

BOARD OF ZONING ADJUSTMENT
January 14, 2016

The Board of Zoning Adjustment Meeting was held on Thursday, January 14, 2016 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 Grebner, Babcock, VanDeRostyne, Kezar, and Weigel. Also present were Ken Hubbart, City Planner, Chris Witzel, City Planner, Brett Bill, Planning & Zoning Director, David Dosch, Code Enforcement Officer, John Pantzloff, GIS/Planning Technician, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Weigel seconded to approve the Board of Zoning Adjustment minutes of December 10, 2015, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Janice Geffre and Betty Woessner requested permission, as per site plan submitted, for an existing mobile home to remain 15' from the South property line rather than the required 25', which would be a 10' Building Variance and 14' from the West property line rather than the required 25', which would be a 11' Building Variance, and 16' from an adjacent mobile home rather than the required 20', which would be a 4' Building Variance in order to construct a wheel chair ramp, all on BOLS #13, Lots 1-6, Block 24, Highland Park Addition and 32' of Vacated Street ROW, a.k.a. 1515 Ninth Avenue SW #13. There being no representative present this item was moved to the end of the agenda.

- 2) Daniel Latterell requests permission, as per site plan submitted, to 1) construct a 9'x26'2" covered porch 22' from the North property line rather than the required 25', which would be a 3' Building Variance and 2) for an existing 20'5"x16'6" unattached garage to remain 0' from the West property line rather than the required 5', which would be a 5' Building Variance and 0' from the South property line rather than the required 5', which would be a 5' Building Variance and 3) to construct a 9'x20.5' addition to the East side of the existing unattached garage that will be 0' from the South property line rather than the required 5', which would be a 5' Building Variance, all on Lot 5, Block 53, Second Addition, a.k.a. 108 Ninth Avenue SE. Daniel Latterell was present to represent the property. Following discussion Weigel moved and Grebner seconded to approve agenda item #2 with the stipulation that the existing structure may not be replaced at same location, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** . Following discussion VanDeRostyne 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. **BUILDING VARIANCE APPROVED** . Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda item #3. Upon roll call, Grebner-aye, Babcock-aye, VanDeRostyne-aye, Kezar-aye, Weigel-aye (1-aye,4-aye), the motion carried. **BUILDING VARIANCE DENIED** .

- 1) Janice Geffre and Betty Woessner requested permission, as per site plan submitted, for an existing mobile home to remain 15' from the South property line rather than the required 25', which would be a 10' Building Variance and 14' from the West property line rather than the required 25', which would be a 11' Building Variance, and 16' from an adjacent mobile home rather than the required 20', which would be a 4' Building Variance in order to construct a

wheel chair ramp, all on BOLS #13, Lots 1-6, Block 24, Highland Park Addition and 32' of Vacated Street ROW, a.k.a. 1515 Ninth Avenue SW #13. Betty Woessner was present to represent the property. Following discussion Weigel moved and Kezar seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified in accordance with the building permit that was issued at time of application, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .

- 2) Presentation College and Avera St. Luke's Hospital requested permission, as per site plan submitted, to permit the installation of an 11sf wall sign in addition to 439sf of previously approved freestanding signs, for a total of 450sf of total signage rather than the permitted 36sf, which would be a 414sf Sign Variance, all on Block 1, Presentation Heights Addition, a.k.a. 224 Fifteenth Avenue NW. Abigail Cogley of Avera St. Luke's Hospital was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED** .
- 3) Casey Brake and Grant Wilson requested permission, as per site plan submitted, to 1) permit the operation of a landscaping business in a (R-3) High Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment and 2) to permit the operation of a home occupation in an accessory structure, which would be an Appeal to the Board of Zoning Adjustment, and 3) to permit the open storage of vehicles, equipment and landscaping materials, which would be an Appeal to the Board of Zoning Adjustment and 4) to permit the installation of a 2'x3' freestanding sign in a residential zoning district, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 1-6, Block 39, Roches East Side Addition, a.k.a. 2524 Third Avenue SE. Casey Brake was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny agenda item #1, all members voting aye with Weigel abstaining, the motion carried. **APPEAL DENIED** . No action taken on agenda items #2 - #4.
- 4) Kevin Hauck 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 existing unattached garage to remain 3'4" from the North property line rather than the required 5', which would be a 1'8" Building Variance and 2' from the West property line rather than the required 5', which would be a 3' Building Variance in order to construct a 5'x8' front deck on residence that will meet all setback requirements, all on Lots 7-8, Block 9, Howard & Hedger Replat of Northwest Addition and the West 17' of North Congress Street ROW, a.k.a. 611 Congress Street N. Jacob Palmer was present to represent the property. Following discussion Weigel moved and Grebner seconded to approve with the following stipulations: 1) Property pins must be located for inspection and setbacks must be verified in accordance with the building permit that was issued at time of application, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED** .
- 5) Shawn Score requested permission, as per site plan submitted, to 1) permit the open storage and display of hot tubs, which would be a Special Exception in the (C-2) Highway Commercial Zoning District and 2) to provide 35 parking stalls rather than the required 37, which would be a 2 stall Minimum Parking Stall Variance, all on Lots 210-218, Morning Heights Addition, excluding Lot H-1, a.k.a. 601 Riverside Drive. Shawn Score & Bob McGlaughlin of Elm Valley Construction were present to represent the property. Following discussion Grebner moved and Kezar seconded to approve agenda item #1 with the

following stipulations: 1) All items displayed must be new or in good repair available for sale; no open storage of junk, inoperable or items in states of disrepair, 2) No items may be stored in public R.O.W., 3) No items over 3' in height at 15' visibility triangles at approaches onto public streets, 4) Property must be maintained in a neat and orderly manner at all times, 5) No illegal or unpermitted signs, banners, etc., 5) This special exception is for the applicant as long as they are the owner/operator of proposed use, and 6) Open storage is limited to areas indicated and items requested in application. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED** . Following further discussion Kezar moved and Grebner seconded to approve agenda item #2 with the following stipulations: 1) No storage may occur in the 35 parking stalls, 2) Stalls must be striped on lot to verify they meet requirements, and 3) No parking in R.O.W.'s. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL VARIANCE APPROVED** .

- 6) Derwin Kampa requested permission, as per site plan submitted, to permit the construction of a 6'x7'4" deck 4.5' from the South property line rather than the required 5', which would be a .5' Building Variance, all on Lots 7-10, and the East 17' of North Congress Street ROW, Block 10, Howard & Hedger Replat of Northwestern Addition, a.k.a. 602&606 Congress Street N. Derwin Kampa 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) The City of Aberdeen requested permission, as per site plan submitted, to permit the installation of 100 parking stalls rather than the required 252 stalls, which would be a 152 Minimum Parking Stall Variance, all on Lot 1, Aberdeen Public Library Addition, a.k.a. 215 Fourth Avenue SE. City Manager Lynn Lander and City Attorney Ron Wager were present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve with the following stipulations: 1) The 100 parking stalls must be provided as indicated, with adherence to ADA parking requirements and Forestry Department requirements for landscaping, and 2) The 100 stalls must remain dedicated for the use of library patrons & employees. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL VARIANCE APPROVED** .

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

Paula Nelson
Board of Zoning Adjustment Secretary
January 14, 2016