

BOARD OF ZONING ADJUSTMENT
October 14, 2010

The Board of Zoning Adjustment Meeting was held on Thursday October 14, 2010 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Bob Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Sikkink, Kezar, Weigel, VanDeRostyne, and Babcock. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Barry Dunlavy, Building Inspector, Ken Van Dyne, City Planner, Chad Nilson, Building Inspector, Mike Olson, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of September 9, 2010, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Samantha Wolmarans 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 District, all on Lot 19, Block 15, Twelfth Addition to Highland North, Sec. 27-T123N-R64W, a.k.a. 725 Seventeenth Avenue NE. Samantha Wolmarans was present to represent the property. Following discussion Kezar moved and Weigel 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) Brent & Klarissa Neys requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (M-Ag) Mini-Agricultural District, all on Lot 4B, Block C, Droog's First Subdivision in the S½ Sec. 22-T123N-R64W, a.k.a. 1745 Droog Court. There being no representative present this item was moved to the end of the agenda.

- 3) Robert McGarry requested permission, as per site plan submitted, for existing residence to remain 4' from the West property line rather than the permitted 5', which would be a 1' Building Variance in order to replace the East foundation wall, all on the East 30' of Lot 4, Block 20, Thomas Addition, Sec. 24-T123N-R64W, a.k.a. 310 Eighth Avenue SE. Bette E. McGarry was present to represent the property. Following discussion Weigel 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 and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 4) Jim & George Schriver requested permission, as per site plan submitted, to construct a 36' x 52' addition with 16' high sidewalls to an existing accessory structure, which would be a Special Exception in a (C-2) Highway Commercial District and a 6' sidewall height Building Variance over the permitted 10' sidewall height, all on Lot 1, Schriver's Third Addition, Sec. 13-T123N-R64W, a.k.a. 414 Fifth Avenue NW. George Schriver was present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny. Upon roll call, Sikkink - nay, Kezar, VanDeRostyne, Weigel, and Babcock - aye (1-nay,4-aye), the motion carried. **SPECIAL EXCEPTION DENIED.**

- 5) Keith Richter requested permission, as per site plan submitted, for existing residence to remain 6.5' from the West property line rather than the permitted 15', which would be an 8.5' Building Variance and 12' from the South property line rather than the permitted 20', which would be an 8' Building Variance in order to construct a 7' x 20' deck which meets all required setbacks, all on Lot 1, Pomplum's First Subdivision, Sec. 18-T123N-R63W, a.k.a. 1602 Third Avenue SE. Keith Richter 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 setbacks must be verified, 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**

- 6) Bob Baker requested permission, as per site plan submitted, to construct a 27' x 28.5' addition to the front of the existing attached garage 82' from the North property line rather than the required 100', which would be an 18' Building Variance, all on Outlot 14 of Jobee Acres in the NE¼ Sec. 27-T123N-R63W, a.k.a. 6102 134th Street. Bob & Andrea Baker were present to represent the property. Following discussion Sikkink 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 and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **BUILDING VARIANCE APPROVED.**

- 7) General Dynamic Wireless Services requested permission, as per plans submitted, to make changes to antenna configuration and structure modifications to an existing communications tower, which would be a Special Exception in a (C-2) Highway Commercial District, all on the South 708' of the West 708' of the SW Corner of the SW¼ Sec. 11-T123N-R64W, a.k.a. 1822 Eighth Avenue NW. Chris Dolan was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny, all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED.**
- 8) Dean Rogers and New Cingular Wireless PCS, LLC dba AT&T requested permission, as per plans submitted, to construct a new 80' telecommunications tower and associated 11.5' x 20' equipment shelter, which would be a Special Exception in an (I-2) Unrestricted Industrial District, all on Lot C Replat of Portion of Block 51, Thomas Addition, Sec. 24-T123N-R64W, a.k.a. 1112 Second Street S. Ralph Wyngarden of Faulk & Foster and Dean Rogers were present to represent the property. Following discussion VanDeRostyne moved and Weigel seconded to deny, all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED.**
- 2) Brent & Klarissa Neys requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (M-Ag) Mini-Agricultural District, all on Lot 4B, Block C, Droog's First Subdivision in the S½ Sec. 22-T123N-R64W, a.k.a. 1745 Droog Court. Kimberly Byram was present to represent the property. Following discussion Kezar 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, 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.**
- 9) Doug & Karelyn Farrand requested permission, as per site plan submitted, for 1) existing residence to remain 83' from West property line rather than the required 100', which would be a 17' Building Variance in order to 2) construct an addition 72' from the West property line rather than the permitted 100', which would be a 28' Building Variance, all on Beckler-Engel First Addition, SW¼ Sec. 27-T123N-R63W, a.k.a. 2315 391st Avenue. Mike Jung of Jung Construction 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 Sikkink 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 prior to work commencing, 2) Property pins must be located for inspection and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 10) Boyd Poppen requested permission, as per site plan submitted, to 1) construct a 12' x 12' shed 8' from the South property line, rather than the required 15', which would be a 7' Building Variance and 2) 31' from the West property line, rather than the required 35', which would be a 4' Building Variance, all on Outlot 8, Derian's Outlots 1-10, NW¼ Sec. 27-T123N-R64W, a.k.a. 1814 Derian Drive. Boyd Poppen was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to deny, all members voting nay, the motion carried. Following further 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 and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 11) Molded Fiber Glass South Dakota, requested permission, as per site plan submitted, to install a 37 meter (121.5') long wind turbine blade as a 780 square foot business sign rather than the permitted 27 square feet (deducting the existing 537 square foot sign from the permitted signage total of 564 square feet), would be a Sign Variance of 753 square feet, all on Brown County Addition, Excluding the North 33' in the SE¼ Sec. 8-T123N-R63W, a.k.a. 1401 Brown County 19 North. Mark Robertson of Molded Fiber Glass South Dakota was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) Site plans must be removed, 2) A sign permit must be obtained prior to placement, and 3) Sign must be removed immediately if this business ceases operations. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**
- 12) James Valley Wireless, requested permission, as per site plan submitted, to construct a 12' x 18' building to house equipment for an existing transmitter tower, which would be a Special Exception in a (C-2) Highway Commercial District, all on Lot 3, NVC West Addition, Sec. 4 T123N R64W, a.k.a. 704 Fourth Street N. Rick Stugelmayer of James Valley Wireless was present to represent the property. Following discussion Weigel 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 and setback must be verified, 3) All required inspections must be completed, 4) Sidewalk must be installed along the property's south and west frontages, 5) A review of the properties landscaping requirements must be completed, and

- 6) Applicable Hazardous Identification Signs must be installed per Fire Code. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 13) Lonnie Anderson, requested permission, as per site plan submitted, to temporarily place a 14' x 20' shed on a lot without a primary structure, which would be an Appeal to the Zoning Board of Adjustment, all on Block 2, Fairview First Subdivision, SE¼ Sec. 1-T123N-R64W, a.k.a. 2505 Penn Street N. Lonnie Anderson 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 moving shed on the property, 2) Property pins must be located for inspection and setbacks must be verified, 3) All required inspections must be completed, 4) This appeal shall become invalid when this property is developed, and 5) Shed must be removed prior to October 14, 2012. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **APPEAL APPROVED.**
- 14) Dennis Hales, requested permission, as per site plan submitted, to plat a lot 30' x 50' rather than the minimum 75' x 142' lot size requirement in a (C-2) Highway Commercial District, which would be a minimum Lot Size Variance, all on the South 623' Excluding Lot D & Lot Y, SW Corner of SW¼ Sec. 26-T123N-R64W, a.k.a. 1726 135th Street. Francis Brink of Brink Engineering 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 and setbacks must be verified, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT SIZE VARIANCE APPROVED.**

Following further discussion VanDeRostyne moved for adjournment, seconded by Weigel, all members voting aye, the meeting was adjourned until November 10, 2010.

Paula Nelson
Board of Zoning Adjustment Secretary
October 14, 2010