

**BOARD OF ZONING ADJUSTMENT**  
**January 14, 2010**

The Board of Zoning Adjustment Meeting was held on Thursday January 14, 2010 in the City Hall 3<sup>rd</sup> Floor Courtroom, Aberdeen, South Dakota with Bob Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Kezar, VanDeRostyne, Zumbaum, Babcock, and Sikkink. Also present were Ken Hubbard, City Planner, Brett Bill, Planning & Zoning Director, Barry Dunlavy, Building Inspector, Chad Nilson, Building Inspector, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Zumbaum seconded to approve the Board of Zoning Adjustment minutes of December 10, 2009, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) First United Methodist Church of Aberdeen requested permission, as per site plan submitted, to 1) permit the installation of an off-premise sign which contains, includes or is illuminated by any flashing, intermittent, or moving light or lights, which would be an Appeal to the Board of Zoning Adjustment, and 2) to permit an off-premise sign to utilize colored lights, which would be an Appeal to the Board of Zoning Adjustment and 3) request permission to permit the installation of a multicolor electronic message center as part of an off-premise sign, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 1-5, Foster's Third Rearrangement of Block 29, First and Second Addition and the South 10' of the West 56' of Vacated Alley North of Lots 2-3, Except H-2, a.k.a. 517 Lincoln Street S. Eldon Reich and Cory Weisenburger of Service Signs were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny agenda item #1, all members voting aye, the motion carried. **APPEAL DENIED.** Following further discussion Zumbaum moved and Babcock seconded to approve agenda item #2, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Kezar moved and Zumbaum seconded to approve agenda item #3 with the following stipulations: 1) All electronic message board signs shall be in compliance with all other applicable codes regarding signs, 2) This sign shall not interfere with traffic safety, and may not be confused with or construed as a traffic control device, 3) Each message displayed shall remain static for a minimum of 6 seconds, with all change sequences to be instantaneous, no fading, dissolving, spinning in/out, etc. 4) Electronic message board signs shall not contain animated images or graphics, audio components, scrolling, blinking, flashing, pulsating, or fluttering images or the appearance or illusion of writing, printing, or other movement, 5) Electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. Monochrome electronic message board signs shall be limited to utilizing only amber colored lights, 6) Violation of the previous stipulations may result in a citation with a penalty of \$500 for each day that the violation persists, 7) If approved, no more illegal, temporary signage may be displayed, and 8) A sign permit must be obtained prior to the installation of the electronic message center.

Upon roll call, Kezar, Zumbaum, Babcock, Sikkink – aye, VanDeRostyne – nay (4-aye, 1-nay), the motion carried. **APPEAL APPROVED.**

- 2) Jason Pelzl requested permission, as per site plan submitted, to construct a new 14'x24' detached garage 1) 0' from the South property line rather than the required 5', which would be a 5' Building Variance and 1' from the East property line rather than the required 5', which would be a 4' Building Variance, all on Lot 4, Block 49, Second Addition, a.k.a. 115 Eighth Avenue SW. Jason Pelzl was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny agenda item #1. Upon roll call Kezar, VanDeRostyne, Babcock, Sikkink – aye, Zumbaum – nay (4-aye, 1-nay), the motion carried. **BUILDING VARIANCE DENIED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to approve agenda item #2. Upon roll call, VanDeRostyne, Zumbaum – aye, Sikkink, Kezar, Babcock – nay (2-aye, 3-nay), the motion failed. **BUILDING VARIANCE DENIED.**
- 3) Richard Ludwig requested permission, as per site plan submitted, to 1) place a 8'x42' semi trailer without running gear on property for storage, which would be an Appeal to the Board of Zoning Adjustment in a (R-5) Trailers, Trailer Parks and Planned Residential Area Zoning District, 2) 10' from the South property line rather than the required 25', which would be a 15' Building Variance, and 3) 10' from the East property line rather than the required 25', which would be a 15' Building Variance, all on Lots 1-3 and 10-12, Block 23, Highland Park Addition and the 32' Adjacent to Ninth Avenue SW, a.k.a. 1407 Ninth Avenue SW. Richard Ludwig and Attorney Joe Barnett were present to represent the property. Following discussion Zumbaum moved and VanDeRostyne seconded to approve agenda item #1 allowing this temporary portable structure to remain as long as all setbacks are met and a building permit is obtained. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to deny agenda items #2 and #3, all members voting nay, the motion failed. Following further discussion Zumbaum moved and Kezar seconded to approve agenda items #2 and #3 with the following stipulations: 1) Approval is for Richard Ludwig only and if the property is sold or transferred, this approval becomes void, 2) This property must be cleaned up and maintained in a neat and orderly manner from this day forward, 2) All items must be removed from the City right-of-way, and 4) If 14<sup>th</sup> Street South is developed this trailer must be removed immediately. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 4) Artz Equipment requests permission, as per site plan submitted, to install two freestanding signs rather than the permitted 1 freestanding sign, which would be a 1 Free-standing Sign Variance, all on Lot 1 of Mead's Outlot E, SE¼ Sect.20-T123N-R64W, a.k.a. 38399 Highway 12 West. Cory Weisenburger of Service Signs was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny. Upon roll call, Kezar, VanDeRostyne, Babcock – aye, Sikkink, Zumbaum – nay (3-aye, 2-nay), the motion carried. **FREESTANDING SIGN VARIANCE DENIED.**

- 5) Zoo Properties, LLP requested permission, as per site plan submitted, to install a multi-color electronic message center as part of a projecting sign in the Public R.O.W., which would be an Appeal to the Board of Zoning Adjustment, all on Lots 9-10, Block 39, Thomas Addition, a.k.a. 1017 Main Street S. Lowell Punt and Cory Weisenburger of Service Signs were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny. Upon roll call, Kezar, VanDeRostyne, Zumbaum, Babcock - aye, Sikkink - nay (4-aye,1-nay), the motion carried. **APPEAL DENIED.**
  
- 6) Jean Hurlbert requested permission, as per site plan submitted, to construct a multifamily residence 25' from the West property line rather than the required 35', which would be a 10' Building Variance, and 7'10" from the North property line rather than the required 10', which would be a 2'2" Building Variance, all on Lot 30, Block 2, Wylie Park Estates Fourth Addition, a.k.a. 1620 Olive Drive. Tom Hurlbert was present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to deny. Upon roll call, Sikkink - aye, Kezar, VanDeRostyne, Zumbaum, Babcock - nay (1-aye,4-nay) the motion carried. **BUILDING VARIANCE DENIED.**

Following further discussion Zumbaum moved for adjournment, seconded by Kezar, all members voting aye, the meeting was adjourned until February 11, 2010.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
January 14, 2010