

BOARD OF ZONING ADJUSTMENT
December 11, 2014

The Board of Zoning Adjustment Meeting was held on Thursday, December 11, 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 Grebner, Winter, Kezar, VanDeRostyne, and Weigel. Babcock was absent. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, David Dosch, Code Enforcement Officer, Bob Grant, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, Chad Nilson, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of November 13, 2014, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Bethany Brooks 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 4, Ladner's Replat of Block 1, Hagerty & Lloyd Addition, a.k.a. 820 Eighth Avenue NE. Bethany Brooks 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. Fence must be installed by June 1, 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) Clarence Habeck requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, which would be a Special Exception in the (I-2) Unrestricted Industrial District, all on Lot 1, Habeck's Fourth Addition, SE¼ Sect. 9-T123N-R63W, a.k.a. 4701 Eighth Avenue NE. Clarence & Lori Lee Habeck were present to represent the property. Following discussion Weigel moved and Grebner seconded to approve with the following stipulations: 1) Lot 1, Habeck's Fourth Addition must be rezoned to M-AG if the owner wants to continue the current use of this property for his business and continue to keep livestock on the premises, 2) All vehicles and machinery must be licensed, operable and available for sale, 3) No unlicensed, wrecked, scrapped vehicles, machinery and equipment may be stored outdoors,

- 4) Storage shall be permitted only adjacent to the existing building setback or North of existing buildings on the property, no storage in the boulevard of 8th Avenue or the area in front of buildings, 5) Property must be maintained in a neat and orderly manner at all times, 6) Vehicles may not be towed to or stored at this location as part of Mr. Habeck's towing business, 7) The unpermitted sign on this lot must be removed, and 8) Balers and bales on adjacent property must be relocated to this property. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 3) Lonnie Anderson requested permission, as per site plan submitted, to 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 18, Ninth Addition to Ashwood Heights Subdivision, a.k.a. 2708 Oakwood Lane. There being no representative present this item was moved to the end of the agenda.
- 4) Brandon Kolb and Steve Pauley request permission, as per site plan submitted, for existing residence to remain 3.5' from the East property line rather than the required 5', which would be a 1.5' Building Variance in order to replace foundation and front steps, all on The East 2' of Lot 21 and the South 107' of Lot 22, Block 32, West Aberdeen Addition, a.k.a. 806 Third Avenue SW. Steve Pauley 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 VARIANCE APPROVED.**
- 5) Marc Mykkanen requested permission, as per site plan submitted, for 1) existing residence to remain 8' from the West property line rather than the required 25', which would be a 17' Building Variance and for unattached garage to remain 3'7" from the North property line rather than the required 5', which would be a 1'5" Building Variance in order to 2) replace 4'x8' deck and stairs 0' from the West property line rather than the required 15', which would be a 15' Building Variance, all on Lot 1, Diver's & Mykkanen Subdivision, a.k.a. 415 Fourth Street S. There being no representative present this item was moved to the end of the agenda.
- 6) Prairie's Edge, LLC requested permission, as per site plan submitted, to permit the installation of a second subdivision sign in addition to the permitted one subdivision sign, which would be a One Subdivision Sign Variance, all on Lot 11, Block 2, Prairie's Edge Tenth Addition, a.k.a. 2401 Water View Drive. Kevin Weisbeck was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 7) The Aberdeen Mall requested permission, as per site plan submitted, to 1) permit the installation of two freestanding signs in addition to four previously approved freestanding signs, which would be 6 freestanding signs rather than the permitted 1 freestanding sign, which would be a Five Freestanding Sign Variance, and 2) to permit the installation of 1246.42sf of Freestanding Signage rather than the permitted 300sf, which would be a 946.42sf

Freestanding Sign Size Variance and 3) to permit 2353.67sf of total signage (wall signs and freestanding signs) rather than the permitted 1902.26sf, which would be a 451.41sf Allowable 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. Attorney Jay Gellhaus, Beth Isaacson-Hoeft, Karla Spear, Kathy Dosch, and Stuart Lonning were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. Following further discussion Weigel moved and Grebner seconded to approve agenda items #2 and #3, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCES APPROVED.**

- 3) Lonnie Anderson requested permission, as per site plan submitted, to 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 18, Ninth Addition to Ashwood Heights Subdivision, a.k.a. 2708 Oakwood Lane. Lonnie Anderson was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Applicant must obtain proper moving and zoning permits prior to relocations, 2) All setbacks must be met, 3) This approval is good for 3 years, 4) Shed must be removed if lot is sold or developed, 5) Shed must be kept in good repair at all times, and 6) All necessary equipment/implements needed to maintain this property must be kept neatly adjacent to building "out of sight". Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 5) Marc Mykkanen requested permission, as per site plan submitted, for 1) existing residence to remain 8' from the West property line rather than the required 25', which would be a 17' Building Variance and for unattached garage to remain 3'7" from the North property line rather than the required 5', which would be a 1'5" Building Variance in order to 2) replace 4'x8' deck and stairs 0' from the West property line rather than the required 15', which would be a 15' Building Variance, all on Lot 1, Diver's & Mykkanen Subdivision, a.k.a. 415 Fourth Street S. Brett Bill was present to represent the property. Following discussion VanDeRostyne moved and Winter 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.**

Brett Bill introduced Bob Grant as Code Enforcement Officer.

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

Paula Nelson
Board of Zoning Adjustment Secretary
December 11, 2014