

BOARD OF ZONING ADJUSTMENT
September 9, 2010

The Board of Zoning Adjustment Meeting was held on Thursday September 9, 2010 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Scott Sikkink presiding as Acting Chairman. Acting Chairman Sikkink called the meeting to order. Members present at roll call were Sikkink, Weigel, Musel, Kezar, and VanDeRostyne. Also present were Ken Hubbard, City Planner, Brett Bill, Planning & Zoning Director, Barry Dunlavy, Building Inspector, Ken Van Dyne, City Planner, Chad Nilson, Building Inspector, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of August 12, 2010, all members voting aye, the motion carried.

Acting Chairman Sikkink began with new business as follows:

- 1) Nichole Braun requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R-3) High Density Residential Zoning District, all on The East 8.33' of Lot 17 and all of Lot 18, Block 39, West Aberdeen Addition, a.k.a. 816 Fourth Avenue SW. Nichole Braun was present to represent the property. Following discussion Kezar moved and VanDeRostyne 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) All applicable state regulations must be met, 3) No more than one individual other than the owner, may work at the daycare at one time, 4) Pending notification that the applicant and members of the household have not been rejected by the state due to abuse or neglect, 5) A floor plan must be submitted for review showing the location used for childcare, 6) Age range of children, the number of children and hours of operation must be submitted, 7) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 8) Announced and unannounced inspections must be permitted by operator, 9) 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 10) 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) Edward Korbel requested permission, as per site plan submitted, for existing residence to remain 24' from the West property line rather than the permitted 25', which would be a 1' Building Variance and 5.5' from the North property line rather than the required 15', which would be a 9.5' Building Variance in order to replace foundation, all on Lot 8, Searle & Hedger's Replat of Block 4, Sullivan & Easton's Addition to Aberdeen, a.k.a. 824 Lincoln Street N. Edward Korbel 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 members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 3) Sandy Nelson and Tom Burgard requested permission, as per site plan submitted, to construct a duplex, which would be a Special Exception in a (R-1) Low Density Residential Zoning District, all on Lot 1, Nelson's First Consolidation Addition, a.k.a. 1837 Eisenhower Circle. Tom Burgard was present to represent the property. Following discussion Kezar moved and 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, 3) All required inspections must be completed, and 4) Three off-street parking stalls must be provided. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 4) Eric Krumm requested permission, as per site plan submitted, for existing residence to remain 39' from the South property line rather than the permitted 45', which would be a 6' Building Variance, all on Lot 1, Block 2, Gross Third Subdivision, NW¼ Sect. 34-T124N-R64W, a.k.a. 12908 385th Avenue. Eric Krumm was present to represent the property. Mike Bickel, adjoining property owner, was present in opposition to this request. Following discussion Kezar moved and Musel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Doug & Karelyn Farrand requested permission, as per site plan submitted, for 1) existing residence to remain 83' from West property line rather than the required 100', which would be a 17' Building Variance in order to 2) construct an addition 72' from the West property line rather than the permitted 100', which would be a 28' Building Variance, all on Beckler-Engel First Addition, SW¼ Sect. 27-T123N-R63W, a.k.a. 2315 391st Avenue. There being no representative present this item was moved to the end of the agenda.
- 6) Todd Ochsner requested permission, as per site plan submitted, to permit the open storage, parking, or sale of vehicles, raw materials, building materials, supplies, wholesaling, warehousing, manufactured goods, contractor's equipment, and concrete, asphalt and ready-mix manufacturing operations and sales, which would be a Special Exception, all on Mead's Outlot D, E½ Sect. 20-T123N-R64W, a.k.a. 38390 Highway 12 W. Brad Engelhart was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to approve with the following stipulations: 1) All vehicles must be licensed and operable per state law definition, 2) Any signs must be permitted in accordance with City Ordinance, 3) Property must be maintained in a neat and orderly manner at all times, and 4) No storage of any kind in visibility triangle of Highway 12 and 384th Avenue. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 7) Gary & Molly Dahme requested permission, as per site plan submitted, for existing residence to remain 6' from the South property line rather than the required 10', which would be a 4' Building Variance in order to replace back deck, all on Lot 18, Block 7, Seventeenth Addition to Highland North Addition, a.k.a. 2206 Jay Street N. There being no representative present this item was moved to the end of the agenda.

- 8) Rubloff Tri-State Lakewood Portfolio, LLC requested permission, as per site plan submitted, to install a second freestanding sign in addition to the one permitted freestanding sign, which would be an Additional Freestanding Sign Variance, all on Lot 2A, Dial Third Addition, SE¼ Sect. 17-T123N-R63W, a.k.a. 3315 Sixth Avenue SE. Beth Isaacson-Hoeft was present to represent the property. Following discussion Weigel moved and Kezar seconded to deny. Upon roll call, Weigel - aye, VanDeRostyne, Kezar, Musel, Sikkink - nay (1-aye,4-nay), the motion failed. Following further discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) Sign may not be placed in 35' corner visibility triangle, 2) Sign must meet all required setbacks, 3) Permit must be obtained prior to installation, 4) Developer must contact the city when sign location is marked prior to installation, and 5) Sign installed must closely resemble the drawing submitted. Upon roll call VanDeRostyne, Kezar, Musel, Sikkink - aye, Weigel - nay (4-aye, 1-nay). **ADDITIONAL FREESTANDING SIGN VARIANCE APPROVED.**

- 9) Daniel Brenner requested permission, as per site plan submitted, for existing apartment building to remain 11' from the East property line rather than the required 25', which would be a 14' Building Variance and for existing front porch to remain 7' from the East property line rather than the permitted 15', which would be an 8' Building Variance in order to replace foundation, all on Lot 4, Block 52, Thomas Addition and Vacated Alley, a.k.a. 1208 Second Street S. Daniel Brenner was present to represent the property. Following discussion VanDeRostyne 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 members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 10) Target Corporation and Stein Sign Display requested permission, as per site plan submitted, to install a 5'x5' Addition to existing off-premise sign 1) 3.5' from the North property line rather than the required 50', which would be a 46.5' Sign Setback Variance, 8' from the East property line rather than the required 50', which would be a 42' Sign Setback Variance, 26.5' from the South property line rather than the required 50', which would be a 23.5' Sign Setback Variance and 8' from the West property line rather than the required 50', which would be a 42' Sign Setback Variance, and 4' North of second freestanding sign rather than the required 300', which would be a 296' Sign Setback Variance, and 2) to install addition to off-premise sign 7'10" above grade rather than the required 12', which would be a 4'2" Sign Variance, all on Lot 4, First Replat of Lamont's First Addition, NE¼ Sect. 20-T123N-R63W, a.k.a. 3308 Sixth Avenue SE. Bill Ortmeier of Stein Sign Display was present to represent the property. Following discussion Kezar

moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE APPROVED.** Following further discussion Weigel moved and Kezar seconded to deny agenda item #2, all members nay, the motion failed. Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda item #2 with the following stipulations: 1) Plans must be submitted for review, 2) Sign permit must be obtained, 3) Proposed Starbucks sign must be reduced to 4' diameter, and 4) Top of Starbucks sign must be installed no farther than 6" from bottom of existing Target sign. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCES APPROVED.**

- 11) Tammy Phipps requested permission, as per site plan submitted, for existing residence to remain 18.5' from the West property line rather than the required 25', which would be a 6.5' Building Variance in order to replace front deck, all on Lot 10, Replat of Lots 9&10, Block 5, Woolverton Addition, a.k.a. 723 Penn Street S. There being no representative present this item was moved to the end of the agenda.
- 12) Ivan & Jane Guthmiller requested permission, as per site plan submitted, to 1) construct a new residence 3.5' from the North property line rather than the permitted 5', which would be a 1.5' Building Variance and 2) 3.5' from the South property line rather than the required 5', which would be a 1.5' Building Variance, all on Lot 540, Morning Heights Subdivision, NE¼ Sect. 19-T123N-R63W, a.k.a. 820 Wells Street S. Ivan and Jane Guthmiller 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 VARIANCES APPROVED.**
- 7) Gary & Molly Dahme requested permission, as per site plan submitted, for existing residence to remain 6' from the South property line rather than the required 10', which would be a 4' Building Variance in order to replace back deck, all on Lot 18, Block 7, Seventeenth Addition to Highland North Addition, a.k.a. 2206 Jay Street N. Hugh Dahme was present to represent the property. Following discussion VanDeRostyne 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 VARIANCE APPROVED.**
- 5) Doug & Karelyn Farrand requested permission, as per site plan submitted, for 1) existing residence to remain 83' from West property line rather than the required 100', which would be a 17' Building Variance in order to 2) construct an addition 72' from the West property line rather than the permitted 100', which would be a 28' Building Variance, all

on Beckler-Engel First Addition, SW¼ Sect. 27-T123N-R63W, a.k.a. 2315 391st Avenue. This item was withdrawn by the petitioner – no action taken.

- 11) Tammy Phipps requested permission, as per site plan submitted, for existing residence to remain 18.5' from the West property line rather than the required 25', which would be a 6.5' Building Variance in order to replace front deck, all on Lot 10, Replat of Lots 9&10, Block 5, Woolverton Addition, a.k.a. 723 Penn Street S. Following discussion VanDeRostyne 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 VARIANCE APPROVED.**

Acting Chairman Sikkink continued with other business as follows:

- 1) Lonnie Anderson was present to discuss the time limit expiration of a previously granted Appeal. No action taken.

Following further discussion VanDeRostyne moved for adjournment, seconded by Musel, all members voting aye, the meeting was adjourned until October 14, 2010.

Paula Nelson
Board of Zoning Adjustment Secretary
September 9, 2010