

BOARD OF ZONING ADJUSTMENT
March 8, 2012

The Board of Zoning Adjustment Meeting was held on Thursday, March 8, 2012 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, Musel, Weigel, and Babcock. VanDeRostyne was absent. Also present were Ken Hubbart, City Planner, Brett Bill, Planning & Zoning Director, John Stoll, City Planner, Chad Nilson, Building Inspector, Barry Dunlavy, Building Inspector, 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 February 9, 2012, all members voting aye, the motion carried.

Chairman Babcock began with new business as follows:

- 1) Angela Shelnutt 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 124 & North 12.05' of Lot 123, Morning Heights Addition, a.k.a. 819 Riverside Drive. Angela Shelnutt was present to represent the property. Following discussion Kezar moved and Musel 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) Joe Gross requested permission, as per site plan submitted, to permit the operation of a fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Outlot 3, Budget Furniture-J. Gross Outlots, NW¼ Sect. 22-T123N-R63W, a.k.a. 5340 Highway 12 East. There being no representative this item was moved to the end of the agenda.
- 3) James A. Keeley and Crossroads Truck and Trailer requested permission, as per site plan submitted, to 1) permit the operation of a truck maintenance and operation terminal, which would be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, and 2) to permit the open storage, parking or sale of vehicles, equipment and machinery, which would

be a Special Exception in an (I-2) Unrestricted Industrial Zoning District, all on Keeley Outlot B, in the SW¼ Sect. 14-T123N-R64W, except Highway, a.k.a. 1900 Sixth Avenue SW. Steve Grandpre of Crossroads Truck and Trailer and Attorney Rich Russman were present to represent the property. Following discussion Kezar moved and Babcock seconded to approve with the following stipulations: 1) Property must be replatted into one parcel, 2) Fire Marshal's requirements for demolishing elevator must be met with demolition completed by March 8, 2013, 3) The building/elevator cannot be used for storage and must be properly secured at all times, and 4) Previously stipulated landscaping and hard surface requirements must still be adhered to. Upon roll call, all members voting aye, the motion carried.

SPECIAL EXCEPTION APPROVED.

- 4) Michael Beadle requested permission, as per site plan submitted, to permit the operation of a fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Lot 1, Beadle's First Subdivision, NW¼ Sect. 26-T124N-R64W, a.k.a. 12850 386th Avenue. Michael Beadle was present to represent the property. Following discussion Sikkink moved and Musel seconded to approve with the following stipulations: 1) This approval is for Mike Beadle as long as he is the owner/operator of proposed use, 2) Any and all Fire Marshal requirements must be adhered to, and 3) Any signage must be in compliance with City Ordinance and permits must be obtained prior to installation. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 2) Joe Gross requested permission, as per site plan submitted, to permit the operation of a fireworks stand within the Zoning Jurisdiction of the City of Aberdeen, which would be a Special Exception, all on Outlot 3, Budget Furniture-J. Gross Outlots, NW¼ Sect. 22-T123N-R63W, a.k.a. 5340 Highway 12 East. Joe Gross was present to represent the property. Following discussion Musel moved and Weigel seconded to approve with the following stipulations: 1) Approval is for Joe Gross and Lew Raderschadt only, 2) Any signage must be in compliance with City Ordinance and permits must be obtained prior to installation, 3) All required Fire Marshal requirements must be met, 4) If Lew Raderschadt no longer operates existing location, all signage must be removed at old location, and 5) Existing Special Exception for house displays, at this location, shall become invalid. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.**

- 5) Gary Dahme and Todd Thorson requested permission, as per site plan submitted, to 1) permit the operation of a waterski show, which would be a Special Exception in an (A-1) Agricultural Zoning District, and 2) to permit 856sf of Freestanding Signs on the property rather than the permitted 400sf, which would be a 456sf Freestanding Sign Size Variance, all on The NW¼ Sect. 35, T123N-R64W, except Railroad and land deeded and platted, a.k.a. 1715 135th Street. Todd Thorson was present to represent the property. Following discussion Kezar moved and Weigel seconded to approve agenda item #1 with the stipulation that any construction on this property requires plans to be submitted for review and permits to be obtained prior to work commencing. Upon roll call, all members voting aye, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Weigel moved and Sikkink seconded to deny agenda item #2, all members voting aye, the motion carried. **FREESTANDING SIGN VARIANCE DENIED.**

- 6) Rivett Family Trust and Quest Hospitality Suppliers requested permission, as per site plan submitted, to 1) construct a 10'x22' Electronic Message Center, which would be a Special Exception to construct an off-premise sign in a (C-2) Highway Commercial Zoning District, and 2) to construct an off-premise sign 10' from the South property line rather than the required 20', which would be a 10' Sign Setback Variance and 3) to construct an off premise sign within 150' of a residential zoning district, which would be an Appeal to the Board of Zoning Adjustment, and 4) request permission to permit multi-color lighting of an off-premise sign, which would be an Appeal to the Board of Zoning Adjustment, all on Lots 1-8 & the North 24.4' of Lot 9, Block 55, Roches East Side Addition & East 5' of Vacated Alley except H-2, a.k.a. 2415 Sixth Avenue SE. Cory Weisenburger of Service Signs was present to represent the property. Following discussion Sikkink moved and Musel seconded to approve agenda item #1 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) Existing digital billboard must be removed in it's entirety prior to installation of new sign. Upon roll call, Sikkink-aye, Kezar-nay, Musel-aye, Weigel-nay, Babcock-aye (3-aye,2-nay), the motion failed. **SPECIAL EXCEPTION DENIED.** No action taken on remaining items.
- 7) Ladco Properties XXX, LLC. requested permission, as per site plan submitted, to permit a directional sign that is 83.72sf rather than the permitted 12sf, which would be a 71.72sf Directional Sign Size Variance, all on Lot 2, Mutual of Omaha Fifth Addition, a.k.a. 3015 Third Avenue SE. Gordon Larson, C.E.O. of Sanford Aberdeen Medical Center was present to represent the property. Following discussion Sikkink moved and Musel seconded to approve with the stipulation that a sign permit must be obtained prior to installation of sign. Upon roll call, all members voting aye, the motion carried. **DIRECTIONAL SIGN SIZE VARIANCE APPROVED.**
- 8) East Briar Commons, LLC. requested permission, as per site plan submitted, to 1) construct a group project consisting of four primary structures, which would be a Special Exception in a (R-3) High Density Residential District, and 2) to construct 4 multi-family structures 2' from the East property line rather than the permitted 5', which would be four 3' Building Variances, all on Lots 4-9, Block 25, Lots 4-9, Block 32, Lot 1, Block 33, and Bremer's Outlot 2, Block 33, Northwestern Addition to Aberdeen and Adjacent Vacated Street and Alley Right of Way, a.k.a. 1212 Fifth Avenue NE, 301 & 306 Harrison Street N, and 1115 Third Avenue NE. Attorney Rod Tobin was present to represent the property. Neighboring property owners, Jerry Sandmeier, Margaret Rosin, and Dusty Basham were present to voice their drainage concerns. Following discussion Musel moved and Kezar seconded to deny

- agenda item #1. Upon roll call Sikkink-nay, Kezar-nay, Musel-aye, Weigel-abstain, Babcock-nay (1-aye,3-nay,1-abstain), the motion failed. Following further discussion Sikkink moved and Babcock seconded to approve agenda item #1. Upon roll call, Sikkink-aye, Kezar-aye, Musel-nay, Weigel-abstain, Babcock-aye (3-aye,1-nay,1-abstain), the motion failed. **SPECIAL EXCEPTION DENIED.** No action taken on remaining item.
- 9) Kent Properties requested permission, as per site plan submitted, to 1) construct a mini-storage building, which would be a Special Exception in a (C-2) Highway Commercial Zoning District, and 2) to construct mini-storage building that is 50' deep rather than the permitted 30', which would be a 20' Maximum Depth Variance, and 3) to construct an accessory structure (mini-storage building) that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment, all on Lot 2, Biegler's Third Subdivision in the SW¼ of Sect. 14-T123N-R64W, a.k.a. 1514 Sixth Avenue SW. Dave Mohn of Huff Construction was present to represent the property. Following discussion Kezar moved and Sikkink seconded to approve agenda item #1 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) Landscaping must be completed as required by City Forester. Upon roll call, all members voting aye with Babcock abstaining, the motion carried. **SPECIAL EXCEPTION APPROVED.** Following further discussion Sikkink moved and Musel seconded to approve agenda item #2, all members voting aye with Babcock abstaining, the motion carried. **MAXIMUM DEPTH VARIANCE APPROVED.** Following further discussion Sikkink moved and Musel seconded to deny agenda item #3, all members voting aye with Babcock abstaining, the motion carried. **APPEAL DENIED.**
- 10) Plains Commerce Bank requested permission, as per site plan submitted, to 1) construct an accessory structure that is not aesthetically similar to the primary structure, which would be an Appeal to the Board of Zoning Adjustment and 2) to provide 0 additional parking stalls for the accessory office building rather than the required 30 stalls, which would be a 30 Parking Stall Variance, all on Lot 1, Plains Commerce Bank Addition, a.k.a. 524 Dakota Street S. Jeff Lee was present to represent the property. Following discussion Sikkink moved and Kezar seconded to approve agenda item #1, all members voting nay, the failed. **APPEAL APPROVED.** Following further discussion Sikkink moved and Musel seconded to approve agenda item #2 with the stipulation that the bank must provide leased off-site parking. Upon roll call, all members voting aye, the motion carried. **PARKING STALL VARIANCE APPROVED.**

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

Paula Nelson
Board of Zoning Adjustment Secretary
March 8, 2012