

BOARD OF ZONING ADJUSTMENT
November 10, 2010

The Board of Zoning Adjustment Meeting was held on Wednesday, November 10, 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 Musel, VanDeRostyne, Kezar, Weigel, and Babcock. Sikkink was absent. 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, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and VanDeRostyne seconded to approve the Board of Zoning Adjustment minutes of October 14, 2010, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Mark Auske requested permission, as per site plan submitted, for the existing residence to remain 1) 2' from the East property line, rather than the required 5', which would be a 3' Building Variance and 2) 22.5' from the South property line, rather than the required 25', which would be a 2.5' Building Variance, all in order to replace a section of the North foundation wall, all on Lot 3, Narregang's 2nd Re-subdivision of Lots 7-10, Block 46 of the Second Addition, NW¼ Sec. 24-T123N-R64W, a.k.a. 314 Eighth Avenue SW. Mark Auske was present to represent the property. Following discussion VanDeRostyne moved and Musel 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.**
- 2) William & Lila Antonides requested permission, as per site plan submitted, for the existing residence to remain 18.5' from the West property line, rather than the required 25', which would be a 6.5' Building Variance in order to construct an addition of the South side of the residence, all on Lots 19 & 20, Block 18, Hagerty and Lloyds Addition, NE¼ Sec. 13-T123N-R64W, a.k.a. 514 Arch Street North. Mike Jung of Jung Construction was present to represent the property. Following discussion Kezar moved and Weigel 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.**
- 3) Brenner Builders, Inc. requested permission, as per plans submitted, to plat a lot 125.09' deep rather than the required 150', which would be a 24.91' Lot Dimension Variance, all on Proposed Lot 5, Brenner-Moser Addition to the City of Aberdeen, NE¼ Sec. 14-

T123N-R64W, a.k.a. 115 East Drive. There being no representative present this item was moved to the end of the agenda.

- 4) Brenner Builders, Inc. requested permission, as per plans submitted, to plat a lot 1) 100' deep rather than the required 150', which would be a 50' Lot Dimension Variance and 2) 83.6' wide rather than the required 100', which would be a 16.4' Lot Dimension Variance and 3) approximately 8,400 square feet in area rather than the required 15,000 square foot minimum, which would be a 6,600 square foot Lot Size Variance, all on Proposed Lot 1, Brenner-Moser Addition to the City of Aberdeen, NE¼ Sec. 14-T123N-R64W, a.k.a. 120 East Drive. There being no representative present this item was moved to the end of the agenda.
- 5) Steve Bickler requested permission, as per plans submitted, to plat a lot 100.01' deep rather than the required 150', which would be a 49.9' Lot Dimension Variance, all on Proposed Lot 3, Brenner-Moser Addition to the City of Aberdeen, NE¼ Sec. 14-T123N-R64W, a.k.a. 106, 108 & 110 East Drive. There being no representative present this item was moved to the end of the agenda.
- 6) Bonnie Henjum requested permission, as per site plan submitted, for the existing residence to remain 21' from the East property line rather than the required 25', which would be a 4' Building Variance in order to construct a back deck, all on Lots 651 & 652, Morning Heights Subdivision, NE¼ Sec. 19-T123N-R63W, a.k.a. 628 Park Street South. Elmer Zahn of EZ Builders 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Dwight Syverson requested permission, as per site plan submitted, for 1) the existing residence to remain 19' from the West property line rather than the required 25', which would be a 6' Building Variance and 2) replace the front, uncovered deck 14' from the West property line rather than the required 15' which would be a 1' Building Variance, all on Lot 2, Tarrell-Syverson 1st Subdivision, NW¼ Sec. 19-T123N-R63W, a.k.a. 1121 Cochrane Street South. Dwight Syverson was present to represent the property. Following discussion Musel 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 VARIANCES APPROVED.**
- 8) Bob Kuntz requested permission, as per site plan submitted, for the existing residence to remain 14' from the South property line rather than the required 25', which would be an 11' Building Variance, in order to construct a 20' x 20' addition to the back of the residence, all on the East 37.5' of Lot 16, Block 35, Second Addition, NW¼ Sec. 24-

T123N-R64W, a.k.a. 310 Seventh Avenue SW. Shawn Malsam was present to represent the property. Following discussion Weigel 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, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 9) Mary Grimm requested permission, as per site plan submitted, for 1) the existing residence to remain 10'3" from the East property line rather than the required 25', which would be a 14'9" Building Variance, in order to 2) replace a deck 3'7" from the East property line rather than the required 15' which would be an 11'5" Building Variance all on Lots 7-9, Block 40, Hagerty & Lloyd Addition, NE¼ Sec. 13-T123N-R64W, a.k.a. 211 Lloyd Street North. Dan Bittner of Pro-Build was present to represent the property. Following discussion Kezar moved and Weigel 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.**
- 10) James C. Heier requests permission, as per site plan submitted, for 1) the existing residence to remain 17' from the East property line rather than the required 25' which would be an 8' Building Variance, and 2) 5.5' from the South property line rather than the required 15' which would be a 9.5' Building Variance, and 3) 2.1' from the North property line rather than the required 5' which would be a 2.9' Building Variance in order to, 4) construct a 14' x 24' addition to the back of the residence 4.1' from the North property line rather than the required 5' which would be a 0.9' Proposed Set-Back Variance all on the South 17.2' of Lot 142 & Lot 143, Morning Heights Addition, NW¼ Sec. 19-T123N-R63W, a.k.a. 840 Aldrich Street South. James C. Heier was present to represent the property. Following discussion VanDeRostyne moved and Musel seconded to approve agenda items #1, #2, and #3. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to deny agenda #4, all members voting nay, the motion failed. Following further discussion Kezar moved and Musel seconded to approve agenda item #4 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. **PROPOSED SETBACK VARIANCE APPROVED.**
- 11) Chris and Kristie Martin requested permission, per site plan submitted, to construct a covered deck on the front of the residence 21' from the East property line rather than the required 25' which would be a 4' Building Variance all on Lot 4, Block 34, Thomas Addition, NW¼ Sec. 24-T123N-R64W, a.k.a. 1010 Washington Street South. Chris and Kristie Martin were present to represent the property. Following discussion VanDeRostyne

moved and Musel 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.**

- 3) Brenner Builders, Inc. requested permission, as per plans submitted, to plat a lot 125.09' deep rather than the required 150', which would be a 24.91' Lot Dimension Variance, all on Proposed Lot 5, Brenner-Moser Addition to the City of Aberdeen, NE¼ Sec. 14-T123N-R64W, a.k.a. 115 East Drive. Dan Brenner was present to represent the property. Following discussion Kezar moved and Musel seconded to approve with the stipulation that Proposed Lot 5 must be annexed into the city limits. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **LOT DIMENSION VARIANCE APPROVED.**
- 4) Brenner Builders, Inc. requested permission, as per plans submitted, to plat a lot 1) 100' deep rather than the required 150', which would be a 50' Lot Dimension Variance and 2) 83.6' wide rather than the required 100', which would be a 16.4' Lot Dimension Variance and 3) approximately 8,400 square feet in area rather than the required 15,000 square foot minimum, which would be a 6,600 square foot Lot Size Variance, all on Proposed Lot 1, Brenner-Moser Addition to the City of Aberdeen, NE¼ Sec. 14-T123N-R64W, a.k.a. 120 East Drive. Dan Brenner was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the stipulation that if any portion of the proposed lot is outside city limits then Proposed Lot 1 must be annexed into the city limits. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **LOT DIMENSION VARIANCES AND LOT SIZE VARIANCE APPROVED.**
- 5) Steve Bickler requested permission, as per plans submitted, to plat a lot 100.01' deep rather than the required 150', which would be a 49.9' Lot Dimension Variance, all on Proposed Lot 3, Brenner-Moser Addition to the City of Aberdeen, NE¼ Sec. 14-T123N-R64W, a.k.a. 106, 108 & 110 East Drive. Dan Brenner was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the stipulation that if any portion of the proposed lot is outside city limits then Proposed Lot 3 must be annexed into the city limits. Upon roll call, all members voting aye with Weigel abstaining, the motion carried. **LOT DIMENSION VARIANCE APPROVED.**

Following further discussion Kezar moved for adjournment, seconded by Musel, all members voting aye, the meeting was adjourned until December 9, 2010.

Paula Nelson
Board of Zoning Adjustment Secretary
November 10, 2010