

BOARD OF ZONING ADJUSTMENT
February 11, 2010

The Board of Zoning Adjustment Meeting was held on Thursday February 11, 2010 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Bob Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Babcock, Zumbaum, VanDeRostyne, Kezar, and Sikkink. Also present were Ken Hubbard, City Planner, Brett Bill, Planning & Zoning Director, Ken Van Dyne, City Planner, Barry Dunlavy, Building Inspector, Chad Nilson, Building Inspector, Mike Olson, Code Enforcement Officer, Rob Baumgartner, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Zumbaum seconded to approve the Board of Zoning Adjustment minutes of January 14, 2010, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Katie Jo Weaver requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an (R-2) Medium Density Residential Zoning District, all on Lot 29, Block 2, Gorder's First Addition, a.k.a. 1749 Second Street S. Katie Jo Weaver was present to represent the property. Following discussion Zumbaum moved and Kezar 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) Harvey Rott requested permission, as per site plan submitted, to 1) repair or replace a discontinued non-conforming off-premise sign that is 720sf in size rather than the required 400sf, which would be a 320sf Sign Variance and to 2) replace an off-premise sign 13' from a public R.O.W. rather than the required 20', which would be a 7' Sign Setback Variance, all on Lot 2, McIntyre's Subdivision, SW¼ S16-T123N-R63W, a.k.a. 4205 Sixth Avenue SE. Attorney Rod Tobin was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to deny. Upon roll call, Sikkink, Kezar,

Zumbaum – nay, VanDeRostyne, Babcock – aye (3-nay,2-aye), the motion failed. No further action taken.

- 3) Rod Eikamp requested permission, as per site plan submitted, to operate a pet sales and grooming business, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 1, Cone Addition, a.k.a. 1812 Sixth Avenue SE. Rod Eikamp and Dean Johnson were present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) All required building permits must be obtained prior to construction, 2) Any and all applicable animal control codes must be adhered to, 3) All required building inspections must be completed and certificate of occupancy obtained, and 4) As per stipulation by the City Forester, the complete landscape plan approved with the original building permit must be completed with the permit required for this construction. Upon roll call, all members voting aye, with Zumbaum abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 4) Georgene Dabbert and Ka-Boomer's, Inc. requested permission, as per site plan submitted, to allow the temporary sale of fireworks from a temporary structure within the zoning jurisdiction of the City of Aberdeen, which would be an Appeal to the Zoning Board of Adjustment, all on Lot 1, Schumaker Subdivision in the NW¼ Sect. 23-T123N-R63W, a.k.a. 39239 133rd Street (E. Hwy 12). Stacy Bauer was present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to approve with the following stipulations: 1) Must meet all Fire Marshal's requirements, 2) All signage must be in compliance with the Aberdeen Sign Ordinance, and permitted as applicable, and 3) Any applicable Building Code requirements must be met. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Harry Lilly and Mardian Scrap Recycling, Inc. requested permission, as per site plan submitted, to 1) permit the open storage, parking or sale of vehicles and materials, and 2) automotive and machinery wrecking and salvage, and junkyards and similar types of used material businesses or industries, all on Outlot 3A-1, Replat of Reese OL 3A, E½NE¼ Sect. 23-T123N-R64W, a.k.a. 614 Ninth Avenue SW. Wayne Mardian was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) A 10' tall opaque fence must be constructed around the property before any storage or scrapping shall take place, 2) Any possible existing code enforcement issues must be taken care of and property shall be maintained in a neat and orderly manner at all times, and 3) Property shall be platted into one parcel. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 6) Ken Fiedler requested permission, as per site plan submitted, to construct a 14'x20' detached garage 30' from the South property line rather than the required 45', which would be a 15' Building Variance, all on Outlot 19, Jobee Acres, NE¼ Sect. 27-T123N-R63W, a.k.a. 5949 Country Lane. Kevin Fiedler and Dean Marske were present to represent the property. Following discussion Zumbaum moved and Sikkink 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) Actual property pins must be located for inspection and setbacks must be verified at time of inspections, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) Tom Hurlbert was present to discuss his revised multifamily residence plans submitted at last months meeting. No action taken.
- 2) Brett Bill introduced Ken VanDyne as City Planner. Ken was hired following Vern Meyer's retirement last year.

Following further discussion VanDeRostyne moved for adjournment, seconded by Kezar, all members voting aye, the meeting was adjourned until March 11, 2009.

Paula Nelson
Board of Zoning Adjustment Secretary
February 11, 2010