

**BOARD OF ZONING ADJUSTMENT**  
**June 10, 2010**

The Board of Zoning Adjustment Meeting was held on Thursday June 10, 2010 in the City Hall 3<sup>rd</sup> Floor Courtroom, Aberdeen, South Dakota with Dan Zumbaum presiding as Acting Chairman. Acting Chairman Zumbaum called the meeting to order. Members present at roll call were Kezar, Sikkink, Zumbaum, VanDeRostyne, and Musel. Absent was: Babcock. 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, Stuart Nelson, Assistant City Engineer, Rob Baumgartner, Code Enforcement Officer, Mike Olson, Code Enforcement Officer, Adam Altman, City Attorney, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of May 13, 2010, all members voting aye, the motion carried.

Acting Chairman Zumbaum began with new business as follows:

- 1) James Arneson requested permission, as per site plan submitted, for existing residence to remain 20.5' from the West property line rather than the required 25', which would be a 4.5' Building Variance in order to construct a deck on the South side of residence, all on Lots 11-12, Block 11, Roches Eastside Addition, a.k.a. 23 Harvard Street S. There being no representative present this item was moved to the end of the agenda.
- 2) Terry Dohn requested permission, as per site plan submitted, to 1) Operate a business in an accessory structure, which would be an Appeal to the Board of Zoning Adjustment in a (M-Ag) Mini-Agricultural Zoning District, and 2) to permit the open storage of vehicles, construction equipment and supplies related to concrete construction business, which would be an Appeal to the Board of Zoning Adjustment, all on Derian's Outlots 11-13, NW $\frac{1}{4}$  Sect. 27-T123N-R64W, a.k.a. 2503 Melgaard Road W. Terry Dohn was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve items 1 and 2 with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times. Any complaints shall be remedied by the owner immediately upon notification, 2) Absolutely no outside storage of fill material, concrete remnants, rubble, etc., 3) No excess traffic, noise, dust, glare, etc., and 4) Any signage must be approved and permitted in accordance with City Ordinance. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 3) Joe Juve requested permission, as per site plan submitted, for existing detached garage to remain 2' from the South property line rather than the required 5', which would be a 3' Building Variance in order to construct an addition that will meet all required setbacks, all on Lot 3, Block 1, Northview Fourth Addition, a.k.a. 912 Congress Street N. Joe Juve was present to represent the property. Following discussion Kezar moved and Musel 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) Garage and addition must be aesthetically similar to the primary structure, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Melissa and Corey Kiefer requested permission, as per site plan submitted, for existing residence to remain 20' from the West property line rather than the required 25', which would be a 5' Building Variance, and 9' from the North property line rather than the required 15', which would be a 6' Building Variance in order to construct a deck on the South side of residence, all on Lots 22-24, Block 20, Hagerty & Lloyd Addition, a.k.a. 524 Jay Street N. Corey Kiefer was present to represent the property. Following discussion Musel 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 VARIANCES APPROVED.**
- 5) Terry Hettich requested permission, as per site plan submitted, to operate a mineral extraction operation in a (R-2) Medium Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on The SW $\frac{1}{4}$  and W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and the East 990' of the South 660' NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sect. 22-T123N-R64W, a.k.a. the unplatted property in the SW corner of the intersection of Highway 281 and Highway 12. Randy Hettich and Jason Lien of Lien Transportation were present to represent the property. Heath Johnson of Pheasant Run Apartments was in attendance and stated that he owns property across the highway to the East and is not opposed to this request. Following discussion Sikkink moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **APPEAL DENIED.**
- 6) Karla Spear requested permission, as per site plan submitted, for 1) existing residence to remain 20' from the East property line rather than the required 25', which would be a 5' Building Variance in order to construct a deck on the back of residence, and 2) for existing detached garage to remain 1' from the North property line rather than the required 5', which would be a 4' Building Variance, all on The South 4' of Lot 1 and all of Lot 2, Block 14, Sullivan & Easton's Addition, a.k.a. 919 First Street N. Karla Spear was present to represent the property. Following discussion Musel moved and VanDeRostyne 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.**
- 7) Ddg, LLC and Joe McBurney requested permission, as per site plan submitted, to operate a transitional housing facility and re-entry program, which would be an Appeal to the Board

of Zoning Adjustment in a (C3/R4) Central Business/Special Density Residential Zoning District, all on Lot 4 and the North 35' of Lot 5, Block 28, First Addition, a.k.a. 418 Washington Street S. Joe McBurney was present to represent the property. Stacy Johnson, Sonya Nilsson, and Cari Heupel, Director of YMCA Childcare, were present and voiced opposition to this request. Following discussion Kezar moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **APPEAL DENIED.**

- 8) Kevin Hunnel requested permission, as per site plan submitted, to construct a 24'x24' storage shed 18' from the East property line rather than the required 45', which would be a 27' Building Variance, all on Lot 1, Cutler First Subdivision, SW<sup>1</sup>/<sub>4</sub> Sect. 10-T123N-R63W, a.k.a. 915 Cutler Road N. Kevin Hunnel was present to represent the property. Following discussion Sikkink 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.**
- 9) Dakota Storage, Inc. requested permission, as per site plan submitted, to 1) construct a mini-storage building, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to construct a mini-storage building 50' wide rather than the permitted 30', which would be a 20' Building Variance and 3) 200' long rather than the required 120', which would be a 80' Building Variance, all on Lot 3, Fuhrmann's Second Addition, a.k.a. 1602 Twelfth Avenue NE. Kurt Weisbeck was present to represent the property. Following discussion Sikkink moved and Musel seconded to approve items 1, 2 and 3 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 setback must be verified, 3) All required inspections must be completed, and 4) Owner must work with City to develop a drainage plan for this property prior to construction commencing. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION AND BUILDING VARIANCES APPROVED.**
- 10) Ken Fiedler requested permission, as per site plan submitted, to construct a 14'x24' detached garage 25' from the South property line rather than the required 45', which would be a 20' Building Variance, all on Outlot 19, Jobee Acres, NE<sup>1</sup>/<sub>4</sub> Sect. 27-T123N-R63W, a.k.a. 5949 Country Lane. Ken Fiedler and Craig Zenker of K & C Construction were present to represent the property. Following discussion Sikkink moved and Musel 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.**

- 11) Ron Fischer 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 B, 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) Area to be used for open storage must be surfaced with gravel or hard surface material, 2) All applicable landscape requirements shall be met, and 3) Storage shall be limited to vehicles and trailers that are licensed and operable per State Law Definition. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
  
- 12) Ladco Properties, XXVII and Ladco Properties, XXIV requested permission, as per site plan submitted, to 1) construct a hospital 0' from the East property line, which would be a Shared Lot Line Variance, and 2) to construct facilities to store 4,000 gallons of propane fuel rather than the permitted 2000 gallons, which would be a 2000 gallon Variance to the Fire Code, all on Lot 1, Mutual of Omaha Fifth Addition to Aberdeen, a.k.a. 2905 Third Avenue SE. There being no representative present this item was moved to the end of the agenda.
  
- 13) Homes Are Possible, Inc. requested permission, as per site plan submitted, to construct a 14'x20' Accessory Structure without the required Primary Structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 28, Block 2, Homes Are Possible Seventh Subdivision, a.k.a. 1202 Plum Lane. Colleen Jones of Homes Are Possible, Inc. was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny. Upon roll call Kezar, Sikkink, VanDeRostyne, Musel-nay, Zumbaum-aye (4-nay, 1-aye) 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, 3) All required inspections must be completed, 4) This Appeal shall become invalid when this property is developed, and 5) This structure must be removed by July 1, 2012. Upon roll call Kezar, Sikkink, VanDeRostyne, Musel - aye, Zumbaum - nay (4-aye, 1-nay), the motion carried. **APPEAL APPROVED.**
  
- 14) Amy Bohling requests permission, as per site plan submitted, for existing residence to remain 24.5' from the North property line rather than the required 25', which would be a .5' Building Variance in order to construct a deck, all on Lot 4 and the South 17' of Vacated Ninth Avenue R.O.W. Block 9, Woolverton's Addition to Aberdeen, a.k.a. 712 Ninth Avenue SE. This item was moved to the end of the agenda.

- 1) James Arneson requested permission, as per site plan submitted, for existing residence to remain 20.5' from the West property line rather than the required 25', which would be a 4.5' Building Variance in order to construct a deck on the South side of residence, all on Lots 11-12, Block 11, Roches Eastside Addition, a.k.a. 23 Harvard Street S. James Arneson was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit obtained prior to work commencing, 2) Property pins must be located for inspection and setbacks verified, 3) All required inspections must be completed, and 4) Must remain an uncovered deck to comply with South setback. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
  
- 12) Ladco Properties, XXVII and Ladco Properties, XXIV requested permission, as per site plan submitted, to 1) construct a hospital 0' from the East property line, which would be a Shared Lot Line Variance, and 2) to construct facilities to store 4,000 gallons of propane fuel rather than the permitted 2000 gallons, which would be a 2000 gallon Variance to the Fire Code, all on Lot 1, Mutual of Omaha Fifth Addition to Aberdeen, a.k.a. 2905 Third Avenue SE. Dave Hokel of Ball Construction Services, LLC was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve items 1 & 2 with the following stipulations: 1) All Building Code requirements must be met, and 2) All Fire Code requirements must be met. Upon roll call, all members voting aye, the motion carried. **SHARED LOT LINE VARIANCE AND VARIANCE TO THE FIRE CODE APPROVED.**
  
- 15) Amy Bohling requested permission, as per site plan submitted, for existing residence to remain 24.5' from the North property line rather than the required 25', which would be a .5' Building Variance in order to construct a deck, all on Lot 4 and the South 17' of Vacated Ninth Avenue R.O.W. Block 9, Woolverton's Addition to Aberdeen, a.k.a. 712 Ninth Avenue SE. Paula Nelson was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) all required inspections must be completed, and 2) property lines must be located in order to verify setbacks at time of inspection, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

Acting Chairman Zumbaum continued with other business as follows:

- 1) Ken Hubbard presented a plaque to Dan Zumbaum recognizing his 10 years of service to this board.
  
- 2) Ken Hubbard presented the beef plant documents in response to VanDeRostyne's request at the April meeting regarding verification that all stipulations have actually been met.
  
- 3) Kezar requested an update regarding the trailer house at Tarah Usselman's daycare located at 611 Roosevelt St N. Brett Bill stated that the City Attorney is handling that.

Following further discussion VanDeRostyne moved for adjournment, seconded by Zumbaum, all members voting aye, the meeting was adjourned until July 8, 2010.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
June 10, 2010