

BOARD OF ZONING ADJUSTMENT
May 8, 2008

The Board of Zoning Adjustment Meeting was held on Thursday, May 8, 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 Sikkink, VanDeRostyne, Zumbaum, and Babcock. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbart, City Planner, Mike Olson, Code Enforcement Officer, Mike Holsten, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, Vern Meyer, Planning Technician, Dwayne Schueller, GIS/Planning Technician, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

Zumbaum moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of April 10, 2008, all members voting aye, the motion carried.

Zumbaum moved and Sikkink seconded to approve the Building Code Appeals Board minutes of April 10, 2008, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Heather Kleffman 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 1, D&G Ninth Subdivision of Roosevelt Crystals Subdivision, a.k.a. 1001 Wells Street S. Heather Kleffman 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 fenced in prior to August 8, 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 operations must be submitted, 7) This special exception is for the owner, as long as she 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.**

Schlenker entered the meeting at this time.

- 2) Terry Stevens requested permission, as per site plan submitted, to 1) construct a new residence 15' from East property line rather than the required 25', which would be a 10' Building Variance, and 2) to construct new residence 4' from South property line rather than the required 5', which would be a 1' Building Variance, and 3) requests permission for existing detached garage to remain 1'4" from North property line rather than the required 5', which would be a

3'8" Building Variance and 4) requests permission to permit accessory structure lot coverage of 1100sf rather than the required 1008sf, which would be a 92sf Accessory Structure Lot Coverage Variance, all on Lots 926-927 and the South 1' of Lot 925, Morning Heights Extended Addition, a.k.a. 1112 Aldrich Street S. Terry & Marcella Stevens were present to represent the property. Following discussion Zumbaum moved and Babcock seconded to deny item #1, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to deny item #2, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.** Following further discussion Zumbaum moved and Babcock seconded to approve item #3, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to approve item #4, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 3) Gerald Hoven 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 Special Exception in a C-2 (Highway Commercial Zoning District), all on Hoven First Subdivision in the SE¼ Sect. 22-T123N-R64W, a.k.a. 2098 Melgaard Road W. Gerald Hoven and Attorney Rod Tobin were present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to continue this item for one month. Upon roll call, all members voting aye, the motion carried. Following further discussion, the petitioner asked to withdraw this item and will resubmit at a later date.
- 4) Carol Durand requested permission, as per site plan submitted, for existing residence to remain 17.2' from East property line rather than the required 25', which would be an 7.8' Building Variance in order to replace foundation due to flood damage, all on Lots 4&5, Gage's First Replat of Block 43, Bennett & Thomas Addition, a.k.a. 511 Second Street N. Carol Durand 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Kevin & Rita Schipke 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 Special Exception in a C-2 (Highway Commercial Zoning District), all on Lot 1 of Schipke First Subdivision in the NE¼ Sect. 22-T123N-R64W, a.k.a. 1220 Highway 281 S. Kevin Schipke was present to represent the property. Ken Hubbard stated that this special exception is for Lot 1 only and that no open storage will be allowed on Lot 2. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner, 2) All vehicles must be licensed and operable (no junk, inoperable, or unlicensed vehicles), 3) No junk vehicles, scrap, refuse, etc. to be stored outside, 4) Must abide by any stipulations of code enforcement office, 5) Owner will be required to meet any code enforcement requirements in future - the large debris piles in C.E.O.'s photos must be removed, as well as any junk or unlicensed vehicles, 6) No off-premise storage, and 7) This special exception is for Kevin & Rita Schipke as long as they are

owners/operators of this business. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 6) Thomas Zerfas requested permission, as per site plan submitted, for 1) existing residence to remain 11' from North property line rather than the required 15', which would be a 4' Building Variance in order to 2) construct a 11'x15' screen room addition 11' from North property line rather than the required 15', which would be a 4' Building Variance, all on Lot 4, Davie's Second Rearrangement of Lots 14-18, Block 24, Bennett & Thomas Addition, a.k.a. 724 Main Street N. Marc Tobin of the Sunroom Store was present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Zumbaum seconded to approve item #2 with the following stipulations: 1) Screen room may not encroach any closer than the existing North house wall, or no closer than 11' from North property line, 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, and 5) Boulevard trees must be installed if not already in place. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Matthew Holtznagel and Park Village Mobile Home Court requested permission, as per site plan submitted, to 1) construct a second free standing sign, which would be a 2 Freestanding Sign Variance, and 2) to permit 2-64sf signs rather than the permitted 24sf, which would be 2-40sf Sign Variances and 3) request permission to permit 128sf of freestanding signage rather than the permitted 24sf, which would be a 104sf Freestanding Sign Variance, all on Lot 2, Park Village Addition, a.k.a. 1623 Tenth Avenue SW #1600. Matthew Holtznagel was present to represent the property. Following discussion Zumbaum moved and Babcock seconded to approve item #1. Upon roll call, Schlenker, VanDeRostyne, Zumbaum, Babcock - aye, Sikkink - nay (4-aye, 1-nay), the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Zumbaum seconded to deny item #2, all members voting aye, the motion carried. Following further discussion Zumbaum moved and Schlenker seconded to approve the existing sign to remain 64sf and the new sign to be no larger than 24sf. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to approve item #3 for 88 sf of freestanding signage rather than the permitted 24 sf, which would be a 64 sf variance, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.**
- 8) Harr Motors 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 Special Exception in a C-2 (Highway Commercial Zoning District), all on Lot 1, Wagner Subdivision of Lot 4, McIntyre's Subdivision, a.k.a. 4405 Sixth Avenue SE. Attorney Rod Tobin and James & Barbara Harr were present to represent the property. Following discussion Zumbaum moved and VanDeRostyne seconded to approve with the following stipulations: 1) All building(s) on this property must be demolished, 2) Property must be platted into existing Lot 3, McIntyres before using, 3) The off-premise sign must be removed from property due to the other 3 signs permitted on rest of property (K & A Log Furniture), 4) This portion of property must be landscaped to meet city landscape ordinance requirements, and the property being

platted into (Lot 3, McIntyre's). Property must be landscaped to meet the landscape plan that was approved by City Forester & Planning & Zoning, 5) Property must be maintained in a neat and orderly manner, 6) No signage (permanent, temporary, or illegal) will be permitted on this portion of lot, 7) All items stored on lot must be licensed, operable and available for sale, 8) No storage of any items, regardless of height in the 35' corner visibility triangle at intersection of Highway 12 and Columbia Drive, 9) No off-premise storage, and 10) Owner will be required to meet any code enforcement requirements in future. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 9) KC and Priscilla Nelson requested permission, as per site plan submitted, for existing residence to remain 7' from East and West property lines rather than the required 8', which would be 2-1' Building Variances in order to replace foundation due to flood damage, all on Lot 14, Block 16, Thirteenth Addition to Highlands North Addition, a.k.a. 721 Eighteenth Avenue NE. This item was moved to the end of the agenda.
- 10) Homes Are Possible, Inc. requested permission, as per site plan submitted, to construct a residence 8' from the North property line rather than the required 15', which would be a 7' Building Variance, all on Lot 1, Easton's First Subdivision, Block 40, Bennett & Thomas Addition, a.k.a. 223 Second Street N. Jeff Mitchell of Homes Are Possible, Inc. 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 (house must be set back at least 30' in order to place house outside of corner visibility triangle), 2) Property pins must be located for inspection, 3) All required inspections must be completed and 4) Landscaping requirements must be met. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) Grote Roofing 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; contractors' equipment; and concrete, asphalt and ready-mix manufacturing operations, and sales, which would be a Special Exception in a I-2 (Unrestricted Industrial Zoning District), all on Lot 1, Grote's Second Addition (Block 17, First Addition), a.k.a. 1 Third Street S. Richard Grote was present to represent the property. Following discussion Sikkink moved and Babcock seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner and property treated for mosquitoes (check with City Parks and Recreation Department for requirements), 2) Items allowed to be stored outside should be listed in stipulations, 3) No off-premise storage or storage of unlicensed, junk, or inoperable vehicles, 4) Tires should be screened from view, and 5) Owner will be required to meet any Code Enforcement requirements in the future. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 12) Stewart Schipke 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; contractors' equipment; and concrete, asphalt and ready-mix manufacturing operations, and sales, which would be a Special Exception in a I-2 (Unrestricted Industrial Zoning District), all on Lot 1, D&S Business Park in the NW¼ Sect. 9-T123N-R63W, a.k.a. 4051 Schipke Lane. Stewart Schipke was present to represent the property. Following

discussion Zumbaum moved and VanDeRostyne 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, 3) No debris, garbage, junk, etc. 4) No storage in corner visibility triangle, 5) All landscaping requirements must be met, 6) Owner will be required to comply with any code enforcement requirements in the future, and 7) No off-premise storage. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 13) Darrell Humphries 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; contractors' equipment; and concrete, asphalt and ready-mix manufacturing operations, and sales, which would be a Special Exception in a I-2 (Unrestricted Industrial Zoning District), all on Lot 2, D&S Business Park in the NW¼ Sect. 9-T123N-R63W, a.k.a. 4050 Schipke Lane. Stewart Schipke was present to represent the property. Following discussion Zumbaum moved and Babcock 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, 3) No debris, garbage, junk, etc. 4) No storage in corner visibility triangle, 5) All landscaping requirements must be met, 6) Owner will be required to comply with any code enforcement requirements in the future, and 7) No off-premise storage. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 14) Mark Musel requested permission, as per site plan submitted, to allow the temporary sale of fireworks from a temporary structure within the zoning jurisdiction of the City of Aberdeen, which would be an Appeal to the Zoning Board of Adjustments, all on The SW¼ SW¼ Sect. 36-T124N-R64W, a.k.a. The NW corner of the intersection of North Brown County 10 and 130th Street. Mark Musel was present to represent the property. Following discussion VanDeRostyne moved and Schlenker seconded to approve with the following stipulations: 1) Trailers and structures must meet all required setbacks, 2) Signs must meet all applicable ordinances, and 3) All fire code stipulations must be met. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 15) Mark Musel requested permission, as per site plan submitted, to permit the operation of a maintenance terminal for trucks and other equipment, which would be Special Exception in a M-Ag (Mini Agriculture Zoning District), all on Lot 2, Musel Second Subdivision, located in the SE¼ of Sect. 2-T123N-R64W, a.k.a. 3155 Brown County 10. Mark Musel was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve with the following stipulations: 1) All vehicles must be licensed, operable, and available for sale or in process of being repaired, 2) No outside storage of unlicensed, inoperable or junk vehicles, 3) No outside storage of parts, materials, debris, junk, etc., 4) No storage in corner visibility triangle, and 5) No illegal or unpermitted signs. Upon call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 16) Robert Lamont requested permission, as per site plan submitted, to 1) construct a 56sf subdivision sign rather than the permitted 24sf, which would be a 32sf Sign Variance, and 2) to construct sign 4' tall rather than the required 3' in the corner visibility triangle, which would be a 1' Sign Height Variance, and 3) request permission to construct 4'x14' sign 5' from West property line rather than the required 10', which would be a 5' Sign Setback Variance, all on Lot

6, Block 1, Willowwood Subdivision, a.k.a. 1102 Larkspur Lane. Robert Lamont was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to deny item #1, all members voting aye, the motion carried. Following further discussion Zumbaum moved and Babcock seconded to approve a 30 sf sign rather than the permitted 24 sf which would be a 6 sf sign variance. Upon roll call, Schlenker, VanDeRostyne, Zumbaum, Babcock - aye, Sikkink - nay (4-aye,1-nay), the motion carried. **SIGN VARIANCE APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to deny item #2, all members voting aye, the motion carried. **SIGN HEIGHT VARIANCE DENIED.** Following further discussion Zumbaum moved and Babcock seconded to deny item #3, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE DENIED.**

- 17) April Werth requested permission, as per site plan submitted, for existing residence to remain 13.5' from South property line rather than the required 25', which would be a 11.5' Building Variance in order to replace foundation due to flood damage, and for existing detached garage to remain 2' from West property line rather than the required 5', which would be a 3' Building Variance, all on The East½ Lot 15 and the West 12.5' of Lot 16, Block 35, Second Addition, a.k.a. 316 Seventh Avenue SW. April Werth and Vern Little were present to represent the property. Following discussion VanDeRostyne 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, 3) All required inspections must be completed, and 4) The garage may not be replaced or substantially repaired at this location. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 18) Lynnette Frank requested permission, as per site plan submitted, for existing multifamily residence to remain 15.5' from North property line rather than the required 25', which would be a 9.5' Building Variance in order to 2) construct 2-16'x28' additions 16.5' from the South property line rather than the required 20', which would be 2-3.5' Building Variances, all on The East 55' of Lot 2 and the West 55' of Lot 3, Block 4, Pagones Second Addition, a.k.a. 2522 Thirteenth Avenue SE. Lynnette Frank was present to represent the property. Lynnette Frank was present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to approve item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Zumbaum seconded to deny item #2, all members voting nay, the motion failed. Following further discussion Schlenker moved and Zumbaum seconded to approve item #2 with the following stipulations: 1) Landscaping and off-street parking requirements will need to be provided, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 19) Knight Truck & Trailers 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 Special Exception in a C-2 (Highway Commercial Zoning District), all on Lot 1, Gunderson's First Subdivision, a.k.a. 1810 Highway 281 S. Dallas Ellenbecker was present to

represent the property. Following discussion Schlenker moved and VanDeRostyne 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, 3) Items on property must be for sale or rent, 4) No off-premise storage, 5) No outside storage of junk, debris, etc., and 6) Area along Foote Creek should remain free of vehicles, junk, debris, concrete, etc. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 20) Eric Brenner requested permission, as per site plan submitted, to allow the operation of a contractor's shop in an accessory structure, which would be an Appeal to the Board of Zoning Adjustment in a M-Ag (Mini-Agricultural Zoning District), all on Lot 7, Block C, Droog First Subdivision, a.k.a. 1733 Droog Court. Allan Knoll was present to represent the property. Following discussion Zumbaum moved and Babcock seconded to approve with the following stipulations: 1) All equipment, machinery, etc. must be stored inside this structure - no outside storage, 2) Property must be maintained in a neat and orderly manner, 3) Outside appearance must be in accord with the residential neighborhood, 4) May not produce noise, dust, glare, odor, etc. which may be unappreciated by neighbors, and 5) No signage will be allowed. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 21) Mike Kost requested permission, as per site plan submitted, to construct twin homes 0' from East property line rather than the required 8', which would be an 8' Building Variance, on Lot 29A, Rolling Hills Village Tenth Addition, a.k.a. 1720 Stewart Drive. Mike Kost was present to represent the property. Following discussion VanDeRostyne moved and Schlenker seconded to approve with the following stipulations: 1) Boulevard trees and sidewalks must be installed as required, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 22) Mike Kost requested permission, as per site plan submitted to construct twin homes 0' from West property line rather than the required 8', which would be an 8' Building Variance, on Lot 29B, Rolling Hills Village Tenth Addition, a.k.a. 1718 Stewart Drive. Mike Kost was present to represent the property. Following discussion VanDeRostyne moved and Schlenker seconded to approve with the following stipulations: 1) Boulevard trees and sidewalks must be installed as required, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 23) Mike Jepsen requested permission, as per site plan submitted, to construct 2328sf of accessory structures rather than the required 1680sf, which would be a 648sf Accessory Structure Lot Coverage Variance, all on Lot 5A of Outlot 5 in the NW¼ Sect. 23-T123N-R64W, a.k.a. 1224 Twelfth Street S. Mike Jepsen was present to represent the property. Sikkink moved and Zumbaum seconded to deny. Upon roll call, Sikkink, VanDeRostyne, Zumbaum, Babcock - aye, Schlenker - nay (4-aye,1-nay), the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE DENIED.**

- 24) Keith and Stacie Wilkinson requested permission, as per site plan submitted, for existing residence to remain 10' from North property line rather than the required 15', which would be a 5' Building Variance in order to replace foundation due to flood damage, all on Lot 1, Lowe & Dawson's Replat of Block 21, West Hill Addition, a.k.a. 1205 Fourth Avenue SW. Stacie Wilkinson was present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the following inspections: 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.**
- 25) Jerry Brick requested permission, as per site plan submitted, to 1) construct ministorage units, which would be a Special Exception in an I-2 (Unrestricted Industrial Zoning District), and 2) to construct ministorage building 60' in width rather than the required 30', which would be a 30' Building Variance, all on Lot 1 of DSG Subdivision in the E½ Sect. 13-T123N-R64W, a.k.a. 22 Kline Street N. Jerry Brick was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve 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, 3) All required inspections must be completed, and 4) Landscaping requirements must be met. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Schlenker seconded to approve with the stipulation that all building code requirements must be met. Upon roll call, all members voting aye, motion carried. **BUILDING VARIANCE APPROVED.**
- 26) Ray Hollan requested permission, as per site plan submitted, to construct a residence 10' from West property line rather than the required 20', which would be a 10' Building Variance, all on Lot 2, Hollan's Second Subdivision, a.k.a. 516 Fourth Street S. Ray Hollan was present to represent the property. Following discussion VanDeRostyne moved and Schlenker 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.**
- 27) Michael Kost requested permission, as per site plan submitted, to 1) permit the installation of a 3'x12' multi-colored electronic message board sign on existing free standing sign structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) request permission to permit the construction of 213.5sf of freestanding signage rather than the permitted 100sf, which would be a 113.5sf Freestanding Sign Variance, all on Lots 1-3, Block 22, First Addition to Aberdeen, a.k.a. 302 Second Street S. Michael Kost and Angie Pitzl of Stein Sign Display were present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to deny. Upon roll call, Sikkink, VanDeRostyne, Zumbaum, Schlenker - aye, Babcock - nay (4-aye, 1-nay), the motion carried. **APPEAL & SIGN VARIANCE DENIED.**
- 28) Dean & Donald Weismantel 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 Special Exception in a A-1 (Agricultural Zoning District), all on Lot C of

Schumachers Outlots in the NW¼ Sect. 22-123-63, a.k.a. 5159 East Highway 12. Andy Meyers was present to represent the property. Following discussion Zumbaum moved and Babcock seconded to approve with the following stipulations: 1) Property must be rezoned to (C-2) Highway Commercial District, 2) Special Exception is for the open storage of licensed, operable vehicles & merchandise only (must be available for sale), 3) No junk, inoperable, or unlicensed vehicles allowed on site, 4) No junk, debris, garbage, parts, etc. allowed to be stored outside, 5) Property must be maintained in a neat and orderly manner, and 6) No off-premise storage or sales. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 29) Curt Hamre & Hot Rocket Fireworks requested permission, as per site plan submitted, to allow the temporary sale of fireworks from a temporary structure within the zoning jurisdiction of the City of Aberdeen, which would be an Appeal to the Zoning Board of Adjustments, all on Mead's Outlot D in the E½ Sect. 20-T123N-R64W, a.k.a. 38390 Highway 12 West. Following discussion Zumbaum moved and Sikkink seconded to approve with the following stipulations: 1) Structures, tents or trailers must meet all setback requirements, 2) Must meet all of Fire Marshal's stipulations, and 3) Signage must be approved and permitted. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**
- 30) Tara Backer requested permission, as per site plan submitted, to construct a 3'x4' deck with steps 11' from South property line rather than the required 15', which would be a 4' Building Variance, all on Lot 16, Block 22, Hagerty & Lloyd Addition, a.k.a. 209 Fourth Avenue NE. 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 3) All required inspections must be completed. **BUILDING VARIANCE APPROVED.**
- 9) KC and Priscilla Nelson requested permission, as per site plan submitted, for existing residence to remain 7' from East and West property lines rather than the required 8', which would be 2-1' Building Variances in order to replace foundation due to flood damage, all on Lot 14, Block 16, Thirteenth Addition to Highlands North Addition, a.k.a. 721 Eighteenth Avenue NE. Stuart Nelson 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Following further discussion Zumbaum moved for adjournment, seconded by VanDeRostyne, all members voting aye, the meeting was adjourned until June 12, 2008.

Paula Nelson
Board of Zoning Adjustment Secretary
May 8, 2008