

**BOARD OF ZONING ADJUSTMENT**  
**December 8, 2011**

The Board of Zoning Adjustment Meeting was held on Thursday, December 8, 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, Weigel, 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, Rob Baumgartner, Code Enforcement Officer, Stuart Nelson, Assistant City Engineer, and Paula Nelson, Board of Zoning Adjustment Secretary.

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

Chairman Babcock began with new business as follows:

- 1) Susie Klapperich 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 10, Block 8, Mel Ros Third Addition to Mel Ros Estates, a.k.a. 2210 Fourteenth Avenue SE. Susie Klapperich 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.**
  
- 2) Kassie Finck 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 7, Burrish Subdivision of Lot 10, Pierson's Subdivision, a.k.a. 223 Park Street S. Kassie Finck 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 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) Bob Kindle requested permission, as per site plan submitted, for 1) existing residence to remain 13.5' from the East property line rather than the required 25', which would be an 11.5' Building Variance and 4' from the South property line rather than the required 5', which would be a 1' Building Variance and 10' from the West property line rather than the required 20', which would be a 10' Building Variance all in order to 2) construct a 6'x18' covered front porch 7.5' from the East property line rather than the required 25', which would be a 17.5' Building Variance, all on Lot 2, JC Hall's First Replat of Lot 1, Block 60, Second Addition to Aberdeen, a.k.a. 204 Fourth Street S. There being no representative this item was moved to the end of the agenda.
- 4) TAN Corporation requested permission, as per site plan submitted, to place a temporary 10'x30' fueling station office building 22' from the North property line rather than the required 45', which would be a 23' Building Variance, all on Lot 2, in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sect. 22-T123N-R64W, a.k.a. 602 Highway 281 S. There being no representative this item was moved to the end of the agenda.
- 5) Robert King requested permission, as per site plan submitted, to 1) construct a 34.6'x86' addition to an accessory structure without the required primary structure, which would be an Appeal to the Board of Zoning Adjustment, and 2) request permission for existing accessory structure to remain 20' from the West property line rather than the required 25', which would be a 5' Building Variance and 3) request permission to construct a 34.6'x86' addition to existing accessory structure 20' from the West property line rather than the permitted 25', which would be a 5' Building Variance, all on Lot 20, DOK-B Subdivision in the SE $\frac{1}{4}$  of Sect. 22-T123N-R64W, a.k.a. 1605 Boschee Drive. Robert King was present to represent the property. Following discussion Kezar moved and VanDeRostyne seconded to approve agenda item #2, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.** Following further discussion Sikkink moved and Kezar seconded to approve agenda items #1 and #3 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, 4) Structure shall not be for any commercial use; ag-related storage only, and 5) Property must be rezoned to (M-AG) Mini-Agricultural District. Upon roll call, all members voting aye, the motion carried. **APPEAL AND BUILDING VARIANCE APPROVED.**

- 6) William Meidinger requested permission, as per site plan submitted, to construct new 15'8"x7'6" front addition 15' from the North property line rather than the required 45', which would be a 30' Building Variance, all on Lot 21, Block 2, Pleasant Hill Addition, except H-1, a.k.a. 1111 Sixth Avenue SW. William Meidinger was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to deny. Upon roll call, Sikkink-nay, Kezar-nay, VanDeRostyne-aye, Weigel-nay, Babcock-nay (1-aye,4-nay), the motion failed. Following further discussion Sikkink 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, 3) All required inspections must be completed, 4) Current tenant shall be required to obtain permits for all signs which were recently installed without permits, 5) Current footings & foundation must be verified and if existing size, location, etc. does not meet current code requirements, the new addition cannot be constructed. Upon roll call, all members voting aye, the motion carried. **BUILDING VARIANCE APPROVED.**
- 7) Sias Enterprises, LLC requested permission, as per site plan submitted, to 1) construct 12 mini-storage buildings, which would be a Special Exception in a (C-2) Highway Commercial Zoning District and 2) to construct 12 mini-storage buildings with 24' tall sidewalls rather than the permitted 16', which would be twelve 8' Maximum Height Variances, and 3) to construct 10 mini-storage buildings that are 40' in width rather than the permitted 30', which would be ten 10' maximum width variances and 4) to construct 2 mini-storage buildings that are 50' in width rather than the required 30', which would be two 20' Maximum Width Variances, and 5) to construct a 164' long mini-storage building rather than the permitted 120', which would be a 44' Maximum Length Variance, all on Lot 5, Nordstrom-Pierson Addition to the City of Aberdeen, a.k.a. 3011 Eighth Avenue NE. Attorney Bill Sauck, Attorney Michael E. Sias, and Jay Koch of Helms & Associates were present to represent the property. Following discussion Sikkink moved and VanDeRostyne seconded to approve agenda item #1, all members voting aye with Babcock abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion VanDeRostyne moved and Kezar seconded to approve, all members voting aye with Babcock abstaining, the motion carried. **MAXIMUM HEIGHT VARIANCE APPROVED.** Following further 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, 3) All required inspections must be completed, 4) All building and fire codes must be met, and 5) No commercial/retail/service industry type uses allowed. Upon roll call, all members voting aye with Babcock abstaining, the motion carried. **MAXIMUM WIDTH VARIANCES APPROVED.** Agenda item #5 withdrawn by petitioner; no action taken.
- 8) Totally Tubular Manufacturing, Inc. requested permission, as per site plan submitted to construct a 4'x14' freestanding sign 7' from the North property line rather than the required 20', which would be a 13' Sign Setback Variance, all on Lot 3, Koslowski

Addition, a.k.a. 703 Second Avenue NW. Angie Weisenburger was present to represent the property. Following discussion VanDeRostyne moved and Babcock seconded to deny, all members voting aye, the motion carried. **SIGN SETBACK VARIANCE DENIED.**

- 3) Bob Kindle requested permission, as per site plan submitted, for 1) existing residence to remain 13.5' from the East property line rather than the required 25', which would be an 11.5' Building Variance and 4' from the South property line rather than the required 5', which would be a 1' Building Variance and 10' from the West property line rather than the required 20', which would be a 10' Building Variance all in order to 2) construct a 6'x18' covered front porch 7.5' from the East property line rather than the required 25', which would be a 17.5' Building Variance, all on Lot 2, JC Hall's First Replat of Lot 1, Block 60, Second Addition to Aberdeen, a.k.a. 204 Fourth Street S. Tom Lewis of Tom Lewis Construction was present to represent the 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 VARIANCES APPROVED.**
- 4) TAN Corporation requested permission, as per site plan submitted, to place a temporary 10'x30' fueling station office building 22' from the North property line rather than the required 45', which would be a 23' Building Variance, all on Lot 2, in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sect. 22-T123N-R64W, a.k.a. 602 Highway 281 S. Tom Knebel of Gil Haugan Construction of Sioux Falls was present to represent the property. Following discussion Weigel moved and Sikkink seconded to approve with the stipulation that the temporary structure must be removed 30 days after the issuance of temporary certificate of occupancy. 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 VanDeRostyne moved and Kezar seconded to adjourn the meeting.

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Paula Nelson  
Board of Zoning Adjustment Secretary  
December 8, 2011