

BOARD OF ZONING ADJUSTMENT
January 8, 2009

The Board of Zoning Adjustment Meeting was held on Thursday, January 8, 2009 in the City Hall 3rd 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 Sikkink, Weigel, VanDeRostyne, Musel, and Zumbaum. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbart, City Planner, Chad Nilson, Building Inspector, Dwayne Schueller, GIS/Planning Technician, Vern Meyer, Planning & Zoning Technician, Mike Holsten, Code Enforcement Officer, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Sikkink moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of December 11, 2008, all members voting aye, the motion carried.

Acting Chairman Zumbaum began with new business as follows:

- 1) Tina Hopfinger 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 4, Easton's First Subdivision of Block 36, Bennett & Thomas Addition, a.k.a. 314 Second Street N. Tina Hopfinger was present to represent the property. Following discussion VanDeRostyne 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 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) Jaime L. Neuendorf 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 20, Block 4, Replat of Blocks 3-4, Huffman's Second Addition, a.k.a. 1509 Dick Drive. There being no representative, this item was moved to the end of the agenda.
- 3) Bruce & Jan Johnson requested permission, as per site plan submitted, for an existing residence to remain 34' from North property line rather than the required 35', which would be a 1'

- Building Variance and 9.5' from East property line rather than the required 10', which would be a .5' Building Variance in order to construct a deck on rear of residence, all on Lot 23, Block 4, Replat of Gorder's Fourth Addition to Aberdeen & Lot 23A of Engel's Replat of Culbert Subdivision, a.k.a. 1863 Eisenhower Circle. Adam Burgard of Burgard Construction was present to represent the property. Following discussion VanDeRostyne 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 4) Sylvia Karst requested permission, as per site plan submitted, for 1) an existing residence to remain 17' from the South property line rather than the required 25', which would be an 8' Building Variance, and 1.5' from the West property line rather than the required 5', which would be a 3.5' Building Variance, and deck to remain 5' from South property line rather than the required 15', which would be a 10' Building Variance in order to 2) construct stairs 1.5' from West property line rather than the required 5', which would be a 3.5' Building Variance, all on Lot 9, Block 51, Second Addition to Aberdeen, a.k.a. 11 Ninth Avenue SE. Sylvia Karst was present to represent the property. Following discussion Sikkink moved and Weigel seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained with penalty assessed due to constructing without a permit, 2) Property pins must be located for inspection, 3) All required inspections must be completed and any required changes must be made, and 4) Must be constructed of fire-rated material. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 5) Avera St. Luke's/State Street Medical Square requested permission, as per site plan submitted to 1) externally light three freestanding signs and three wall signs, which would be an Appeal to the Board of Zoning Adjustment in a residential zoning district, all on Lot 1, Avera St. Luke's Subdivision, a.k.a. 215 State Street S. Cory Weisenburger of Service Signs and Greg Magera, Attorney for Avera St. Luke's were present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve. Upon roll call, Sikkink, Weigel, Musel, Zumbaum - aye, VanDeRostyne - nay (4-aye,1-nay), the motion carried. **APPEAL APPROVED.**
- 6) Murdy Properties, LLC requested permission, as per site plan submitted, to construct a freestanding sign 5' from the North property line rather than the permitted 10', which would be a 5' Sign Setback Variance, all on Lot 1, Woolverton Second Subdivision, a.k.a. 816 Sixth Avenue SE. Duncan Murdy, John Kokales of Quest Construction, and Cory Weisenburger of Service Signs were present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to deny. Upon roll call Sikkink, Weigel, VanDeRostyne, Zumbaum - aye, Musel - nay (4-aye,1-nay), the motion carried. **SIGN SETBACK VARIANCE DENIED.**
- 7) Melvin Imbery requested permission, as per site plan submitted, to construct a twin home 22' from the East property line rather than the required 25', which would be a 3' Building

Variance, all on Lot 1B, Melvin Imbery Replat of Lot 1, Block 3, D&G Tenth Subdivision in Roosevelt Crystals Subdivision in the City of Aberdeen, a.k.a. 1002 Topaz Court. Melvin Imbery was present to represent the property. Following discussion Weigel moved and Zumbaum seconded to deny. Upon roll call Sikkink, Weigel, VanDeRostyne, Musel - aye, Zumbaum - nay (4-aye,1-nay), the motion carried. **BUILDING VARIANCE DENIED.**

- 2) Jaime L. Neuendorf 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 20, Block 4, Replat of Blocks 3-4, Huffman's Second Addition, a.k.a. 1509 Dick Drive. Jamie L. Neuendorf was present to represent the property. Following discussion Musel 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, 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.**

Acting Chairman Zumbaum continued with other business as follows:

- 1) Discussion ensued concerning the off-premise sign request for Barnett Vision that was on the October 9th agenda.
- 2) Discussion ensued concerning the digital sign at Eddie's Northside. A request was made by VanDeRostyne to have the City Attorney at the February 12, 2009 meeting to answer questions pertaining to the digital sign at Eddie's Northside.

Following further discussion VanDeRostyne moved for adjournment, seconded by Musel, all members voting aye, the meeting was adjourned until February 12, 2009.

Paula Nelson
Board of Zoning Adjustment Secretary
January 8, 2009