

BOARD OF ZONING ADJUSTMENT
September 8, 2011

The Board of Zoning Adjustment Meeting was held on Thursday, September 8, 2011 in the City Hall 3rd Floor Courtroom, Aberdeen, South Dakota with Sikkink presiding as Acting Chairman. Chairman Sikkink called the meeting to order. Members present at roll call were VanDeRostyne, Grebner, Kezar, Weigel, and Sikkink. Also present were Ken Hubbard, City Planner, Brett Bill, Planning & Zoning Director, John Stoll, City Planner, Chad Nilson, Building Inspector, 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 August 11, 2011, all members voting aye, the motion carried.

Chairman Sikkink began with new business as follows:

- 1) Terry Belden requested permission, as per site plan submitted, for house to remain 16' from rear lot line rather than the required 25', which would be a 9' Building Variance, in order to construct a 16'x25.5' addition that will meet required setbacks, all on Lot 5, Block 5, Nineteenth Addition to Highlands North Addition, a.k.a. 403 Twenty-second Avenue NE. Shawn Malsam of Malsam Construction 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.**

- 2) James Johnson requested permission, as per site plan submitted, for 1) existing residence to remain 14' from the South property line rather than the required 25', which would be an 11' Building Variance and 3' from the West property line rather than the required 15', which would be an 12' Building Variance, in order to 2) construct an attached garage 3'6" from the North property line rather than the required 20', which would be a 16'6" Building Variance and 4'8" from the West property line rather than the required 15', which would be a 10'4" Building Variance, all on The South 83' of Lot 13, Block 38, Second Addition to the City of Aberdeen, a.k.a. 24 Seventh Avenue SW. James Johnson 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 VARIANCES APPROVED.** Following further discussion Kezar moved and VanDeRostyne seconded to deny agenda item #2, all members voting nay, the motion failed. 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 VARIANCES APPROVED.**

- 3) Performance Rentals, LLC requested permission, as per site plan submitted, to 1) construct 2 mini-storage buildings, which would be an Appeal to the Board of Zoning Adjustment in an (I-2) Unrestricted Industrial Zoning District, and 2) to construct 2 mini-storage buildings that are 240' in length rather than the required 120', which would be two 120' Maximum Length Variances, all on Lot 1, Performance Rentals Subdivision, a.k.a. 38422 Highway 12 W. Chris Gross and Jon Swenson were present to represent the property. Following discussion Weigel moved and Kezar seconded to approve agenda item #1, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Weigel moved and VanDeRostyne 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. **MAXIMUM LENGTH VARIANCES APPROVED.**

- 4) Holly Marshall requests permission, as per site plan submitted, for 1) existing residence to remain 8.2' from the West property line rather than the required 25', which would be a 15.8' Building Variance and 5.3' from the East property line rather than the required 20', which would be a 14.7' Building Variance in order to 2) construct an addition 12.3' from the West property line rather than the required 25', which would be a 12.7' Building Variance and 3) 5.3' from the East property line rather than the required 20', which would be a 14.7' Building Variance, all on The North 91' of the West 15' of Lot 11 and the North 91' of Lot 12, Block 75, Hagerty & Lloyd Addition, a.k.a. 103 Kline Street S. Holly Marshall was present to represent the property. Following discussion VanDeRostyne moved and Grebner 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.**

- 5) Dirk Swanson and Crossroads Trucking, requested permission, as per site plan submitted, to operate a truck operation and maintenance terminal, which would be an Appeal to the Board of Zoning Adjustment in a (C-2) Highway Commercial Zoning District, all on Lot 1, Swanson Electric Addition to Aberdeen, a.k.a. 1702 Sixth Avenue SW. Steve Grandpre and Ron Clemensen were present to represent the property. Following discussion VanDeRostyne moved and Sikkink seconded to approve with the following stipulations: 1) Property must be maintained in a neat and orderly manner at all times, 2) All vehicles on display must be licensed and operable or available for sale, as applicable, 3) No illegal or unpermitted signage allowed, 4) No off-premise sales or storage of items not available from "Crossroads Trucking", 5) Any and all required landscaping must be installed as per City Forester's requirements, and 6) Extension of previously permitted special exception for open storage. Upon roll call, Weigel-aye, Kezar-aye, Grebner-aye, VanDeRostyne-aye, Sikkink-aye (1-aye, 4-aye), the motion carried. **APPEAL APPROVED.**

- 6) Dirk Swanson and Crossroads Trucking, requested permission, as per site plan submitted, to operate a truck operation and maintenance terminal, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Lot 1, First Replat of Cargill First Addition, a.k.a. 1610 Sixth Avenue SW. Steve Grandpre and Ron Clemensen were present to represent the property. Following discussion Grebner moved and VanDeRostyne seconded to approve with the following stipulations: 1) Existing structures shall be demolished only upon approval of demolition permit(s) by Building Inspection and Fire Departments, 2) Property must be maintained in a neat and orderly manner at all times, 3) Any vehicles on display must be licensed and operable and available for sale as applicable, 4) No illegal or unpermitted signage allowed, 5) No off-premise sales or storage of items not available from “Crossroads Trucking”, 6) Any and all required landscaping must be completed, 7) Property must be asphalt, concrete and grass to minimize dust, etc., 8) Sufficient landscaping shall be provided to meet Forestry Department requirements, 9) All permits must be obtained prior to construction, and 10) Rear driving surfaces behind the building must be asphalt or concrete. Following discussion, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 7) Carrel’s Family Dentistry requested permission, as per site plan submitted, to 1) construct an entryway and canopy 20.5’ from the North property line rather than the required 35’, which would be a 14.5’ Building Variance and 2) a corner façade addition 29’ from the West property line rather than the required 35’, which would be a 6’ Building Variance, all on The North 115’ of Lot 2 & the North 115’ of the West 100’ of Lot 1, Block 16, Smith Addition, a.k.a. 805 State Street S. John Carrels and John Kokales of Quest Construction were 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 VARIANCES APPROVED.**

- 8) Kurt Weisbeck requested permission, as per site plan submitted, to construct a 10’x36’ addition to a residence that will be 5’ from the East property line rather than the required 10’, which would be a 5’ Building Variance, all on Lot 7, Block 6, Nineteenth Addition to Highland North Addition, a.k.a. 407 Twenty-first Avenue NE. Kurt Weisbeck was present to represent the property. Following discussion Grebner moved and Sikkink 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) Peter Pagones and Mark Richter request permission, as per site plan submitted, to 1) construct a new 10’x12’ freestanding sign 0’ from the South property line rather than the required 10’, which would be a 10’ Sign Setback Variance and 2) to install a 4’x12’ Multicolor Electronic Message Center as part of Freestanding Sign, which would be an

Appeal to the Board of Zoning Adjustment, all on Lot 1, Pagonés First Eastside Subdivision, a.k.a. 501 Harvard Street S. Mark Richter was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to deny agenda item #1, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE DENIED.** Following further discussion Grebner moved and Sikkink seconded to approve agenda item #2 with the following stipulations: 1) Sign permit be issued prior to the erection of the sign, and 2) Sign must comply with the new Electronic Message Center Ordinance. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.**

- 10) Brad Schock requested permission, as per site plan submitted, for 1) existing residence to remain 3'6" from the South property line rather than the required 5', which would be a 1'6" Building Variance in order to 2) construct a deck 4'6" from the North property line rather than the required 5', which would be a 6" Building Variance, all on Lot 2, Block 6, Boyd's Second Subdivision of Blocks 1-3&6, Nicollet Park Addition, a.k.a. 306 Harrison Street S. Brad Schock was present to represent the property. Following discussion Weigel 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.**
- 11) Bill Meidinger and Randy Zens 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 1, Hoff Consolidation Subdivision, a.k.a. 1105 Sixth Avenue SW. Bill Meidinger and Randy Zens were present to represent the property. Kimberly Kirnan of 610 Eleventh Street South was present to voice concerns and get clarification regarding this request. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting nay, the motion failed. Following further discussion Grebner moved and Kezar seconded to approve with the following stipulations: 1) All items must be licensed and operable, available for sale or necessary for the business on this property, 2) No illegal or unpermitted signs, banners, etc. (signs that were previously hung without permit must be permitted with penalty applied), 3) No off premise sales or storage allowed, 4) Property must be maintained in a neat and orderly manner at all times, and 5) Special Exception is for this business owner only. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**
- 12) Roncalli Catholic High School requested permission, as per site plan submitted, to 1) construct a freestanding sign that is 106.75sf, rather than the permitted 16sf, which would be a 90.75sf Freestanding Sign Variance, in addition to 12.25sf of wall signage, for a total of 119sf of signage rather than the permitted 36sf, which would be a 83sf Total Sign Area Variance, and 3) request permission to install a 4'x10' multicolor electronic message center on proposed freestanding sign, which would be a Special Exception for a school located in a (R-2) Medium Density Residential Zoning District, all on Lot 1, Central Catholic High

School Addition, a.k.a. 1400 Dakota Street N. Patrick King of QQP Creative Signs was present to represent the property. Following discussion Grebner moved and Sikkink seconded to approve with the following stipulations: 1) The electronic message board shall display information pertaining to the school and the school's related activities only, 2) The electric message board shall be in compliance with all applicable codes regarding signs, 3) Each message displayed shall remain static for a minimum of 6 seconds, with all change sequences being instantaneous, no fading, dissolving, spinning, etc., 4) Electronic message board signs shall not be operated to display a message or graphic that is entirely red or blue in color. Monochrome signs shall be limited to utilizing only amber lights, 6) The sign must be positioned to avoid the EMS from constant display toward residential neighbors, and 7) Lighted sign must be turned off 10 p.m. to 6 a.m. daily. Upon roll call, all members voting aye, the motion carried. **SIGN VARIANCES & SPECIAL EXCEPTION APPROVED.**

- 13) Tom Wanttie requested permission, as per site plan submitted, for existing residence to remain 30' from the North property line rather than the required 35', which would be a 5' Building Variance in order to 2) replace front deck 22' from the North property line rather than the required 25', which would be a 3' Building Variance, all on Lot 14, Block 9, Seventh Addition to Highland North Addition, a.k.a. 410 Nineteenth Avenue NE. Troy Woehl of Woehl Construction was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCES APPROVED.**
- 14) Al Dabbert and Matt Vogel request permission, as per site plan submitted, to 1) 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 and 2) to construct a ministorage facility, which would be a Special Exception, 3) 280' in length rather than the permitted 120', which would be a 160' Building Variance, and 3) 50' in width rather than the permitted 30', which would be a 20' Building Variance and 4) 20' tall rather than the permitted 16', which would be a 4' Building Variance, all on Schumaker Lot 1, NW¼ Sect. 23-T123N-R63W, a.k.a. 39239 133rd Street. Following discussion VanDeRostyne moved and Kezar seconded to deny, all members voting aye, the motion carried. **SPECIAL EXCEPTION DENIED.**

Brett Bill welcomed John Stoll as the new City Planner.

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

Paula Nelson
Board of Zoning Adjustment Secretary
September 8, 2011