

BOARD OF ZONING ADJUSTMENT
December 11, 2008

The Board of Zoning Adjustment Meeting was held on Thursday, December 11, 2008 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Dan Zumbaum presiding as Acting Chairman. Acting Chairman Zumbaum called the meeting to order. Members present at roll call were Zumbaum, Weigel, Sikkink, Kezar, and VanDeRostyne. Also present were Brett Bill, Planning and Zoning Director, Ken Hubbart, City Planner, Barry Dunlavy, Building Inspector, Dwayne Schueller, GIS/Planning Technician, Vern Meyer, Planning & Zoning Technician, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Sikkink moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of November 13, 2008, all members voting aye, the motion carried.

Acting Chairman Zumbaum began with new business as follows:

- 1) Sarah Haugen 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 2, Block 4, Lampert's First Addition, a.k.a. 1207 Casper Avenue. Sarah Haugen was present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this daycare commencing, 2) All applicable state regulations must be met, 3) No more than one individual other than the owner, may work at the daycare at one time, 4) Pending notification that the applicant and members of the household have not been rejected by the state due to abuse or neglect, 5) A floor plan must be submitted for review showing the location used for childcare, 6) Age range of children, the number of children and hours of operation must be submitted, 7) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 8) Announced and unannounced inspections must be permitted by operator, 9) The operator must schedule a home inspection with the Building Inspection Department and/or the Fire Marshal in order to verify that Building and Fire Code requirements are met, and any required changes or modifications must be made, and 10) Owner/operator and any employees must be licensed with the City of Aberdeen. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 2) Melgaard Baptist Church and Devin Hebeisen requested permission, as per site plan submitted, to operate a daycare in a church, which would be a Special Exception in an R-1 (Low Density Residential Zoning District), all on The West 100' of Lot 1 in the NW $\frac{1}{4}$ Sect. 25-T123N-R64W, a.k.a. 502 Melgaard Road E. Devin Hebeisen was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve with the following stipulations: 1) Any provided yard/play area must be maintained as a fenced in area prior to the operation of this daycare commencing, 2) All applicable state regulations must be met, 3) Pending notification that the applicant and employees have not been rejected by the state due to abuse or neglect, 4) A floor plan must be submitted for review showing the location used for childcare, 5) Age range of children, the number of children and hours of operation must be

- submitted, 6) This special exception is for the owner, as long as she/he is the owner/operator of the proposed use, 7) Announced and unannounced inspections must be permitted by operator, 8) 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 9) 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) Lonnie & Sandra Bakken 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 Lot 3, FF Hanson's Rearrangement of Lots 5-6 & the West 60' of Lots 3-4, Block 17, First Addition to Aberdeen, a.k.a. 212 First Avenue SW. Lonnie Bakken and Attorney Tom Tonner were present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve with the following stipulations: 1) Property must be landscaped as applicable by City ordinance, 2) Property must be maintained in a neat and orderly manner at all times, 3) No junk, scrap, unlicensed or inoperable vehicles may be stored outdoors, 4) All items on lot must be in process of repair or available for sale, 5) This special exception is for Lonnie & Sandra Bakken only, and only as long as they are the owner/operator's of current use, 6) Approval is for uses as currently utilized and may not be expanded, and 7) Any outstanding code enforcement issues must be resolved immediately. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 4) Fred Rauscher requested permission, as per site plan submitted, for existing residence to remain 14' from the West property line rather than the required 15', which would be a 1' Building Variance in order to construct a 12'x20' addition on rear of residence, all on Lot 1, Block 9, Mel Ros Second Addition to Mel Ros Estates, a.k.a. 1525 Wells Street S. Fred Rauscher was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Building permit must be obtained prior to construction, 2) All required inspections must be completed, and 3) Boulevard trees must be installed as required by City Landscape Ordinance. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 5) Deborah Hovrud requested permission, as per site plan submitted, for existing residence to remain 2' from the North property line rather than the required 5', which would be a 3' Building Variance in order to construct an addition to the South side of residence, all on Lots 19-20, Block 31, Hagerty & Lloyd Addition, a.k.a. 316 State Street N. Deborah Hovrud 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, 3) All required inspections must be completed, and 4) Boulevard trees must to be installed as required. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 6) Don Moffenbier requested permission, as per site plan submitted, to 1) construct two 20'x120' Mini-storage buildings, which would be a Special Exception in a C-2 (Highway Commercial Zoning District), and 2) request permission to construct two 20'x120' mini-storage buildings 10' from a Residential Zoning District rather than the required 30', which would be two 20' Building Variances, all on Lot 1, Jobber's First Storage Addition, a.k.a. 401 Illinois Street S. Don Moffenbier was present to represent the property. Following discussion Sikkink moved and Zumbaum seconded to approve, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to deny, all members voting aye, the motion carried. **BUILDING VARIANCES DENIED.**

- 7) Jon Swenson 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 Gulden's First Subdivision, NE¼ Sect. 27-T123N-R64W, a.k.a. 1804 Highway 281 S. Jon Swenson was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Property must be kept in a neat and orderly manner at all times, 2) No unlicensed, junk, or inoperable vehicles allowed to be stored outside, 3) All items must be available for sale or in process of repair, no personal storage (tractor, pickup and other miscellaneous items on site), 4) No storage in 35' corner visibility triangle, 5) This special exception is for Jon Swenson only, as long as he is the operator of proposed use, and 6) This property is subject to and must permit any inspections by code enforcement due to previous issues at this site. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 8) Avera St. Luke's/State Street Medical Square requested permission, as per site plan submitted, to 1) permit 12 signs rather than the permitted, 1, which would be an 11 Sign Variance, and 2) to permit 737sf of signage rather than the permitted 36sf, which would be a 701sf Sign Variance, and 3) request permission to permit 3 wall signs rather than the permitted 1, which would be a 2 Wall Sign Variance and 4) request permission to permit 10 freestanding signs rather than the permitted 1, which would be a 9 Freestanding Sign Variance, and 5) request permission to permit external lighting of two freestanding signs, which would be an Appeal to the Board of Zoning Adjustment in an R-3 (High Density Residential Zoning District), all on Lot 1, Avera St. Luke's Subdivision, a.k.a. 215 State Street S. Bill Roth of Avera and Cory Weisenburger of Service signs were present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny requested item #1, all members voting nay, the motion failed. Following discussion Weigel moved and VanDeRostyne seconded to approve requested item #1. **SIGN VARIANCE APPROVED.** Following further discussion Sikkink moved and Kezar seconded to approve requested item #2, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Zumbaum seconded to approve requested item #3, all members voting aye, the motion carried. **WALL SIGN VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Zumbaum seconded to approve requested item #4, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE**

- APPROVED.** Following further discussion Bill Roth withdrew requested item #5 and will reapply next month after obtaining a letter of approval from Terry Dickman, concerned neighbor of this property.
- 9) House of Glass, Inc. requested permission, as per site plan submitted, for 1) existing structure to remain 9.5' from the West property line rather than the required 25', which would be a 15.5' Building Variance and 0' from the South property line rather than the required 15', which would be a 15' Building Variance in order to 2) construct a 6'x19' addition 3.5' from the West property line rather than the required 25', which would be a 21.5' Building Variance, all on Lots 1-12, Block 59, and Lots 10-12, Block 58 & Vacated Lloyd Street North between Blocks 58 & 59, Hagerty & Lloyd's Addition, a.k.a. 2 State Street N. Stan Albrecht was present to represent the property. Following discussion VanDeRostyne moved and Kezar 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 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) Steel Structures of Aberdeen 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 The South 19.5' of Lot 7 & Lots 8-9, Block 53, Northwestern Addition, a.k.a. 1202 Jones Avenue NE. Bill Hinds was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to deny, all members voting nay the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Property must be kept in a neat and orderly manner at all times, 2) No unlicensed or inoperable vehicles allowed on site, 3) Property must be fenced, 4) Landscaping must be installed as required, 5) Vacation of right-of-way must be approved with easement granted to city for maintenance of utilities, 6) Plat combining all property and vacated right-of-way must be approved and filed with Register of Deeds before any storage may occur, 7) Fire Marshal's stipulations must be met, and 8) Materials stored on the ground may not be stacked higher than the fence. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 11) Steel Structures of Aberdeen 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 Lots 1-7, Block 52, Northwestern Addition, a.k.a. 1107 Jones Avenue NE. Bill Hinds was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to deny, all members voting nay the motion failed. Following further discussion VanDeRostyne moved and Zumbaum seconded to approve with the following stipulations: 1) Property must be kept in a neat and orderly manner

- at all times, 2) No unlicensed or inoperable vehicles allowed on site, 3) Property must be fenced, 4) Landscaping must be installed as required, 5) Vacation of right-of-way must be approved with easement granted to city for maintenance of utilities, 6) Plat combining all property and vacated right-of-way must be approved and filed with Register of Deeds before any storage may occur, 7) Fire Marshal's stipulations must be met, and 8) Materials stored on the ground may not be stacked higher than the fence. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 12) Steel Structures of Aberdeen 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 Lots 4-5 & the North 14.5' of Lot 6, Block 53, Northwestern Addition, a.k.a. 1201 Jones Avenue NE. Bill Hinds was present to represent the property. Following discussion VanDeRostyne moved and Zumbaum seconded to deny, all members voting nay the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Property must be kept in a neat and orderly manner at all times, 2) No unlicensed or inoperable vehicles allowed on site, 3) Property must be fenced, 4) Landscaping must be installed as required, 5) Vacation of right-of-way must be approved with easement granted to city for maintenance of utilities, 6) Plat combining all property and vacated right-of-way must be approved and filed with Register of Deeds before any storage may occur, 7) Fire Marshal's stipulations must be met, and 8) Materials stored on the ground may not be stacked higher than the fence. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 13) Marie Crawford and Nick Rayman requested permission, as per site plan submitted, to 1) permit four free standing signs, rather than the required 1, which would be a 3 free standing sign variance, and 2) to permit the installation of 843sf of free standing signage rather than the permitted 297sf, which would be a 546sf Free Standing Sign Area Variance, all on The 420' North of the South 75' of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sect. 17-T123N-R63W, a.k.a. 3601 Sixth Avenue SW. Nick Rayman was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny requested item #1, all members voting aye, the motion carried. **FREE STANDING SIGN VARIANCE DENIED.** Following further discussion VanDeRostyne moved and Sikkink seconded to deny requested item #2, all members voting aye, the motion carried. **FREE STANDING SIGN VARIANCE DENIED.**

Following further discussion Kezar moved for adjournment, seconded by Sikkink, all members voting aye, the meeting was adjourned until January 8, 2009.

Paula Nelson
Board of Zoning Adjustment Secretary
December 11, 2008