

**BOARD OF ZONING ADJUSTMENT**  
**February 10, 2011**

The Board of Zoning Adjustment Meeting was held on Thursday, February 10, 2011 in the City Hall 3<sup>rd</sup> Floor Courtroom, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Babcock, Weigel, Kezar, VanDeRostyne, and Sikkink. 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, Rob Baumgartner, 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 January 13, 2011, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Titan Machinery, Inc. dba H.C. Clark Implement, requested permission, as per plan site submitted for the open storage and sale of equipment, which would be a Special Exception in a (C-2) Highway Commercial District, all on Lot 5, McIntyre's Subdivision, SW¼ Sec.16-T123N-R63W, a.k.a. 4411 6<sup>th</sup> Avenue SE. Attorney Kenneth Gosch was present to represent the property. Following discussion Weigel moved and Kezar seconded to approve with the following stipulations: 1) This special exception is for the requested open storage, display and sale of implements and machinery (not personal vehicle sales/storage), and 2) The property must be maintained in a neat and orderly manner at all times. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 2) Amy Mattke requested permission, as per 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 10, Block 2, Homes Are Possible 3<sup>rd</sup> Subdivision, SE¼ Sec. 23-T123N-R64W, a.k.a. 923 13<sup>th</sup> Avenue SW. Amy Mattke 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; fence must be installed by June 01, 2011, 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.**

- 3) Ryan Barr requested permission, as per site plan submitted, to 1) place a 12' x 16' shed 8.95' from the North property line rather than the required 35', which would be a 26.05' Proposed Setback Variance, and 2) 4' from the East property line rather than the required 10', which would be a 6' Proposed Setback Variance, and 3) 4' from the South property line rather than the required 10', which would be a 6' Proposed Setback Variance, all within an (R-1) Low Density Residential District, on Lot 15, Block 4, Replat of Gorders 4<sup>th</sup> Addition & Lots 14A & 15A, Engel's Replat of a Portion of Lot 4, Culbert's Subdivision, NW¼ Sec. 25-T123N-R64W, a.k.a. 1849 Eisenhower Circle. Ryan Barr was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to deny. Upon roll call, Sikkink - nay, Kezar - nay, VanDeRostyne - aye, Weigel - nay, Babcock - nay (4-nay, 1-aye), the motion failed. Following further discussion Sikkink moved and Kezar seconded to approve with the following stipulations: 1) The property must be platted into one lot by June 01, 2011 (the current configuration is in violation by having accessory structures on a lot without a primary structure), 2) The owner shall have the new, combined plat, annexed into the city by June 01, 2011, 3) 10' x 12' shed must be removed by June 01, 2011, and 4) The remaining 12' x 16' shed must be made aesthetically similar to the primary structure by June 01, 2011. Upon roll call, all members voting aye, the motion carried. **PROPOSED SETBACK VARIANCES APPROVED.**
- 4) Martin LaRoche Sr. requested permission, as per site plan submitted, for the existing residence to remain 23' from the West property line rather than the required 25', which would be a 2' Setback Variance, in order to construct a new front porch which meets all required setbacks, all within an (R-3) High Density Residential District on Lot 2, Johnson's Replat of Lots 7-8, Block 20, Highland Park Addition & the North 32' of Vacated Street, NW¼ Sec. 23-T123N-R64W, a.k.a. 819 13<sup>th</sup> Street S. Martin LaRoche, Sr. was present to represent the property. Following discussion Kezar moved and Babcock seconded to approve, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.**
- 5) Inman & McDowell, Inc. requested permission, as per site plan submitted, to 1) construct more than one primary structure on a single lot (six apartment buildings) as a group project which would be a Special Exception in an (R-2/R-4) Medium Density Residential/Special Density Residential District, and 2) construct the proposed Building 'A' (7-plex) 15' from the North front property line rather than the required 35' setback, which would be a 20' Proposed Setback Variance, and 3) construct the proposed Building 'A Rev.' (7-plex) 15' from the North front property line rather than the required 35' setback, which would be a 20' Proposed Setback Variance, and 4) construct the proposed 'Building B' (4-plex) 15' from the West front property line rather than the required 35' setback, which would be a 20' Proposed Setback Variance, and 5) construct the proposed 'Building D' (6-plex) 15' from the West front property line rather than the required 35' setback, which would be a 20' Proposed Setback Variance, and 6) construct 'Building C Rev' (4-plex) 22' from the East rear property line rather than the required 30' setback, which would be an 8'

Proposed Setback Variance, and 7) construct 'Building C' (4-plex) 22' from the East rear property line rather than the required 30' setback, which would be an 8' Proposed Setback Variance, all on Lots 1-10 Inman's 5<sup>th</sup> Addition & the entirety of McDowell Circle R.O.W. (pending vacation), SW¼ Sec. 17-T123N-R63W. Jody Zueger and Bryan Samson of the Aberdeen Housing Authority were present to present the property. Tom Black, Aberdeen Housing Authority Board Member spoke in favor of this project. Clyde Mork, Carolyn Schaunaman, Jean Pelzl, Dr. Maurice Dorsett, Sheila Blomster, Virgil Eisenbeisz, Kathleen Manning, Eileen Damgaard, Irene Howell, and Ryan Rivett spoke and voiced their concerns about this project. Dr. Maurice Dorsett submitted a letter of concern from Trevor & Sharon Osborne. Following discussion VanDeRostyne moved and Kezar seconded to approve agenda item #1 with the following stipulations: 1) The property will have to be replatted and the right-of-way vacationed, 2) This development creates a large impervious surface. Any approved plan must include a detention pond (or other such mechanisms) to minimize stormwater runoff or overtaxing the public storm sewer system, 3) Development must include completion of sidewalks on street frontages and any required landscaping, 4) All plans must be approved and permits obtained prior to commencing work, 5) Property pins must be located and setbacks verified, and 6) Permits must be obtained for any signage. Upon roll call, Sikkink - aye, Kezar - nay, VanDeRostyne - aye, Weigel - abstain, Babcock - nay (2-aye, 2-nay, 1-abstain), the motion failed. **SPECIAL EXCEPTION DENIED.** Following further discussion Kezar moved and Sikkink seconded to deny agenda items #2 - #7, all members voting aye with Weigel abstaining, the motion carried. **PROPOSED SETBACK VARIANCE DENIED.**

6) Stencil Corp. requested permission, as per site plan submitted, to 1) plat a lot with 53.47' of frontage rather than the required 60' which would be a 6.53' Lot Dimension Variance in an (R-2/R-4) Medium Density Residential/Special Density Residential District, and 2) construct a twin home 0' from the West property line rather than the required 8' which would be an 8' Proposed Setback Variance, all on Proposed Lot 2, Rolling Hills Village 15<sup>th</sup> Addition, NW¼ Sec. 14-T123N-R64W, a.k.a. 1610 Stewart Drive. Scott Vandusen of Stencil Corp. was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plat must be approved by Planning Commission & City Council, and filed with Register of Deeds, 2) Plans must be submitted and permits obtained, and 3) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **LOT DIMENSION VARIANCE AND PROPOSED SETBACK VARIANCE APPROVED.**

7) Stencil Corp. requested permission, as per site plan submitted, to construct a twin home 0' from the East property line rather than the required 8', which would be an 8' Proposed Setback Variance in an (R-2/R-4) Medium Density Residential/Special Density Residential District, on Proposed Lot 1, Rolling Hills Village 15<sup>th</sup> Addition, NW¼ Sec. 14-T123N-R64W, a.k.a. 1616 Stewart Drive. Scott Vandusen of Stencil Corp. was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the following stipulations: 1) Plans must be submitted and permits obtained, and 2) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **PROPOSED SETBACK VARIANCE APPROVED.**

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

---

Paula Nelson  
Board of Zoning Adjustment Secretary  
February 10, 2011