

**BOARD OF ZONING ADJUSTMENT**  
**August 13, 2009**

The Board of Zoning Adjustment Meeting was held on Thursday August 13, 2009 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 Babcock, Zumbaum, VanDeRostyne, Kezar, and Sikkink. Also present were Ken Hubbard, City Planner, Chad Nilson, Building Inspector, Brett Bill, Planning and Zoning Director, Dwayne Schueller, GIS/Planning Technician, Mike Holsten, 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 July 9, 2009, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Debra Woodworth 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 East 71' of Lots 11-12 & the East 71' of the South 10' of Lot 10, Block 24, Hagerty & Lloyd Addition, a.k.a. 423 Fourth Avenue NE. Debra Woodworth was present to represent the property. Ken Hubbard presented a letter from some neighbors voicing their concerns about the excessive neighborhood traffic. Following discussion Zumbaum 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) Jodi Gardner 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 5, Block 12, Garden Park Addition, a.k.a. 913 Ninth Street S. Jodi Gardner 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 with fencing completed no later than October 1, 2009, 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) Jill Helvig requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an (R-1) Low Density Residential Zoning District, all on Lot 15, Block 8, Seventh Addition to Highland North Addition, a.k.a. 1903 State Street N. There being no representative this item was moved to the end of the agenda.
- 4) Amber Spitzer 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 734-735, Morning Heights Addition, a.k.a. 825 Grand Street S. Amber Spitzer was present to represent the property. Following discussion Kezar 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.**
- 5) Brian Baumgartner requested permission, as per site plan submitted, for existing residence to remain 17.5' from the South property line rather than the required 25', which would be a 7.5' Building Variance and 3' from the East property line rather than the required 15', which would be a 12' Building Variance in order to construct a deck on the back of residence, all on the South 92' of Lot 16, Block 14, Hagerty & Lloyd Addition, a.k.a. 829 Sixth Avenue NE. Brian Baumgartner 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 VARIANCES APPROVED.**

- 6) Susan Fenske requested permission, as per site plan submitted, for existing residence to remain 5' from the North property line rather than the required 15', which would be a 10' Building Variance, and 20' from the East property line rather than the required 25', which would be a 5' Building Variance and 2.5' from the South property line rather than the required 5', which would be a 2.5' Building Variance in order to replace the front landing and steps, all on Lot 1, Block 6, Hagerty & Lloyd Addition, a.k.a. 723 Kline Street N. Susan Fenske 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. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
  
- 7) Jacqueline Hubert requested permission, as per site plan submitted, for 1) existing residence to remain 16'3" from the East property line rather than the required 25', which would be a 8'9" Building Variance and 13'2" from the South property line rather than the required 15', which would be a 2'10" Building Variance and 3' from the North property line rather than the required 5', which would be a 2' Building Variance, in order to 2) construct a 5'x12' addition to residence 13'2" from the South property line rather than the required 15', which would be a 2'10" Building Variance, all on the East 78.5' of Lot 6, Block 23, Bennett & Thomas Addition, a.k.a. 703 Washington Street N. Bernie Hubert Sr. was present to represent the property. Following discussion Zumbaum 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.**
  
- 8) Corbin Veal requested permission, as per site plan submitted, for existing residence to remain 6.4' from the South property line rather than the required 15', which would be a 8.6' Building Variance in order to construct a 3'x5' deck 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance, all on Lot 2, Gordon Campbell's Replat of Lots 5-6, Block 22, First Addition to Highlands, a.k.a. 903 Lloyd Street N. Corbin Veal was present to represent the property. Following discussion VanDeRostyne 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, 3) All required inspections must be completed, and 4) All materials closer than 3' to the property line must be fire rated or noncombustible. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
  
- 9) Todd & Jody Sahli requested permission, as per site plan submitted, for existing residence to remain 8.1' from the East property line rather than the required 15', which would be a 6.9' Building Variance in order to construct front and back stairs on residence, all on Lot 16, Block 5, Woolverton Addition, a.k.a. 827 Eighth Avenue SE. Todd Sahli 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.**

- 10) Pam Monson requested permission, as per site plan submitted, for existing residence to remain 3' from the North property line rather than the required 15', which would be a 12' Building Variance and 23.5' from the West property line rather than the required 25', which would be a 1.5' Building Variance, and for existing deck to remain 0' from the North property line rather than the required 5', which would be a 5' Building Variance in order to construct a 14'x40.3' addition to South side of residence, all on Lots 23&24, Block 27, Hagerty & Lloyd Addition, a.k.a. 424 Lloyd Street N. Pam Monson 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 VARIANCES APPROVED.**
- 11) Michael Schmitt requested permission, as per site plan submitted, to construct a new residence 16' from the East property line rather than the required 25', which would be a 9' Building Variance, all on Lot 1, Schmidt Addition, a.k.a. 415 Lloyd Street N. Michael Schmitt was present to represent the property. Following discussion Zumbaum moved and Babcock seconded to deny. Upon roll call, Babcock, Zumbaum, VanDeRostyne, Kezar - nay, Sikkink - aye (4-nay, 1-aye) the motion failed. Following further discussion Zumbaum 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 APPROVED.**
- 12) William Shuck requested permission, as per site plan submitted, to construct an accessory structure without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 5, Edward's Third Subdivision, SE¼ Sect. 26-T124N-R64W, a.k.a. 12863 Nature Trail. William Shuck 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 for the accessory structure prior to work commencing, 2) A permit for the primary structure (residence) must be obtained prior to the expiration of the accessory structure permit, and 3) This accessory structure can be used for personal storage only. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 13) Spencer Opp requested permission, as per site plan submitted, for 1) existing residence to remain 17'4" from the West property line rather than the required 20', which would be a 2'8" Building Variance in order to construct a garage addition 12'4" from the West property line rather than the required 20', which would be a 7'8" Building Variance, all on Lot 8, Block 1, Wright & Sudlow's First Addition, a.k.a. 527 Weber Street N. Russell Crosby of Goehring Construction was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING**

**VARIANCE APPROVED.** Following further discussion Zumbaum moved and Kezar seconded to deny agenda item #2, all members voting nay, the motion failed. Following further discussion Kezar moved and Sikkink 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried.

**BUILDING VARIANCE APPROVED.**

- 14) Andrew & Margaret Malsam requested permission, as per site plan submitted, for existing residence to remain 4' from the North and South property lines rather than the required 5', which would be two 1' Building Variances in order to construct a wheelchair ramp on front of residence, all on Lot 12, Block 2, Kyburz & Hurlbert Addition, a.k.a. 1507 Dakota Street S. Andrew Malsam 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 VARIANCES APPROVED.**
- 15) Fairview Baptist Church requested permission, as per site plan submitted, to construct a freestanding sign which is 51.55sf in area rather than the permitted 16sf, which would be a 35.55sf Sign Variance, all on Lot 10, Gugel's First Subdivision, SW¼ Sect. 6-T123N-R63W, and portion of V/S, Except H-1&2, a.k.a. 901 Twenty-fourth Avenue NE. Pastor Marion Davis was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve with the following stipulations: 1) A sign permit must be issued prior to the erection of the sign, and 2) 35' corner visibility triangle must be maintained. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 16) Mark Knight & Dakota Sales 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 1, Heritage Business Plaza Subdivision, a.k.a. 110 Jackson Street S. John Kienow was present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve with the following stipulations: 1) Absolutely no storage of any type within the 35' corner visibility triangle, 2) All items on property must be available for rent or sale at this location or be used in the operation of businesses on this property, 3) No personal storage allowed, 4) No junk, unlicensed or inoperable vehicles, 5) No illegal signs, 6) Property must be maintained in a neat and orderly manner at all times, 7) Approval is for current businesses only, and 8) No outside storage of junk, debris, appliances. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 17) Dok-B, LLP & Ben Victor requested permission, as per site plan submitted, to construct an accessory structure without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 12, Dok-B Subdivision, SE¼ Sect. 22-T123N-R64W, a.k.a. 1720 Highway 281 South. Ben Victor was present to represent the property. Following

discussion VanDeRostyne moved and Kezar seconded to deny, all members voting aye, the motion carried. **APPEAL DENIED.**

- 18) Patricia Volk requested permission, as per site plan submitted, for 1) existing residence to remain 17'1" from the East property line rather than the required 25', which would be a 7'11" Building Variance, and 2.48' from North property line rather than the required 5', which would be a 2.52' Building Variance to 2) construct stairs to second floor, 1'2" from North property line rather than the required 5', which would be a 3'10" Building Variance, all on Lots 11&12, Block 32, Hagerty & Lloyd Addition, a.k.a. 303 State Street N. Richard Volk 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, 3) All required inspections must be completed, and 4) All materials closer than 3' to the property line must be fire rated or noncombustible and if the stairway is used to access a rental unit, additional provisions may apply. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 19) The Aberdeen School District requested permission, as per site plan submitted, to 1) construct a small wind generator tower at the Aberdeen Central High School campus, which would be an Appeal to the Board of Zoning Adjustment, and 2) to construct a small wind generator tower 51' in height rather than the permitted 45', which would be a 6' Maximum Height Variance, all on Lot 1, Aberdeen High School Second Subdivision, E½ NE¼ Sect. 30-T123N-R63W, a.k.a. 2200 Roosevelt Street S. Tom Pitz 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) All required inspections must be completed, and 3) FAA Approval must be obtained. Upon roll call, all members voting aye, the motion carried. **APPEAL & MAXIMUM HEIGHT VARIANCE APPROVED.**
- 20) Tom Werlinger requested permission, as per site plan submitted, for existing residence to remain 15' from the North property line rather than the required 25', which would be a 10' Building Variance and 11' from the East property line rather than the required 15', which would be a 4' Building Variance, and 16' from the South property line rather than the required 20', which would be a 4' Building Variance, all on the East 47.5' of Lots 1-3, Block 94, Hagerty & Lloyd Addition, a.k.a. 424 Fourth Avenue SE. Tom Werlinger 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 VARIANCES APPROVED.**
- 21) Paramount Estates III, LLC and Ryan Rivett requested permission, as per site plan submitted, to construct a 64sf freestanding sign rather than the permitted 32sf, which would be a 32sf Freestanding Sign Variance, all on Lot 1, McDowell Paramount Second Addition, a.k.a. 2802 Third Avenue SE. There being no representative this item was moved to the end of the agenda.

- 3) Jill Helvig requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an (R-1) Low Density Residential Zoning District, all on Lot 15, Block 8, Seventh Addition to Highland North Addition, a.k.a. 1903 State Street N. Jill Helvig 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 with fencing completed no later than October 1, 2009, 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.**
- 22) Lamont Enterprises requested permission, as per site plan submitted, to 1) to construct an off-premise sign, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to permit 4 sign faces on an off-premise sign rather than the required 2 faces, which would be a Two Sign Face Variance, and 3) to permit an off-premise sign with 0' Minimum Height rather than the required 12', which would be a 12' Minimum Height Variance and 4) to install an electronic message center, which would be an Appeal to the Board of Zoning Adjustment and 5) request permission to install an off-premise sign which contains, includes, or is illuminated by any flashing, intermittent, or moving light or lights, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 1, Lamont Seventh Addition to Aberdeen, a.k.a. 3500 Sixth Avenue SE. Jeff Lamont, Tom Hurlbert and Nate Kessler were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion Sikknik moved and Zumbaum seconded to approve agenda item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to approve agenda item #2 with the following stipulations: 1) All signage must relate only to Holiday Inn Express, Maverick's, Hampton Inn, and Aberdeen Convention Center and that the reader board may only advertise the Holiday Inn Express, Maverick's, Hampton Inn, and Aberdeen Convention Center, 2) The reader board on the existing Holiday Inn Express sign must be removed, and 3) A sign permit must be obtained prior to the erection of the sign. Upon roll call, all members voting aye, the motion carried. **TWO SIGN FACE VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #3 with the stipulation that the sign must be built as in the drawing submitted today. Upon roll call, all members voting aye, the motion carried. **MINIMUM HEIGHT VARIANCE APPROVED.** Following further discussion Zumbaum moved and Kezar seconded to approve agenda item #4 with the following stipulations: 1) All electronic message board signs shall be in compliance with all other applicable codes regarding signs, 2) This sign shall not interfere with traffic safety, and may not be confused with or

construed as a traffic control device, 3) Each message displayed shall remain static for a minimum of 6 seconds, with all change sequences to be instantaneous, no fading, dissolving, spinning in/out, etc., 4) Electronic message board signs shall not contain animated images or graphics, audio components, scrolling, blinking, flashing, pulsating, or fluttering images or the appearance or illusion of writing, printing, or other movement, 5) Electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. Monochrome electronic message board signs shall be limited to utilizing only amber colored lights, 6) Violation of the previous stipulations may result in a citation with a penalty of \$500 for each day that the violation persists, and 7) The Holiday Inn Express reader board must be removed. **APPEAL APPROVED.** Following further discussion Zumbaum moved and Kezar seconded to approve agenda item #5, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 21) Paramount Estates III, LLC and Ryan Rivett requested permission, as per site plan submitted, to construct a 64sf freestanding sign rather than the permitted 32sf, which would be a 32sf Freestanding Sign Variance, all on Lot 1, McDowell Paramount Second Addition, a.k.a. 2802 Third Avenue SE. Ryan Rivett was present to represent the property. Following discussion Zumbaum moved and VanDeRostyne seconded to deny. Upon roll call, Zumbaum, Babcock - aye, VanDeRostyne, Kezar, Sikkink - nay (2-aye,3-nay), the motion failed. Following further discussion Sikkink moved and Kezar seconded to approve with the following stipulations: 1) Sign Permit must be obtained prior to the erection of the sign, and 2) Sign must be removed by December 31, 2009. Upon roll call, Babcock, VanDeRostyne, Kezar, Sikkink - aye, Zumbaum - nay (4-aye,1-nay), the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.**

Brett Bill continued with election of a Chairman. Sikkink opened nominations by nominating Bob Babcock for Chairman. VanDeRostyne seconded Sikkink's nomination. VanDeRostyne moved and Kezar seconded that nominations cease. All members voting aye to cease nominations, the motion carried. There being no further nominations for Chairman, all members voting aye to elect Babcock as Chairman, the motion carried.

Sikkink opened nominations by nominating Dan Zumbaum for Vice-Chairman. VanDeRostyne seconded Sikkink's nomination. VanDeRostyne moved and Kezar seconded that nominations cease. All members voting aye to cease nominations, the motion carried. There being no further nominations for Vice-Chairman, all members voting aye to elect Zumbaum as Vice-Chairman, the motion carried.

Chairman Babcock continued with other business as follows:

- 1) Kezar inquired as to the enforcement of the stipulations at 1<sup>st</sup> Avenue SE & South Kline Street with Ken stating that the stipulations are effective upon the approval of minutes at this month's meeting and that Code Enforcement will follow up.
- 2) Kezar inquired as to the enforcement of the stipulation to remove Barnett Vision's signs at Barnett Vision's old location and that Ken stating that Code Enforcement will follow up to ensure stipulation will be enforced.



- 3) Kezar discussed attempting to pass the electronic message center ordinance again and following discussion staff and zoning board decided to continue enforcing through the stipulations applied currently to special exceptions.

Following further discussion Zumbaum moved for adjournment, seconded by Babcock, all members voting aye, the meeting was adjourned until September 17, 2009.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
August 13, 2009