

BOARD OF ZONING ADJUSTMENT
August 11, 2011

The Board of Zoning Adjustment Meeting was held on Thursday, August 11, 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 Kezar, VanDeRostyne, Grebner, Weigel, and Babcock. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, Barry Dunlavy, 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 July 14, 2011, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Kimberly & Brady Byram 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 Zoning District, all on Lot 4A, Block C, Droog First Subdivision, S½ Sect. 22-T123N-R64W, a.k.a. 1747 Droog Court. Brady Byram was present to represent the property. Following discussion Weigel 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.**

- 2) Leah Murphy requested permission, as per site plan submitted, to operate a daycare as a home occupation, which would be a Special Exception in a (R2) Medium Density Residential Zoning District, all on Lot 8, Block 35, Northwestern Addition to Aberdeen, a.k.a. 907 Third Avenue NE. Jesse Murphy 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 November 1, 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) Gosch, Cremer & Peterson, LLC requested permission, as per site plan submitted, to 1) replace a back deck and covered front porch on a residence located in a (C-2) Highway Commercial Zoning District, which would be a Special Exception, and 2) request permission for existing residence to remain 30' from the East property line rather than the required 45', which would be a 15' Setback Variance, all on Lot 3, Union Subdivision of Block 10, Hagerty & Lloyd Addition, a.k.a. 520 Kline Street S. There being no representative this item was moved to the end of the agenda.
- 4) Scott Suedmeier requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, raw materials, building materials, supplies, wholesaling, warehousing, manufactured goods, contractor's equipment, and concrete, asphalt and ready-mix manufacturing operations and sales, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 2, Risager Addition of Block 60, Hagerty & Lloyd Addition, a.k.a. 505 Railroad Avenue SE. There being no representative this item was moved to the end of the agenda.
- 5) Jacob Palmer requested permission, as per site plan submitted, for 1) existing residence to remain 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance and 2) to construct a 8'x23' covered porch 20' from the West property line rather than the required 25', which would be a 5' Building Variance, all on Lot 9, Lawson's Second Replat of Block 11, Woolverton Addition, a.k.a. 1021 Penn Street S. Jacob Palmer was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda item #1, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion VanDeRostyne moved and Kezar 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.**
- 6) Tori & Nathan Pueppke requested permission, as per site plan submitted, to construct a 12'x20' detached garage 15' from the South property line rather than the required 25', which would be a 10' Building Variance, all on The West 73.5' of Lot 10, Block 1, Garden

Park Addition, a.k.a. 629 Ninth Street S. Tori Pueppke 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, 3) All required inspections must be completed, and 4) A petition to rezone from (C-2) Highway Commercial District to (R-3) High Density Residential District must be approved by City Planning Commission and City Council. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**

- 7) Antonio Perez requested permission, as per site plan submitted, for existing residence to remain 21.5' from West property line rather than the required 25', which would be a 3.5' Building Variance and 7.66' from the South property line rather than the required 15', which would be a 7.33' Building Variance and 4' from the North property line rather than the required 5', which would be a 1' Building Variance, and for existing detached garage to remain 3' from the East property line rather than the required 5', which would be a 2' Building Variance, and 1' from the North property line rather than the required 5', which would be a 4' Building Variance, all on Lot 2, Searle & Hedgers Replat of Lots 7-12, Block 4, Sullivan & Easton Addition, a.k.a. 802 Lincoln Street N. Antonio Perez was present to represent the property. Following discussion Weigel moved and Babcock seconded to approve, all members voting, the motion carried. **BUILDING VARIANCE APPROVED.**
- 8) Janice Schock requested permission, as per site plan submitted, for existing residence to remain 16' from the West property line rather than the required 25', which would be a 9' Building Variance and for existing deck to remain 12' from West property line rather than the required 15', which would be a 3' Building Variance in order to construct a deck on South side of residence that will meet all required setbacks, all on Lot 17-18, Block 10, Hagerty & Lloyd Addition, a.k.a. 616 Kline Street N. Janice Schock 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. **BUILDING VARIANCE APPROVED.**
- 9) Randolph Anderson requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, all on Lot 2, Clinton's First Subdivision, except H-1, a.k.a. 710 Sixth Avenue SW. Randolph Anderson was present to represent the property. Following discussion Weigel moved and VanDeRostyne seconded to approve with the following stipulations: 1) Only permits the open storage of lawnmowers and related equipment. No personal or off-premise storage, 2) Property must be maintained in a neat and orderly manner at all times, 3) No illegal signage or unpermitted signage, 4) No storage of any kind in 35' corner visibility triangles,

- 5) All items must be licensed/operable and available for sale as appropriate, and 6) Property must be cleaned up by September 1, 2011 per Code Enforcement notice. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 10) Larry & Pearl Stewart requested permission, as per site plan submitted, for existing residence to remain 13' from the North property line rather than the required 25', which would be a 12' Building Variance in order to construct a back deck, all on Lot 3, Block 43, Hagerty & Lloyd Addition, a.k.a. 820 Second Avenue NE. Pearl Stewart was present to represent the property. Following discussion Weigel moved and Kezar seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 11) Larry Scheid requested permission, as per site plan submitted, to permit the open storage of "storage pods", which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 1A, Premack's Replat of Lot 1, Premack's Third Subdivision, a.k.a. 627 Second Avenue NW. Larry Scheid was present to represent the property. Following discussion VanDeRostyne moved and Kezar seconded to approve with the following stipulations: 1) The special exception is for "PODS" containers only, 2) Storage must only occur within fenced area, 3) Property must be maintained in a neat and orderly manner at all times, and 4) No storage in 35' corner visibility triangle at intersection of Second Avenue NW and East Drive. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 12) John Breemes Irrevocable Trust requested permission, as per site plan submitted, for existing residence to remain 18'5" from the East property line rather than the required 25', which would be a 6'7" Building Variance and 2.5' from the North property line rather than the required 5', which would be a 2.5' Building Variance in order to construct an 8'x14' Deck on the South side of residence, all on the 48.5' North of the South 45' of Lots 21-24, Block 39, West Aberdeen Addition, a.k.a. 320 Eighth Street S. Naomi Bensen was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 27) Stoebner Properties, LLC requested permission, as per site plan submitted, to construct a new freestanding sign with a 3'x9.33' multicolor electronic message center, which would be an Appeal to the Board of Zoning Adjustment, all on Stoebner Addition Outlot 1, in the NE¼ of Sect. 21-T123N-R63W, a.k.a. 4750 Sixth Avenue SE. Patrick King of QQP Creative Signs was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to deny, all members voting nay, the motion failed. Following further discussion Kezar moved and Babcock seconded to approve with the following stipulations: 1) All electronic message board signs shall be in compliance with all other applicable codes regarding signs, 2) This sign shall not interfere with traffic safety, and may not be confused with or construed as a traffic control device, 3) Each message

displayed shall remain static for a minimum of 6 seconds, with all change sequences to be instantaneous, no fading, dissolving, spinning in/out, etc., 4) 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, 5) Electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. Monochrome electronic message board signs shall be limited to utilizing only amber colored lights, 6) Violation of the previous stipulations may result in a citation with a penalty of \$500 for each day that the violation persists, and 7) All airport forms must be completed prior to installation. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 13) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 27.91' of frontage rather than the required 60', which would be a 32.09' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Setback Variance, all on Proposed Lot 1, Four Progress Third Addition, a.k.a. 1632 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND SETBACK VARIANCE APPROVED.**
- 14) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 19.52' of frontage rather than the required 60', which would be a 40.48' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 2, Four Progress Third Addition, a.k.a. 1634 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**
- 15) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 24.36' of frontage rather than the required 60', which would be a 35.64' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all

on Proposed Lot 3, Four Progress Third Addition, a.k.a. 1702 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**

- 16) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 20.63' of frontage rather than the required 60', which would be a 39.37' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 4, Four Progress Third Addition, a.k.a. 1704 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**
- 17) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 19.74' of frontage rather than the required 60', which would be a 40.26' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the West property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 5, Four Progress Third Addition, a.k.a. 1708 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**
- 18) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 14.43' of frontage rather than the required 60', which would be a 45.57' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Setback Variance, all on Proposed

Lot 6, Four Progress Third Addition, a.k.a. 1710 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND SETBACK VARIANCE APPROVED.**

- 19) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 24.48' of frontage rather than the required 60', which would be a 35.52' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the South property line rather than the required 8', which would be an 8' Setback Variance, all on Proposed Lot 7, Four Progress Third Addition, a.k.a. 1716 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND SETBACK VARIANCE APPROVED.**
- 20) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 37.15' of frontage rather than the required 60', which would be a 22.85' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the North property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 8, Four Progress Third Addition, a.k.a. 1718 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**
- 21) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 28.14' of frontage rather than the required 60', which would be a 31.86' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the North property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 9, Four Progress Third Addition, a.k.a. 1715 Nicklaus Drive.

Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**

- 22) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 27.03' of frontage rather than the required 60', which would be a 32.97' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the North property line rather than the required 8', which would be an 8' Setback Variance, all on Proposed Lot 10, Four Progress Third Addition, a.k.a. 1711 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND SETBACK VARIANCE APPROVED.**
- 23) Four Progress Developers, LLC request edpermission, as per site plan submitted, to 1) plat a lot with 28.14' of frontage rather than the required 60', which would be a 31.86' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the East property line rather than the required 8', which would be an 8' Setback Variance, all on Proposed Lot 11, Four Progress Third Addition, a.k.a. 1707 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND SETBACK VARIANCE APPROVED.**
- 24) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 41.82' of frontage rather than the required 60', which would be a 18.18' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 12, Four Progress Third Addition, a.k.a. 1701 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**

- 25) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 36' of frontage rather than the required 60', which would be a 24' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Setback Variance and 3) 0' from the East property line rather than the required 8', which would be an 8' Building Variance, all on Proposed Lot 13, Four Progress Third Addition, a.k.a. 1633 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE, SETBACK VARIANCE, AND BUILDING VARIANCE APPROVED.**
- 26) Four Progress Developers, LLC requested permission, as per site plan submitted, to 1) plat a lot with 46' of frontage rather than the required 60', which would be a 14' Minimum Lot Width Variance, and 2) to construct a townhome 0' from the West property line rather than the required 8', which would be an 8' Setback Variance, all on Proposed Lot 14, Four Progress Third Addition, a.k.a. 1627 Nicklaus Drive. Dennis Bateen 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 the City Planning Commission and City Council, 2) Plans must be submitted for review and a permit must be obtained prior to work commencing, 3) Property pins must be located for inspection and setbacks must be verified, and 4) All required inspections must be completed. Upon roll call, all members voting aye, the motion carried. **MINIMUM LOT WIDTH VARIANCE AND SETBACK VARIANCE APPROVED.**
- 3) Gosch, Cremer & Peterson, LLC requested permission, as per site plan submitted, to 1) replace a back deck and covered front porch on a residence located in a (C-2) Highway Commercial Zoning District, which would be a Special Exception, and 2) request permission for existing residence to remain 30' from the East property line rather than the required 45', which would be a 15' Setback Variance, all on Lot 3, Union Subdivision of Block 10, Hagerty & Lloyd Addition, a.k.a. 520 Kline Street S. Dan Zumbaum 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. **SPECIAL EXCEPTION AND SETBACK VARIANCE APPROVED.**

- 4) Scott Suedmeier requested permission, as per site plan submitted, to permit the open storage, parking or sale of vehicles, raw materials, building materials, supplies, wholesaling, warehousing, manufactured goods, contractor's equipment, and concrete, asphalt and ready-mix manufacturing operations and sales, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 2, Risager Addition of Block 60, Hagerty & Lloyd Addition, a.k.a. 505 Railroad Avenue SE. Scott Suedmeier was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny, all members voting nay, the motion failed. Following further discussion VanDeRostyne moved and Weigel seconded to approve with the following stipulations: 1) Only materials directly related to this business may be stored on-site, no off premise storage, personal storage, etc., 2) No waste materials or junk allowed on site, 3) All vehicles/machinery must be licensed and operable as required by state law, 4) A 6' opaque (wood or vinyl) fence must be installed to block visibility and reduce spread of dust and debris. Fence must totally enclose the entire storage area and any gate must also be opaque (wood or vinyl) and must be installed by October 1, 2011, 5) Any Forestry Department landscape requirements must be met, 6) All weeds, grass, etc. must be maintained in accordance with City Ordinance, 7) Property must be cleaned up by October 1, 2011 per Code Enforcement requirements, and 8) Storage of raw materials must not exceed the height of the fence. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

Brett Bill welcomed Scott Grebner as the newest Board of Zoning Adjustment Alternate Member.

Following further discussion Weigel moved and VanDeRostyne seconded to adjourn the meeting.

Paula Nelson
Board of Zoning Adjustment Secretary
August 11, 2011