

**BOARD OF ZONING ADJUSTMENT**  
**May 13, 2010**

The Board of Zoning Adjustment Meeting was held on Thursday May 13, 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 Zumbaum, Kezar, Sikkink, Weigel, and Babcock. Absent was: VanDeRostyne. 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, Rob Baumgartner, Code Enforcement Officer, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Zumbaum moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of April 8, 2010, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Amanda Simons 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 Lot 1, Foss Replat of Lots 17-18, Block 28, Bennett & Thomas Addition, a.k.a. 15 Fifth Avenue NW. Amanda Simons was present to represent the property. Following discussion Kezar moved and Sikkink 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) Joseph Fischer requested permission, as per site plan submitted, for existing residence to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance in order to construct an addition to attached garage, all on Lots 13-14, Block 45, Hagerty & Lloyd Addition, a.k.a. 104 State Street N. Joseph Fischer was present to represent the property. Following discussion Zumbaum moved and Babcock 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.**

- 3) Park Village Mobile Home Park and Kevin & Kimberly Hopfinger requested permission, as per site plan submitted, for 1) existing mobile home to remain 15.5' from the North property line rather than the required 25', which would be a 9.5' Building Variance in order to 2) construct a deck 11.5' from the North property line rather than the required 15', which would be a 3.5' Building Variance, all on Lot 1, Block 2, Park Village Addition, a.k.a. 1623 12<sup>th</sup> Avenue SW #1226. Kevin & Kimberly Hopfinger were present to represent the property. Following discussion Kezar 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.**
- 4) Ron Fischer requested permission, as per site plan submitted, to 1) construct three ministorage buildings, which would be a Special Exception in a (C-2) Highway Commercial Zoning District and 2) request to construct 2 ministorage buildings 56' wide rather than the permitted 30', which would be two 26' Building Width Variances, all on Lot 2, Cambridge Second Addition SW¼ Sect. 7-T123N-R63W, a.k.a. 1527 Eighth Avenue NE. Ron Fischer was present to represent the property. Following discussion Sikkink 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, 3) All required inspections must be completed, 4) All required landscaping requirements must be met, and 5) If open storage is continuing on this property a special exception must be obtained from this board. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 5) Doug Erdmann requested permission, as per site plan submitted, for 1) existing residence to remain 3" from the North property line rather than the required 5', which would be a 4'9" Building Variance and 0' from the West property line rather than the required 25', which would be a 25' Building Variance and 2) to construct a 10'x12' shed 3'1" from the South and East property lines rather than the required 5', which would be two 1'11" Building Variances all on The North 55' of Lots 13-14, Block 39, West Aberdeen Addition, a.k.a. 315 Ninth Street S. Doug Erdmann was present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to deny agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCES DENIED.**

- 6) Daryn & Elizabeth Goetz requested permission, as per site plan submitted, to construct a covered porch 20' from the East property line rather than the required 25', which would be a 5' Building Variance, all on Lot 4, Block 6, Ashwood Heights Subdivision, a.k.a. 1015 Cherrywood Lane. John Kokales of Quest Construction was present to represent the property. Following discussion Kezar moved and Weigel seconded to deny, all members voting nay, the motion failed. Following further discussion Kezar 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) 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.**
- 7) Don Miles requested permission, as per site plan submitted, to construct an attached garage addition 19' from the West property line rather than the required 25', which would be a 6' Building Variance, all on Lot 13, Rolling Hills Village Tenth Addition, a.k.a. 214 Palmer Circle W. Don & Denene Miles and Matt Biegler of Biegler Construction were present to represent the property. Following discussion Zumbaum moved and Weigel seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 8) Mark Musel requested permission, as per site plan submitted, to temporarily operate a fireworks stand within the zoning jurisdiction of Aberdeen, which would be an Appeal to the Board of Zoning Adjustment, all on The SW¼SW¼ Sect. 36-T124N-R64W, a.k.a. 12980 387<sup>th</sup> Avenue. Mark Musel was present to represent the property. Following discussion Kezar moved and Weigel 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.**
- 9) Erwin L. & Mary Ann Johnson requested permission, as per site plan submitted, for existing residence to remain 18' from the East property line rather than the required 25', which would be a 7' Building Variance, in order to construct an addition to South and West sides of residence, all on Lot 5, Block 32, Bennett & Thomas Addition, a.k.a. 709 First Street N. Erwin Johnson was present to represent the property. Following discussion Zumbaum 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.**
- 10) The Fraternal Order of the Eagles and the American Legion request permission, as per site plan submitted, to 1) permit 242sf of freestanding signage rather than the permitted 100sf, which would be a 142sf Freestanding Sign Variance, and 2) to allow an 18'x24' shed to be located on property to be sided with steel, rather than aesthetically similar materials to the

primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 4-12, Block 22, First Addition to Aberdeen, a.k.a. 316 Second Street S. Following discussion Jay Omland was present to represent the property. Following discussion Zumbaum moved and Weigel seconded to approve agenda item #1 with the stipulation that a sign permit must be obtained prior to the erection of sign, all members voting aye with Kezar abstaining, the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to deny agenda item #2, all members voting aye with Kezar abstaining, the motion carried. Following further discussion Zumbaum moved and Babcock seconded to approve agenda item #2 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) Sides of building visible from the street must be wainscoted with brick, aesthetically similar, to the building brick with the remainder of building painted to be aesthetically similar. Upon roll call, all members voting aye with Kezar abstaining, the motion carried. **APPEAL APPROVED.**

- 11) Joe Gross and Dave Dell requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on The West 149' of Schumacker Outlot D in the NW¼ of Sect. 22-T123N-R63W, a.k.a. 5350 Highway 12 E. Dave Dell was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) Building permits must be obtained for any house/building constructed at this location, 3) Any and all signage must be permitted, 4) FAA Approval must be obtained if required, 5) All required building inspections must be scheduled and completed, 6) Storage shall be limited to what was submitted with application, and 7) A vegetative buffer, including 4 ornamental trees, must be planted along the front of the property. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 12) Kenneth Mosey requested permission, as per site plan submitted, to plat a lot in a (R-3) High Density Residential Zoning District with 45' of Frontage rather than the required 50', which would be a 5' Minimum Lot Frontage Variance, all on the South 45' of Lots 1-2, Block 55, Second Addition, a.k.a. 706 Fourth Street S. Leigh Nelson was present to represent the property. Following discussion Kezar moved and Zumbaum seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**
- 13) Leigh Marie Nelson requested permission, as per site plan submitted, to plat a lot in a (R-3) High Density Residential Zoning District with 47' of Frontage rather than the required 50', which would be a 3' Minimum Lot Frontage Variance, all on The North 47' of Lot 1 and the North 97' of Lot 2, Block 55, Second Addition, a.k.a. 702 Fourth Street S. Leigh Nelson was present to represent the property. Following discussion Zumbaum moved and

Weigel seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**

- 14) Pheasant Run Apartments, LLC requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 1, Highland Park Second Subdivision, a.k.a. 1701 Sixth Avenue SW. Heath Johnson was present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) Building permits must be obtained for any house/building constructed at this location, 3) Any and all signage must be permitted, 4) All required building inspections must be scheduled and completed if anything is built on-site, 5) Storage shall be limited to what was submitted with application, and 6) A vegetative buffer, including 6 ornamental trees and 12 shrubs, must be planted along the front of the property. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 15) Dennis Kamen requested permission, as per site plan submitted, for 1) existing detached garage to remain 1'4" from the West property line rather than the required 5', which would be a 3'8" Building Variance and 0' from South property line rather than the permitted 5', which would be a 5' Building Variance in order to 2) construct a 6'x20.5' addition to existing garage 1'4" from the West property line rather than the permitted 5', which would be a 3'8" Building Variance, all on Lot 3, Block 46, Second Addition, a.k.a. 309 Seventh Avenue SW. Dennis Kamen was present to represent the property. Following discussion Zumbaum 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, 3) All required inspections must be completed, and 4) Walls of existing garage and proposed addition must be fire rated construction. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Following further discussion Sikkink moved for adjournment, seconded by Kezar, all members voting aye, the meeting was adjourned until June 10, 2010.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
May 13, 2010