

**BOARD OF ZONING ADJUSTMENT**  
**March 11, 2010**

The Board of Zoning Adjustment Meeting was held on Thursday March 11, 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 Babcock, Zumbaum, VanDeRostyne, Kezar, and Musel. Also present were Ken Hubbart, 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, 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 February 11, 2010, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) 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. Harvey Rott was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny. Upon roll call, VanDeRostyne, Kezar, Babcock - aye, Musel, Zumbaum - nay (3-aye,2-nay), the motion carried. Following further discussion Zumbaum moved and Musel seconded to approve with the following stipulations: 1) The sign must be reduced by 7' to meet front setback and to reduce sign size by 84 square feet, 2) A sign permit must be obtained prior to erection of new sign, and 3) The sign repairs must be completed by May 15, 2010. Upon roll call, VanDeRostyne, Musel, Zumbaum, Babcock - aye, Kezar - nay (4-aye,1-nay), the motion carried. **SIGN VARIANCE APPROVED.**
  
- 2) Bruce Boschee and Danielle Frazier requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an (R-3) High Density Residential Zoning District, all on The East 100' of Lot 6, Block 14, Thomas Addition, a.k.a. 724 Arch Street S. Danielle Frazier was present to represent the property. Following discussion Kezar moved and Zumbaum 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.**

- 3) John and Brenda Carda 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 5, Block 2, Wylie Park Estates Fourth Addition, a.k.a. 1001 Willow Drive. John Carda was present to represent the property. Following discussion Zumbaum moved 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) 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.**
- 4) Mike Beadle 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 Yeoman's Outlots 2&3, and the South 700' of the 50' East of Outlots 2&3, NE¼ Sect. 27-T124N-R64W, a.k.a. 12850 386<sup>th</sup> Avenue. Mike Beadle was present to represent the property. Following discussion Zumbaum moved and Musel 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, 3) Any applicable Building Code requirements must be met, and 4) No off-premise signage will be allowed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 5) Sacred Heart Church requested permission, as per site plan submitted, to permit the location of an off-street parking facility, which would be a Special Exception in an (R-3) High Density Residential Zoning District, all on Lot 2, Sacred Heart First Subdivision, a.k.a. 203 Kline Street S. Rich Kezar was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve with the following stipulations: 1) Stalls must be 10' x 20', 2) Any required ADA compliant stalls must be

provided, 3) Landscaping required as approved by Forestry Department, and 4) When the lot South of this is obtained, the alley shall be vacated and all property platted together. Upon roll call, all members voting aye with Kezar abstaining, the motion carried.  
**SPECIAL EXCEPTION APPROVED.**

- 6) Mike Bickel requested permission, as per site plan submitted, to construct an 8'x12' shed 18' from the North property line rather than the required 45', which would be a 27' Building Variance, all on Lot 3, Gross Third Subdivision, NW $\frac{1}{4}$  Sect. 34-T124N-R64W, a.k.a. 12916 385<sup>th</sup> Avenue. Mike Bickel was present to represent the property. Adjacent property owners Eric and Bobbie Krumm were present to voice their concerns. Following discussion Kezar moved and VanDeRostyne seconded to deny, all members voting aye, 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 April 8, 2010.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
March 11, 2010