

BOARD OF ZONING ADJUSTMENT
April 9, 2009

The Board of Zoning Adjustment Meeting was held on Thursday April 9, 2009 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 Sikkink, Kezar, Zumbaum, Musel, and Babcock. Also present were Ken Hubbart, City Planner, Chad Nilson, Building Inspector, Brett Bill, Planning and Zoning Director, Stuart Nelson, Assistant City Engineer, 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.

Kezar moved and Zumbaum seconded to approve the Board of Zoning Adjustment minutes of March 12, 2009, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Holly J. Volek 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 8, Block 14, Eighth Addition to Highlands North Subdivision, a.k.a. 622 Seventeenth Avenue NE. Holly Volek was present to represent the property. Following discussion Sikkink moved and 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.**

- 2) Ray & Corey Sauerwein requested permission, as per site plan submitted, to construct a group project on a property that is 1.112 acres in size rather than the required 2 acres, which would be a .888 acre Minimum Lot Size Variance, on Lot 9, Sauerwein First Subdivision, a.k.a. 902 High Street North. Corey Sauerwein 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 & setbacks must be verified, 3) All required inspections must be completed, and 4) If property is ever subdivided, maintenance agreements and access easements must be filed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCE APPROVED.**

- 3) Peter & Tina Andrew requested permission, as per site plan submitted, for existing residence to remain 2' from the West property line rather than the required 5', which would be a 3' Building Variance and 15' from the South property line rather than the required 25', which would be a 10' Building Variance in order to replace foundation walls, all on Lot 11, Block 51, Second Addition to Aberdeen, a.k.a. 17 Ninth Avenue SE. Peter & Tina Andrew were 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) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, 4) The previously submitted petition to rezone to (R-3) High Density Residential Zoning District must be approved. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 4) Francis Barnett, Angela Hase and Ron Wagner requested permission, as per site plan submitted, for existing 10'x12' freestanding sign to remain 4' from the South and West property lines rather than the required 10', which would be two 6' Sign Setback Variances, all on Lots 6&7, Moccasin Plaza Addition, Except H-1, a.k.a. 515 Moccasin Drive. Ron Wagner and Cory Weisenburger of Service Signs were present to represent the property. Following discussion Zumbaum moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Sikkink moved and Kezar seconded to approve with the following stipulations: 1) Permits must be obtained for face charges, 2) All Barnett Vision Center signage must be removed immediately, as it was required to be by prior action of this board, and 3) Variance is for existing sign structure only; any alterations, or additions will require the sign to meet city ordinance requirements. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCES APPROVED.**
- 5) Eldon Swingler requested permission, as per site plan submitted, for 1) existing residence to remain 7' from the North property line rather than the required 8', which would be a 1' Building Variance in order to 2) replace attached garage 5' from the South property line rather than the required 8', which would be a 3' Building Variance, all on Lot 2, Block 1, Huffman's Fifth Addition to Aberdeen, a.k.a. 1706 Royal Road. Eldon Swingler was present to represent the property. Following discussion Kezar 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 & 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.**
- 6) Stan Hundstad requested permission, as per site plan submitted, to construct a 1116sf detached garage 17' from South property line rather than the required 25', which would be an 8' Building Variance all on Lot 10, Block 5, Draeger & Yeager's Addition to Aberdeen, a.k.a. 1403 Fourth Avenue SE. Stan Hundstad was present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve with the following stipulations: 1) Approval is for 19' from South property line rather than the required 25' which would be a 6' building variance, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 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.**

- 7) Jason Palmer requested permission, as per site plan submitted, to permit the open storage, parking, or sale of vehicles, raw materials, building materials, supplies, wholesaling, warehousing, manufactured goods, contractor's equipment, and concrete, asphalt and ready mix manufacturing operations, and sales, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 8, D&S Business Park First Addition, a.k.a. 4201 Schipke Lane. Jason Palmer was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the following stipulations: 1) This request is for the storage of construction equipment, materials & customer/employee parking only, 2) No personal off-premise storage, all items must be for use in the business, 3) No junk, unlicensed, or inoperable vehicles, 4) No junk, debris, scrap, parts, etc. may be stored outside, including storage piles for misc. items (concrete, rubble, rock, dirt, etc.), and 5) Storage should be contained to the area behind the building. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 8) Ethan Ragels & John Kokales request permission, as per site plan submitted, to 1) develop a three unit residence on a lot that is 7100sf in area rather than the permitted 12,500sf, which would be a 5400sf Minimum Lot Size Variance, and 2) to allow a maximum density of 3 units rather than the permitted 1.85, which would be a 1.15 unit Maximum Density Variance, all on Lot 1, Van Scoy First Addition, a.k.a. 805 Eighth Avenue NE. John Kokales was present to represent the property. Following discussion Zumbaum 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, 3) All required inspections must be completed, and 4) A landscape plan must be submitted to City Forester including on-lot landscaping in addition to boulevard trees. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCE AND MAXIMUM DENSITY VARIANCE APPROVED.**
- 9) Tina Andrew requested permission, as per site plan submitted, to provide 0 off street parking stalls rather than the required 2 stalls, which would be a 2 Off Street Parking Stall Variance, all on Lots 3-4, BB Ward's First Subdivision of Lots 1-3, Block 6, Original Plat, a.k.a. 18 Second Avenue SE. Peter and Tina Andrew were present to represent the property. Following discussion Kezar moved and Babcock seconded to deny, all members voting nay, the motion failed. Following further discussion Kezar moved and Musel seconded to approve, all members voting aye, the motion carried. **OFF-STREET PARKING STALL VARIANCE APPROVED.**
- 10) Gross Trust & Joe Gross requested permission as per site plan submitted, to plat a lot in a (M-Ag) Mini-Agricultural Zoning District with 127.68' of frontage rather than the required 200', which would be a 72.32' Minimum Lot Frontage Variance, all on Proposed Lot 2, J. Gross Addition in the NW¼ 34-T124N-R64W, a.k.a. 12941 385th Avenue. Joe Gross was present to represent the property. Following discussion Musel moved and Zumbaum seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) Corey Sauerwein was present to discuss the approval from this board last month at 324 Third Avenue NW. Mr. Sauerwein stated that this lot appears to be out of square and that he will end up being 18' 7" from the North lot line rather than the 19' he was approved for last month. Mr. Sauerwein asked this board to make an exception and let him continue working. Chairman Babcock stated that the board doesn't possess that ability and directed Mr. Sauerwein to work with city staff for resolution.
- 2) Discussion ensued concerning the draft telecommunication facility ordinance revisions. Following discussion Zumbaum moved and Kezar seconded to have the city Planning & Zoning Department forward this ordinance to the Planning Commission for their review. Upon roll call, all members voting aye, the motion carried.

Following further discussion Zumbaum moved for adjournment, seconded by Musel, all members voting aye, the meeting was adjourned until May 14, 2009.

Paula Nelson
Board of Zoning Adjustment Secretary
April 9, 2009