

BOARD OF ZONING ADJUSTMENT
March 10, 2016

The Board of Zoning Adjustment Meeting was held on Thursday, March 10, 2016 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, Musel, and Grebner. 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, Chad Nilson, Building Inspection, Barry Dunlavy, Building Inspector, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Grebner seconded to approve the Board of Zoning Adjustment minutes of February 11, 2016, all members voting aye, the motion carried.

Chairman Kezar began with new business as follows:

- 1) Natalie Casanova 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-3) High Density Residential Zoning District, all on Lot 1, Block 2, Golden Acres First Subdivision, a.k.a. 715 Kettering Drive N. Jordan Casanova was present to represent the property. Following discussion Grebner 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) Ka-Boomer's, Inc. requested permission, as per site plan submitted, to permit the operation of a temporary fireworks stand within the Zoning Jurisdiction of the City of **Aberdeen, which would be a Special Exception, all on Judy Outlot 1, NW¼ Sect. 22-T123N-R63W, a.k.a. 5050 Highway 12 E.** Mike Herbert & Rebecca Taylor were present to represent the property. Following discussion Grebner moved and Musel seconded to approve with the following stipulations: 1) All signs must be permitted with the City of Aberdeen Planning & Zoning Office, and 2) Petitioner must comply with all Fire Marshal requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 3) Performance Rentals, LLC requested permission, as per site plan submitted, to 1) permit the construction of a mini-storage building, which would be an Appeal to the Board of Zoning Adjustment in the (I-2) Unrestricted Industrial Zoning District, and 2) to

construct a mini-storage building that is 60' deep rather than the required 30', which would be a 30' Maximum Depth Variance and 3) to construct a mini-storage building that is 248' in length rather than the required 120', which would be a 128' Maximum Length Variance, all on Lot 1, Performance Rentals First Subdivision, in the W½ Sect. 21-T123N-R64W, a.k.a. 38422 Highway 12 W. Chris Gross was present to represent the property. Following discussion Musel moved and Grebner seconded to approve agenda item #1 with the stipulation that all Fire Marshal stipulations must be met. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED**. Following further discussion Weigel moved and Musel seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Weigel 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) This entire lot must be replatted to provide access in accordance with the Fire Marshal access requirements on North and West side. Upon roll call, all members voting aye, the motion carried. **MAXIMUM DEPTH VARIANCE AND MAXIMUM LENGTH VARIANCE APPROVED**.

- 4) Pat Hale requested permission, as per site plan submitted, for 1) existing shelterbelt to remain 27' from the South property line rather than the required 150', which would be a 123' Minimum Shelterbelt Setback Variance and for existing field belt to remain 47' from the South property line rather than the required 100', which would be a 53' Minimum Fieldbelt Setback Variance in order to 2) plant additional shelterbelt trees 52' from the South property line rather than the required 150', which would be a 98' Minimum Shelterbelt Setback Variance, all on Lot 2, Mattern Addition in the SW¼ Sect. 26-T123N-R63W, a.k.a. 2913 392nd Avenue. Pat Hale was present to represent the property. Following discussion Musel moved and Weigel seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Weigel moved and Musel seconded to approve agenda item #1, all members voting aye, the motion carried. **MINIMUM SHELTERBELT SETBACK VARIANCE AND MINIMUM FIELDBELT SETBACK VARIANCE APPROVED**. Following further discussion VanDeRostyne moved and Grebner seconded to approve agenda item #2, all members voting aye, the motion carried. **MINIMUM SHELTERBELT SETBACK VARIANCE APPROVED**.
- 5) Ron VanMeter requested permission, as per site plan submitted, to 1) plant a shelterbelt 35' from the North property line rather than the required 150', which would be a 115' Minimum Shelterbelt Setback Variance, and 2) to plant two fieldbelts 35' from the North property line rather than the required 100', which would be two 65' Minimum Fieldbelt Setback Variances, all on Lot 5, Block 2, Gross Third Subdivision in the NW¼ Sect. 34-T124N-R64W, a.k.a. 38519 129th Street. Ron & Patty VanMeter were present to represent the property. Following discussion VanDeRostyne moved and Grebner seconded to approve. Upon roll call, Weigel-nay, VanDeRostyne-aye, Kezar-aye, Musel-aye, Grebner-aye (1-nay, 4-aye), the motion carried. **MINIMUM SHELTERBELT SETBACK VARIANCE AND MINIMUM FIELDBELT SETBACK VARIANCES APPROVED**.
- 6) GPHC, LLC request permission, as per site plan submitted, to 1) permit the repair and reuse of an internally illuminated projecting wall sign, which would be an Appeal to the

Board of Zoning Adjustment, and 2) to permit the repair and reuse of a 60sf projecting sign rather than the permitted 16sf Blade Sign, which would be an Appeal to the Board of Zoning Adjustment, and 3) to permit the repair and reuse of a 18sf changeable copy sign, which would be an Appeal to the Board of Zoning Adjustment, and 4) to permit the repair and reuse of a 78sf projecting wall sign rather than the required 16sf Blade Sign, which would be a 62sf Blade Sign Size Variance, all on Lot 1, Ericka's Corner Subdivision, a.k.a. 420 Main Street S. Ken Hubbart stated that the petitioner withdrew this item. No action taken.

Chairman Kezar continued with other business as follows:

- 1) Don Weigel initiated discussion regarding the possibility of amendments and/or clarification to the shelterbelt and fieldbelt ordinance requirements. No action taken.

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

Paula Nelson
Board of Zoning Adjustment Secretary
March 10, 2016