

BOARD OF ZONING ADJUSTMENT
January 13, 2011

The Board of Zoning Adjustment Meeting was held on Thursday, January 13, 2011 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Weigel presiding as Acting Chairman. Acting Chairman Weigel called the meeting to order. Members present at roll call were Weigel, Musel, VanDeRostyne, and Kezar. Babcock was absent. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Ken Van Dyne, City Planner, Stuart Nelson, Assistant City Engineer, Chad Nilson, Building Inspection, Barry Dunlavy, Building Inspector, and Paula Nelson, Board of Zoning Adjustment Secretary.

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

Acting Chairman Weigel began with new business as follows:

- 1) Kent Properties, LLP and Tammy Pierce-Cerny requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in an (R-3) High Density Residential District, all on Lot 22 and the East 50' of the North 16' of Lot 23, Draeger's Rearrangement of Block 11, Draeger & Yeagers Addition, SW $\frac{1}{4}$ Sec. 18-T123N-R63W, a.k.a. 504 Weber Street S. Tammy Pierce-Cerny was present to represent the property. Following discussion VanDeRostyne moved and Musel 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) Dirk Swanson, requested permission, as per site plan submitted, to construct a mini-storage unit in addition to a motel, which would be a Special Exception on a property zoned (C-2) Highway Commercial District, all on Lot 2, Swanson Electric Addition, SW $\frac{1}{4}$ Sec. 14-T123N-R64W, a.k.a. 1624 Sixth Avenue SW. Dirk Swanson was present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to deny, all members voting nay, the motion failed. Following further 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, 3) All required inspections must be completed, 4) Parking as required by ordinance must be supplied for the structure's uses, and 5) Landscape plan must be approved by the City Forester. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 3) R&J Enterprises, LLC, requested permission, as per site plans submitted, to: 1) permit the relocation of a second freestanding sign (6'x12') which would be a one Freestanding Sign Variance and 2) to install a 4'x10' multicolor electronic message center sign, which would be an Appeal to the Board of Zoning Adjustment, and 3) to permit 772sf of freestanding sign area rather than the permitted 300sf, which would be a 472sf freestanding Sign Variance, 4) to allow a 660sf off-premise sign to remain 6" from the East property line, rather than the required 20', which would be a 19.5' Sign Setback Variance, 5) to allow a 660sf off-premise sign rather than the permitted 400sf, which would be a 260sf Off-Premise Sign Variance, 6) to allow the existing off-premise sign to remain 3' from the North property line rather than the required 20', which would be a 17' Sign Setback Variance, property zoned (C-2) Highway Commercial District, all on Outlot D, Schumacker, NW¼ Sec. 22-T123N-R63W, a.k.a. 5350 Highway 12 E. Cory Weisenburger of Service Signs and Ron Nold of Budget Furniture were present to represent the property. Following discussion Musel moved and VanDeRostyne seconded to deny agenda item #1, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #1 with the stipulation that the new sign must meet all required setbacks and may not exceed 6' x 12'. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.** Following further discussion Musel moved and VanDeRostyne seconded to approve agenda item #2 with the following stipulations: 1) The Budget Furniture portion of the second freestanding sign (the billboard) must be removed, 2) All electronic message board signs shall be in compliance with all other applicable codes regarding signs, 3) This sign shall not interfere with traffic safety, and may not be confused with or construed as a traffic control device, 4) Each message displayed shall remain static for a minimum of 6 seconds, with all change sequences to be instantaneous, 5) Electronic message board signs shall not contain animated images or graphics, audio components, scrolling, blinking, flashing, pulsating, or fluttering images or the appearance or illusion of writing, printing, or other movement, 6) Electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. If approved as previously done for a monochrome rather than multicolor electronic message board sign - the sign shall be limited to utilizing only amber colored lights. Upon roll call, all members voting aye, the motion carried. **FREE STANDING SIGN VARIANCE APPROVED.** Following discussion Musel moved and VanDeRostyne seconded to approve agenda item #3 with the stipulation that the billboard size be reduced to 400 sq ft as allowed by Ordinance. Upon roll call, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE APPROVED.** Following discussion VanDeRostyne moved and Kezar seconded to deny agenda items #4, #5, and #6. Upon roll call, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE, OFF-PREMISE SIGN VARIANCE,**

AND SIGN SETBACK VARIANCE DENIED. Following further discussion Kezar moved and VanDeRostyne seconded to reconsider agenda item #2 due to a misunderstanding of the color stipulation #6. Upon roll call, all members voting aye, the motion carried. Following further discussion VanDeRostyne moved and Musel seconded to approve the alteration of stipulation #6 on agenda item #2 to read as follows: 6) Multi-color electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. Upon roll call, all members voting aye, the motion carried. **FREE STANDING VARIANCE STIPULATION AMENDED.**

- 4) The City of Aberdeen and Dakota Broadcasting, LLC. requested permission, as per site plan submitted, to install a 6' diameter, 12' tall satellite dish, which would be a Special Exception in a (M) Municipal, State and County Use District, all on Lot B of Lot 1, Howard's Outlot B, NE¼ Sect. 14-T123N-R64W, a.k.a. 608 Sixth Street N. Joel Swanson, General Manager of Dakota Broadcasting, LLC was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the stipulation that an easement must be obtained from the Aberdeen City Council for all existing and proposed structures located on city property as described above. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

Acting Chairman Weigel continued with other business as follows:

- 1) Chad Nilson was present on behalf of O.M. Tiffany School. Discussion ensued concerning the school's interest in replacing their existing sign with an electronic message center. No action taken.
- 2) VanDeRostyne questioned the dilapidated billboard west of Butler Machinery on property owned by Bill Welk, advertising Meyer's Salvage & RG's Restaurant. Brett Bill stated that Code Enforcement is working on this situation already. No action taken.

Following further discussion Kezar moved for adjournment, seconded by VanDeRostyne, all members voting aye, the meeting was adjourned until February 10, 2011.

Paula Nelson
Board of Zoning Adjustment Secretary
January 13, 2011