

**BOARD OF ZONING ADJUSTMENT
May 14, 2015**

The Board of Zoning Adjustment Meeting was held on Thursday, May 14, 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 Weigel, Grebner, Babcock, Kezar, and Winter. 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, Stuart Nelson, Assistant City Engineer, Chad Nilson, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of April 9, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Jolene Bonn requested permission, as per site plan submitted, to permit the operation of a daycare, which would be an Appeal to the Board of Zoning Adjustment in the (C-2) Highway Commercial Zoning District, all on Lot 1, Bonn's Addition, a.k.a. 920 Sixth Avenue SW. Jolene Bonn was present to represent the property. Following discussion Grebner moved and Kezar 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) 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. **APPEAL APPROVED** .

- 2) Regina Holcomb and Joey Fischer requested permission, as per site plan submitted, to permit the operation of a daycare, which would be an Appeal to the Board of Zoning Adjustment in the (C-2) Highway Commercial Zoning District, all on The North 44' of Lots 6-7, Block 2, Garden Park Addition, a.k.a. 901 Sixth Avenue SW. Regina Holcomb 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) A floor plan must be submitted for review showing the location used for childcare, 3) Age range of children, the number of children and hours of operation must be submitted, 4) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 5) Announced and unannounced inspections must be permitted by operator, 6) 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 7) Owner/operator and any employees must be licensed with the State. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 19) Nick Volk requested permission, as per site plan submitted, to 1) permit the operation of an upholstery shop in an accessory structure in the (R-3) High Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit a 10sf wall sign rather than the required 8sf, which would be a 2sf Sign Variance, and 3) to construct a 7'x7' (49sf) shed in addition to existing 1152sf unattached garage for a total of 1201sf of accessory structures rather than the permitted 1176sf, which would be a 25sf Accessory Structure Lot Coverage Variance, all on Lot 1 & Lot 2, except the South 20.43', Block 2, Draeger's & Yeager's Addition, a.k.a. 1223 First Avenue SE. Nick Volk was present to represent the property. Following discussion Kezar moved and Weigel seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Weigel moved and Grebner seconded to approve agenda item #1 with the following stipulations: 1) All business activity must be contained to inside the garage, 2) No outside storage allowed, 3) Must adhere to all other applicable home occupation ordinances. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** . Following further discussion Kezar moved and Babcock seconded to deny agenda item #2. Upon roll call, Weigel-nay, Grebner-nay, Babcock-nay, Kezar-aye, Winter-aye (3-nay,2-aye), the motion carried. **SIGN VARIANCE DENIED** . Following discussion Weigel moved and Grebner seconded to approve agenda item #3 with the stipulation that the property be replatted. Upon roll call, all members voting aye, the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE APPROVED** .
- 3) Aberdeen School District 6-1 requested permission, as per site plan submitted, to install 47sf wall sign in addition to the existing 162.11sf for a total of 219.11sf of total signage rather than the permitted 36sf, which would be a 183.11sf Maximum Sign Size Variance, all on Lot 1, Aberdeen High School Second Subdivision, a.k.a. 2200 Roosevelt Street S. Bob Pitz was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve with the stipulation that sign permits must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **MAXIMUM SIGN SIZE VARIANCE APPROVED** .
- 4) Ron Fischer and Performance Rentals requested permission, as per site plan submitted, to plat a lot with 68' of frontage rather than the required 75', which would be a 7' Minimum Lot Width Variance, all on Proposed Lot B, Fischer-Gross Northside Addition, a.k.a. 1527 Eighth Avenue NE. Ron Fischer and Chris Gross were present to represent the property. Following discussion Grebner moved and Weigel seconded to approve with the stipulation that the plat must be filed with the Brown County Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED** .
- 5) Troy Holtey requested permission, as per site plan submitted, to 1) plat two lots with 47.5' of frontage rather than the required 50', which would be two 2.5' Minimum Lot Width Variances, and 2) to construct four twin homes with 0' setbacks rather than the required 8' between lots 1&2, 3&4, 5&6, and 7&8, which would be Eight 8' Setback Variances, all on Lots D, E, H & I, HAPI First Central Subdivision, a.k.a. 1901 & 1923 Lawson Street S. and 1902 & 1924 Miller Lane. Erick Brenner and Steve Stillman 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. **MINIMUM LOT WIDTH VARIANCES APPROVED** . Following further discussion Kezar

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) Plat must be approved and filed with the Brown County Register of Deeds Office. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCES APPROVED** .

- 6) Jenna Larson and Joshua Brinkman requested permission, as per site plan submitted, for 1) existing lot to remain 3000sf in size rather than the permitted 5000sf, which would be a 2000sf Minimum Lot Size Variance and 2) for existing residence to remain 3' from the South property line rather than the required 25', which would be a 22' Setback Variance and 3) for residence to remain 17' from the North property line rather than the required 20', which would be a 3' Setback Variance and for 4) existing unattached garage to remain 3' from the North property line rather than the required 5', which would be a 2' Building Variance, all on Lot 6, Except the East 82' Thereof, Block 26, Bennett & Thomas Addition, a.k.a. 15 Fifth Avenue NE. Jenna Larson & Joshua Brinkman were present to represent the property. Following discussion Kezar moved and Grebner seconded to approve, all members voting aye, the motion carried. **VARIANCES APPROVED**.
- 7) Jorge Wieting requested permission, as per site plan submitted, for 1) existing residence to remain 4' from the West property line rather than the required 5', which would be a 1' Building Variance and 2) 8' from the North property line rather than the required 25', which would be a 17' Building Variance and 3) for existing lot to remain 35' in width rather than the required 50', which would be a 15' Minimum Lot Width Variance and 4) for existing lot to remain 3500sf in size rather than the required 5000sf, which would be a 1500sf Minimum Lot Size Variance in order to 5) construct a 28'x30' unattached garage 3' from the East property line rather than the required 5', which would be a 2' Building Variance, and 6) 3' from the South property line rather than the required 5', which would be a 2' Building Variance, and 7) 4' from the West property line rather than the required 5', which would be a 1' Building Variance, all on Lot 1, Diver's Fifth Rearrangement of Lots 6-8, Block 34, First Addition, a.k.a. 311 Fifth Avenue SW. Jorge Wieting was present to represent the property. Following discussion Weigel moved and Kezar seconded to approve agenda items #1 - #4, all members voting aye, the motion carried. **VARIANCES APPROVED** . Following further discussion Grebner moved and Weigel seconded to deny agenda items #5 - #7. Upon roll call, Weigel-nay, Grebner-nay, Babcock-aye, Kezar-aye, Winter-aye (2-nay,3-aye), the motion carried. **VARIANCES DENIED** .
- 8) Vicki Stuchl requested permission, as per site plan submitted, for 1) existing residence to remain 7' from the East property line rather than the required 10', which would be a 3' Setback Variance and 2) for existing (18'x20') unattached garage to remain 1'9" from the West property line rather than the required 10', which would be a 8'3" Building Variance in order to 3) construct a 24'x18' and 12'x18' addition to existing unattached garage 1'9" from the West property line rather than the required 10', which would be a 8'3" Building Variance, all on Lots 19-21, Block 10, Corrected Plat of the Highlands, a.k.a. 117 Twelfth Avenue NE. Vicki Stuchl was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve agenda items #1 & #2, all members voting aye, the motion carried. **VARIANCES APPROVED** . Following further discussion Grebner moved and Kezar seconded to approve agenda item #3 with the following

stipulations: 1) Property must be replatted into one parcel prior to construction, 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, 4) All required inspections must be completed, and 5) This addition may not increase runoff to adjacent West property. Upon roll call, all members voting aye, the motion carried.

BUILDING VARIANCE APPROVED .

- 9) Rivett Building, LLC and Nick Howell and Brandon Johnson requested permission, as per site plan submitted, to install a 7'x16' wall sign, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot 3, Dacotah Bank Addition, a.k.a. 322 Main Street S. There being no representative present this item was moved to the end of the agenda.
- 10) Paul Fisher requested permission, as per site plan submitted, for existing residence to remain 11' from the North property line rather than the required 25', which would be a 14' Building Variance and 3' from the West property line rather than the required 5', which would be a 2' Building Variance and for existing unattached garage to remain 1' from the West property line rather than the required 5', which would be a 4' Building Variance and 4' from the South property line rather than the required 5', which would be a 1' Building Variance in order to construct a deck that will meet all required setbacks, all on The West 50' of Lots 1-4, Block 32, Hagerty & Lloyd Addition, a.k.a. 514 Fourth Ave NE. Paul Fischer 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 .**
- 11) Mark Wattier requested permission, as per site plan submitted, to 1) operate a truck maintenance and operation terminal for trucks and equipment associated with a landscaping and tree service and septic system business, which would be a Special Exception in the (M-Ag) Mini-Agricultural Zoning District and 2) to permit the open storage of brush, wood chips, fill dirt, gravel and related materials associated with landscaping and land clearing, which would be a Special Exception in the M-Ag Zoning District, all on Lot 1, Sunrise Estates Subdivision, NW¼ Sect. 9-T123N-R63W, a.k.a. 2330 Brown County 19 N. Mark Wattier was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) All equipment and vehicles must be licensed and operable as applicable, 3) Brush, wood chips, fill dirt, gravel and other materials shall be stored in a manner that limits its visibility from the public and prevents blowing of dust, material, etc., 4) This special exception is for Mark Wattier only, as long as he is the owner/operator of the property and businesses, and 5) Storage may only occur in the areas indicated in the site plan attached to application. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTIONS APPROVED .**
- 12) Dorothy Schwab requested permission, as per site plan submitted, for 1) existing residence to remain 14'8" from the South property line rather than the required 25', which would be a 10'4" Building Variance in order to 2) construct a 5'x10' uncovered deck 9'8" from the South property line rather than the required 15', which would be a 5'4"

Building Variance, all on Lot 2, Pepper & Gorder Subdivision of Lots 4-6, Block 11, Thomas Addition, a.k.a. 413 Eleventh Avenue SE. Larry Breidenbach was present to represent the property. Ken Hubbard stated that a building permit was issued at time of application. Following discussion Grebner moved and Kezar 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 VARIANCE APPROVED** .

- 13) Susie Holland requested permission, as per site plan submitted, for existing residence to remain 15' from the East property line rather than the permitted 25', which would be a 10" Setback Variance and existing unattached garage to remain 2' from the West property line rather than the required 5', which would be a 3' Setback Variance and 3' from the North property line rather than the required 5', which would be a 2' Setback Variance in order to construct a deck that will meet all setback requirements, all on Lots 3-4, Block 17, Hagerty & Lloyd Addition, a.k.a. 519 Lloyd Street N. Curt Peterson was present to represent the property. Ken Hubbard stated that a building permit was issued at time of application. Following discussion Kezar 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. **SETBACK VARIANCES APPROVED** .
- 14) Brady Smith requested permission, as per site plan submitted, for 1) existing residence to remain 16' from the South property line rather than the required 25', which would be a 9' Building Variance and for existing unattached garage to remain 0' from the North property line rather than the required 5', which would be a 5' Building Variance in order to 2) construct an uncovered front deck 9'4" from the South property line rather than the required 15', which would be a 5'8" Building Variance, all on Lot 1, Horner Addition, a.k.a. 308 Tenth Avenue SW. Brady Smith was present to represent the property. Ken Hubbard stated that a building permit was issued at time of application. Following discussion Grebner moved and Weigel 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** .
- 15) Mark Shishnia requested permission, as per site plan submitted, for existing 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 construct a 19'x22' addition, all on Lot 5, Block 10, First Addition to Highlands, a.k.a. 1205 Penn Street N. Mark Shishnia 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 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) South wall of existing garage must be fire rated. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 16) Frost Development, Inc. requested permission, as per site plan submitted, to construct twin homes 0' from the shared lot line rather than the required 5', which would be a two 5' Setback Variances, all on Lot 4, Block 3, Heritage Estates Addition, a.k.a. 1515 Cambridge Court. Chris Frost was present to represent the property. Following

discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Plat must be approved and filed with the Brown County Register of Deeds Office, 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. **SETBACK VARIANCES APPROVED** .

- 17) Ray Sauerwein requested permission, as per site plan submitted, to permit the construction of two 8 unit apartment buildings on one lot as a group project, which would be a Special Exception in the (R-3) High Density Residential Zoning District, all on Lot 9, Sauerwein First Subdivision, a.k.a. 902 High Street N. Ray Sauerwein was present to represent the property. Following discussion Weigel 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, 3) All required inspections must be completed, and 4) Provided parking stalls must adhere to 10' x 20' minimum dimensions. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 18) Mark Musel requested permission, as per site plan submitted, to 1) plat a lot in the (M-Ag) Mini-Agricultural Zoning District that is .87 acres rather than the required 1 acre, which would be a .13 acre Minimum Lot Size Variance, and 2) to construct a new residence 26.5' from the West property line rather than the required 35', which would be an 8.5' Building Variance, all on Lot 2, M&M Musel First Subdivision in the SE¼ Sect. 2-T123N-R64W, a.k.a. 3157 Brown County 10 N. Mark Musel was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCE APPROVED** . Following further discussion Grebner moved and Kezar seconded to approve agenda item #2 with the following stipulations: 1) Plat must be filed prior to construction, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, and 3) Property pins must be located for inspection and setbacks must be verified. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE AP PROVED** .
- 20) Wagner Holdings, LLC and MJ's Team, LLC requested permission, as per site plan submitted, to permit a permanent fireworks stand, which would be a Special Exception in the Zoning Jurisdiction of the City of Aberdeen, all on Rich Brothers Outlot 1, NW¼ Sect. 23-T123N-R63W, a.k.a. 39231 133rd Street. Mike Denning was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Sign permits must be obtained prior to installing signs, and 2) Must comply with all Fire Marshal requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 21) Richard Turgeon and MJ's Team, LLC requested permission, as per site plan submitted, to permit a temporary fireworks stand for the 2014 fireworks season, which would be a Special Exception in the Zoning Jurisdiction of the City of Aberdeen, all on Lot 2, Browning First Addition, NW¼ Sect. 22-T123N-R64W, a.k.a. 2980 Highway 12 W. Mike Denning was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) Sign permits must be obtained prior to installing signs, and 2) Must comply with all Fire Marshal requirements.

Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 22) Stiles & Byron Partnership requested permission, as per site plan submitted, to permit the construction of a parking lot, which would be a Special Exception in the (C-2) **Highway Commercial Zoning District, all on The North½ of Lot 13, Block 14, Smith Addition, a.k.a. 613 State Street S.** Betsy Alm was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the following stipulations: 1) A plan for the parking lot must be approved and a permit obtained prior to construction. Lot must be paved prior to use, 2) Parking stalls must comply with minimum requirements for stall dimensions and ADA compliance, 3) Lot must be landscaped to Forestry Department requirements, 4) Lot must be maintained in a neat and orderly manner at all times, 5) Parking is for use of tenants and customers of 604 Sixth Ave SE only, 6) Property must be replatted, and 7) A drainage plan must be approved by the City Engineering/Public Works Departments prior to permitting. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 23) Russell Entzel requested permission, as per site plan submitted, for 1) existing unattached garage to remain 2' from the East property line rather than the required 5', which would be a 3' Building Variance and 15' from the North property line rather than the required 25', which would be a 10' Building Variance in order to 2) replace 7'x20' front addition 20' from the West property line rather than the required 25', which would be a 5' Building Variance and 3) 12'4" from the North property line rather than the required 15', which would be a 2'8" Building Variance, all on Lot 4, Davies Second Replat of Lots 14-18, Block 24, Bennett & Thomas Addition, a.k.a. 724 Main Street N. Russell Entzel 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 VARIANCES APPROVED .**
- 9) Rivett Building, LLC and Nick Howell and Brandon Johnson requested permission, as per site plan submitted, to install a 7'x16' wall sign, which would be an Appeal to the Board of Zoning Adjustment in the Aberdeen Commercial Historic District, all on Lot 3, Dacotah Bank Addition, a.k.a. 322 Main Street S. Linda Fordham of Fordham Signs was present to represent the property. Following discussion Kezar moved and Grebner seconded to approve with the stipulation that a sign permit be obtained prior to installation of sign. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
May 14, 2015