

BOARD OF ZONING ADJUSTMENT
July 9, 2015

The Board of Zoning Adjustment Meeting was held on Thursday, July 9, 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, Babcock, Grebner, and Winter. 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, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of June 11, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Amie Mount requested permission, as per site plan submitted, to 1) permit the operation of a daycare as a home occupation, which would be a Special Exception in the (R-3) High Density Residential Zoning District and 2) for existing residence to remain 17' from the North property line rather than the required 25', which would be an 8' Building Variance and for existing front deck to remain 10.5' from the North property line rather than the required 15', which would be a 4.5' Building Variance and 4' from the West property line rather than the required 5', which would be a 1' Building Variance, and 8'x8' shed to remain 3' from the West property line rather than the required 5', which would be a 2' Building Variance, all on Lot 2, Block 6, Draegers & Yeagers Addition, a.k.a. 1322 Third Avenue SE. There being no representative present this item was moved to the end of the agenda.
- 2) Northeastern Mental Health Center requested permission, as per site plan submitted, for existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance and unattached garage to remain 4' from the West property line rather than the required 5', which would be a 1' Building Variance in order to replace deck on South side of residence, all on Lots 9-10, Block 23, Hagerty & Lloyd Addition, a.k.a. 407 Kline Street N. Lisa German of Northeastern Mental Health Center 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. **BUILDING VARIANCES APPROVED.**
- 3) Delbert Bierman requested permission, as per site plan submitted, for 1) existing residence to remain 6' from the South property line rather than the required 25', which would be a 19' Building Variance and 4' from the West property line rather than the required 5', which would be a 1' Building Variance and 16.4' from the North property line rather than the required 20', which would be a 3.6' Building Variance and for 8'x8' shed to remain 1' from the North property line rather than the required

5', which would be a 4' Building Variance in order to 2) replace 4'x12' front deck 4' from the South property line rather than the required 15', which would be a 11' Building Variance, all on The West 50' of the South 5' of Lot 5 & the West 50' of Lot 6, & the East 2' of Vacated Alley, Anderson Replat of Block 45, West Aberdeen Addition, a.k.a. 712 Fifth Avenue SW. Delbert Bierman 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. **BUILDING VARIANCES APPROVED** .

- 4) GPHC, LLC requested permission, as per site plan submitted, for 1) existing apartment building to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance, and existing unattached garage to remain .5' from the North property line rather than the required 5', which would be a 4.5' Building Variance and 1.5' from the West property line rather than the required 5', which would be a 3.5' Building Variance in order to 2) construct an exterior staircase 3' from the South property line rather than the required 5', which would be a 2' Building Variance and 3) to provide 4 off-street parking stalls rather than the required 6 stalls, which would be a 2 stall Minimum Parking Stall Variance, all on Lot 6, Block 21, Thomas Addition, a.k.a. 920 Kline Street S. There being no representative present this item was moved to the end of the agenda.
- 5) Janelle Trottier requested permission, as per site plan submitted, for existing 12'x16' shed to remain .5' from the East property line rather than the required 25', which would be a 24.5' Building Variance, all on Lot 7, Block 1, Melros Sixth Addition to Melros Estates, a.k.a. 1603 Wells Street S. David Moser was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny, all members voting nay, the motion failed. Following further 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** .
- 6) Scott J. Malsom 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 in order to construct a 10'x12' back deck that will meet all setback requirements, all on Lots 15-16, Block 21, Hagerty & Lloyd Addition, a.k.a. 207 Fifth Avenue NE. Scott Malsom was present to represent the property. Following discussion 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 VARIANCE APPROVED** .

- 7) Rich Voegeli requested permission, as per site plan submitted, for 1) existing residence to remain 2' from the West property line rather than the required 5', which would be a 3' Building Variance and 14' from the North property line rather than the required 25', which would be an 11' Building Variance and for garage to remain 4.5' from the West property line rather than the required 5', which would be a .5' Building Variance and for shed to remain 1' from the East property line rather than the required 5', which would be a 4' Building Variance, in order to 2) construct a 8'x16' Deck 6' from the North property line rather than the required 15', which would be a 9' Building Variance, all on The West 37.5' of Lot 3, Block 47, Second Addition, a.k.a. 309 Eighth Avenue SW. Rich Voegeli 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. **BUILDING VARIANCES APPROVED**. Following further discussion VanDeRostyne moved and Kezar 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**.
- 8) Avera St. Luke's requested permission, as per site plan submitted, to permit the installation of an off-premise sign as an accessory land use, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Avera St. Luke's Addition, except H-2, a.k.a. 710 Fifth Avenue SE. Jim Dobbs of Avera St. Luke's was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve with the following stipulations: 1) If 5th Ave SE public right-of-way between Penn St S & Lloyd St S is ever vacated, a new plat must be submitted combining Lot 1 and Lot 2, Avera St. Luke's Addition and vacated 5th Ave SE right-of-way into one lot, 2) Permits must be obtained prior to installing new sign faces, 3) The Electronic Message Center must be used in accordance with all city sign codes relating to EMC's, and 4) All messages on EMC must be for Avera St. Luke's business, events and services only, no off-premise advertising. Upon roll all, all members voting aye, the motion carried. **APPEAL APPROVED**.
- 9) Banner Engineering Corporation requested permission, as per site plan submitted, to 1) construct a 10'x14' wood frame accessory building, which would be an Appeal to the Board of Zoning Adjustment in the (I-1) Industrial Park District, and 2) to construct a 10'x14' accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Outlot 2, NE¼ Sect. 17-T123N-R63W, a.k.a. 715 Brown County 19 N. Dave Karlen of Banner Engineering Corporation 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, 3) All required inspections must be completed, 4) A moving permit must be obtained prior to moving structure to this location, and 5) Any Fire Marshal requirements must be adhered to. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**.

- 10) Bruce Kieffer requested permission, as per site plan submitted, to construct a 15'x20' addition to residence 6'7" from the North property line rather than the required 20', which would be a 13'5" Building Variance, all on Lot 24, Block 3, Huffman's First Addition, a.k.a. 823 Fifteenth Avenue SE. Bruce Kieffer was present to represent the property. Following discussion VanDeRostyne moved Kezar seconded to deny, all members voting aye, the motion carried. Following further discussion VanDeRostyne moved and Kezar seconded to approve 8' from the North property line rather than the required 20', which would be a 12' variance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 11) Ron Fischer requested permission, as per site plan submitted, to 1) construct a mini-storage building, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) to construct a mini-storage building that is 32' wide rather than the permitted 30', which would be a 2' Maximum Width Variance and 3) 156' in length rather than the permitted 120', which would be a 36' Maximum Length Variance and 4) to construct building 18' from the South property line rather than the required 45', which would be a 27' Setback Variance, all on Lot B, Replat of Cambridge Second Addition, a.k.a. 1527 Eighth Avenue NE. Ron Fischer was present to represent the property. Following discussion Kezar 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** . Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #2. Upon roll call, Kezar-nay, VanDeRostyne-aye, Babcock-aye, Grebner-nay, Winter-nay (2-aye,3-nay), the motion failed. Following further discussion Kezar moved and Grebner seconded to approve agenda item #2, all members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCE APPROVED** . Following further discussion Kezar moved and Babcock seconded to deny agenda item #3, all members voting aye, the motion carried. Following further discussion Kezar moved and Babcock seconded to approve agenda item #3 with a maximum length of 150'. Upon roll call, all members voting aye, the motion carried. **MAXIMUM LENGTH VARIANCE APPROVED** . Following further discussion Kezar moved and Grebner seconded to approve agenda item #4, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 12) Ralph D. Johnson requested permission, as per site plan submitted, for existing residence to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance and for unattached garage to remain 2.5' from the South property line rather than the required 5', which would be a 2.5' Building Variance in order to construct a 10'x12' addition to back of residence which will meet all setback requirements, all on The North 5' of Lot 8, and all of Lot 9 and the South 10' of Lot 10, Block 7, Gorder's Third Addition, a.k.a. 1745 Fourth Street S. Ralph Johnson was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Property must be replatted into one parcel, 2) 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** .

- 13) Avera St. Luke's requested permission, as per site plan submitted, to permit the installation of 123.33sf of new signage in addition to the existing 587.7sf of signage, which would be a total of 711.03sf of signage rather than the permitted 36sf, which would be a 675.03sf Total Sign Size Variance, all on Lot 1, Avera St. Luke's Addition, a.k.a. 305 State Street S. Jim Dobbs of Avera St. Luke's was present to represent the property. Following discussion Grebner moved and Kezar seconded to approve with the following stipulations: 1) If 5th Ave SE public right-of-way between Penn St S & Lloyd St S is ever vacated, a new plat must be submitted combining Lot 1 and Lot 2, Avera St. Luke's Addition and vacated 5th Ave SE right-of-way into one lot, and 2) Permits must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED** .
- 14) Jade T. Weideman and Thomas J. Weideman requested permission, as per site plan submitted, to 1) permit the warehousing and enclosed storage of equipment for a concrete business, which would be a Special Exception in the (C3/R4) Central Business/Special Density Residential Zoning District, and 2) to permit the open storage and parking of vehicles, equipment, concrete forms and related items, which would be a Special Exception in the C3/R4 Zoning District and 3) to permit an existing off-premise sign to remain on the property, which would be a Special Exception in the C3/R4 Zoning District, all on Lot 1, Draeger & Daniel Replat of Lots 1-4, Block 56, Second Addition, a.k.a. 602 Fourth Street S. T.J. Weideman was present to represent the property. Following discussion Kezar moved and Babcock seconded to deny agenda item #1. Stacy Bauer, Lorraine Leedly, and Steve Hermansen, neighboring property owners/managers, were present to voice concerns over outside storage, parking of trailers, width of street, etc. Upon roll call, all members voting any, the motion carried. **SPECIAL EXCEPETION DENIED** . Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda item #2, all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED** . Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda item #3 with the stipulation that the existing "Moose" sign may not be substantially repaired or replaced at this location without addition Zoning Board approval. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 15) Patrick Weiss requested permission, as per site plan submitted, for existing residence to remain 2'4" from the North property line rather than the required 5', which would be a 2'8" Building Variance and 4'2" from the South property line rather than the required 5', which would be a 10" Building Variance and for unattached garage to remain 1' from the North property line rather than the required 5', which would be a 4' Building Variance, and .5' from the South property line rather than the required 5', which would be a 4.5' Building Variance in order to replace front steps that meet setback requirements, all on Lot 6, Block 37, Thomas Addition and the North 2' of Lot 9, Block 1, Simmon's First Addition, a.k.a. 1217 Main Street S. Jennifer Sietsma was present to represent the property. Ken Hubbart 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) The submitted petition to rezone must be approved, 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 .**

- 4) GPHC, LLC requested permission, as per site plan submitted, for 1) existing apartment building to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance, and existing unattached garage to remain .5' from the North property line rather than the required 5', which would be a 4.5' Building Variance and 1.5' from the West property line rather than the required 5', which would be a 3.5' Building Variance in order to 2) construct an exterior staircase 3' from the South property line rather than the required 5', which would be a 2' Building Variance and 3) to provide 4 off-street parking stalls rather than the required 6 stalls, which would be a 2 stall Minimum Parking Stall Variance, all on Lot 6, Block 21, Thomas Addition, a.k.a. 920 Kline Street S. Mark Rich 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.

BUILDING VARIANCES APPROVED AND MINIMUM PARKING STALL VARIANCE APPROVED .

- 1) Amie Mount requested permission, as per site plan submitted, to 1) permit the operation of a daycare as a home occupation, which would be a Special Exception in the (R-3) High Density Residential Zoning District and 2) for existing residence to remain 17' from the North property line rather than the required 25', which would be an 8' Building Variance and for existing front deck to remain 10.5' from the North property line rather than the required 15', which would be a 4.5' Building Variance and 4' from the West property line rather than the required 5', which would be a 1' Building Variance, and 8'x8' shed to remain 3' from the West property line rather than the required 5', which would be a 2' Building Variance, all on Lot 2, Block 6, Draegers & Yeagers Addition, a.k.a. 1322 Third Avenue SE. There still being no representative present, no action was taken on this item.

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

Paula Nelson
Board of Zoning Adjustment Secretary
July 9, 2015