

BOARD OF ZONING ADJUSTMENT
October 8, 2015

The Board of Zoning Adjustment Meeting was held on Thursday, October 8, 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 Winter, Musel, Kezar, and Weigel. Also present were Ken Hubbard, City Planner, Chris Witzel, City Planner, David Dosch, Code Enforcement Officer, John Pantzlaff, GIS/Planning Technician, and Paula Nelson, Board of Zoning Adjustment Secretary.

Musel moved and Winter seconded to approve the Board of Zoning Adjustment minutes of September 10, 2015, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Devon Rombs 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 District, all on Lot 9, Block 5, Clark's Fourth Addition to Melros Estates and Lot 9A, Francis Evelo Addition, a.k.a. 2213 Twelfth Avenue SE. Alice Rombs was present to represent the property. Following discussion Weigel moved and Musel 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) Wagner Holdings, LLC and Matt Vogel requested permission, as per site plan submitted to permit the operation of a permanent fireworks stand, which would be a Special Exception in the zoning jurisdiction of Aberdeen, all on Rich Brother's Outlot 1, I the NW¼ Sect. 23-T123N-R63W, except Hwy, a.k.a. 39231 133rd Street. Matt Vogel was present to represent the property. Following discussion Weigel moved and Musel seconded to approve with the following stipulations: 1) All fire department requirements must be met, and 2) Any signage must be permitted prior to installation. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 3) Robert Sallee requested permission, as per site plan submitted, to replace a (28'x24') 672sf unattached garage rather than the permitted 624sf, which would be a

48sf Accessory Structure Lot Coverage Variance, all on Lot 19, Garden Addition to the City of Aberdeen, a.k.a. 720 Eighth Street S. Robert Sallee was present to represent the property. Following discussion Musel moved and Winter seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried.

ACCESSORY STRUCTURE LOT COVERAGE VARIANCE APPROVED

- 4) Phil Eichstadt requested permission, as per site plan submitted, for 1) existing residence to remain 48' from the South property line rather than the required 100', which would be a 52' Building Variance and for existing 30'x37'8" outbuilding to remain 12' from the North property line rather than the required 35', which would be a 23' Building Variance and 7' from the West property line rather than the required 15', which would be an 8' Building Variance in order to 2) construct a new 18'x30' accessory structure 12' from the North property line rather than the required 35', which would be a 23' Building Variance and 3) to construct a 16'x20' addition to residence and 8' wide deck 52' from the South property line rather than the required 100', which would be a 48' Building Variance and 4) to construct a 12'x12' covered porch 36' from the South property line rather than the required 100', which would be a 64' Building Variance and 5) to permit the operation of a contractor's business as a home occupation, which would be an Appeal to the Board of Zoning Adjustment in the (M-Ag) Mini-Agricultural Zoning District, all on Chandler's Outlots 10-11 in the SW¼ Sect. 3-T123N-R64W, a.k.a. 2540 Twenty-fourth Avenue NW. Phil Eichstadt was present to represent the property. Following discussion Weigel moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED**. Following further discussion Winter moved and Weigel seconded to approve agenda item #2 with the following stipulations: 1) Property must be replatted into one parcel prior to permitting, 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**. Following further discussion Musel moved and Weigel seconded to approve agenda item #3 with the following stipulations: 1) Property must be replatted into one parcel prior to permitting, 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. **BUILDING VARIANCE APPROVED**. Following further discussion Winter moved and Musel seconded to approve agenda item #4 with the following stipulations: 1) Property must be replatted into one parcel prior to permitting, 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. **BUILDING VARIANCE APPROVED**. Following further discussion Musel moved and Winter seconded to approve agenda item #5 with the following stipulations: 1) All vehicles, machinery, equipment, and materials shall be stored in buildings, and 2) Property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion

carried. **APPEAL APPROVED** .

- 5) S&S Rentals, LLC requested permission, as per site plan submitted, to 1) permit the addition of an Accessory Structure as part of a group project, which would be a Special Exception in an (R-3) High Density Residential Zoning District and 2) to construct an accessory structure within the front setback, which would be an Appeal to the Board of Zoning Adjustment and 3) to construct an accessory structure 15'11.5" from the South property line rather than the required 25', which would be a 9'.5" Building Variance, all on Lot 1, HAPI Central Subdivision, a.k.a. 1721 Abby Avenue. There being no representative present this item was moved to the end of the agenda.
- 6) Ellsbee Properties requested permission, as per site plan submitted, to permit the installation of a real estate sign that is 32sf in size rather than the permitted 8sf, which would be a 24sf Sign Variance, all on Lot 1, HHS Properties Subdivision to Aberdeen, a.k.a. 1604 Miller Lane. Troy Holtey was present to represent the property. Following discussion Musel moved and Winter seconded to approve with the following stipulations: 1) A permit must be obtained prior to installation, 2) All required setbacks must be met, 3) Sign may not be installed in corner visibility triangle, 4) If this sign is approved, no other signs may be installed on the Ellsbee Estates Development, and 5) Approval shall expire on October 8, 2017 or upon sale of all lots, whichever comes first. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED** .
- 7) Florence Deckert and Lester Cummings requested permission, as per site plan submitted, construct a 4'x6' deck and stairs 15' from an adjacent structure rather than the required 20' which would be a 5' Building Variance, all on Lot 1, Lakeside Estates First Addition, a.k.a. 107 Second Curve. Jerry Holty was present to represent the property. Following discussion Weigel moved and Musel 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 member voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 8) JK Holdings requested permission, as per site plan submitted, to permit the open storage of equipment, vehicles and items in process of restoration, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Lot 1, Aberdeen Development Corporation 1997-1 Subdivision, a.k.a. 2911 Industrial Avenue NE. Kyle Weiszhaar was present to represent the property. Following discussion Musel moved and Winter seconded to approve with the following stipulations: 1) Property must be kept in a neat and orderly manner at all times, 2) All vehicles must be licensed and operable, 3) All storage should take place in area indicated on site plan, and 4) No personal storage. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .
- 9) Regency Midwest Ventures, LP requested permission, as per site plan submitted, to permit the construction of a 13'x32' 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, Ramkota First Addition, a.k.a. 1400 Eighth Avenue NW. Randy Grismer was present to represent the property. Following discussion Musel 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; shed must be placed to meet all setbacks, 3) All required inspections must be completed, 4) All temporary storage containers must be removed from property, and 5) Approval expires on December 1, 2018. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** .

- 10) Todd Campbell requested permission, as per site plan submitted, for 1) existing residence to remain 20.5' from the West property line rather than the required 25', which would be a 4.5' Building Variance in order to 2) construct a 24'x24' unattached garage 2.5' from the South property line rather than the required 5', which would be a 2.5' Building Variance and 3) to construct a 6'x6' front deck and stairs 10.5' from the West property line rather than the required 15', which would be a 4.5' Building Variance, all on Lot 17, Block 10, Sullivan & Easton Addition, a.k.a. 814 First Street N. Todd Campbell was present to represent the property. Following discussion Musel moved and Winter seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** . Following further discussion Musel moved and Winter 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 Winter moved and Musel seconded to approve agenda item #2 as a 4' x 6' front deck and stairs 12.5' from the West property line rather than the required 15', which would be a 2.5' Building Variance 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED** .
- 11) Russel Brick and Thomas & Misty Wiedeman requested permission, as per site plan submitted, to permit the open storage of equipment, materials, vehicles, trailers, tools and items associated with a concrete business, which would be a Special Exception in the (I-2) Unrestricted Industrial Zoning District, all on Brick Tract 1 in the **SW¼ Sect. 16-T123N-R64W, a.k.a. 38422 133rd Street**. Tom & Misty Wiedeman was present to represent the property. Following discussion Weigel moved and Musel seconded to approve with the following stipulations: 1) A permanent shop must be permitted by 06/01/16, 2) All items stored on lot must be stored in building when constructed, 3) All vehicles must be licensed & operable, 4) No off-premise storage of items not associated with the business, 5) Property must be maintained in a neat and orderly manner at all times, 6) All equipment & vehicles stored at 602/608 South 4th Street and 12865 Cattail Drive must be removed, and 7) No open storage of refuse, rubble, fill material, etc. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** .

- 12) Ideal Equity Group, LLC and ProComm Builders requested permission, as per site plan submitted, to 1) permit the open storage, display and sale of up to six sheds of various sizes, which would be a Special Exception in the (C-2) Highway Commercial Zoning District, and 2) to install a 4'x8' sign on the display home foundation, 5' from the North property line rather than the required 10', which would be a 5' Sign **Setback Variance, all on Lot 1, Crompton Addition in the NW¼ Sect. 23-T123N-R63W, a.k.a. 39205 133rd Street.** David Mohn was present to represent the property. Following discussion Weigel moved and Musel seconded to deny agenda item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED.** Following further discussion Weigel moved and Musel seconded to deny agenda item #2, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE DENIED.**
- 13) Avera St. Luke's requests permission, as per site plan submitted to 1) permit the installation of 9 freestanding signs rather than the permitted 1, which would be an 8 Freestanding Sign Variance and 2) to permit a total of 601sf of freestanding signage rather than the required 16sf, which would be a 585sf Freestanding Sign Variance and 3) to construct a 4.5'x10' freestanding sign in the 35' corner visibility triangle at the corner of 3rd Ave SE and State St S, which would be an Appeal to the Board of Zoning Adjustment and 4) to construct a 4.5'x10' freestanding sign in the 35' corner visibility triangle at the intersection of 5th Ave SE and Penn St S, which would be an Appeal to the Board of Zoning Adjustment and 5) to construct a 5.5'x12' freestanding sign in the 35' corner visibility triangle at the intersection of 3rd Ave SE and Penn St S, which would be an Appeal to the Board of Zoning Adjustment, and 6) to construct a 4.5'x10' freestanding sign 6' from the West property line rather than the required 10', which would be a 4' Sign Setback Variance and 7) to construct a 4.5'x10' freestanding sign 1' from the East property line, which would be a 9' Sign Setback Variance and 8) 3' from the South property line rather than the required 10', which would be a 7' Sign Setback Variance, and 9) to construct a 5.5'x12' freestanding sign 2.3' from the North property line rather than the required 10', which would be a 7.7' Sign Setback Variance and 10) 3.2' from the East property line rather than the required 10', which would be a 6.8' Sign Setback Variance, and 11) to for an existing 6'x11' freestanding sign to remain .02' from the North property line rather than the required 10', which would be a 9.98' Sign Setback Variance, all on Lot 1, Avera St. Luke's Addition, a.k.a. 305 State Street S. Jim Dobbs & Abigail Cogley of Avera St. Luke's were present to represent the property. Following discussion Musel moved and Kezar seconded to approve agenda items #1 & #2 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCES APPROVED.** Following further discussion Musel moved and Kezar seconded to approve agenda item #3 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Musel moved and Kezar seconded to approve agenda item #4 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Musel moved and Kezar seconded to approve agenda item #5 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **APPEAL**

APPROVED . Following further discussion Weigel moved and Musel seconded to approve agenda item #6 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **SIGN SETBACK**

VARIANCE APPROVED . Following further discussion Weigel moved and Musel seconded to approve agenda items #7 & #8 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **SIGN**

SETBACK VARIANCE APPROVED . Following further discussion Weigel moved and Musel seconded to approve agenda items #9 & #10 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **SIGN SETBACK VARIANCES APPROVED** .

Following further discussion Musel moved and Kezar seconded to approve agenda item #11 with the stipulation that permits must be obtained prior to installation, all members voting aye, the motion carried. **SIGN SETBACK VARIANCES APPROVED** .

- 5) S&S Rentals, LLC requested permission, as per site plan submitted, to 1) permit the addition of an Accessory Structure as part of a group project, which would be a Special Exception in an (R-3) High Density Residential Zoning District and 2) to construct an accessory structure within the front setback, which would be an Appeal to the Board of Zoning Adjustment and 3) to construct an accessory structure 15'11.5" from the South property line rather than the required 25', which would be a 9'.5" Building Variance, all on Lot 1, HAPI Central Subdivision, a.k.a. 1721 Abby Avenue. Kurt Weisbeck was present to represent the property. Following discussion Musel moved and Winter 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, and 4) A landscape plan must be approved by City Forester. **SPECIAL EXCEPTION APPROVED** . Following further discussion Weigel moved and Kezar seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Musel moved and Kezar seconded to approve agenda item #2 with the following stipulations: 1) These accessory structures are to be used by the tenants of twin home development only, and 2) Accessory structures are to be aesthetically similar to the primary structures. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED** . Following further discussion Weigel moved and Kezar seconded to deny agenda item #3, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED** .

Chairman Kezar continued with other business as follows:

- 1) Weigel suggested that the city require complete site plans, including signs, at time of original building permit plan submission.

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

Paula Nelson
Board of Zoning Adjustment Secretary

October 8, 2015