

BOARD OF ZONING ADJUSTMENT
July 10, 2008

The Board of Zoning Adjustment Meeting was held on Thursday, July 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, Babcock, VanDeRostyne, and Marske. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbard, City Planner, Mike Holsten, Code Enforcement Officer, Vern Meyer, Planning Technician, Dwayne Schueller, GIS/Planning Technician, Stuart Nelson, Assistant City Engineer, 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 June 12, 2008, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Jessica Anderson requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a R-3 (High Density Residential Zoning District), all on The West 45' of Lot 1, Block 24, Bennett & Thomas Addition, a.k.a. 16 Eighth Avenue NE. Jessica Anderson was present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to approve with the following stipulations: 1) A play area must be fenced in by December 12, 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.**

- 2) James & Susan Hook requested permission, as per site plan submitted, for existing residence to remain 24.5' from the East property line rather than the required 25', which would be a .5' Building Variance and 7' from the North property line rather than the required 8', which would be a 1' Building Variance in order to replace foundation due to flood damage, all on Lot 2, Huffman's Second Addition, a.k.a. 1508 Royal Road. James Hook was present to represent the property. Following discussion Sikkink 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.**

- 3) Ron Fischer requested permission, as per site plan submitted, to 1) construct a 56'x120' ministorage unit facility, which would be a Special Exception on property zoned C-2 (Highway Commercial Zoning District), and 2) to construct ministorage units 56' wide rather than the required 30', which would be a 26' Building Variance, all on Lot 2, Cambridge Second Addition in the SW $\frac{1}{4}$ Sect. 7-T123N-R63W, a.k.a. 1527 Eighth Avenue NE. Ron Fischer was present to represent the property. Following discussion Marske 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, 4) Construction must meet all fire code & building code requirements, and 5) Property must be landscaped to meet all applicable requirements. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION AND BUILDING VARIANCE APPROVED.**
- 4) Ron Reff requested permission, as per site plan submitted, for existing residence to remain 15' from the West property line rather than the required 25', which would be a 10' Building Variance in order to construct a deck on the South side of residence, all on Lot 7, Block 14, First Addition to the Highlands, a.k.a. 1102 State Street N. Ron Reff 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) Wendy Sampson requested permission, as per site plan submitted, to 1) construct an 18'x26' carport 19' from the South property line rather than the required 25', which would be a 6' Building Variance and 2) for existing residence to remain 20' from the East property line rather than the required 25', which would be a 5' Building Variance and 12.5' from the South property line rather than the required 15', which would be a 2.5' Building Variance, all on The East 83' of Lot 3, First Rearrangement of Lots 20-24, Block 38, West Aberdeen Addition, a.k.a. 324 Ninth Street S. Bryan Kiers was present to represent the property. Following discussion VanDeRostyne 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 VARIANCES APPROVED.**
- 6) Douglas Hoikkala requested permission, as per site plan submitted, for 1) existing residence to remain 19' from the North property line rather than the required 25', which would be a 6' Building Variance in order to construct a 12'x12' covered patio on back of residence, and 2) for existing detached garage to remain 1' from the South property line rather than the required 5', which would be a 4' Building Variance and 2' from the East property line rather than the required 5', which would be a 3' Building Variance, all on The West $\frac{1}{2}$ of Lot 2 and the East 12 $\frac{1}{2}$ ' of Lot 3, Block 47, Second Addition to Aberdeen, a.k.a. 307 Eighth Avenue SW. Douglas Hoikkala was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 7) Chuck Hodges requested permission, as per site plan submitted, for 1) existing residence to remain 7.5' from the West property line rather than the required 25', which would be a 17.5' Building Variance and front porch to remain 1.5' from the West property line rather than the required 15', which would be a 13.5' Building Variance and for house to remain 10' from the East property line rather than the required 20', which would be a 10' Building Variance in order to 2) construct a 5'x14' deck 5' from the East property line rather than the required 20', which would be a 15' Building Variance, all on Lots 2 & 4, Larson & Schwab's Replat (in Block 8, Hagerty & Lloyd Addition), a.k.a. 624 Washington Street N. Chuck Hodges was present to represent the property. Following discussion Zumbaum moved and Marske seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and Marske 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 8) Mike Kost requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 30A, Rolling Hills Village Tenth Addition, a.k.a. 1708 Stewart Drive. Scott Bishop was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 9) Mike Kost requests permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 30B, Rolling Hills Village Tenth Addition, a.k.a. 1702 Stewart Drive. Scott Bishop was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 10) Mike Kost requests permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 31A, Rolling Hills Village Tenth Addition, a.k.a. 1628 Stewart Drive. Scott Bishop was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 11) Mike Kost requests permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 31B, Rolling Hills Village Tenth Addition, a.k.a. 1622 Stewart Drive. Scott Bishop was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 12) Mike Kost requests permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Lot 32A, Rolling Hills Village Tenth Addition, a.k.a. 1616 Stewart Drive. Scott Bishop was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 13) Mike Kost requests permission, as per site plan submitted, to construct a twin home 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 32B, Rolling Hills Village Tenth Addition, a.k.a. 1610 Stewart Drive. Scott Bishop was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 14) Jeff Rich requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery, and trailers, building materials and supplies and wholesaling and warehousing goods, which would be a Special Exception in a C-3 (Central Business Zoning District), all on Lots 5-6, Block 10, North Aberdeen Addition, a.k.a. 101 Main Street N. Jeff Rich was present to represent the property. Following discussion Marske 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 stored outside, 3) No storage of any height allowed in 35' corner visibility triangle(s), 4) No storage of junk, materials, parts, etc. 5) No personal storage - all items displayed must be available for sale, 6) This special exception is for Jeff Rich as long as he is the owner/operator of proposed use, 7) The piles of fire wood must be removed immediately, 8) Property must remain in compliance with all applicable codes & laws, and 9) No illegal or unpermitted signs, banners, etc. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 15) Benjamin Barnes requested permission, as per site plan submitted, for existing residence to remain 16' from the North property line rather than the required 25', which would be a 9' Building Variance and 2' from the West property line rather than the required 5', which would be a 3' Building Variance in order to construct deck on back of residence, all on Lot 2, Block 49, Second Addition to Aberdeen, a.k.a. 107 Eighth Avenue SW. Milbert Mehlhoff was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 16) Jodi Fish requested permission, as per site plan submitted, for existing residence to remain 24.5' from East property line rather than the required 25', which would be a .5' Building Variance in order to construct a 9.5'x12' deck on front of house, all on Lots 278-279, Morning Heights Addition, a.k.a. 802 Merton Street S. Jodi Fish 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 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 17) Tom & Pennie Murray requested permission, as per site plan submitted, for existing residence to remain 7.5' from the West property line rather than the required 8', which would be a .5' Building Variance in order to construct a deck on back of residence, all on Lot 5, Block 19, Ganje Addition to Mel-Ros Estates, a.k.a. 1702 Sixteenth Avenue SE. Tom Murray was present to represent the property. Following discussion VanDeRostyne 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.**
- 18) Dean & Patty Knie requested permission, as per site plan submitted, for 1) existing residence to remain 20' from West property line rather than the required 25', which would be a 5' Building Variance, in order to 2) construct a covered deck 20' from West property line rather than the required 25', which would be a 5' Building Variance, all on Lot 15, Block 42, Thomas Addition, a.k.a. 1011 First Street S. Dean Knie was present to represent the property. Following discussion Sikkink 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, 3) All required inspections must be completed, and 4) Boulevard trees are required to be installed per City Ordinance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 19) First Reformed Church requested permission, as per site plan submitted, to construct a 5'x24' addition to the South side of building 8.5' from the East property line rather than the required 15', which would be a 6.5' Building Variance, all on Lots 1-3, Lawson's First Replat Addition to the City of Aberdeen, a.k.a. 818 Ninth Avenue SE. Craig Mehlhoff and Ralph Kusler were 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, 3) All required inspections must be completed and 4) Property pins must be landscaped to meet all applicable requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 20) Pam & Scott Berry requested permission, as per site plan submitted, to construct a 8'x10' shed 3'1" from the West and North property lines rather than the required 5', which would be two 1'11" Building Variances, all on Lot 12, North Plains First Addition, a.k.a. 1129 Eighteenth Avenue NE. Mike Jung was present to represent the property. Following discussion Zumbaum moved and Marske seconded to approve with the following stipulations: 1) A zoning 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.**
- 21) Janice & Brad Grieben 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 Railroad Outlot 3, SW¼ Sect. 13-T123N-R64W, a.k.a. 2 Main Street N. Janice & Brad Grieben were present to represent the property. Following discussion Marske moved and Babcock seconded to approve with the following stipulations: 1) This special exception is for the Grieben's only, as long as they are the owner/operator's of proposed use, 2) Open storage is only for the open storage of their merchandise, motorcycles, parts & bicycles, etc. 3) All applicable laws & ordinances regarding vehicle licensing must be met for any vehicles stored outside, 4) Property must be maintained in a neat and orderly manner, 5) No illegal or unpermitted signs, or banners to be displayed on property, 6) No junk, debris, parts or junk vehicles may be stored outside, 7) All code enforcement requirements must be met, 8) A privacy fence must be put up to protect the storage area on the North side of building. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 22) Tyler Marken requested permission, as per site plan submitted, to construct a detached garage 20' from the North property line rather than the required 25', which would be a 5' Building Variance, all on Lot 1, Block 2, Park Village Addition, Lot #1210, a.k.a. 1623 Tenth Avenue SW #1210. Tyler Marken was present to represent the property. Ken Hubbart stated that the forms are currently 17.5' from North property line, not the requested 20', and 19.5' from the mobile home to the South mobile home, not 20' as required; garage may need to be made smaller or relocated to meet all setback requirements. Following discussion Marske moved and Zumbaum seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Property must be landscaped to meet all applicable requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 23) Avera St. Luke's Hospital requested permission, as per site plan submitted, to 1) permit 10 signs rather than the permitted 1 sign in a R-3/HC (High Density Residential/Healthcare Zoning District), which would be an 9 Sign Variance and 2) to permit 666sf of signs rather than the required 36sf, which would be a 630sf Sign Variance, and 3) request permission to install 2 wall signs in a residential district, rather than the required 1, which would be a 1 Additional Wall Sign Variance, and 4) request permission to install 9 free standing signs in a residential district, rather than the required 1, which would be an 8 Additional Freestanding Sign Variance and 5) request permission to install 6'x8' three sided monument sign 10' East and 10' South from the intersection of First Avenue SE and State Street S. within the corner visibility triangle, which would be an Appeal to the Board of Zoning Adjustment and 6) request permission to install 6'x4' freestanding sign within the corner visibility triangle at the intersection of First Avenue SE and Lloyd Street S, which would be an appeal to the Board of Zoning Adjustment, all on Lot 1, Avera St. Luke's Subdivision in the SE¼ Sect. 13-T123N-R64W, a.k.a. 215 State Street S. Bill Roth and Cory Weisenburger of Service Signs were present to represent the property. Following discussion Zumbaum moved and Marske seconded to approve agenda item #3, all members voting aye, the motion carried. **ADDITIONAL WALL SIGN VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to deny agenda item #5, all members voting aye, the motion carried. **APPEAL DENIED.** Following further discussion VanDeRostyne seconded to deny agenda item #6, all members voting aye, the motion carried. **APPEAL DENIED.** Following further discussion Zumbaum moved and Marske seconded to approve agenda item #4, all members voting aye, the motion carried. **ADDITIONAL FREESTANDING SIGN VARIANCE APPROVED.** Following further discussion Zumbaum moved and Marske seconded to approve agenda item #1, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.** Following further discussion Marske moved and Zumbaum seconded to approve agenda item #2, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 24) Doug Severson requested permission, as per site plan submitted, for existing residence to remain 16' from the East property line rather than the required 25', which would be a 9' Building Variance, in order to add a 6'x12' 3-season room addition and a 6'x10' Deck on the back of residence, all on Lot 1, Hanson & William Subdivision of Block 15, Thomas Addition, a.k.a. 624 Arch Street S. Doug Severson was present to represent the property. Following discussion Marske 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, 3) All required inspections must be completed, and 4) Property must be landscaped to meet all applicable requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 25) Steve Beare & Christine Stehly requested permission, as per site plan submitted, for existing residence to remain 20' from North property line rather than the required 35', which would be a 15' Building Variance in order to construct a stone entrance at same setback, all on Parker Improvement Addition to the City of Aberdeen, a.k.a. 316 Sixteenth Avenue NE. Steve Beare was present to represent the property. Following discussion Zumbaum moved and Marske seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 26) Rolling Hills Golf Development, LLC. requested permission, as per site plan submitted, to construct two 30'x120' ministorage units, which would be a Special Exception in the C-2 (Highway Commercial Zoning District), all on Lot 28, Rolling Hills Village Tenth Addition, a.k.a. 703 Palmer Circle W. Lon Gellhaus was present to represent the property. Following discussion Zumbaum 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, 3) All required inspections must be completed, and 4) Property must be landscaped to meet all applicable requirements. Upon roll call, Marske, VanDeRostyne - aye, Sikkink, Zumbaum, Babcock - nay (2-aye,3-nay), the motion failed. Following further discussion Zumbaum moved and Marske seconded to table this item until August 14th to allow the petitioner time to submit a plan outlining the building aesthetics and proposed landscaping plans. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION CONTINUED UNTIL AUGUST 14TH.**
- 27) Rolling Hills Golf Development, LLC. requested permission, as per site plan submitted, to 1) plat a lot in a R2/R4 (Medium Density/Special Density Residential Zoning District) with 33.5' of frontage rather than the required 60', which would be a 26.5' Lot Width Variance and 2) to construct twin home 0' from Northwest property line rather than the required 8', which would be an 8' Building Variance, all on Lot 1A, Rolling Hills Village Eleventh Addition, a.k.a. 1707 Nicklaus Drive. Lon Gellhaus 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 inspections, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **LOT WIDTH VARIANCE AND BUILDING VARIANCE APPROVED.**
- 28) Rolling Hills Golf Development, LLC. requests permission, as per site plan submitted, to 1) plat a lot in a R2/R4 (Medium Density/Special Density Residential Zoning District) with 37.4' of frontage rather than the required 60', which would be a 22.6' Lot Width Variance and 2) to construct twin home 0' from South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 1B, Rolling Hills Village Eleventh Addition, a.k.a. 1713 Nicklaus Drive. Lon Gellhaus 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 inspections, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **LOT WIDTH VARIANCE AND BUILDING VARIANCE APPROVED.**
- 29) Rolling Hills Golf Development, LLC. requests permission, as per site plan submitted, to 1) plat a lot in a R2/R4 (Medium Density/Special Density Residential Zoning District) with 37.95' of frontage rather than the required 60', which would be a 22.05' Lot Width Variance and 2) to construct twin home 0' from North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2A, Rolling Hills Village Eleventh Addition, a.k.a. 1714 Nicklaus Drive. Lon Gellhaus 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 inspections, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **LOT WIDTH VARIANCE AND BUILDING VARIANCE APPROVED.**

- 30) Rolling Hills Golf Development, LLC. requests permission, as per site plan submitted, to 1) plat a lot in a R2/R4 (Medium Density/Special Density Residential Zoning District) with 32.92' of frontage rather than the required 60', which would be a 27.08' Lot Width Variance and 2) to construct twin home 0' from West property line rather than the required 8', which would be an 8' Building Variance, all on Lot 2B, Rolling Hills Village Eleventh Addition, a.k.a. 1708 Nicklaus Drive. Lon Gellhaus 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 inspections, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **LOT WIDTH VARIANCE AND BUILDING VARIANCE APPROVED.**
- 31) William S. Mount requested permission, as per site plan submitted, to construct an enclosed entryway 21.2' from the South property line rather than the required 25', which would be a 3.8' Building Variance, all on The South 94' of Lots 4&5, and the South 94' of the East 29' of Lot 6, Block 27, Bennett & Thomas Addition, a.k.a. 403 Lincoln Street N. Jennifer Mount 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, 3) All required inspections must be completed, and 4) Property must be landscaped to meet all applicable requirements. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 32) Bob Kindle requested permission, as per site plan submitted, for existing residence to remain 8' from the West property line rather than the required 20', which would be a 12' Building Variance and 21'4" from East property line rather than the required 25', which would be a 3'8" Building Variance in order to replace foundation, all on The East 50' of The South 40' of Lot 5, and the East 50' of Lot 6, Block 6, Pleasant Hill Addition, a.k.a. 824 Eleventh Street S. Gary Dvorak 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, 3) All required inspections must be completed, and 4) Dilapidated shed must be removed immediately. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 33) Kenneth Simon requested permission, as per site plan submitted, for 1) existing residence to remain 20'8" from the West property line rather than the required 25', which would be a 4'4" Building Variance in order to construct a deck on front of residence and 2) for existing detached garage to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance, all on Lot 9 and the South ½ of Lot 10, Block 41, Bennett & Thomas Addition, a.k.a. 310 Third Street N. Chad Nilson 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, 3) All required inspections must be completed, and 4) This variance does not grant the owner permission to replace or substantially repair garage at this location. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 34) The City of Aberdeen requests permission, as per site plan submitted, to plat a lot in a I-2 (Unrestricted Industrial Zoning District) with 24.75' of frontage rather than the required 100', which would be a 75.25' Minimum Lot Width Variance, all on Lot 2, Hub City Livestock Third Subdivision in the E½ Sect. 26-T123N-R64W, a.k.a. approximately ½ East of Highway 281 on the South side of Melgaard Road. Brett Bill was present to represent the property. Following discussion Marske moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) Brett Bill continued with election of a Chairman. Marske opened nominations by nominating Babcock for Chairman. Sikkink seconded Marske's nomination. Marske moved and Sikkink 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.
- 2) Brett Bill continued with election of a Vice-Chairman. VanDeRostyne opened nominations by nominating Dan Zumbaum for Vice-Chairman. Marske seconded VanDeRostyne's nomination. VanDeRostyne moved and Marske 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.

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

Paula Nelson
Board of Zoning Adjustment Secretary
July 10, 2008