

BOARD OF ZONING ADJUSTMENT
April 14, 2011

The Board of Zoning Adjustment Meeting was held on Thursday, April 14, 2011 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Babcock presiding as Chairman. Chairman Babcock called the meeting to order. Members present at roll call were Sikkink, Kezar, VanDeRostyne, Babcock, and Weigel. 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, Mike Olson, Code Enforcement Officer, and Paula Nelson, Board of Zoning Adjustment Secretary.

VanDeRostyne moved and Kezar seconded to approve the Board of Zoning Adjustment minutes of March 10, 2011, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) SDWG Building, LLC and Jeff Lamont requested permission, as per plans submitted, to install a 123.33 square foot free-standing sign rather than the permitted 100 square feet, which would be a 23.33 square foot free standing Sign Variance in a (C-3/R-4) Central Business District/Special Density Residential District, all on Lots 5-12, Block 40, Second Addition, NW¼ Sec. 24-T123N-R64W, a.k.a. 110 Sixth Avenue SE. Jeff Lamont, Todd Lamont, Nate Kessler and Rod Mack of Service Signs were present to represent the property. Following discussion Weigel moved and Kezar seconded to deny. Following discussion Kezar called the question and roll call was taken as follows: Sikkink-nay, Kezar-nay, VanDeRostyne-aye, Weigel-aye, Babcock-nay (3-nay, 2-aye), the motion failed. Request died for lack of a second motion. **SIGN VARIANCE DENIED.**
- 2) Tom Hinz requested permission, as per site plan submitted, to 1) permit the existing house to remain 47' from the north property line, rather than the required 100', which would be a 53' Setback Variance in order to 2) construct a 26' x 34' addition, a 22' x 26' attached garage, and a 13' x 24' covered porch, all of which would be 34' from the north property line, rather than the required 100', which would be a 66' Setback Variance, and 3) to construct a new 30' x 54' garage/shop 68' from the north property line, rather than the required 100', which would be a 32' Setback Variance, and 4) to construct a roof on an existing 24' x 120' calving shelter 24' from the north property line, rather than the required 100', which would be a 76' Setback Variance, all on property currently zoned (A-1) Agricultural District on the North 208' of the East 2100', NE¼ Sec. 7-T122N-R63W, a.k.a. 38895 137th Street. Tom Hinz was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve agenda item #1. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.** Following further discussion Weigel moved and Babcock seconded to approve agenda items #2 - #4 with the stipulation that the property shall be rezoned to (M-AG) Mini-Agricultural District as the lot does not meet the 40 acre minimum lot size required for an

(A-1) Agricultural District. Upon roll call, all members voting aye, the motion carried.
SETBACK VARIANCES APPROVED.

- 3) Homes Are Possible, Inc. requested permission to 1) plat two 50' wide lots rather than the required 60', which would be two 10' Lot Dimension Variances, and 2) to permit two 0' side setbacks for the shared lot line for the construction of twin homes, rather than the required 8' which would be two proposed 8' side Setback Variances in an (R-2) Medium Density Residential District on Lot 4, Block 1, Homes Are Possible 7th Subdivision, SW¹/₄ Sec. 23-T123N-R64W, a.k.a. 1220 Thirteenth Avenue SW. Jeff Mitchell was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the following stipulations: 1) The new plat must be submitted and approved by the Planning Commission and City Council, 2) All necessary permits must be obtained and inspections made, and 3) Any required landscaping must be completed. Upon roll call, all members voting aye, the motion carried. **LOT DIMENSION VARIANCES AND SETBACK VARIANCES APPROVED.**
- 4) Homes Are Possible, Inc. requested permission to construct a twin home 0' from the east property line rather than the required 8' which would be a proposed 8' side Setback Variance in an (R-2) Medium Density Residential District on Lot 11, Block 1, Homes Are Possible 7th Subdivision, SW¹/₄ Sec. 23-T123N-R64W, a.k.a. 1414 Thirteenth Avenue SW. Jeff Mitchell was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the following stipulations: 1) All necessary permits must be obtained and inspections made, and 2) Any required landscaping must be completed. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.**
- 5) Homes Are Possible, Inc. requested permission to construct a twin home 0' from the west property line rather than the required 8' which would be a proposed 8' side Setback Variance in an (R-2) Medium Density Residential District on Lot 10, Block 1, Homes Are Possible 7th Subdivision, SW¹/₄ Sec. 23-T123N-R64W, a.k.a. 1408 Thirteenth Avenue SW. Jeff Mitchell was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the following stipulations: 1) All necessary permits must be obtained and inspections made, and 2) Any required landscaping must be completed. Upon roll call, all members voting aye, the motion carried. **SETBACK VARIANCE APPROVED.**
- 6) Tom & Danielle Aman requested permission to permit two 40" x 129" (71.66 sf total) free-standing signs rather than the permitted single sign, which would be one free-standing Sign Variance in a (C-3/R-4) Central Business District/Special Density Residential District on Lot 1, Blackstone 2nd Subdivision, SW¹/₄ Sec. 13-T123N-R64W, a.k.a. 1 Main Street N. Patrick King of QQP Creative Signs was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) All required sign permits must be obtained, and 2) Placement of the sign

shall not be within the 35' corner visibility triangle. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCE APPROVED.**

- 7) Ron Wagner and Cory Johnson requested permission to operate a Pub/Laundromat, which would be an Appeal to the Board of Zoning Adjustments in a (C-1) Neighborhood Commercial District on Lots 20-22, Block 45, Hagerty & Lloyd Addition, NE¼ Sec. 13-T123N-R64W, a.k.a. 120 State Street N. Ron Wagner and Cory Johnson were present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve with the following stipulations: 1) Any required licenses to serve alcohol must be obtained, 2) A site plan and floorplan must be submitted and approved by a Building Inspector and the Fire Marshal with any required changes completed, 3) Inspection must be scheduled and conducted by the Health Inspector prior to pub operations, 4) Any necessary permits for building remodeling and signage must be obtained, and 5) Alcohol beverage consumption must not extend outside of the building, 6) Must be approved by Planning Commission too, 7) The exterior of the property should be cleaned up/improved as recommended by code enforcement (specifically the north & east walls should have improved siding), and 8) Concerns/questions made by the police department must be addressed (hours of operation for the pub portion of the business, checking ID's - who will be present to conform to liquor/beer laws, will a manager be on duty during business hours, is the business 24/7). Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

Babcock continued with other business as follows:

- 1) Patrick King of QQP Creative Signs, Ben Schnell and Katie Zeeb of the Aberdeen School District were present to represent the property. Discussion ensued concerning the Central High School digital sign approved at last months meeting and whether non-school related activities (i.e. community events) could be advertised on sign. No action taken.
- 2) Brett Bill stated that Ken VanDyne's last day is April 20th so this will be his last meeting.

Following further discussion Kezar moved for adjournment, seconded by Sikkink, all members voting aye, the meeting was adjourned until May 12, 2011.

Paula Nelson
Board of Zoning Adjustment Secretary
April 14, 2011