

BOARD OF ZONING ADJUSTMENT
August 13, 2015

The Board of Zoning Adjustment Meeting was held on Thursday, August 13, 2015 in the Aberdeen City Hall, First Floor Council Chambers, Aberdeen, South Dakota with Kezar presiding as Acting Chairman. Chairman Kezar called the meeting to order. Members present at roll call were Weigel, VanDeRostyne, Kezar, 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, Chad Nilson, Building Inspector, John Pantzlaff, GIS/Planning Technician, and Paula Nelson, Board of Zoning Adjustment Secretary.

Weigel moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of July 9, 2015, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Chelsea Brown 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-2) Medium Density Residential Zoning District, all on Lot 11, Block 4, Replat of Blocks 3-4, Huffman's Second Addition, a.k.a. 821 Seventeenth Avenue SE. There being no representative present this item was moved to the end of the agenda.
- 2) Samantha Beyers 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-2/R-4) Medium Density Residential/Special Density Residential Zoning District, all on Lot 14, Block 12, Sullivan & Easton Addition, a.k.a. 1006 First Street N. Samantha Beyers 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 May 1, 2016, 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** .
- 3) Nancy Jensen requested permission, as per site plan submitted, for 1) existing residence to remain 20.5' from the East property line rather than the required 25', which would be a 4.5' Building Variance, and 4.66' from the West property line rather than the required 20', which would be a 15.33' Building Variance and 11.5' from the

South property line rather than the required 15', which would be a 3.5' Building Variance in order to 2) construct a 5'x8' uncovered deck and stairs 14' from the East property line rather than the required 15', which would be a 1' Building Variance, all on The East 71' of Lot 6, Block 34, Bennett & Thomas Addition, a.k.a. 501 First Street N. Pastor Nathan Henschen was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion Weigel moved and Grebner seconded to approve agenda item #2 as a 4' x 8' uncovered deck and stairs 15' from the East property line 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) Sheri Gross requested permission, as per site plan submitted, for 1) existing residence to remain 18.4' from the South property line rather than the required 25', which would be a 6.6' Building Variance and 4.7' from the East property line rather than the required 5', which would be a .3' Building Variance, and for existing deck to remain 1' from the West property line rather than the required 5', which would be a 4' Building Variance, and for lot to remain 37' in width rather than the required 50', which would be a 13' Minimum Lot Width Variance in order to 2) construct a 23'x24' unattached garage, that is not aesthetically similar to primary structure, which would be an appeal to the Zoning Board, all on Lot 3, Welch's Replat of Lots 7-8, Block 33, Bennett & Thomas Addition, a.k.a. 116 Sixth Avenue NW. Sheri Gross was present to represent the property. Following discussion Weigel moved and VanDeRostyne 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. **BUILDING VARIANCES APPROVED** . Following further discussion VanDeRostyne moved and Weigel seconded to deny agenda item #2, all members voting aye, the motion carried. **APPEAL DENIED** .
- 5) Terry Huffman requested permission, as per site plan submitted, to 1) permit the installation of 2 approaches 320' apart rather than the permitted 500', which would be a 180' Minimum Approach Separation Variance, and 2) to plant a shelterbelt 40' from the North property line rather than the required 150', which would be a 110' Minimum Shelterbelt Setback Variance, and 3) to install two field belts 40' from the North property line rather than the required 100', which would be two 60' Minimum Field Belt Setback Variances, all on Lots 1-3, Huffman's Subdivision of Lot 2, B&J First Subdivision, NE¼ Sect. 15-T123N-R64W, a.k.a. 2411 Eighth Avenue NW. Terry Huffman was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny agenda item #1, all members voting aye, the motion carried. **MINIMUM APPROACH SEPARATION VARIANCE DENIED** . Following further discussion the petitioner withdrew his requests for agenda items #2 and #3. No action taken.

- 6) Paul Sestak requested permission, as per site plan submitted, for existing residence to remain 20' from the East property line rather than the required 25', which would be a 5' Building Variance, in order to replace front deck that will meet all setback requirements, all on Lot 3, Block 15, Sullivan & Easton's Addition, a.k.a. 815 First Street N. Paul Sestak 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.**
- 7) Tom Leidholt requested permission, as per site plan submitted, to permit the open storage and parking of vehicles, equipment and materials pertinent to an electrician shop, all on Lot 1, T&J Properties First Consolidated Addition to Aberdeen, a.k.a. 214 Fifteenth Street S. Tom Leidholt was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve with the following stipulations: 1) All storage must take place behind the building as indicated on application, 2) All items stored outside must be for use by the business. No personal or off-premise storage, display, sales, etc., 3) Property must be maintained in a neat and orderly manner at all times, 4) No illegal or unpermitted signage on the property, and 5) This Special Exception is for Tom Liedholt only, as long as he is the owner/operator of proposed use. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 8) Stan Houston Equipment requested permission, as per site plan submitted, to permit the open storage, rental and sale of construction vehicles and equipment, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, all on Lot 1, B&B East Subdivision in the NW¼ Sect. 23-T123N-R63E, a.k.a. 39213 133rd Street. Charlie Keeley was present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve with the following stipulations: 1) Open storage is limited to items available for rent or sale at this location. No off-premise storage or sales, 2) Storage is limited specifically to the locations submitted with the application, 3) No illegal or unpermitted signs, 4) Property must be maintained in a neat and orderly manner at all times, 5) Storage must take place on paved and graveled areas only, 6) All items must be displayed without extending scissor lifts, lifts, or any other extension or attachment, 7) This Special Exception is for Stan Houston Equipment only, as long as they are owner/operator of proposed use, and 8) This open storage may not commence until all items in open storage have been removed from the current location at 1900 Sixth Ave SW (Keeley Lumber). Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 9) Mabel Lout and Longhorn Trucking requested permission, as per site plan submitted, to 1) permit the operation of a truck and maintenance terminal in addition to an existing residence, which would be an Appeal to the Board of Adjustment in the (R-2) Medium Density Residential Zoning District, and 2) to permit the open storage and parking of semi-trucks, trailers and related equipment, which would be an Appeal to

the Board of Zoning Adjustment in the (R-2) Medium Density Residential Zoning District, all on The South 825' of 327' West of the East 333' and the 165' North of the South 330' of the East 333' of the E½E½ of the NE¼ Sect. 22-T123N-R64W, a.k.a. 1216 Highway 281 S. Cory Neifer of Longhorn Trucking was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #1 with the following stipulations: 1) Property must be replatted and successfully rezoned to (M-AG) Mini-Agricultural District and annexed into city limits, and 2) This Special Exception is for Longhorn Trucking only, as long as they are owners/operators, 3) Property must be maintained in a neat and orderly manner at all times, 4) Residence must remain and be inhabited by operator, or employees, or Special Exception shall be deemed null and void, 5) Any buildings in disrepair must be repaired or demolished, 6) No off-premise storage or sales of vehicles, merchandise, etc., 7) No illegal or unpermitted signage, and 8) Operations shall be in accordance with City Noise Ordinance (10 p.m. - 7 a.m.). Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** . Following further discussion VanDeRostyne moved and Weigel seconded to approve agenda item #2, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 10) Michael Shannon requested permission, as per site plan submitted, to 1) permit repairs of the front porch and shingling of a residence, which would be a Special Exception in a (C-2) Highway Commercial Zoning District and 2) to permit existing residence to remain 19'5" from the West property line rather than the required 45', which would be a 25'7" Building Variance in order to 3) construct a 30'x32' residential accessory structure, which would be a Special Exception in the (C-2) Highway Commercial Zoning District and 4) to plat a lot in the (C-2) Highway Commercial District that is 50' wide rather than the required 75', which would be a 25' Minimum Lot Width Variance and 5) to plat a lot in the (C-2) Highway Commercial Zoning District that is 7100sf rather than the required 10,650sf, which would be a 3550sf Minimum Lot Size Variance, all on Lots 19-20, Pierce's Subdivision of Block 103, Hagerty & Lloyd Addition, a.k.a. 507 Arch Street S. Michael & Judy Shannon were present to represent the property. Attorney Drew Johnson was also in attendance. Following discussion Weigel moved and VanDeRostyne 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, 3) All required inspections must be completed, 4) Garage must be aesthetically, similar to primary structure, 5) A plat must be submitted and filed combining underlying lots into one legal parcel. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** . Following further discussion Grebner moved and VanDeRostyne seconded to approve agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion Weigel moved and Grebner seconded to approve agenda item #3, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** . Following further discussion VanDeRostyne moved and Weigel seconded to approve agenda items #4 and #5, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE & MINIMUM LOT SIZE VARIANCE APPROVED** .

- 1) Chelsea Brown 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-2) Medium Density Residential Zoning District, all on Lot 11, Block 4, Replat of Blocks 3-4, Huffman's Second Addition, a.k.a. 821 Seventeenth Avenue SE. Chelsea Brown was present to represent the property. Following discussion VanDeRostyne 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** .

Brett Bill introduced John Pantzlaff as the new GIS/Planning Technician.

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

Paula Nelson
Board of Zoning Adjustment Secretary
August 13, 2015