

BOARD OF ZONING ADJUSTMENT
April 8, 2010

The Board of Zoning Adjustment Meeting was held on Thursday April 8, 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 Weigel. 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, 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 March 11, 2010, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Tara Gohn and Eric Ellingson 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 37' of Lots 7-8, Block 50, Bennett & Thomas Addition, a.k.a. 314 Third Avenue NW. Tara Gohn was present to represent the property. Following discussion Zumbaum 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 with fence being installed by June 1, 2010, 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 the operator, 9) The operator must schedule a home inspection with the Building Inspection Department and 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) The 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) Michelle Becker Knebel 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 27, Block 4, Northview Sixth Addition, a.k.a. 916 Twelfth Avenue NE. Michelle Becker Knebel was present to represent the property. Following discussion Kezar moved and Weigel 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 the operator, 9) The operator must schedule a home inspection with the Building Inspection Department and 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) The 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) Dirk Swanson requested permission, as per site plan submitted, to 1) construct a ministorage facility, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and to 2) construct a mini-storage facility that is 326' in length rather than the permitted 120', which would be a 206' Building Variance and 3) 55' deep rather than the permitted 30', which would be a 25' Building Variance, all on Artz Outlot 1, SW¼ Sect. 14-T123N-R64W, a.k.a. 1702 Sixth Avenue SW. Dirk Swanson was present to represent the property. Following discussion Zumbaum moved and VanDeRostyne seconded to approve agenda item #1 with the following stipulations: 1) Property must be platted into 2 parcels in order to obtain permit, 2) Property must be rezoned to (C-2) Highway Commercial District, it is currently split zoned (C-2 & I-2) Highway Commercial District & Unrestricted Industrial District, 3) Sidewalls may not exceed 16' per ordinance regarding storage units, 4) Parking as required by ordinance must be supplied for this new structure, 5) Landscape plan must be approved by City Forester, and 6) Permit must be obtained and all required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Zumbaum moved and Kezar seconded to approve agenda item #2 with the stipulation that all Fire Marshal stipulations and accessibility requirements are met. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to approve agenda item #3, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 4) Gerald Goldade requested permission, as per site plan submitted, for existing residence to remain 19' from the East property line rather than the required 25', which would be a 6' Building Variance in order to replace 7.5'x26.3' front porch, all on Lot 4, Block 6, North Aberdeen Addition, a.k.a. 311 Washington Street N. Gerald Goldade was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum 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) Marti Rathert requested permission, as per site plan submitted, to construct an accessory structure that is 2160sf rather than the permitted 864sf, which would be a 1296sf Accessory Structure Lot Coverage Variance, all on Lots 16-18, Kelley's Replat of Block 15, Hagerty & Lloyd Addition, a.k.a. 506 & 510 Penn Street N. Marti Rathert was present to represent the property. Following discussion Zumbaum moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE DENIED.**
- 6) Jean Hurlbert requested permission, as per site plan submitted, to construct a multifamily residence 31' from the West property line rather than the required 35', which would be a 4' Building Variance, and 5' from the South property line rather than the required 10', which would be a 5' Building Variance, all on Proposed Lot 1, Hurlbert First Addition to Aberdeen, SW¼NE¼ Sect. 11-T123N-R64W, a.k.a. 1604 Olive Drive. There being no representative this item was moved to the end of the agenda.

Chairman Babcock continued with other business as follows:

- 1) Joe VanDeRostyne expressed some concerns regarding the beef plant currently under construction. Following discussion VanDeRostyne moved and Zumbaum seconded to formally request city staff to provide proof to this board that all the beef plant stipulations have actually been submitted and reviewed for compliance. Upon roll call, all members voting aye, the motion carried. City Attorney Adam Altman was present and stated that the beef plant individuals have been working with the Superintendent and Pretreatment/Chemist of the City Wastewater plant regarding a temporary permit for the pre-treatment of waste.
- 2) Heath Johnson was present to discuss preliminary plans to locate one to two spec houses/model homes on the lot that they own at 1701 Sixth Avenue SW. These homes are being constructed in Madison and moved onto this lot as a temporary sales site. Dahme Construction will be leveling this lot and Northwestern will be installing security lights before any homes would be moved on. Mr. Johnson informed the board of his intent to apply for special exception for open storage at a future meeting. No action taken.

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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.**

Following further discussion Kezar moved for adjournment, seconded by VanDeRostyne, all members voting aye, the meeting was adjourned until May 13, 2010.

Paula Nelson
Board of Zoning Adjustment Secretary
April 8, 2010