

BOARD OF ZONING ADJUSTMENT
January 10, 2008

The Board of Zoning Adjustment Meeting was held on Thursday, January 10, 2008 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 Zumbaum, Sikkink, VanDeRostyne, Marske, and Babcock. Absent was Rosebrock. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbart, City Planner, Mike Holsten, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, Vern Meyer, Planning Technician, Dwayne Schueller, GIS/Planning Technician, Chad Nilson, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Zumbaum moved and Marske seconded to approve the Board of Zoning Adjustment minutes of December 6, 2007, all members voting aye, the motion carried.

Zumbaum moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of December 13, 2007, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Renee Black requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-3 (High Density Residential District), which would be a Special Exception in a residential zoning district, all on Lots 174&175, Morning Heights Addition, a.k.a. 812 High Street S. Renee Black 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, 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) Dianne Hammer requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 8, Block 29, Hagerty & Lloyd Addition, a.k.a. 324 Penn Street N. There being no representative this item was moved to the end of the agenda.

- 3) Hilary Anderson requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-3 (High Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 5, Block 4, Pleasant Hill Addition, a.k.a. 1024 Eighth Avenue SW. Hilary Anderson was present to represent the property. Following discussion Zumbaum moved and Marske 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) Rita & Bruce Zeller request permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 1, North Plains Fourth Addition, a.k.a. 1524 Harrison Street N. Bruce Zeller was present to represent the property. Following discussion VanDeRostyne moved and Marske 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) Dee Ann Hofer (Kreative Kids Montessori) requested permission, as per site plan submitted, to operate a daycare as a primary use in an R-3 (High Density Residential District), which would be an Appeal to the Zoning Board of Adjustment in a residential zoning district, all on Lot 10, Block 3, Thomas Addition, a.k.a. 519 Eighth Avenue SE. Dee Ann Hofer 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, 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. **APPEAL APPROVED.**

- 6) The Aberdeen YMCA & After the Bell requested permission, as per site plan submitted, to operate a daycare in a C-3/R-4 (Central Business District/Special Density Residential District), which would be a Special Exception in a commercial zoning district, all on Lot 10, Block 12, Original Plat of Aberdeen, a.k.a. 320 Main Street S. Steve Graf was present to represent the property. 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, and 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. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 7) The Aberdeen YMCA & The Learning Tree requested permission, as per site plan submitted, to operate a daycare in a C-3/R-4 (Central Business District/Special Density Residential District), which would be a Special Exception in a commercial zoning district, all on Lots 7-12, Block 92 & The South 32' of Lot 44 & Lots 45-47 & The North 16' of Lot 48 First Addition on West Side of Block 92, Hagerty & Lloyd Addition, a.k.a. 405 Washington Street S. Steve Graf was present to represent the property. Following discussion Sikkink moved and Marske 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, and 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. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 8) Joan & Jeff Hanson requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 3, Block 22, First Addition to Highlands, a.k.a. 915 Lloyd Street N. Joan Hanson was present to represent the property. Following discussion Marske 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.**

- 9) Pam Dutenhoffer requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-1 (Low Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 1, Elmwood Acres Second Addition, a.k.a. 9 Fifteenth Avenue NE. Jodie May was present to represent the property. Following discussion Marske 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, and 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. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 10) Darnella Ylitalo requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-3 (High Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 21 & 50' East of West 50' of North 16' of Lot 23, Draeger's Rearrangement of Block 11, Draeger's & Yeagers Addition, a.k.a. 1320 Fifth Avenue SE. Darnella Ylitalo was present to represent the property. Following discussion Sikkink 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.**

- 11) Tara Hunstad requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-1 (Low Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 9, Block 5, Gorder's Replat Fourth Addition, a.k.a. 1842 Eisenhower Circle. There being no representative this item was moved to the end of the agenda.

- 12) Dana Stillman requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 7, Block 2, D&G Third Subdivision of Roosevelt Crystals Subdivision (D&G Second), a.k.a. 1014 Diamond Street S. Steve Stillman was present to represent the property. Following discussion Zumbaum 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.**

- 13) Tara Hixon requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 11, Block 49, Howard & Hedgers Replat of Northwest Addition, a.k.a. 120 Dakota Street N. Tara Hixon was present to represent the property. Following discussion Zumbaum moved and Marske 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.**
- 14) Jennifer Huettl requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 2, Block 3, Roosevelt Estates First Addition, a.k.a. 2106 Seventeenth Avenue SE. Jennifer Huettl was present to represent the property. Following discussion Marske 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 July 1, 2008, 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.**
- 15) Nicole Olson requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-3 (High Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 1, Herings Replat of Lots 16-19, Block 36, West Aberdeen Addition, a.k.a. 315 Twelfth Street S. Nicole Olson was present to represent the property. Following discussion VanDeRostyne 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.**

- 16) World of Fun Preschool & Daycare Center, LLC requested permission, as per site plan submitted, to operate a daycare in a C-2 (Highway Commercial District), which would be a Special Exception in a commercial zoning district, all on Block A, Super City Corner Subdivision, a.k.a. 2105 Sixth Avenue SE. Deb Heine was present to represent the property. Following discussion Zumbaum moved and Marske 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, and 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. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 17) Kari Jensen requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-5 (Trailers, Trailer Parks and Planned Residential Area) Zoning District, which would be a Special Exception in a residential zoning district, all on BOLS #1215, Park Village, Lot 2, Block 1, Park Village, a.k.a. 1623 Tenth Avenue SW, Lot 1215. Kari Jensen was present to represent the property. Following discussion Sikkink moved and Marske 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. Following discussion Sikkink moved and Marske seconded to approve, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 18) Mary M. Malsom requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-3 (High Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 2, Diver's Rearrangement of Lots 9-10, Block 23, First Addition, a.k.a. 411 Fourth Street S. Mary Malsam was present to represent the property. Following discussion Zumbaum moved and Marske 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.**

Ken Hubbart stated that agenda item #24 needed to be moved up in the agenda because the representative present needed to leave town to be a pallbearer at a funeral.

- 24) Real Estate Partnership and Trans Canada Keystone Pipeline Project requested permission, as per site plan submitted to temporarily 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 District), all on Lot 5, McIntyre's Subdivision in the SW¼ Sec. 16-T123N-R63W, a.k.a. 4411 Sixth Avenue SE. Mark Wattier was present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to approve with the following stipulations: 1) The approval for this open storage request expires January 10, 2010, 2) Property must be landscaped to meet city ordinance, and 3) property must be kept properly maintained at all times with no junk vehicles or waste to accumulate on this site. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 19) Tara Backer requested permission, as per site plan submitted, for existing residence to remain 3' from West property line rather than the required 5', which would be a 2'

Building Variance and 15.5' from South property line rather than the required 25', which would be a 9.5' Building Variance and 1.5' from East property line rather than the required 5', which would be a 3.5' Building Variance in order to replace foundation due to flood damage, all on Lot 16, Block 22, Hagerty & Lloyd Addition, a.k.a. 209 Fourth Avenue NE. There being no representative this item was moved to the end of the agenda.

- 20) Ronald D. Hettich requested permission, as per site plan submitted, for existing residence to remain 17.5' from East property line rather than the required 25', which would be a 7.5' Building Variance in order to replace foundation due to flood damage, all on Lot 5 of Kelly's Replat of Block 15, Hagerty & Lloyd Addition, a.k.a. 509 Dakota Street N. Ron Hettich was present to represent the property. Following discussion Marske 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 21) Sidney & Betty Beckler requested permission, as per site plan submitted, to plat a lot in a M-Ag(Mini-Agricultural District) with 112.51' of frontage rather than the required 200', which would be an 87.49' Minimum Lot Frontage Variance, all on Beckler Outlot 1 in the SW¼ Sec. 3-T123N-R64W, a.k.a. 2909 Twenty Fourth Avenue NW. Paula Beckler was present to represent the property. Following discussion Marske moved and Sikkink seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT FRONTAGE VARIANCE APPROVED.**
- 22) Harvey Jewett requested permission, as per site plan submitted, to construct an addition to residence 5' from South property line rather than the required 15', which would be a 10' Building Variance, all on Lot 3, Second Corrected Plat of the Highlands Second Subdivision, a.k.a. 1104 Lincoln Street N. David Arlt was present to represent the property. Following discussion Zumbaum moved and Marske seconded to deny. Upon roll call Sikkink, Marske, Zumbaum - aye, VanDeRostyne, Babcock - abstain, the motion carried. Following further discussion Marske moved Zumbaum seconded to approve 10' from the South property line 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, 3) All required inspections must be completed, and 4) Owner must obtain an easement from the City Council for existing fence to remain in public right-of-way. Upon roll call Sikkink, Marske, Zumbaum - aye, VanDeRostyne, Babcock - abstain, the motion carried. **BUILDING VARIANCE APPROVED.**
- 23) Dixie Mattern & Duncan Murdy request permission, as per site plan submitted, to 1) construct a 50'x140' building 22' from South property line rather than the required 30', which would be an 8' Building Variance, and 2) to provide no landscape bufferyard along South property line rather than the required 80% opacity, which would be an 80% landscape bufferyard variance, and 3) permission to install a 10'x10' freestanding sign 3' from the North property line rather than the required 10', which would be a 7' Sign Setback Variance, and 4) request permission to install 3 Boulevard Trees along North property line rather than the required 4, which would be a 1 Boulevard Tree Variance, all

on Lots 3-8, Block 2, Woolverton Addition and portion of Vacated Penn Street, a.k.a. 804, 812, 814 and 820 Sixth Avenue SE and 611 Penn Street S. Duncan Murdy and John Kokales were present to represent the property. Following discussion Zumbaum moved and Marske seconded to approve agenda item #1 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, Sikkink, Marske, Zumbaum - aye, VanDeRostyne - nay, Babcock - abstain, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Marske moved and Zumbaum seconded to approve agenda item #2 with the stipulation that the developer of this commercial property paves the alley, with asphalt. Upon roll call, Sikkink, Marske, Zumbaum - aye, VanDeRostyne - nay, Babcock - abstain, the motion carried. **LANDSCAPE BUFFER YARD VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to deny agenda item #3. Upon roll call, Sikkink, VanDeRostyne, Marske, and Zumbaum - aye, Babcock - abstaining, the motion carried. **SIGN SETBACK VARIANCE DENIED.** Following further discussion Marske moved and Sikkink seconded to approve agenda #4. Upon roll call, Sikkink, VanDeRostyne, Marske, and Zumbaum - aye, Babcock - abstain, the motion carried. **BOULEVARD TREE VARIANCE APPROVED.**

- 25) Harr Motors requested permission, as per site plan submitted, to 1) install three freestanding signs rather than the permitted 1 sign, which would be a 2 Freestanding Sign Variance, and 2) to install 316sf of freestanding signage rather than the required 150sf, which would be a 166sf Freestanding Sign Variance, all on Lot 3, McIntyre's Subdivision in the SW¼ Sec. 16-T123N-R63W, a.k.a. 4255 Sixth Avenue SE. Following discussion Zumbaum moved and Sikkink seconded to continue this item until February 14, 2008. Upon roll call, all members voting aye, the motion carried.
- 26) Jerome & Wendy Opsahl requested permission, as per site plan submitted, for existing residence to remain 17'3" from South property line rather than the required 25', which would be a 7'9" Building Variance in order to replace foundation and covered front porch due to flood damage, all on Lots 11&12, Block 17, Coe & Howard Addition, a.k.a. 907 Seventh Avenue SE. This item was moved to the end of the agenda.
- 2) Dianne Hammer requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-2 (Medium Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 8, Block 29, Hagerty & Lloyd Addition, a.k.a. 324 Penn Street N. Jerry Hammer was present to represent the property. Following discussion VanDeRostyne 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.**
- 11) Tara Hunstad requested permission, as per site plan submitted, to operate a daycare as a home occupation in an R-1 (Low Density Residential District), which would be a Special Exception in a residential zoning district, all on Lot 9, Block 5, Gorder's Replat Fourth Addition, a.k.a. 1842 Eisenhower Circle. Warren Hunstad was present to represent the property. Following discussion Zumbaum 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.**
- 19) Tara Backer requested permission, as per site plan submitted, for existing residence to remain 3' from West property line rather than the required 5', which would be a 2' Building Variance and 15.5' from South property line rather than the required 25', which would be a 9.5' Building Variance and 1.5' from East property line rather than the required 5', which would be a 3.5' Building Variance in order to replace foundation due to flood damage, all on Lot 16, Block 22, Hagerty & Lloyd Addition, a.k.a. 209 Fourth Avenue NE. Tara Backer was present to represent the property. Following discussion Zumbaum 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 26) Jerome & Wendy Opsahl requested permission, as per site plan submitted, for existing residence to remain 17'3" from South property line rather than the required 25', which would be a 7'9" Building Variance in order to replace foundation and covered front porch due to flood damage, all on Lots 11&12, Block 17, Coe & Howard Addition, a.k.a. 907 Seventh Avenue SE. Brett Bill was present to represent this property. Following discussion Sikkink moved and Marske 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.**

Following further discussion Zumbaum moved for adjournment, seconded by Marske, all members voting aye, the meeting was adjourned until February 14, 2008.

Paula Nelson
Board of Zoning Adjustment Secretary
January 10, 2008