

**BOARD OF ZONING ADJUSTMENT**  
**September 10 , 2015**

The Board of Zoning Adjustment Meeting was held on Thursday, September 10, 2015 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Kezar, VanDeRostyne, Grebner, Babcock, and Weigel. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Chris Witzel, City Planner, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, David Dosch, Code Enforcement Officer, Chad Nilson, Building Inspector, John Pantzloff, GIS/Planning Technician, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of August 13, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Danielle Frazier and Dustin Hendrickson 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 the (R-3) High Density Residential District, all on Lots 4-5, Block 21, Hagerty & Lloyd Addition, a.k.a. 218 Sixth Avenue NE. Dustin Hendrickson 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) No more than one individual other than the owner, may work at the daycare at one time, 3) A floor plan must be submitted for review showing the location used for childcare, 4) Age range of children, the number of children and hours of operation must be submitted, 5) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 6) Announced and unannounced inspections must be permitted by operator, 7) 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 8) 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) Susan Paye requested permission, as per site plan submitted, for existing residence to remain 19' from the South property line rather than the required 25', which would be a 6' Building Variance and 1.5' from the East property line rather than the required 5', which would be a 3.5' Building Variance and for 10'x10' shed to remain 0' from the East property line rather than the required 5', which would be a 5' Building Variance in order to replace a 10'x12' back deck that will meet all setback requirements, all on Lots 22&23, Block 35, West Aberdeen Addition, a.k.a. 1114 Third Avenue SW. Susan Paye 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.**

- 3) Barry Coughlin requested permission, as per site plan submitted, for existing residence to remain 15.5' from the West property line rather than the required 25', which would be a 9.5' Building Variance in order to construct a 10'x12' deck that meets all setback requirements, all on Lot 18, Block 29, Bennett & Thomas Addition, a.k.a. 524 First Street N. Barry Coughlin 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. **BUILDING VARIANCE APPROVED.**
- 4) Michael Noonan requested permission, as per site plan submitted, to 1) install steel roofing on an accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment and 2) to construct a 26'x34' unattached garage 2.1' from the West property line rather than the required 5', which would be a 2.9' Building Variance and 3) to construct a 8'x12' storage shed 2' from the West property line rather than the required 5', which would be a 3' Building Variance and 4) 2' from the South property line rather than the required 5', which would be a 3' Building Variance and 5) for existing 8.6'x9.6' storage shed to remain 2.9' from the South property line rather than the required 5', which would be a 2.1' Building Variance and 6) for existing residence to remain 20' from the North property line rather than the required 25', which would be a 5' Building Variance, and 7) for existing 20'x29' unattached garage to remain 1.4' from the West property line rather than the required 5', which would be a 3.6' Building Variance, all on Lot 1, Noonan Addition to the City of Aberdeen, a.k.a. 1504 Tenth Avenue SE. Michael Noonan was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve agenda items #5 - #7 with the stipulation that these structures may not be replaced at same locations. **BUILDING VARIANCES APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda #1, all members voting nay, the motion failed. Following further discussion Kezar moved and Grebner seconded to approve agenda item #1 with the stipulation that a permit must be obtained prior to work commencing. 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, Kezar-aye, VanDeRostyne-nay, Babcock-aye, Weigel-abstain, Grebner-nay (2-aye,2-nay,1-abstain). **BUILDING VARIANCE DENIED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda item #3, all members voting aye with Weigel abstaining, the motion carried. **BUILDING VARIANCE DENIED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda item #4, all members voting aye with Weigel abstaining, the motion carried. **BUILDING VARIANCE DENIED.**

- 5) Pat & Lynn Aman requested permission, as per site plan submitted, to plat a lot that in the (M-Ag) Mini-Agricultural Zoning District that is 118' wide rather than the required 200', which would be an 82' Minimum Lot Width Variance, all on proposed **Lot 1, P and L Aman Addition in the SE¼ Sect. 2-T122N-R64W, a.k.a. 13659 387th Avenue**. Lynn Aman was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** .
- 6) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2, Hogg Addition to Ashwood Heights Subdivision a.k.a. 2626 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 7) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 19, Ashwood Heights Ninth Subdivision a.k.a. 2704 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 8) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 18, Ashwood Heights Ninth Subdivision a.k.a. 2708 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 9) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 17, Ashwood Heights Ninth Subdivision a.k.a. 2714 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .

- 10) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 16, Ashwood Heights Ninth Subdivision a.k.a. 2718 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 11) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 15, Ashwood Heights Ninth Subdivision a.k.a. 2722 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 12) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 14, Ashwood Heights Ninth Subdivision a.k.a. 2726 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 13) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 13, Ashwood Heights Ninth Subdivision a.k.a. 2802 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .

- 14) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 12, Ashwood Heights Ninth Subdivision a.k.a. 2808 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 15) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 11, Ashwood Heights Ninth Subdivision a.k.a. 2814 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 16) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 10, Ashwood Heights Ninth Subdivision a.k.a. 2820 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 17) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 9, Ashwood Heights Ninth Subdivision a.k.a. 2904 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED** .
- 18) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 8, Ashwood Heights Ninth Subdivision a.k.a. 2903 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED .**

- 19) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 7, Ashwood Heights Ninth Subdivision a.k.a. 2819 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED .**
- 20) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2, Ashwood Heights Ninth Subdivision a.k.a. 2721 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED .**
- 21) D&H Development Corporation requested permission, as per site plan submitted, to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 1, Ashwood Heights Ninth Subdivision a.k.a. 2715 Oakwood Lane. Larry Hanson 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 VARIANCE APPROVED .**
- 22) Frost Development, Inc. requested permission, as per site plan submitted, to 1) permit an extension to previously granted approval for an off-premise sign to remain in place beyond January 9, 2016 and 2) to replace a 4'x6' off-premise sign with a new 4'x6' off-premise sign, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Cambridge Addition in the SW¼ Sect. 7-T123N-R63W, a.k.a. 1501 Eighth Avenue NE. There being no representative present this item was moved to the end of the agenda.

- 23) Frost Development, Inc. requested permission, as per site plan submitted, to install a 4'x6' off-premise sign advertising lots for sale and construction services, which would be an Appeal to the Board of Zoning Adjustment in the (R-3) High Density Residential District, all on Lot 1, Block 4, Heritage Estates Addition in the SW¼ Sect. 7-T123N-R64W, a.k.a. 1202 Kettering Drive. There being no representative present this item was moved to the end of the agenda.
- 24) Don Bonn requested permission, as per site plan submitted, to construct a 34'x40' accessory structure 13' from the West property line rather than the required 35', which would be a 22' Building Variance, all on Lot 1, Bonn's Addition, a.k.a. 920 Sixth Avenue SW. Don Bonn was present to represent the property. Following discussion VanDeRostyne 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**.
- 25) Jon Swenson requested permission, as per site plan submitted, to 1) permit the open storage, parking and sale of vehicles, which would be a Special Exception in the (I-2) Unrestricted Industrial District, and 2) to permit the installation of two 30,000 gallon diesel tanks and two 30,000 gallon propane tanks, which would be a Special Exception for Refined Fuels Storage, all on Lot 1, WEB Water Development First Subdivision in the N½ Sect. 21-T123N-R64W, a.k.a. 38462 Highway 12 W. Jon Swenson was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve agenda items #1 and #2 with the following stipulations: 1) All vehicles must be licensed, operable and available for sale, 2) All vehicles must be displayed in a designated, hard surface parking stall. No storage on grass or other areas not intended for vehicle parking, 3) No illegal or unpermitted signs may be displayed on site, 4) This special exception is for Jon Swenson only, as long as he is the owner/operator licensed by the DMV to sell vehicles, and 5) All Fire Marshal stipulations must be adhered to. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION S APPROVED**.
- 26) Aberdeen School District 6-1 requested permission, as per site plan submitted, to permit the construction of a 21'x48' 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 1, Aberdeen High School Second Subdivision, a.k.a. 2200 Roosevelt Street S. Bob Pitz of Aberdeen School District 6-1 was present to represent the property. Following 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, all members voting aye, the motion carried. **APPEAL APPROVED**.
- 27) The Aberdeen Development Corporation and Magnum Trucking requested permission, as per site plan submitted, to permit the open storage and parking of

trucks, vehicles and equipment, which would be a Special Exception in the (I-2) Unrestricted Industrial District, all on Lot B, ADC 2015-1 Subdivision, a.k.a. 504 Corporation Street N. Mike Bockorny of The Aberdeen Development Corporation was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) Storage is limited to trucks, vehicles & equipment solely for the use of Magnum Trucking only, 2) Open storage may not reduce the number of required parking stalls necessary for employees or customers, 3) Property must be maintained in a neat and orderly manner at all times; kept clear of debris, tall grass & weeds, etc., and 4) Vehicles must be currently licensed and operable (when applicable); trailers inclusive. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 28) Donna Schmidt requests permission, as per site plan submitted, for existing residence to remain 23'6" from the West property line rather than the required 25', which would be a 1'6" Building Variance and unattached garage to remain 1' from the South property line rather than the required 5', which would be a 4' Building Variance, all on Lot 9, Block 23, First Addition to Highlands, a.k.a. 910 Lloyd Street N. Donna Schmidt was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 29) Dyane Bjordal and Thomas E. Aman requested permission, as per site plan submitted, to permit the installation of two flat wall signs (4'x20' and 4'x16'), which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lots 10-12, Block 10, Original Plat, a.k.a. 120 Main Street S. Dyane Bjordal was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the stipulation that permits must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 30) Dyane Bjordal and Stuff, LLC. request permission, as per site plan submitted, to install a 3'x16' flat wall sign, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot 15, Block 6, Original Plat, a.k.a. 207 Main Street S. Dyane Bjordal was present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the stipulation that permits must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Grebner exited meeting at this time.

- 31) Brian Schultz requested permission, as per site plan submitted, for 1) 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 for unattached garage to remain 2' from the South property line rather than the required 5', which would be a 3' Building Variance, in order to 2) construct a 6'8"x 16' covered porch and stairs 12'10" from the East property line rather than the required 25', which would be a 12'2" Building Variance, all on The North 48' of Lot 2, Block 34, Bennett & Thomas Addition to



North Aberdeen, a.k.a. 519 First Street N. Brian Schultz was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following further discussion VanDeRostyne seconded to approve agenda item #2 with the following stipulations: 1) Property must be replatted to clean up legal description of this partial lot, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

Grebner entered meeting at this time.

- 32) Roger & Lisa Pfeil requested permission, as per site plan submitted, for 1) existing residence to remain 14' from the East property line rather than the required 25', which would be an 11' 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 8'x28.5' residential addition and 28'x32' attached garage 13' from the South property line rather than the required 15', which would be a 2' Building Variance and 3) to construct a 12'x24' raised patio 4' from the South property line rather than the required 5', which would be a 1' Building Variance, all on Lots 7-8, Block 2, Hagerty & Lloyd Addition, a.k.a. 703 Penn Street N. Roger Pfeil was present to represent the property. Following discussion Kezar 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 Babcock seconded to deny agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED** . Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #3, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED** .
- 33) Shawn Score requested permission, as per site plan submitted, for 1) existing structure to remain 25' from the North property line rather than the required 45', which would be a 20' Building Variance and 2) to permit 32 parking stalls rather than the required 36 stalls, which would be a 4 stall Minimum Parking Stall Variance and 3) to permit the open storage and sale of decks, fire pits, hot tubs and related merchandise, which would be a Special Exception in the (C-2) Highway Commercial District, all on Lots 210-218, Morning Heights Addition, except H-1, a.k.a. 601 Riverside Drive. Bob McGlaughlin of Elm Valley Construction was present to represent the property. Following discussion Kezar 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 Kezar seconded to deny agenda item #2. Upon roll call, Kezar-aye, VanDeRostyne-aye, Babcock-aye, Weigel-aye, Grebner-nay, the motion carried. (4-aye,1-nay). **MINIMUM PARKING STALL VARIANCE DENIED** . Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda item #3 with the following stipulations: 1) This special exception is for Shawn Score only, as long as he is owner/operator of the proposed use, 2) Storage is limited to the items requested on application, 3) No off-premise sales or storage, 4) No illegal or

unpermitted signage, 5) No storage in 25' visibility triangle at corner of Riverside Drive and Lawson Street, 6) No pools or hot tubs may be filled with water while displayed, and 7) Property must be replatted to include the property to the South. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 34) Dacotah Bank requested permission, as per site plan submitted, to 1) permit the installation of a 3'4"x14' panel to an existing freestanding sign 3'2" from the West property line rather than the required 5', which would be a 1'10" Sign Setback Variance and 2) to install a 6'8"x8' Electronic Message Center panel to existing freestanding sign, which would be a Special Exception in the (C3/R4) Central Business/Special Density Residential Zoning District, all on Lot 1, Dacotah Bank Addition, a.k.a. 309 First Street S. Brady Byram of Quality Quick Print was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1 with the stipulation that a sign permit be obtained prior to installation of sign. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE APPROVED** . Following further discussion Kezar moved and Grebner seconded to approve agenda item #2 with the stipulation that the sign is operated in accordance with all Electronic Message Center ordinance requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 35) Corey Wipf requested permission, as per site plan submitted, to 1) construct a 16'x20' unattached garage 2' from the North property line rather than the required 5', which would be a 3' Building Variance and 2) for existing 8'x10' shed to remain 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance, all on Lot 26, Block 6, Mel Ros First Addition to Mel Ros Estates, a.k.a. 2023 Thirteenth Avenue SE. Corey Wipf was present to represent the property. Following discussion Grebner moved and Babcock 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** . Following further discussion VanDeRostyne moved and Weigel seconded to deny agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED** .
- 36) Pat Jett requested permission, as per site plan submitted, for 1) existing 24'x32' storage shed to remain 0' from the West property line rather than the required 100', which would be a 100' Building Variance and 2) to construct a new 50'x70' Barn with 8'x40' covered porch 28' from the West property line rather than the required 100', which would be a 72' Building Variance, all on The NW¼ Sect. 32-T124N-R64W, Including lots 2&3, Except Land Platted and Deeded, a.k.a. 12906 383rd Avenue N. Pat Jett was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1 with the following stipulations: 1) The Lincoln Township Board must grant & file an easement for the encroachment into public right-of-way, and 2) The structures indicated on plans to be removed must be demolished prior to construction. Upon roll call, 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) The structures indicated on plans to be removed must be demolished prior to construction, and 2) A permit must be obtained prior to construction. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .

- 37) Sherry Slycord requested permission, as per site plan submitted, for 1) existing residence to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance and for existing residence to remain 19' from the East property line rather than the required 25', which would be a 6' Building Variance in order to 2) construct a 6'x8' deck and steps 10' from the East property line rather than the required 15', which would be a 5' Building Variance, all on The South 37' of Lot 5, Block 49, Bennett & Thomas Addition, a.k.a. 405 Third Street N. Todd Voeller was present to represent the property. Following discussion Kezar moved and VanDeRostyne 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** .
- 38) David & Peggy Bunsness requested permission, as per site plan submitted, to permit the construction of an 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 1, D&P Bunsness First Subdivision, a.k.a. 1805 Lincoln Street S. David Bunsness was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **APPEAL APPROVED** .
- 39) Dustin Usselman requested permission, as per site plan submitted, to permit the open storage and parking of vehicles, equipment and other items related to existing landscaping business, all on proposed Lot 2, Eiler's Commercial Park Addition, a.k.a. 611 Roosevelt Street N. Shelby Usselman was present to present the property. Following discussion Weigel moved and Grebner seconded to approve with the following stipulations: 1) This special exception is for Dustin Usselman as long as he is owner/operator of the existing landscaping business, 2) No personal storage or storage of items not related to the applicants business, 3) The property must be maintained in a neat and orderly manner at all times, 4) Any vehicles stored outside must be licensed, operable, and used in conjunction with this business, 5) No storage of dirt, rubble, rock, etc., and 6) Entire property must be cleaned up within 90 days or special exception will be revoked. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 22) Frost Development, Inc. requested permission, as per site plan submitted, to 1) permit an extension to previously granted approval for an off-premise sign to remain

in place beyond January 9, 2016 and 2) to replace a 4'x6' off-premise sign with a new 4'x6' off-premise sign, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Cambridge Addition in the SW¼ Sect. 7-T123N-R63W, a.k.a. 1501 Eighth Avenue NE. Brett Greiner was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1 with the stipulation that this extension expires 2 years from today's date (September 10, 2017). 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, all members voting aye, the motion carried. **APPEAL DENIED**.

- 23) Frost Development, Inc. requested permission, as per site plan submitted, to install a 4'x6' off-premise sign advertising lots for sale and construction services, which would be an Appeal to the Board of Zoning Adjustment in the (R-3) High Density Residential District, all on Lot 1, Block 4, Heritage Estates Addition in the SW¼ Sect. 7-T123N-R64W, a.k.a. 1202 Kettering Drive. Brett Greiner was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) Approval shall expire on September 10, 2017 or upon sale of all lots, whichever comes first, 2) Sign must be installed with posts set in ground to prevent overturning, 3) Sign may not be located in 35' corner visibility triangle, and 4) If this lot sells, the sign may not be relocated to a new lot without a new lot without a new Appeal to the Zoning Board. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**.

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

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Paula Nelson  
Board of Zoning Adjustment Secretary  
September 10, 2015