanding Sign Size Variance, all on Lot 2A, Dial Third Addition to the City of Aberdeen, in the SE¼ Sect. 17-T123N-R63W, a.k.a. 3315 Sixth Avenue SE. Jay Gellhaus, Attorney, was present to represent the property. Following discussion Weigel moved and Babcock seconded to deny

agenda item #1. Upon roll call, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Weigel-aye, Grebner-nay (4-aye,1-nay), the motion carried. Following further discussion Kezar moved and VanDeRostyne seconded to approve signs #1, #3B, #4, and #7 as indicated on site plan and sign plans as submitted. Upon roll call, all members voting aye, the motion carried. **FOUR FREESTANDING SIGN VARIANCE APPROVED.** Following further discussion Grebner moved and VanDeRostyne seconded to approve sign #2 to be located 5', either way off midpoint, in existing island location. Following further discussion Grebner moved and Babcock seconded to amend original motion to replace the existing #2 Lakewood Mall Sign where it is currently located. Upon roll call, VanDeRostyne-nay, Kezar-nay, Babcock-nay, Weigel-nay, Grebner-aye (1-aye,4-nay), the motion failed. Following further discussion VanDeRostyne moved to allow the existing #2 sign to be refaced/repainted to remain in existing location. Motion died due to lack of second. Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda item #2 to permit the installation of 1073.1sf of Freestanding Signage, which includes the 4 signs approved in agenda #1, rather than the permitted 300sf, which would be a 773.1sf Freestanding Sign Size Variance. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN SIZE VARIANCE APPROVED.**

- 7) H.F. Jacobs and Son Construction requested permission, as per site plan submitted, to 1) permit the expansion of an operation and maintenance terminal for a construction business, which would be a Special Exception in a (M-Ag) Mini-Agricultural Zoning District, and 2) request permission, to plat a lot with 0' of frontage on a Public ROW rather than the required 200', which would be a 200' Minimum Lot Frontage Variance, all on The East 400' of the South 400' of Outlot 3, in the NW¼ Sect. 26-T123N-R64W, a.k.a. 1201 Melgaard Road W. Bob Jacobs was present to represent the property. Following discussion Grebner moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #2 with the stipulation that an access easement to the property be included on the plat. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 8) Quest Hospitality requested permission, as per site plan submitted, to repurpose an existing off-premise sign structure to advertise adjacent businesses as an Area Identification Sign, which would be an Appeal to the Board of Zoning Adjustment to allow off-premise advertising as an accessory land use, all on Lot 2, Rivett Sixth Addition, a.k.a. 524 Harvard Street S. Sam Heintzman was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) This EMC sign must be operated in accordance with all applicable codes, 2) No additional freestanding signs will be permitted on the other lots in Rivett Sixth Addition, 3) No off-premise advertising to be allowed on sign - all advertisements are limited to businesses, activities, services, etc. available on Lots 1 - 4, Rivett Sixth Addition. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 9) Adam Burgaard requested permission, as per site plan submitted, for 1) existing residence to remain 16' from the West property line rather than the required 25', which would be a 9' Building Variance and 2' from the North property line rather than the required 5', which would be a 3' Building Variance in order to 2) construct a front staircase 11' from the West property line rather than the required 15', which would be a 4' Building Variance, all on Lot 23, Block 13, Hagerty & Lloyd Addition, a.k.a. 622 Lloyd Street N. Brett Bill was present to represent the property. Following discussion Grebner 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.**
- 2) Craig Mickelson requested permission, as per site plan submitted, for existing residence to remain 21.5' from the South property line rather than the required 25', which would be a 3.5' Building Variance and 3.7' from the West property line rather than the required 15', which would be a 11.3' Building Variance in order to replace entire foundation, all on Lot 7, Block 20, Thomas Addition to Aberdeen, a.k.a. 301 Ninth Avenue SE. Craig Mickelson was present to represent the property. Following discussion Grebner moved and Babcock seconded to approve 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.**

Brett Bill introduced David Dosch as the Code Enforcement Officer replacing Mike Olson who is retiring.

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

Paula Nelson
Board of Zoning Adjustment Secretary
November 13, 2014