

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

The Board of Zoning Adjustment Meeting was held on Thursday, November 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 Sikkink, Kezar, VanDeRostyne, and Babcock. Also present were Ken Hubbard, City Planner, Brett Bill, Planning & Zoning Director, John Stoll, City Planner, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, Dennis Mike Olson, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

Kezar moved and Sikkink seconded to approve the Board of Zoning Adjustment minutes of October 13, 2011, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Michelle Erdmann requested permission, as per site plan submitted, to permit the operation of a daycare as a home occupation, which would be a Special Exception in a (R-3) High Density Residential Zoning District, all on Lot 11, Block 49, Second Addition, a.k.a. 108 Ninth Avenue SW. Michelle Erdmann was present to represent the property. Following discussion Kezar moved and Sikkink 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 1, 2012, 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) Angela Shelnuttt requested permission, as per site plan submitted, to permit the operation of a daycare as a home occupation, which would be a Special Exception in a (R-2) Medium Density Residential Zoning District, all on Lot 3 & the North 45' of Lot 4, Block 4, Sullivan & Easton Addition, a.k.a. 813 Washington Street N. Angela Shelnuttt was present to represent the property. Following discussion VanDeRostyne moved and Kezar 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 1, 2012, 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) Thomas Foster requested permission, as per site plan submitted, for existing residence to remain 30' from the South property line rather than the required 35', which would be a 5' Building Variance in order to construct a 5'x6' deck on front of house that will meet all required setbacks, all on Lot 5, Block 8, Seventh Addition to Highland North Addition, a.k.a. 411 Nineteenth Avenue NE. Thomas Foster was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 4) Mike Stucke requested permission, as per site plan submitted, for existing residence to remain 15' from the North property line rather than the required 20', which would be a 5' Building Variance in order to construct new front porch which will meet all required setbacks, all on The West ½ of Lots 10-12, Block 39, Hagerty & Lloyd Addition, a.k.a. 513 Second Avenue NE. There being no representative this item was moved to the end of the agenda.
- 5) Rickey Scheuffele requested permission, as per site plan submitted, for 1) existing residence to remain 4' from the North property line rather than the required 5', which would be a 1' Building Variance and 2) 19.5' from the West property line rather than the required 25', which would be a 5.5' Building Variance in order to 3) construct a 6'9"x10' deck 12.84' from the West property line rather than the required 15', which would be a 2.16' Building Variance, all on Lot 11 & the South 3' of Lot 12, Block 3, Hagerty & Lloyd Addition, a.k.a. 706 State Street N. Rickey Scheuffele 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 VARIANCES APPROVED.**
- 6) Abbie Johnson requested permission, as per site plan submitted, to construct a town home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 10, Prairie's Edge First Addition, a.k.a. 2210 Stone Gate Court. Drew Johnson, Marcia Johnson, & Marnie Johnson were present to represent this property. Following discussion Kezar 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.**

- 7) Marnie Johnson requested permission, as per site plan submitted, to construct a town home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 9, Prairie's Edge First Addition, a.k.a. 2302 Stone Gate Court. Drew Johnson, Marcia Johnson, & Marnie Johnson were present to represent this property. Following discussion Kezar 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. **BUILDING VARIANCE APPROVED.**
- 8) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a town home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 4, Prairie's Edge First Addition, a.k.a. 2301 Stone Gate Court. There being no representative this item was moved to the end of the agenda.
- 9) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a town home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 3, Prairie's Edge First Addition, a.k.a. 2209 Stone Gate Court. There being no representative this item was moved to the end of the agenda.

Weigel entered the meeting at this time.

- 10) R&J Enterprises requested permission, as per site plan submitted, to 1) permit a 720sf off-premise sign rather than the permitted 400sf, which would be a 320sf Off-Premise Sign Size Variance and 2) to install a second freestanding sign, which would be an Appeal to the Board of Zoning Adjustment, and 3) to install a second freestanding sign that is 361.25sf in size rather than the permitted 300sf, which would be a 61.25sf freestanding sign variance, and 4) to permit a total freestanding sign area of 1081.25sf rather than the permitted 300sf, which would be a 781.25sf Freestanding Sign Variance, and 5) to permit 976.08sf of freestanding sign rather than the permitted 300sf, which would be a 676.08sf Freestanding Sign Variance (after 45% allowance for new sign façade), all on Outlot D, Schumacker Outlots, in the NW¼ of Sect. 22-T123N-R63W, a.k.a. 5350 Highway 12 East. Ron Nold, Chris Lamont, Jeff Lamont, and Nate Kessler were present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve agenda item #1. Upon roll call, Sikkink-nay, Kezar-nay, VanDeRostyne-aye, Weigel-nay, Babcock-nay (1-aye,4-nay), the motion failed. **OFF-PREMISE SIGN SIZE VARIANCE DENIED.** Following further discussion VanDeRostyne moved and Sikkink seconded to approve agenda item #2 with the following stipulation: 1) The Budget Furniture portion of

the second freestanding sign (the billboard) must be removed and the billboard size must be reduced to 400 sq ft as allowed by Ordinance. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve agenda item #3. Upon roll call, Sikkink-nay, Kezar-nay, VanDeRostyne-aye, Weigel-nay, Babcock-nay (1-aye,4-nay), the motion failed.

**FREESTANDING SIGN VARIANCE DENIED.** No action taken on items #4 and #5.

- 11) The Aberdeen Family YMCA requested permission, as per site plan submitted, to 1) Operate a daycare center, which would be an Appeal to the Board of Zoning Adjustment in an (I-2) Unrestricted Industrial Zoning District, and 2) to permit the installation of 52 parking stalls that are 9'x18' rather than the permitted 10'x20', which would be 52 - 1' Minimum Parking Stall Width Variances and 52 - 2' Minimum Parking Stall Depth Variances, all on Proposed Lot 1, Aberdeen YMCA Youth Development Center Subdivision, a.k.a. 510 Railroad Avenue SE. Steve Graf was present to represent the property. Following discussion Weigel moved and Babcock seconded to approve agenda item #1 with the following stipulation: 1) All City and State Licenses must be obtained and all license stipulations must be met. Upon roll call, all members voting aye, the motion carried. **APPEAL APPROVED.** Following further discussion Kezar moved and Sikkink second to approve agenda item #2. Upon roll call, Sikkink-aye, Kezar-nay, VanDeRostyne-nay, Weigel-nay, Babcock-nay, (1aye,4-nay), the motion failed. Following further discussion Weigel moved and Kezar seconded to approve 10' x 18' parking stalls rather than the permitted 10' x 20' which would be a 2' Minimum Parking Stall Depth Variance. Upon roll call, all members voting aye, the motion carried. **MINIMUM PARKING STALL DEPTH VARIANCE APPROVED.**
- 8) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a town home 0' from the South property line rather than the required 8', which would be an 8' Building Variance, all on Lot 4, Prairie's Edge First Addition, a.k.a. 2301 Stone Gate Court. Aaron Waldo of Quest Construction was present to represent the property. Following discussion Kezar 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. **BUILDING VARIANCE APPROVED.**
- 9) Prairie's Edge Development, LLC. requested permission, as per site plan submitted, to construct a town home 0' from the North property line rather than the required 8', which would be an 8' Building Variance, all on Lot 3, Prairie's Edge First Addition, a.k.a. 2209 Stone Gate Court. Aaron Waldo of Quest Construction was present to represent the property. Following discussion Kezar 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. **BUILDING VARIANCE APPROVED.**

- 4) Mike Stucke requested permission, as per site plan submitted, for existing residence to remain 15' from the North property line rather than the required 20', which would be a 5' Building Variance in order to construct new front porch which will meet all required setbacks, all on The West ½ of Lots 10-12, Block 39, Hagerty & Lloyd Addition, a.k.a. 513 Second Avenue NE. Brett Bill was present to represent this 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. **BUILDING VARIANCE APPROVED.**

Chairman Babcock continued with other business as follows:

- 1) VanDeRostyne questioned the status of City Attorney Adam Altman developing a set of rules for the board to use as a guideline. No action taken.

Following further discussion Kezar moved and Babcock seconded to adjourn the meeting.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
November 10, 2011