

BOARD OF ZONING ADJUSTMENT
August 14, 2008

The Board of Zoning Adjustment Meeting was held on Thursday, August 14, 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, Kezar, Sikkink, Babcock, and VanDeRostyne. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbart, City Planner, Mike Olsen, 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 July 10, 2008, all members voting aye, the motion carried.

Zumbaum moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of July 24, 2008, all members voting aye, the motion carried.

Chairman Babcock began with old business as follows:

- 1) 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. Attorney Jay Gellhaus and Bill Hinds of Steel Structures were 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 lines must be located to verify setbacks, 3) All required inspections must be completed, 4) Property must be landscaped to meet ordinance requirements, 5) Because of proximity to residential zoning district, no outside storage shall be allowed on property and the property must be maintained in a neat and orderly manner at all times, and 6) Exterior must be aesthetically similar to primary structure on property. Upon roll call, Kezar, Sikkink, Babcock, and VanDeRostyne - aye, Zumbaum - nay (4-aye, 1-nay), the motion carried. **SPECIAL EXCEPTION APPROVED.**

Chairman Babcock continued with new business as follows:

- 2) Richard & Karen Ackerman requested permission, as per site plan submitted, to plat a lot in an R-3 (High Density Residential) Zoning District with 45.08' of frontage rather than the required 50', which would be a 4.92' Minimum Lot Width Variance, all on Lot 1, Ackerman's Addition to the City of Aberdeen, a.k.a. 1011 Eighth Avenue SW. There being no representative this item was moved to the end of the agenda.
- 3) Joe Ludwig requested permission, as per site plan submitted, for 1) existing residence to remain 6' from the East property line rather than the required 10', which would be a 4'

- Building Variance in order to construct an addition on the South side of residence, and 2) request permission to construct pool and deck 6' from South property line rather than the required 10', which would be a 4' Building Variance, all on Lot 9, Block 9, Fifth Addition to Highlands North Subdivision, a.k.a. 1804 Jay Street N. Joe Ludwig was present to represent the property. Following discussion Kezar moved and Babcock 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 to verify setbacks, and 3) Landscaping (boulevard trees) required per City Ordinance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to deny agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE DENIED.**
- 4) Jim Fettig requested permission, as per site plan submitted, for existing residence to remain 16'9" from the East property line rather than the required 25', which would be a 8'3" Building Variance and 3'2" from the North property line rather than the required 5', which would be a 1'10" Building Variance in order to replace foundation due to flood damage, all on Lot 4, Easton's Subdivision of Lots 1-6, Block 41, Bennett & Thomas Addition, a.k.a. 315 Second Street N. Jim Fettig 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 inspections, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 5) Jennifer & Jason Fritz requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an R-2 (Medium Density Residential Zoning District), all on Lot 3, Block 1, Homes Are Possible Fourth Subdivision, a.k.a. 1106 Plum Lane. Jennifer Fritz was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this daycare commencing, 2) All applicable state regulations must be met, 3) No more than one individual other than the owner, may work at the daycare at one time, 4) Pending notification that the applicant and members of the household have not been rejected by the state due to abuse or neglect, 5) A floor plan must be submitted for review showing the location used for childcare, 6) Age range of children, the number of children and hours of operation must be submitted, 7) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 8) Announced and unannounced inspections must be permitted by operator, 9) The operator must schedule a home inspection with the Building Inspection Department and/or the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any required changes or modifications must be made, and 10) Owner/operator and any employees must be licensed with the City of Aberdeen. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 6) Kevin & Molly Johnson requested permission, as per site plan submitted, for existing residence to remain 5'7" from the West property line rather than the required 8', which would be a 2'5" Building Variance and 20' from the North property line rather than the required 25', which would be a 5' Building Variance in order to construct an addition to back of residence, all on Lot 8, Block 1, Lampert's First Addition, a.k.a. 1230 Gemini Avenue. Molly Johnson was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Boulevard trees required adjacent to Gemini Avenue and Northview Lane. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 7) Tim Zinter requested permission, as per site plan submitted, for existing residence to remain 31' from the North property line rather than the required 35', which would be a 4' Building Variance in order to construct a screen room on back of residence, all on Lot 36, Block 7, Nineteenth Addition of the Highlands North Addition, a.k.a. 504 Twenty-first Avenue NE. Tim Zinter 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, 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.**

- 8) George Sullivan requested permission, as per site plan submitted, for 1) existing residence to remain 5' from the North property line rather than the required 25', which would be a 20' Building Variance in order to 2) construct 4.5'x4.5' deck 6" from North property line rather than the required 15', which would be a 14.5' Building Variance, all on the West 40' of Lot 1, Block 11, Thomas Addition, a.k.a. 414 Tenth Avenue SE. Mike Jung was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne 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.**

- 9) Pat Larson requested permission, as per site plan submitted, for existing residence to remain 1'6" from the East property line rather than the required 5', which would be a 3'6" Building Variance and 3'6" from the North property line rather than the required 20', which would be a 16'6" Building Variance, and 3'7" from the West property line rather than the required 5', which would be a 1'5" Building Variance and 19'6" from the South property line rather than the required 25', which would be a 5'6" Building Variance in order to 2) construct a 6'x8' Deck 13' from South property line rather than the required

15', which would be a 2' Building Variance, all on the East 40' of Lots 13-14, Block 90, Hagerty & Lloyd Addition, a.k.a. 311 Fourth Avenue SE. Pat Larson was present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to approve agenda item #2 with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained with penalty assessed to prior contractor, 2) Property pins must be located for inspection, and 3) All required inspections must be completed and all safety concerns must be addressed due to faulty construction. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 10) Lonnie Anderson requested permission, as per site plan submitted, to install a 40sf real estate sign rather than the allowable 8sf, which would be a 32sf Sign Variance, all on Lot 1, Block 1, Mehlhoff's Twelfth Addition to North Plains Subdivision, a.k.a. 1603 Werth Court. Lonnie Anderson was present to represent the property. Following discussion Sikkink moved and Babcock seconded to approve with the stipulation that this sign must be removed on or before August 14, 2010. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 11) David Gackle requested permission, as per site plan submitted, for existing residence to remain 14.5' from the North property line rather than the required 25', which would be a 10.5' Building Variance and 2' from the South property line rather than the required 20', which would be an 18' Building Variance in order to 2) construct a 4'x6' deck 7.5' from North property line rather than the required 15', which would be a 7.5' Building Variance, all on The North 69' of Lot 6, Block 45, Second Addition, a.k.a. 223 Seventh Avenue SW. There being no representative this item was moved to the end of the agenda.
- 12) Tim Harms requested permission, as per site plan submitted, to construct a 1088sf detached garage rather than the permitted 668sf, which would be a 420sf Accessory Structure Lot Coverage Variance on Lots 1&28, Gugel's Second Subdivision, SW¼ Sect. 6-T123N-R63W, a.k.a. 1205 Twenty-fourth Avenue NE and 1204 Twenty-fifth Avenue NE. Tim Harms was present to represent the property. Following discussion Sikkink moved and Kezar seconded to deny. Upon roll call Zumbaum, Babcock - nay, Kezar, Sikkink, VanDeRostyne - aye (2-nay,3-aye), the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE DENIED.**
- 13) Lori Zimbelman requested permission, as per site plan submitted, for existing residence to remain 12' from the West property line rather than the required 25', which would be a 13' Building Variance in order to replace foundation due to flood damage, all on Lot 8, Block 21, Bennett & Thomas Addition, a.k.a. 508 Lincoln Street N. Lori Zimbelman 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, and 3) All required inspections must be

completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 14) Jesse Paulson requested permission, as per site plan submitted, for 1) existing residence to remain 2' from the West property line rather than the required 5', which would be a 3' Building Variance and 21' from the South property line rather than the required 25', which would be a 4' Building Variance and 10.5' from the East property line rather than the required 15', which would be a 4.5' Building Variance in order to 2) construct an addition 4.7' from the West property line rather than the required 5', which would be a .3' Building Variance and 10.5' from the East property line rather than the required 15', which would be a 4.5' Building Variance, all on Lot 19, Lawson's First Replat of Block 6, Woolverton's Addition to Aberdeen, a.k.a. 819 Ninth Avenue SE. Cal & Jodi Gardner were present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Zumbaum moved and Babcock seconded to approve agenda item #2 4.7' from the West property line rather than the required 5' which would be a .3' Building Variance and 15' from the East property line (no Building Variance) 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) Boulevard trees required to be installed adjacent to Ninth Avenue and Dakota Street. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 15) Dustin & Sandra Tople requested permission, as per site plan submitted, request permission, as per site plan submitted, for 1) existing mobile home to remain 5'4" from North property line rather than the required 25', which would be a 19'8" Building Variance in order to 2) construct 12'x15' deck 15' from North property line rather than the required 25', which would be a 10' Building Variance, all on Lot 1-3, Northview Subdivision, a.k.a. 1201 Eighth Avenue NE #90. Dustin & Sandra Tople were present to represent the property. Following discussion Zumbaum moved and Sikkink seconded to approve with the following stipulations: 1) If this mobile home is ever removed, no mobile home may be placed closer to the property line or other structures than required by ordinance, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, and 3) Property pins must be located for inspection. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 16) Immanuel Bible Church requested permission, as per site plan submitted, for 1) existing church to remain 7' from the North property line rather than the required 15', which would be an 8' Building Variance and 22' from the West property line rather than the required 25' in order to replace foundation, and 2) request permission to construct wheelchair ramp 2' from the North property line rather than the required 15', which would be a 13' Building Variance, all on Lot 14 of Easton's Subdivision of Block 35, Bennett & Thomas Addition to the City of Aberdeen, a.k.a. 424 Second Street N. Kevin O'Malley 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, 3) All required inspections must be completed, and 4) If existing sign is removed out of visibility triangle during construction it shall not be replaced in visibility triangle following construction. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 17) Dawn Theunissen requested permission, as per site plan submitted, for 1) existing residence to remain 8' from the North property line rather than the required 15', which would be a 7' Building Variance and 2) for deck to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance in order to construct an addition 8' the North property line rather than the required 15', which would be a 7' Building Variance, all on Lot 1, Theunissen Addition, a.k.a. 820 Jackson Street S. Dawn Theunissen was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Sidewalks and boulevard trees need to be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 18) The Sundown Motel requested permission, as per site plan submitted, to construct new freestanding sign 0' from the North property line rather than the required 10', which would be a 10' Sign Setback Variance, all on The East 158' of The North ½ of Dayton's Outlot B & Lots 1-2, Block 2, Highland Park Addition and Portion of Vacated Nicollet Avenue Except H-1, a.k.a. 1305 Sixth Avenue SW. Dave Bunt and Cory Weisenburger of Service Signs were present to represent the property. Following discussion Zumbaum moved and Babcock seconded to approve, all members voting nay, the motion failed. Following further discussion Zumbaum moved to approve 2' from the North property line. Motion died due to lack of second. Following further discussion VanDeRostyne moved and Kezar seconded to approve 3' from the North property line with the stipulation that a sign permit be obtained prior to the erection of sign. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE APPROVED.**
- 19) Verizon Wireless and Aberdeen Development Corp requested permission, as per site plan submitted to 1) construct a monopole cellular telephone tower, which would be a Special Exception in an (I-1) Industrial Park Zoning District, and 2) request permission to construct a 76' tall cellular telephone tower rather than the permitted 70', which would be a 6' Maximum Height Variance, all on Lot 1, Safeguard/ADC Subdivision, NE¼ Sect. 17-T123N-R63W, a.k.a. 2830 Industrial Avenue NE. Chris Haar of Aberdeen Development Corp and Rob Viera of Verizon Wireless were 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, 4) Property must be landscaped to meet city ordinance requirements, and 5) Property must be maintained in a neat and orderly

manner. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION AND MAXIMUM HEIGHT VARIANCE APPROVED.**

- 20) David Gonsor requested permission, as per site plan submitted, for existing residence to remain 8.5' from the South property line rather than the required 25', which would be a 16.5' Building Variance in order to replace covered porch and 2) to construct front steps 1.5' from South property line rather than the required 15', which would be a 13.5' Building Variance, all on Lot 2, Moulton's Replat of Lots 7&8, Block 23, First Addition, a.k.a. 318 Fifth Avenue SW. David Gonsor was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, 3) All required inspections must be completed, and 4) Boulevard trees must be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 21) Jeremy & Stacie Wasem requested permission, as per site plan submitted, for existing residence to remain 5' from East property line rather than the required 25', which would be a 20' Building Variance and 1.8' from South property line rather than the required 5', which would be a 3.2' Building Variance in order to replace foundation due to flood damage and for existing detached garage to remain 3' from South property line rather than the required 5', which would be a 2' Building Variance and 4' from the North property line rather than the required 5', which would be a 1' Building Variance, all on The South 10' of Lot 8 and all of Lot 9, Block 41, Hagerty & Lloyd Addition, a.k.a. 213 Penn Street N. Jeremy Wasem was present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the stipulation that 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.**
- 22) Misty Martin requested permission, as per site plan submitted, for 1) existing residence to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance and for eave to extend to 0' from North property line rather than the required 3', which would be a 3' Building Variance and 14' from the West property line rather than the required 25', which would be an 11' Building Variance in order to replace foundation due to flood damage and for existing detached garage to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance and 2) request permission to construct deck 5' from West property line rather than the required 15', which would be a 10' Building Variance, all on Lot 6, Swain's First Replat of Lots 7-10 & 12, Block 23, Bennett & Thomas Addition, a.k.a. 708 Lincoln Street N. Misty Martin was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to approve agenda item #1 with the following stipulations: 1) The garage may not be replaced or substantially repaired at this location, 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.** Following further discussion Zumbaum moved and VanDeRostyne 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 VARIANCES APPROVED.**
- 23) Corey Vanderhoek requested permission, as per site plan submitted, to construct 1400sf of accessory structure rather than the permitted 1328sf, which would be a 72sf Accessory Structure Lot Coverage Variance, all on Lot 13&13A, Volk's Subdivision, NE¼ Sect.4-T123N-R64W, a.k.a. 13009 385th Avenue. Corey Vanderhoek was present to represent the property. Following discussion Zumbaum moved and VanDeRostyne seconded to deny. Upon roll call Zumbaum, Kezar, Sikkink, VanDeRostyne - aye, Babcock - nay (4-aye, 1-nay), the motion carried. **ACCESSORY STRUCTURE LOT COVERAGE VARIANCE DENIED.**
- 24) Tom Rux requested permission, as per site plan submitted, for 1) existing residence to remain 9'8" from the North property line rather than the required 25', which would be a 15'4" Building Variance in order to 2) Construct 5'x8' deck 4'11" from the North property line rather than the required 15', which would be a 10'1" Building Variance, all on The East 12' of Lot 29 & Lot 28, Except the North 42' of the East 12' of Lot 29 & the North 42' of the West 21' of Lot 28, Block 53, Second Addition, a.k.a. 121 Ninth Avenue SW. Tom & Kathy Rux were present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Sikkink moved and Zumbaum 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.**
- 2) Richard & Karen Ackerman requested permission, as per site plan submitted, to plat a lot in an R-3 (High Density Residential) Zoning District with 45.08' of frontage rather than the required 50', which would be a 4.92' Minimum Lot Width Variance, all on Lot 1, Ackerman's Addition to the City of Aberdeen, a.k.a. 1011 Eighth Avenue SW. Karen Ackerman was present to represent the property. Following discussion Zumbaum moved and Kezar seconded to approve, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE APPROVED.**
- 11) David Gackle requested permission, as per site plan submitted, for existing residence to remain 14.5' from the North property line rather than the required 25', which would be a 10.5' Building Variance and 2' from the South property line rather than the required 20', which would be an 18' Building Variance in order to 2) construct a 4'x6' deck 7.5' from

North property line rather than the required 15', which would be a 7.5' Building Variance, all on The North 69' of Lot 6, Block 45, Second Addition, a.k.a. 223 Seventh Avenue SW. Pat Schlotte was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Zumbaum moved and VanDeRostyne 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.**

- 25) Beef Tech, LLC requested permission, as per site plan submitted, to 1) operate a livestock feedlot, which would be a Special Exception on property zoned I-2 (Unrestricted Industrial Zoning District), and 2) to permit the feeding or maintaining of 600 animal units rather than the permitted 200, which would be a 400 Animal Unit Variance, all on Lot 2, Sanderson Addition in the SE¼ Sect. 34-T123N-R64W, a.k.a. Approximately ½ South and ½ West of Hub City Radio. Jack Hollinsworth, Contractor, and Lonnie Anderson of Clark Engineering were present to represent the property. Following discussion Sikkink moved and Kezar seconded to approve agenda item #1 with the following stipulations: 1) Property must be replatted and rezoned, 2) Permits must be obtained, and 3) Owner must contact City Forester for landscape requirements in the 1-mile jurisdiction. Bob Ross, Raymond Forkel, Scott Grebner, Nancy Dahme, Joe Gisi Jr., and Keith Lowary were present and spoke in opposition to this request. Craig Schaunaman and Kirk Schaunaman were present and spoke in favor of this request. Following discussion Zumbaum moved and Babcock seconded a substitute motion to continue agenda item #1 for one month. Upon roll call, Sikkink, VanDeRostyne, Zumbaum, Babcock - aye, Kezar - nay (4-aye, 1-nay), the motion carried. **AGENDA ITEM #1 CONTINUED UNTIL SEPTEMBER 11, 2008.** Following further discussion Zumbaum moved and Kezar seconded to continue agenda item #2 for one month, all members voting aye, the motion carried. **AGENDA ITEM #2 CONTINUED UNTIL SEPTEMBER 11, 2008.**

Following further discussion Zumbaum moved for adjournment, seconded by VanDeRostyne, all members voting aye, the meeting was adjourned until September 11, 2008.

Paula Nelson
Board of Zoning Adjustment Secretary
August 14, 2008