

Agenda
WATERTOWN BOARD OF ADJUSTMENT
City Council Chambers
23 2nd Street NE

Thursday January 7, 2016

4:15 PM

Call to Order

Roll Call

1. Approval of 12/17/2015 Minutes
2. Applicant Sarah Benson (#16503) seeks Conditional Use approval to operate a home Day Care business out of a single family dwelling located in the R-2A Single Family Attached Residential District @ 530 8 St NE.
 - A. Public hearing
 - B. Board of Adjustment action

Old Business:

Motion to adjourn

FOUNDATION

Concrete Slab	
Concrete Block Walls	
Concrete Walls	
Wood Walls	

BASEMENT AREA

N	C	P	S	F
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EXTERIOR WALLS

Siding on Sheathing	
Steel Building	
Column Building	
Concrete Block Walls	
Hardboard/Cement Siding	
Vinyl/Wood Siding	
Steel Siding	
Brick/Stone/Stucco	
Wall Insulation	
Roof Insulation	
Other	

ROOF TYPE

Hip	Gable	
Mansard	Flat	

ROOFING

Asphalt Shingle	
Membrane Roof	
Steel	
Other	

FLOORS

	B	1st	2nd
Concrete			
Gravel/Earth			
Plyscore			

INTERIOR FINISH

	B	1st	2nd
Sheet Rock			
Type X Sheetrock			
Other			
Unfinished			

HEATING

Solar/Geothermal	
Heat Pump/Hot Water	
Electric	
Gas Furnace	
Air Conditioning	
Fireplace/Stove	
No Heating System	

PLUMBING

	B	1st	2nd
Rough In			
Bath Rooms			
Kitchen			
Laundry			
No Plumbing			

SITE REQUIREMENTS

Grass Blvd/Trees	
Sidewalks	
ESC > 1 acre	Y N
DLA	
WORTP	

FLOOD HAZARD

Floodway	
1% (100 yr.)	
.2% (500 yr.)	
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

16503

Zone R2A Date _____ Co. Rcd# 5498
 Proposed Construction Conditional Use - Day Care
 Size _____ Sq. Ft. 2310 sq Height _____
 Address 530 8th St NE Lot Area 15,360
 Lot 40-42
 Block _____ Addition Belmont
 Estimated Value 0 Fee 1000 BOA Fee Plans
 Details App seeks approval to operate Day Care business

per § 21.1804, § 21.1603(1), N § 21.1403(1)&(5); contingent upon compliance with: Chapter 21.70 Home Occ's Standards and § 21.0202 (2b)(6 a-h) SRGICUs.

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BUILDING PERMIT SHALL BE GOOD FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE. PROJECTS WHICH ARE NOT COMPLETED WITHIN ONE YEAR MUST BE RENEWED.

IT IS HEREBY AGREED between the undersigned, as owner, his agent or servant, and the City of Watertown, that for and in consideration of the premises and the permit to construct, erect, alter or install and the occupancy of building as above described, to be issued and granted by the Building Official, that the work thereon will be done in accordance with the descriptions herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter or install and occupy in strict compliance with the ordinances of the City of Watertown; and to obey any and all lawful orders of the City Engineer of the City of Watertown and all State Laws relating to the construction, alteration, repair, removal, and safety of buildings and other structures and permanent building equipment. By City Ordinance, 5.0301(2) 2012 IBC **Section 107 SUBMITTAL DOCUMENTS**, is hereby further amended by adding the following: **[A] 107.6 Applicant's Responsibility for Compliance.** Neither examination and review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and any other applicable local, state and federal rules, regulations, and ordinances.

Applicant: Sarah Benson Address SAA (Renter)
 Owner: Michael & Holly Morgan - have moved out of town
 By _____

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

 Building Official

 Fire Chief

 City Engineer

Members of Board of Adjustment

Dear City Council Of Watertown SD

My name is Sarah Benson I am asking to obtain a license to operate an in home daycare at 530 8th ST NE. I have done daycare for almost 11 years and was previously licensed at 408 N Broadway. I am open Monday-Friday from 6:15am to 5:30 pm. My house is a 3 bedroom 1 and half bath with partially finished basement and two spare rooms on main floor that are used as toy rooms. I use the main floor of my house for daycare and use the upstairs as needed for nap time. The children do not go downstairs unless needed for emergency weather .I have a fenced in back yard with alley access. I have a driveway that is big enough for 3-4 cars at a time with access to the back yard. There is not alot of traffic on my street. The parents are able to use the front and back door for pick up and drop off.

I usually have anywhere from 8-12 kids at a time depending on the day and schedules. I have 3 of my own kids ages 5, 13 and 16 that live with me. My boyfriend also lives with me and has 2 kids ages 4 and 8 that are at the residence half the time usually nights and weekends.

I will not be regisistering with the state as I have done that in the past. If I have an apt or something come up and needed my cousin Aaron Hovitek(also a daycare parent) and my mother Ramona Walburg can sit with the kids otherwise I usually just close for the day.I do not have a pool, trampoline or anything that may be considered dangerous. However in the future I may want to get a trampoline for my chilren to use only. I also carry Daycare and Rental Insurance.

Thank You For Your Time

A handwritten signature in cursive script that reads "Sarah Benson". The signature is written in black ink and is positioned above the typed name and address.

Sarah Benson
530 8th ST NE
881-8706

STAFF REPORT
Conditional Use Application #16503

Applicant: **Sarah Benson**
Property Owner: Michael & Holly Morgan
Property Address: **530 8th St NE**

Conditional Use Request:

Applicant seeks Conditional Use approval to operate a Home Day Care business per §21.1804, §21.1603(1), & §21.1403(1)&(5), and contingent upon compliance with:

- §21.7001 *Home Occupations*;
- §21.7002 *Home Occupation Standards*; and
- *Specific Rules Governing Conditional Uses* including but not limited to §21.0202(2b6a-h).

Legal: Lots 40-42, Belmont Addition

	<u>R2a District Regulations:</u>	<u>Subject Parcel:</u>
Minimum Lot Area:	6,000 sq ft	15,360 sq ft
Minimum Lot Width:	50'	120'
Blvd/Infra Rqts (21.73):	15' grass blvd w/2-3 blvd trees sidewalk/trl, c/g	grassed Blvd / 1 tree none
Min. Off-St Pkg (21.63):	2/sfd	2*

*meet minimum Off-Street Parking Space (OSPS) standards for size, location, etc... To be counted, a "legal" OSPS must allow the exit of a vehicle without moving another vehicle.

DAY CARE:

the providing of care and supervision of children/adults as a supplement to regular parental home care, without transfer of legal custody or placement for adoption, with or without compensation, on a regular basis for a part of a day.

DAY CARE HOME:

care is provided in a dwelling and the number of children/adults cared for is subject to specific conditions and Standards. The principal use of the property shall be as the primary residential dwelling for the provider, and the day care business use shall be accessory. Conditional Use approval is required prior to commencement of operation.

It came to staff's attention that a Home Day Care business is being operated at an unapproved location. After notification, provider submitted application seeking City approval for this accessory use.

STAFF FINDS THAT:

(all public notice requirements have been met)

Day Care Home is a listed Conditional Use for the R-2A Single Family Attached Residential District per §21.1804, §21.1603(1), & §21.1403(1)&(5) provided that:
*such facilities shall provide **not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child.** In addition, such facilities shall supply adequate off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards.*

- Applicant will regularly utilize the main & upper levels of the approximately 2,310 sq ft single family dwelling, for the Day Care business. The property surpasses the minimum square footage of interior floor area and fenced outdoor recreation space required for up to twelve (12) children, per city ordinance §21.1403(1). Benson is not a State Registered provider, and does not plan to be.

Applicant has received, and has signed her assurance to comply with, the ordinance requirements for Home Occupations, per definitions, and per **Chapter 21.70** and **§21.0202(2b6a-h)**. She submitted the attached Site Plan and Written Request for which staff notes the following:

§21.0202(2)b(6a-h) Specific Rules Governing Individual Conditional Uses:

- * the property has a 20' wide driveway & extended apron, allowing for two (2) legal Off-Street Parking Spaces (OSPSs). The minimum number of legal sized & durable-surfaced OSPSs required just for single family dwelling use is two (2); this Board may consider requiring additional compliant OSPSs as condition of secondary use approval, and to comply with §21.1403(1) for safe *loading and unloading of children*.

Chapter 21.70 HOME OCCUPATIONS and STANDARDS

- Help from cousin or mother (as stated in letter) is for emergency purposes/plan only.
➤ No signage is proposed at this time.

This Board must determine if the request shows satisfactory provision and arrangement concerning *Specific Rules Governing Conditional Uses* **§21.0202(2)b6a-h** and **Chapter 21.70 Home Occ.s & Standards**. If endorsed, this board may also consider fulfillment of any lacking site requirements (Blvd sidewalk, trees...), additional OSPSs, &/or other conditions for secondary use approval.

See attached

Written Request, Site Plan, Vicinity/Zoning Map

Mtg date: 1/7/16

§21.0202(2)b:

- (6) **Before any conditional use shall be issued**, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:
- (a) **Ingress and egress** to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (b) **Off-street parking and loading** areas where required, with particular attention to the items in (*the written request*) and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) **Refuse and service areas**, with particular reference to the items in (a) and (b) above.
 - (d) **Utilities**, with reference to locations, availability and compatibility.
 - (e) **Screening and buffering** with reference to type, dimensions and character.
 - (f) **Signs, if any, and proposed exterior lighting** with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.
 - (g) **Required yards** and other open space.
 - (h) **General compatibility** with adjacent properties and other property in the district.

Chapter 21.70

HOME OCCUPATIONS AND STANDARDS

21.7001: HOME OCCUPATIONS

Home occupations may be permitted by conditional use as accessory uses to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.7002 of this ordinance. (Ord 04-04; Rev 03-26-04) (Ord 08-23; Rev 11-28-08) (Ord 10-34; Rev 01-13-11)

21.7002: HOME OCCUPATION STANDARDS

In addition to meeting the general accessory use standards of Section 21.1002 and all applicable standards or regulations of the zoning district in which it is located. Each home occupation shall comply with the following standards:

1. No home occupation may be operated in such a manner as to create offensive noise, odor, smoke, heat, vibration, electronic interference or other interference with the appropriate use and enjoyment of adjacent properties, or otherwise constitute a nuisance or safety hazard to adjacent persons or properties.
2. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
3. No more than twenty five percent (25%) of the total floor area of a dwelling unit may be devoted to the home occupation. However, child day care uses may occupy the entire dwelling unit.
4. No internal or external alteration which would change the basic character of the building as a residential dwelling unit shall be permitted.
5. No nonresident employee(s) may be employed on the premises at any time.
6. No public display of goods shall be allowed on the premises except inside the principal building.
7. A permitted home occupation may be operated or maintained as an accessory use only in the principal building and/or attached garage as defined.
8. No exterior advertising other than a small announcement sign, not more than four hundred (400) square inches in area, mounted to the side of the structure shall be allowed. (Ord 04-04; Rev 03-26-04)
9. Any change in location of an existing home occupation shall be required to meet these regulations.

Benson 530 8th St NE

