

**BOARD OF ZONING ADJUSTMENT**  
**June 11, 2009**

The Board of Zoning Adjustment Meeting was held on Thursday June 11, 2009 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, VanDeRostyne, Sikkink and Zumbaum. 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, Barry Dunlavy, Building Inspector, Vern Meyer, Planning Technician, Mike Holsten, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Sikkink moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of May 14, 2009, all members voting aye, the motion carried.

Acting Chairman Zumbaum began with new business as follows:

- 1) Sam Hansen and Mary Pittick 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 10, Block 10, First Addition to Highlands Addition, a.k.a. 1216 Lloyd Street N. Mary Pittick 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) Katie Nieman 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 3, Block 33, Bennett & Thomas Addition, a.k.a. 615 First Street N. Katie Nieman was present to represent the property. Following discussion Sikkink moved and Kezar 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.**

- 3) Tanya Reszler 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 Lots 17-18 & the South 6' Lot 19, Block 90, Hagerty & Lloyd Addition, a.k.a. 315 Jay Street S. Tanya Reszler was present to represent the property. Following discussion VanDeRostyne moved and Kezar 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.**
- 4) Jeff Rich and 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 The South 33' of Lot5, Block 35, Bennett & Thomas Addition, a.k.a. 405 First Street N. Jeff Rich and Amanda Simons were present to represent the property. Following discussion VanDeRostyne moved and Zumbaum 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.**

- 5) Maurice Webb & Susan Dalager 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, Webb Addition, a.k.a. 702 Harrison Street S. Susan Dalager was present to represent the property. Following discussion VanDeRostyne moved and Kezar 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.**
- 6) Kim Liebelt and DeeAnn Hofer requested permission, as per site plan submitted, to operate a preschool/daycare facility as a primary use in an (R-3) High Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 10, Block 3, Thomas Addition, a.k.a. 519 Eighth Avenue SE. Kim Liebelt was present to represent the property. Following discussion Kezar moved and Zumbaum 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.**
- 7) Tarah Usselman requested permission, as per site plan submitted, to operate a daycare, which would be an Appeal to the Board of Zoning Adjustment in an (I-2) High Density Residential Zoning District, all on Lot 2, Replat of Hyman Outlot 1, a.k.a. 611 Roosevelt Street N. Tarah Usselman was present to represent the property. Following discussion Sikkink moved and Kezar 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) Pending notification that the applicant and members

of the household have not been rejected by the state due to abuse or neglect, 4) A floor plan must be submitted for review showing the location used for childcare, 5) Age range of children, the number of children and hours of operation must be submitted, 6) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 7) Announced and unannounced inspections must be permitted by operator, 8) 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, 9) Owner/operator and any employees must be licensed with the City of Aberdeen, 10) Mobile home currently located on this site must be removed immediately, and 11) All stipulations must be completed before operation of daycare may commence. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 8) Amy Schock requested permission, as per site plan submitted, to operate a preschool/daycare facility as a primary use in an (R-3) High Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 323-324 & the North ½ Lot 325, Morning Heights Addition, a.k.a. 620 Merton Street S. Amy Schock was present to represent the property. Following discussion Sikkink moved and Zumbaum 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, 10) Owner/operator and any employees must be licensed with the City of Aberdeen, an 11) The owner or an employee must reside at this location at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 9) Heath Johnson requested permission, as per site plan submitted, to construct a 24'x24' attached garage 3' from the North property line rather than the required 15', which would be a 12' Building Variance, all on Lots 1&2, Block 11, Sullivan & Easton's Addition to Aberdeen, a.k.a. 923 Main Street N. Heath Johnson was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny. Following further discussion Kezar withdrew the motion from the table and Mr. Johnson withdrew his request. No action taken.
- 10) SD Network, LLC requests permission, as per site plan submitted, to 1) construct a 10'x20' addition to existing structure 23' from the South property line rather than the required 100', which would be a 77' Building Variance and 2) request permission to construct an addition to a Utility Substation, which would be a Special Exception in a (M-Ag) Mini-Agricultural Zoning District, all on Lot 2, Young's Third Subdivision, SE¼ Sect. 26-T123N-R64W, a.k.a. 918 135<sup>th</sup> Street. Harold Parlet was present to represent the property. Following discussion Kezar 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 VARIANCE & SPECIAL EXCEPTION APPROVED.**

- 11) John Hieb requested permission, as per site plan submitted, requests permission, as per site plan submitted, to 1) construct four mini-storage structures, which would be a Special Exception in an (C-2) Highway Commercial Zoning District, and 2) to construct four mini-storage structures 50' in width rather than the required 30', which would be four 20' Building Variances, and 3) permission to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a Special Exception, all on Lots 14&15, Auditor's Second Subdivision, SE¼ Sect. 27-T123N-R64W, a.k.a. 2826 & 2900 Highway 281 S. John Hieb was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny. Following discussion VanDeRostyne withdrew the motion on the table. Following further discussion Sikkink moved and Zumbaum seconded to approve with the following stipulations: 1) Any open storage from repo business must be blocked from view of highway and must be kept in designated area on site plan or kept in totally fenced in area or inside building, 2) The property must be kept in a neat and orderly manner at all times, 3) No unlicensed, junk, or inoperable vehicles to be stored outside, 4) All required permits and inspections must be obtained, 5) Property must be landscaped to meet all code requirements, 6) Property must be platted into one parcel, 7) Fire Marshal must approve an access/travel plan to access property, 8) This Special Exception is valid only as long as John Hieb is owner/operator of said property. Upon roll call, Sikkink - aye, Kezar - aye, VanDeRostyne - nay, Zumbaum - nay (2-aye,2-nay). **SPECIAL EXCEPTIONS & BUILDING VARIANCES DENIED.**
- 12) Healthcare Plus Federal Credit Union, Inc. requested permission, as per site plan submitted, to permit the installation of thirty 10'x20' off street parking stalls rather than the required 35 stalls, which would be a 5 Off Street Parking Stall Variance, all on Lot 1, Healthcare Plus First Addition, a.k.a. 201 Dakota Street S. Jack Hollinsworth of JDH Construction was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve with the stipulation that all stalls shall meet the minimum size (10' x 20') and all ADA requirements must be met. Upon roll call, all members voting aye, the motion carried. **OFF STREET PARKING STALL VARIANCE APPROVED.**
- 13) William Sauck and Graham Tire Company of Aberdeen, Inc. 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, Eastgate First Subdivision, a.k.a. 2320 Sixth Avenue SE. William Sauck and Steve Shanley were present to represent the property. Following discussion Kezar moved and Zumbaum seconded to deny, all members voting nay, the motion failed. Fire Marshal Mike Thompson entered meeting at this time. Following further discussion Sikkink moved and Kezar seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner, 2) No junked, unlicensed, or inoperable vehicles may be stored on this site, 3) This special exception is for merchandise available for sale at this location only; no off-premise sales or storage (vehicles for sale by owner, etc.), 4) No storage in public right-of-way or 35' corner visibility triangle at intersection, 5) Tires must be treated for

mosquitoes, etc., and 6) All Fire Code requirements must be met and adhered to. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 14) BJS Properties requested permission, as per site plan submitted, for 1) existing apartment building to remain 6' from the South property line rather than the required 15', which would be a 9' Building Variance and 9' from the North property line rather than the required 10', which would be a 1' Building Variance in order to 2) replace front canopy 27.5' from the East property line rather than the required 35', which would be a 7.5' Building Variance all on Lots 19-21, Block 6, Corrected Plat of the Highlands Addition, a.k.a. 1101 First Street N. Tim Wall was present to represent the property. Following discussion VanDeRostyne 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.**
  
- 15) Melinda Robertson requested permission, for existing deck to remain 3' from the North property line rather than the required 5', which would be a 2' Building Variance in order to construct an addition to the back of residence, all on Lot 6, Block 6, Garden Park Addition, a.k.a. 721 Ninth Street S. Melinda Robertson was present to represent the property. Following discussion VanDeRostyne 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.**
  
- 16) Margaret Schwan requested permission, as per site plan submitted, for existing residence to remain 18.5' from the West property line rather than the required 25', which would be a 6.5' Building Variance in order to construct a deck on the back of residence, and for existing detached garage to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance and 1.5' from the East property line rather than the required 5', which would be a 3.5' Building Variance, all on Lot 21 & the South ½ Lot 22, Block 31, Hagerty & Lloyd Addition, a.k.a. 318 State Street N. Margaret Schwan was present to represent the property. Following discussion Kezar 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 VARIANCES APPROVED.**
  
- 17) Kathy Graves requested permission, as per site plan submitted, for existing residence to remain 13' from the North property line rather than the required 25', which would be a 12' Building Variance in order to construct a covered porch on the South side of residence, all on Lot 1 & the East 3.5' Lot 2, Block 6, Thomas Addition, a.k.a. 516 Tenth Avenue SE. Adam Burgard of Burgard Construction was present to represent the property. Following discussion VanDeRostyne 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.**

- 18) Lew & Lisa Koch requested permission, as per site plan submitted, for existing detached garage to remain 1.3' from the West property line rather than the required 5', which would be a 3.7' Building Variance and 0' from the North property line rather than the required 5', which would be a 5' Building Variance, all on Lot 1, Gohn's First Addition, a.k.a. 714 Third Avenue SW. Lisa Koch 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, 3) All required inspections must be completed, and 4) This variance shall not be construed to allow the repair or replacement of this garage at this location. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 19) Perry Deutsch requested permission, as per site plan submitted, for 1) existing residence to remain 23' from the East property line rather than the required 25', which would be a 2' Building Variance, and for existing 24'x24' detached garage to remain 1' from the North property line rather than the required 5', which would be a 4' Building Variance and 3' from the West property line rather than the required 5', which would be a 2' Building Variance in order to 2) construct a 16'x16' addition to garage 1' from the North property line rather than the required 5', which would be a 4' Building Variance, all on Lot 6, Block 4, Nicollet Park Addition, a.k.a. 324 Jackson Street S. Perry Deutsch was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Sikkink moved and VanDeRostyne seconded to deny agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 20) Claude Wahl requested permission, as per site plan submitted, for existing residence to remain 22'2" from the East property line rather than the required 25', which would be a 2'10" Building Variance and 4' from the North property line rather than the required 5', which would be a 1' Building Variance in order to construct a deck on the front of residence, all on The South 24' of Lot 3 & the North 18' of Lot 4, Simmon's First Addition, a.k.a. 1312 First Street S. Claude Wahl was present to represent the property. Following 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.**
- 21) Jerry & Susan Brick requested permission, as per site plan submitted, for existing structure to remain 3.5' from the West property line rather than the required 25', which would be a 21.5' Building Variance in order to raise the building to install a 4' tall concrete wall under existing structure, all on Lot 2, Brick's First Addition, a.k.a. 715 State Street S. Bill Hinds of Steel Structures was present to represent the property. Following 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.**

- 22) Northwestern Energy Corporation requested permission, as per site plan submitted, to plat a lot with 0' of frontage on a Public Right of Way, rather than the required 100', which would be a 100' Minimum Lot Frontage Variance, all on proposed Lot 2, Steel Structures Third Addition, a.k.a. 13 Harrison Street N. Bill Hinds of Steel Structures was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the stipulation that an access easement must be filed on proposed Lot 1. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**
- 23) GPHC, LLC. requested permission, as per site plan submitted, for existing residence to remain 2' from the West property line rather than the required 15', which would be a 13' Building Variance, and 3.5' from the East property line rather than the required 5', which would be a 1.5' Building Variance in order to replace the foundation, all on The West½ Lot 7, Block 48, Second Addition, a.k.a. 224 Ninth Avenue SW. Jeff Rich was present to represent the property. Following discussion VanDeRostyne 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.**
- 24) Michael Kulm requested permission, as per site plan submitted, to 1) permit the operation of a mobile home park in a (R-3) High Density Residential Zoning District, which would be an Appeal to the Board of Zoning Adjustment, and 2) request permission for existing mobile homes in park to remain 15', 15', 15', 15', 16' & 11.5' from rear property line rather than the required 20', which would be a 5', 5', 5', 5', 4', and 8.5' Building Variance, and 15', 18', 18.5', 19', 15', 16.5', 18', 12.6', 11.1', 9.1', 14.1' & 11.6' from adjacent mobile homes rather than the required 20', which would be a 5', 2', 1.5', 1', 5', 3.5', 2', 7.4', 8.9', 10.9', 5.9' & 8.4' Building Variance, and for existing mobile homes to remain 4', 13', 4', 5', 5' & 5' from the East property line rather than the required 25', which would be a 21', 12', 21', 20', 20' & 20' Building Variance and for existing mobile home to remain 4' from the North property line rather than the required 5', and 4' from the South property line rather than the required 5', which would be two 1' Building Variances, all on proposed Lot 1, Eisenbeis-Kulm Addition to the City of Aberdeen, a.k.a. 630 & 634 Wells Street S. Attorney Joe Barnett & Kathy Dosch were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) This special exception shall apply only to the facility and mobile homes that are currently on this property. Any changes to this site plan or the replacement or locating of new units in this park would be required to come before this board, 2) Any modifications to this plan (new trailers, replacements, etc.) will be required to meet current setbacks, and 3) A plat of this property must be approved and filed with Register of Deeds office. Upon roll call, all members voting aye, the motion carried. **APPEAL & BUILDING VARIANCES APPROVED.**



- 25) Burgard & Hill, LLC. request permission, as per site plan submitted, to permit the placement of a parking lot and 22'x120' accessory structure within the front setback rather than in the backyard as required by ordinance, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Hedger's Second Subdivision, a.k.a. 1322 Eighth Avenue NE. Tom Burgard was present to represent the property. Following discussion Kezar moved and Zumbaum seconded to deny, all members voting aye, the motion failed. Following further discussion VanDeRostyne moved and Sikkink seconded to approve with the stipulation that all fire code requirements are met and adhered to. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 26) Eric Brenner requested permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, on Lot 3, Block 3, D&G Tenth Subdivision in Roosevelt Crystals Subdivision, a.k.a. 1010 Topaz Court. Eric Brenner was present to represent the property. Following discussion VanDeRostyne 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.**
- 27) Eric Brenner requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, on Lot 2, Block 3, D&G Tenth Subdivision in Roosevelt Crystals Subdivision, a.k.a. 1008 Topaz Court. Eric Brenner was present to represent the property. Following discussion VanDeRostyne 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.**
- 28) Jack Karst 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, Auditor's Subdivision, SE¼ Sect. 27-T123N-R64W, a.k.a. the NW corner of the intersection of Highway 281 S. and 135<sup>th</sup> Street. Jack Karst was present the property. Following discussion Sikkink moved and Zumbaum seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner, 2) No unlicensed, junk, or inoperable vehicles may be stored outside, property must be landscaped to code, 3) Any and all signage must be in compliance with City Ordinances, and 4) Code Enforcement must be permitted to inspect property as necessary. Following further discussion Sikkink withdrew the motion from the table and Mr. Karst withdrew his request. No action taken.
- 29) Randy Conraads 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 4.7' from the North property line rather than the required 5', which would be a .3' Building Variance in order to repair front deck, 14' from the West property line

rather than the required 15', which would be a 1' Building Variance and to replace back deck, all on The North 25' of Lot 9 & the South 39' of Lot 10, Block 2, First Addition to Highlands, a.k.a. 1412 Lloyd Street N. Randy Conraads was present to represent the property. Following discussion Kezar 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.**

- 30) Leon Voeller requested permission, as per site plan submitted, for existing residence to remain 21'8" from the South property line rather than the required 25', which would be a 3'4" Building Variance in order to construct a 16'x28' addition to residence 21'8" from South property line rather than the required 25', which would be a 3'4" Building Variance, all on Lot 11, Block 43, Hagerty & Lloyd Addition, a.k.a. 809 First Avenue NE. Leslie Nilson was present to represent the property. Following discussion Kezar 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.**
- 31) Margaret Van Steenwyk requested permission for 1) existing residence to remain 22'9" from the East property line rather than the required 25', which would be a 2'3" Building Variance in order to 2) construct a wheel chair ramp 9" from the East property line rather than the required 15', which would be a 14'3" Building Variance, all on Lot 5, Block 45, Thomas Addition, a.k.a. 1218 First Street S. Margaret VanSteenwyk was present to represent the property. Following discussion VanDeRostyne 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, 3) All required inspections must be completed, and 4) Ramp must be removed when it is no longer needed or before the house is sold. Upon roll call, all members voting aye, the motion carried.  
**BUILDING VARIANCE APPROVED.**
- 32) J and S, LLC requested permission, as per site plan submitted, to permit Wholesale trade, warehousing and commercial storage completely within an enclosed building or structure, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Proposed Lot 3A, Jones Commercial Park Second Subdivision, SE¼ Sect. 16-T123N-R63W, a.k.a. 422 Enterprise Street S. Jim Rohl was present to represent the property. Following discussion Kezar moved and Zumbaum seconded to approve with the following stipulations: 1) No outside storage, other than delivery trucks, 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, 4) All required inspections must be completed, 5) Property must be maintained in a neat and orderly manner, and 5) Landscaping must be approved and installed as per City Ordinance requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 33) Sue Singrey requested permission, as per site plan submitted, for existing residence to remain 24' from the East property line rather than the required 25', which would be a 1' Building Variance, and 3' from the North property line rather than the required 5', which would be a 2' Building Variance in order to construct a 6'x13' deck on back of residence, all on Lot 4, Block 48, Bennett & Thomas Addition, a.k.a. 509 Third Street N. Sue Singrey was present to represent the property. Following discussion Kezar 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.**

Following further discussion Kezar moved for adjournment, seconded by VanDeRostyne, all members voting aye, the meeting was adjourned until July 9, 2009.

---

Paula Nelson  
Board of Zoning Adjustment Secretary  
June 11, 2009