

BOARD OF ZONING ADJUSTMENT
November 13, 2008

The Board of Zoning Adjustment Meeting was held on Thursday, November 13, 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 Babcock, Sikkink, VanDeRostyne, Kezar, and Weigel. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbard, City Planner, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, Dwayne Schueller, GIS/Planning Technician, Vern Meyer, Planning & Zoning Technician, Stuart Nelson, Assistant City Engineer, Mike Holsten, Code Enforcement Officer, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of October 9, 2008, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) St. Paul's Lutheran Church requested permission, as per site plan submitted, to operate a preschool in the parish parsonage, which would be a Special Exception in an R-3 and C3/R4 (High Density Residential Zoning District and Central Business/Special Density Residential Zoning District), all on Lot 4 and the West 10' of Lot 3, Block 45, Second Addition, a.k.a. 215 Seventh Avenue SW. Jerry Ochsner & Rhonda Henschen were present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this preschool commencing, 2) Pending notification that the applicant and employees have not been rejected by the state due to abuse or neglect, 3) A floor plan must be submitted for review showing the location used for childcare, 4) Age range of children, the number of children and hours of operation must be submitted, 5) This special exception is for the owner, as long as they are the owner/operator of the proposed use, 6) Announced and unannounced inspections must be permitted by operator, 7) The operator must schedule an inspection with the Building Inspection Department and 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 8) 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) Christina Petrik requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an A-1 (Agricultural Zoning District), all on Lot 1, Schumacher Outlots, NW¼ Sect. 22-T123N-R63W, a.k.a. 13310 391st Avenue. Christina Petrik was present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this daycare commencing with fence being installed no later than June 1st, 2009, 2) All applicable state regulations must be met, 3) No more than one individual other than the owner, may work at the daycare at one time, 4) Pending notification that the applicant and members of the

household have not been rejected by the state due to abuse or neglect, 5) A floor plan must be submitted for review showing the location used for childcare, 6) Age range of children, the number of children and hours of operation must be submitted, 7) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 8) Announced and unannounced inspections must be permitted by the operator, 9) The operator must schedule a home inspection with the Building Inspection Department and the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any required changes or modifications must be made, and 10) Owner/operator and any employees must be licensed with the City of Aberdeen. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 3) Bill Meidinger and Dean Rogers requested permission, as per site plan submitted, to plat a lot in an I-2 (Unrestricted Industrial Zoning District) with 12,516sf, rather than the required 15,000sf, which would be a 2,484sf Minimum Lot Size Variance, all on Lot C of the Replat of a portion of Block 51, Thomas Addition, a.k.a. 1116 Second Street S. Dean Rogers was present to represent the property. Adjacent property owner, Roger Blum of ABC Storage was present. Following discussion Kezar moved and VanDeRostyne seconded to deny. Upon roll call Weigel, Sikkink, Babcock - nay, Kezar, VanDeRostyne - aye (3-nay,2-aye), the motion failed. Following further discussion Sikkink moved and Babcock seconded to approve with the following stipulations: 1) Property must be cleaned up and maintained to meet all City requirements, 2) An 8' tall solid/opaque fence must be installed in proper location and maintained to meet all City requirements, 3) Entire lot must, at a minimum, be graveled or hard surfaced, 4) Landscaping must be completed per city landscaping requirements, 5) Announced and unannounced inspections must be permitted by the owner/operator to check for weeds, maintenance, etc. Upon roll call, Weigel, Sikkink, Babcock, Kezar - aye, VanDeRostyne - nay (4-aye,1-nay), the motion carried. **MINIMUM LOT SIZE VARIANCE APPROVED.**

- 4) Bill Meidinger and Dean Rogers requested permission, as per site plan submitted, to permit the open storage, parking, or sale of vehicles, which would be a Special Exception in an I-2(Unrestricted Industrial Zoning District), all on Lot C of the Replat of a portion of Block 51, Thomas Addition, a.k.a. 1116 Second Street S. Dean Rogers was present to represent the property. Adjacent property owner, Roger Blum of ABC Storage was present. Following discussion Weigel moved and Kezar seconded to approve with the following stipulations: 1) The plat of Roger's First Subdivision must be approved and filed with Register of Deeds, 2) All vehicles displayed on site must be licensed and operable per state law definition, 3) Vehicles dismantled during repair and all junk or inoperable vehicles and parts must be stored within a structure or 8' tall solid fenced enclosure, 4) Maximum number of vehicles displayed shall be one for every 10' x 20' parking stall provided, but not required for customers or employee parking, 5) Any and all landscaping requirements shall be met prior to operation, 6) Property must be maintained in a neat and orderly manner at all times, 7) This special exception is for Dean Rogers as long as he is the owner/operator of proposed use and use shall discontinue when ownership changes, and 8) If dismantling vehicles, a junk dealers license must be obtained from the City with approval by Planning & Zoning Director and City Council. Upon

- roll call, Babcock, Sikkink, Weigel - aye, Kezar, VanDeRostyne - nay (3-aye,2-nay), the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 5) Ronald Gage requested permission, as per site plan submitted for 1) existing residence to remain 21'6" from the East property line rather than the required 25', which would be a 3'6" Building Variance, in order to 2) construct a covered porch addition 21'6" from the East property line rather than the required 25', which would be a 3' 6" Building Variance, all on Lot 2, Nelson-Rohrbach's Replat of Lot C, Lawson's Outlot of Lot 8, Bonaccord Heights Subdivision, a.k.a. 1022 Lawson Street S. Ronald Gage was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 6) Dakota Lodging (Ramada Inn) requested permission, as per site plan submitted, to install an 80sf roof sign, which would be a third wall/roof sign or freestanding sign, rather than the permitted one, which would be a 2 Wall/Roof Sign or Freestanding Sign Variance and 2) request permission to permit 512sf of freestanding signage rather than the permitted 300sf, which would be a 212sf Wall/Roof Sign/Freestanding Sign Area Variance, on Lot 2, Block 1, LHL Subdivision of Block 1, LHL First Subdivision, a.k.a. 2727 Sixth Avenue SE. Jack Fider of Dakota Lodging (Ramada Inn) and Kendall Hedges of Creative Signs were present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **WALL/ROOF SIGN/FREESTANDING SIGN AREA VARIANCE DENIED.**
- 7) Rachael Junck 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 a Special Exception in a C-2 (Highway Commercial Zoning District), all on Lot 1, Wuebker Addition (Lot 1B2, Woolverton Addition), a.k.a. 826 Sixth Avenue SE. Rachael Junck was present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve with the following stipulations: 1) 11 (10' x 20' parking stalls must be delineated on asphalt parking surface and NO storage will be allowed in these stalls) (as per previous requests - March 14, 2002 and June 8, 2006), 2) Open storage may not occur in the 35' corner visibility triangles at the NE & SE corners of this property, 3) Property must be kept in a neat and orderly manner at all times, 4) Spas on display outside, must be empty at all times, 5) No pools on display outside, 6) No signs or banners, etc. without the required prior approval and permits from the Planning & Zoning Office, 7) Open Storage is limited to items available for sale at this location only with nothing sold on consignment to be displayed outside, and 8) The back of the lot must be cleaned up and/or fenced in if storage is to continue in back. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 8) Bill & Jennifer Wall and Timothy Wall requested permission, as per site plan submitted, to replace stairs and landing 4' from North property line rather than the required 5', which would

- be a 1' Building Variance on Lot 13, Block 21, Thomas Addition, a.k.a. 913 Jay Street S. Timothy Wall was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted for review and a permit must be obtained prior to work commencing, 2) Property pins must be located for inspection, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 9) Neil Bellikka requested permission, as per site plan submitted, for 1) existing structure to remain 75' from the North property line rather than the required 100', which would be a 25' Building Variance and 58' from the East property line rather than the required 100', which would be a 42' Building Variance, in order to 2) construct a 6'x7' compressor enclosure 69' from the North property line rather than the required 100', which would be a 31' Building variance, all on Lot 1, Bellikka's Prairie Tool Addition, a.k.a. 723 Commerce Street North. Neil Bellikka was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve requested item #1, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to approve requested 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.**
- 10) Chris Gross requested permission, as per site plan submitted, for existing residence to remain 4' from the South property line rather than the required 5', which would be a 1' Building Variance and 2' from the North property line rather than the required 5', which would be a 3' Building Variance in order to replace front steps, all on Lot 14, Block 18, Simmon's First Addition to Aberdeen, a.k.a. 1607 Main Street S. Chris Gross 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.**
- 11) H&H Rentals requested permission, as per site plan submitted, to provide thirty-two 10'x20' parking stalls rather than the required 36, which would be a 4 Parking Stall Variance, all on Lot 1, H&H First Consolidation Subdivision, a.k.a. 505 Second Avenue SE. Kay Swanhorst and Brent Meyer were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) All parking stalls provided must be 10' x 20', and 2) Landscaping must be installed per ordinance requirements. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED.**
- 12) Jeff and Sara Goldade requested permission, as per site plan submitted, to 1) operate a home occupation out of an accessory structure on a property without a primary structure, which would be an Appeal to the Board of Zoning Adjustment and 2) request permission to operate an operation and maintenance terminal for trucks and other equipment, which would be a

- Special Exception in a M-Ag (Mini-Agricultural Zoning District) all on proposed Lot 2 of Goldade First Replat of Goldade Tract 1, NE¼ Sect. 35-T123N-R64W, a.k.a. 38661 135th Street. Jeff & Sara Goldade and Attorney Rod Tobin were present to represent the property. Following discussion Kezar moved and Babcock seconded to deny. Attorney Rod Tobin stated that the homeowner was withdrawing requested item #1. Following the withdrawal of requested item #1 Kezar withdrew his motion to deny. Following further discussion Kezar moved and Babcock seconded to approve requested item #2 with the following stipulations: 1) All porta-potties, vehicles, equipment, etc. must be stored inside at all times, 2) Property must be maintained in a neat and orderly manner, 3) No excess traffic, dust, glare, odor, noise, etc., 4) Permission is for the Goldades only, as long as they are the owner/operator of proposed use, 5) Owner/operator must reside in house on Lot 1, 6) If existing house on Lot 1 is utilized for multi-family purposes, it may not contain more than two units, and 7) The plat of Goldade First Replat of Goldade Tract 1 must be approved and filed with Register of Deeds. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 13) C&J Holdings 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 units 60' deep rather than the permitted 30', which would be a 30' Maximum Depth Variance, all on Lot 2, M&M First Subdivision, a.k.a. 1111 Second Street S. Jim Hase and Chris Hase were present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve requested item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Kezar moved and Babcock seconded to approve requested item #2 with the following stipulations: 1) 25' setback required from South property line, 2) Permit must be obtained, 3) Property lines must be located at time of inspection, 4) All required inspections must be completed, 5) This approval does not grant any variance to Engineering Departments' ordinances for approach widths or location, and 6) All landscape requirements must be met. Upon roll call, all members voting aye, the motion carried. **MAXIMUM DEPTH VARIANCE APPROVED.**
- 14) Central Storage 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) 45' deep rather than the permitted 30', which would be a 15' Maximum Width Variance and 3) 125' wide rather than the permitted 120', which would be a 5' Maximum Width Variance, and 4) request permission to construct 45'x125' ministorage building 14' from the South property line rather than the required 25', which would be an 11' Building Variance, all on Lot 1, Central Storage Second Addition, a.k.a. 8 State Street N. Bill Hinds of Steel Structures and Kerry Swingler were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve requested item #1, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Sikkink moved and Kezar seconded to approve requested items #2 and #3 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) All landscape requirements must be met, and 5) Gutters must be installed and drainage must not negatively impact adjacent neighbors. Upon roll call, all

- members voting aye, the motion carried. **MAXIMUM WIDTH VARIANCES APPROVED.** Following further discussion Sikkink moved and VanDeRostyne seconded to deny requested item #4, all members voting nay, the motion failed. Following further discussion Sikkink moved and Kezar seconded to approve requested item #4, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 15) Melvin & Betty Imbery requested permission, as per site plan submitted, to construct twin homes 0' from the South property line of Lot 1A, rather than the required 8', which would be an 8' Building Variance and 0' from the North property line of Lot 1B, rather than the required 8', which would be an 8' Building Variance all on Lots 1A and 1B, Melvin Imbery Replat of Lot 1, Block 3, D&G Tenth Subdivision in Roosevelt Crystals Subdivision, a.k.a. 1002 Topaz Court. Melvin Imbery was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to approve with the following stipulations: 1) Plat of Melvin Imbery Replat of Lot 1, Block 3, D & G Tenth Subdivision in Roosevelt Crystals Subdivision must be approved and filed with the Register of Deeds, 2) Plans must be submitted and permits issued prior to construction, 3) All required inspections must be completed, and 4) Appropriate fire wall construction shall be maintained between the structures at the lot line (one to two-hour fire-wall construction). Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 16) Aberdeen Public Schools requested permission, as per site plan submitted, to install a freestanding sign 32sf in size rather than the permitted 16sf, which would be a 16sf Sign Variance, all on Lots 1-6 & Outlot 2 Block 23 Simmons First Addition, a.k.a. 1500 Third Street S. Ben Schnell was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 17) Aberdeen Public Schools requested permission, as per site plan submitted, to install a freestanding sign 32sf in size rather than the permitted 16sf, which would be a 16sf Sign Variance, all on Outlot 1 Simmons First Addition (Block 23), a.k.a. 1300 Third Street S. Ben Schnell was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve with the stipulation that a sign permit must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 18) Darrell Hillestad requested permission, as per site plan submitted, for 1) existing residence to remain 7.5' from the South property line rather than the required 25', which would be a 17.5' Building Variance in order to 2) construct addition to residence 15.5' from South property line rather than the required 25', which would be a 9.5' Building Variance, all on Lot 11, Block 42, Hagerty & Lloyd Addition, a.k.a. 809 Second Avenue NE. This item was moved to the end of the agenda.
- 19) Todd Glover and Rod Wertman requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, which would be a Special Exception in an I-2

(Unrestricted Industrial Zoning District), all on the 200' South of the North 550' of the NE¼ Section 18-T123N-R63W East of Moccasin Creek Except Highway & except H-1, a.k.a. 317 Roosevelt Street N. Rod Wertman and Attorney Rod Tobin were present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve with the following stipulations: 1) No junk or inoperable vehicles allowed to be stored outside, 2) Maximum number of vehicles displayed shall be 1 per every 10' x 20' parking stall not required for customer parking, 3) Any and all landscape requirements must be met, 4) Property must be maintained in a neat and orderly manner, 5) This special exception is for Rod Wertman, as long as he is the tenant and operator of proposed use, and shall be discontinued immediately upon change of this status, and 6) No illegal or unpermitted signage. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 18) Darrell Hillestad requested permission, as per site plan submitted, for 1) existing residence to remain 7.5' from the South property line rather than the required 25', which would be a 17.5' Building Variance in order to 2) construct addition to residence 15.5' from South property line rather than the required 25', which would be a 9.5' Building Variance, all on Lot 11, Block 42, Hagerty & Lloyd Addition, a.k.a. 809 Second Avenue NE. Vern Meyer was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve requested item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further 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) All code enforcement issues must be resolved. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) Clerical Error Correction - June 12, 2008 - 5 State Street South. Following discussion Sikkink moved and VanDeRostyne seconded to approve the additional stipulation that had previously been omitted.
- 2) VanDeRostyne questioned the sign at Eddie's Northside on North Second Street. VanDeRostyne would like an update on the enforcement status of this sign by next months meeting.

Following further discussion Kezar moved for adjournment, seconded by Sikkink, all members voting aye, the meeting was adjourned until December 11, 2008.

Paula Nelson
Board of Zoning Adjustment Secretary
November 13, 2008