

Agenda  
**WATERTOWN BOARD OF ADJUSTMENT**  
City Council Chambers  
23 2<sup>nd</sup> Street NE

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Thursday February 4, 2016

4:15 PM

**Call to Order**

**Roll Call**

1. Approval of 1/7/2016 Minutes
2. Applicant Teresa Engels (#16522) seeks variance relief from the requirements of the Zoning Ordinance by appealing the terms of sections 21.0302; 21.1002; 21.6001; & 21.6002 to allow for the alteration of an existing nonconforming unattached garage, located in the R-1 Single Family Residential District @ 1300 N Maple.
  - A. Public hearing
  - B. Board of Adjustment action
3. Applicant Michael & Jana Mills (#16523) seek variance relief from the requirements of the Zoning Ordinance by appealing the terms of sections 21.0302; 21.1001; 21.6001; & 21.6002 to allow for the construction of a nonconforming addition onto a compliant attached garage, located in the R-1 Single Family Residential District @ 444 12th Ave NW
  - 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**

16522

Zone R-1 Date \_\_\_\_\_ Co. Rcd# \_\_\_\_\_

Proposed Construction Alter existing unattached garage

Size Exg: 26'x 36' Sq. Ft. Exg: 936 Height \_\_\_\_\_

Address 1300 N. Maple Lot Area \_\_\_\_\_

Lot 1 + N 1/2 (5") of val walkway on south side

Block \_\_\_\_\_ Addition Mt Olive Subd

Estimated Value \_\_\_\_\_ Fee \_\_\_\_\_ BOA Fee  Plans

Details Applicant accepts the terms of § 21.0302 prohibiting

the alteration or establishment of non con. structures; § 21.1002 H & P Regs for Accessory Structures; § 21.6001 All Reg'd yds (SBs) shall be open unoccupied space; + § 21.6002 No Reg'd yd (SB) shall be reduced below the min. Reg'd set for that District.

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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.

Owner Teresa Engels → Address 1625 Northridge Dr #107

By \_\_\_\_\_ WTN

Dated \_\_\_\_\_ Contractor \_\_\_\_\_

**PERMIT APPROVAL**

Authorized by:

\_\_\_\_\_  
Building Official

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
City Engineer

2/4/16  
Members of Board of Adjustment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Teresa Engels

RE: 1300 N Maple St.

Lot 1 &  $\frac{1}{2}$  Vacated Walkway Adj Mount Olive Subd.

Dear Board of Adjustment,

I am requesting a rear yard variance to move my existing detached garage onto my property.

It currently is 3.5' over the property line into the alley, it has existed there since 2005 without any issues.

I am trying to sell the property which the bank will not do until the garage can be cleared by the title company.

I am requesting the minimal amount possible 3' from the property line to minimize the move.

Thank you for your consideration.

  
Teresa Engels

# PLOT PLAN

OWNER: ROBERT SOLEM

ADDRESS: 1300 NORTH MAPLE STREET WATERTOWN, SD 57201

LEGAL DESCRIPTION: LOT 1 OF MOUNT OLIVE SUBDIVISION AND (NORTH) HALF (1/2) OF ADJOINING VACATED WALKWAY LYING BETWEEN SAID LOT 1, MOUNT OLIVE SUBD. & LOT 20A OF BLOCK 6 OF WAY AND DAVLINS HILLCREST ADDITION TO THE CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA

SUBJECT TO EASEMENTS & ENCROACHMENTS NOT FOUND OF RECORD.



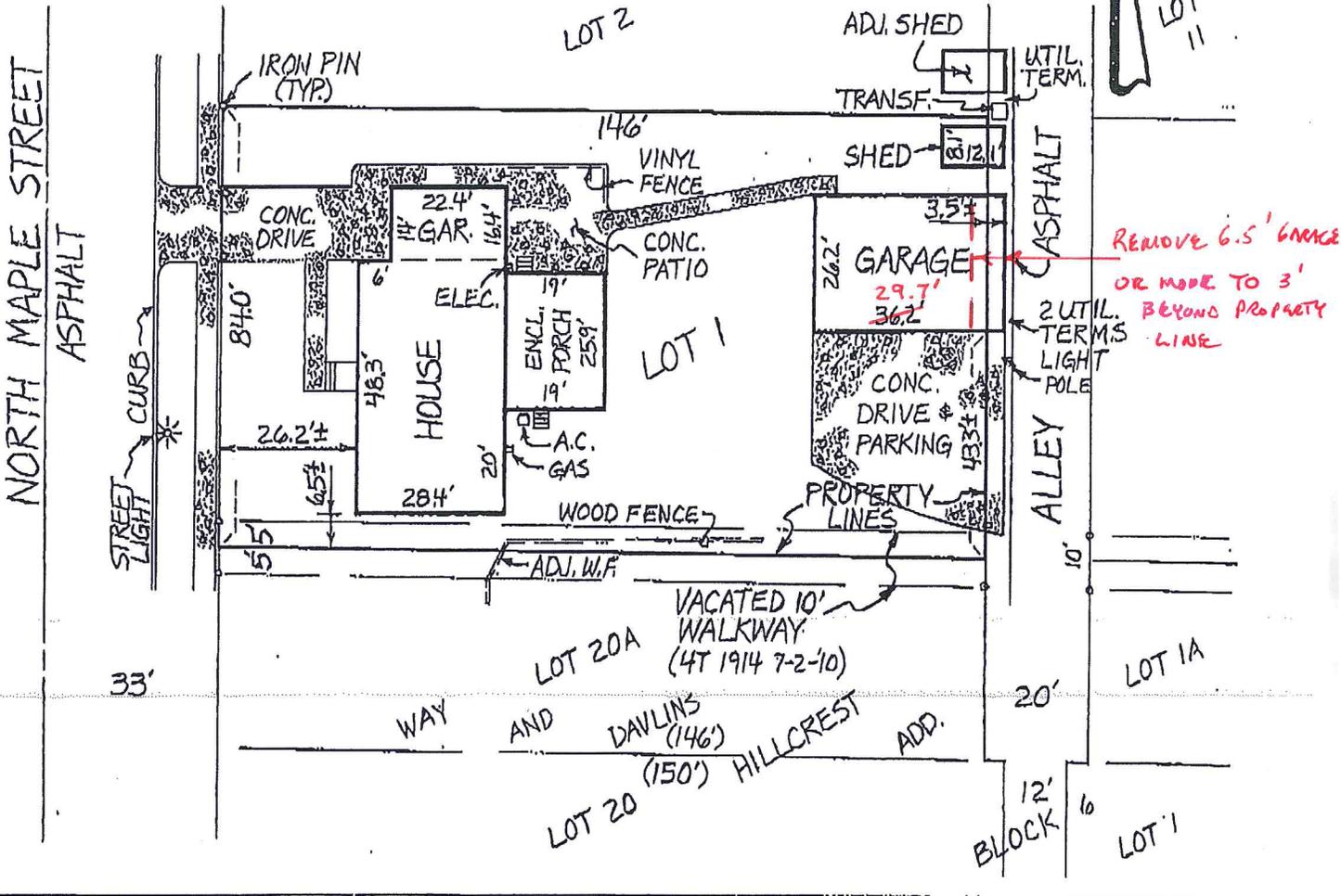
SURVEYED BY:

*Darwin D. Brinkman*

REGISTERED LAND SURVEYOR

DECEMBER 28, 2015

SCALE 1" = 30'





# APPLICATION FOR BUILDING PERMIT

N<sup>o</sup> 6841

Zone R1 Date June 19, 19 95

Proposed Construction unattached garage

Size 24 x 36 Sq. Ft. 864 Height 8 1/2' max side

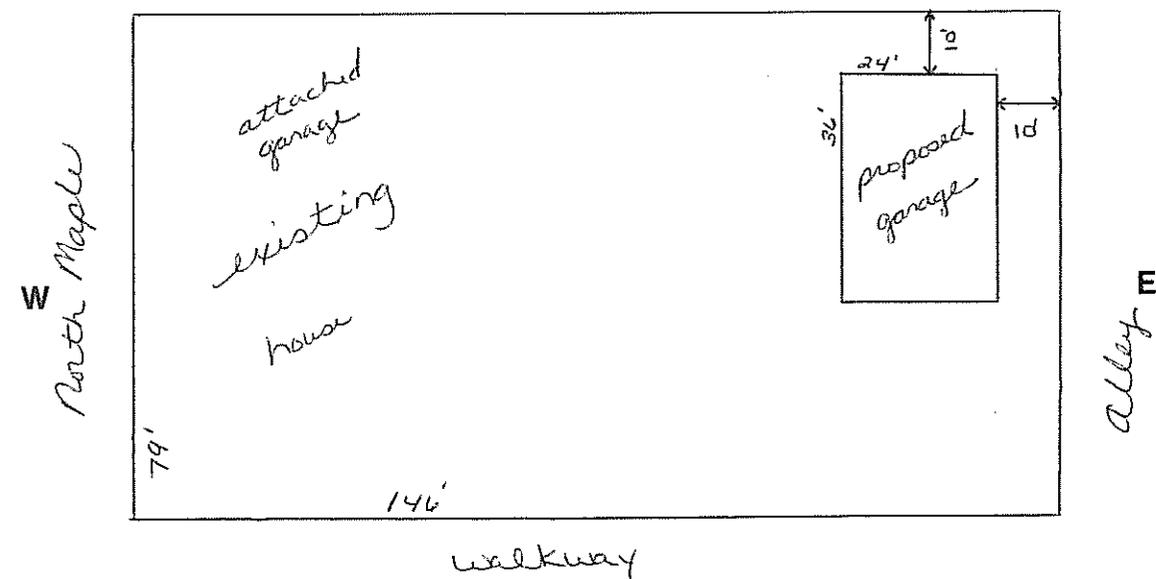
Address 1300 North Maple Lot Area 79 x 146

Lot 1 Block \_\_\_\_\_ Addition Mt Olive Subd

Estimated Cost \$8,640.00 Fee \$30.00 Plans Filed \_\_\_\_\_

Details not mentioned above: \_\_\_\_\_

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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, repairs, removal and safety of buildings and other structures and permanent building equipment.

Owner Douglas and Teresa Engels Address 1300 North Maple

By Doug Engels

Dated June 19, 19 95 Contractor \_\_\_\_\_

## PERMIT APPROVAL

Authorized by: [Signature] Building Official

Members of Board of Adjustment \_\_\_\_\_

\_\_\_\_\_ Fire Chief

\_\_\_\_\_ City Engineer

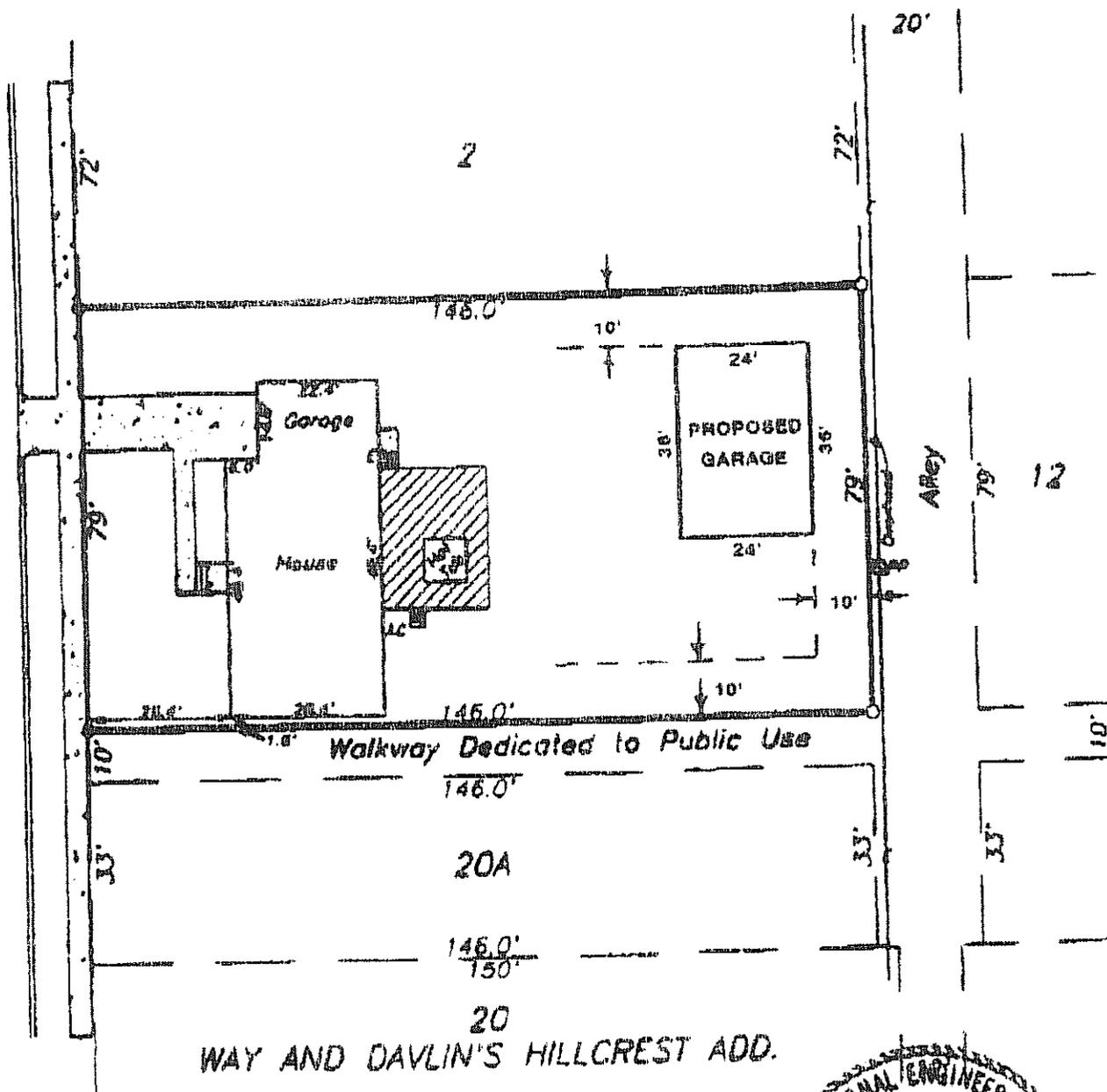
Original BP #6841

FOUNDATION			
Concrete Slab			<input checked="" type="checkbox"/>
Concrete Block Walls			
Concrete Walls			
Wood Walls			
BASEMENT AREA			
<input checked="" type="checkbox"/> P	<input type="checkbox"/> F		
EXTERIOR WALLS			
Siding on Sheathing			<input checked="" type="checkbox"/>
Single Siding			
Double Wall			
Pole Building			
Column Building			
Concrete Block			
Face Brick Veneer			
Face Brick on C.B.			
Hardboard Siding			<input checked="" type="checkbox"/>
Wood Siding			
Aluminum Siding			
Steel Siding			
Wall Insulation			
Roof Insulation			
ROOF TYPE			
Hip			<input checked="" type="checkbox"/>
Gable			
Mansard			
Flat			
ROOFING			
Asphalt Shingle			<input checked="" type="checkbox"/>
Wood Shingle			
Membrane Roof			
Slate			
Steel			
Pitch and Gravel			
FLOORS			
	B	1st	2nd
Concrete			<input checked="" type="checkbox"/>
Earth			
Gravel			
Plyscore			
INTERIOR FINISH			
	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			
Type X Sheetrock			
Painted			
Paneling			
Unfinished Int.			<input checked="" type="checkbox"/>
HEATING			
Solar			
Heat Pump			
Hot Water			
Electric			
Gas Furnace			
Oil Furnace			
Geothermal			
Air Conditioning			
Fireplace			
Wood Stove			
No Heating System			<input checked="" type="checkbox"/>
PLUMBING			
	B	1st	2nd
Rough In			
Bath Rooms			
Kitchen			
Laundry			
No Plumbing			<input checked="" type="checkbox"/>

April 3, 1988  
Scale: 1"=30'

- Property Corner
- Property Pin Rec.

NORTH MAPLE STREET

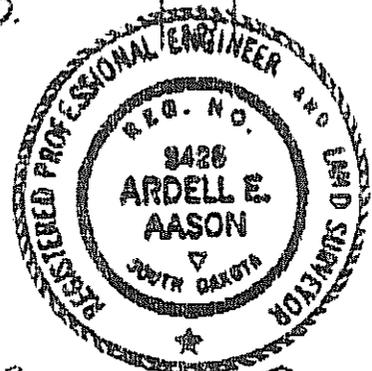


WAY AND DAVLIN'S HILLCREST ADD.

Owners:  
 Douglas C. & Teresa M. Engels  
 1300 North Maple  
 Watertown, SD 57201

2-3170 called 6-19

Subject to Easements and Encroachments  
not Found of Record



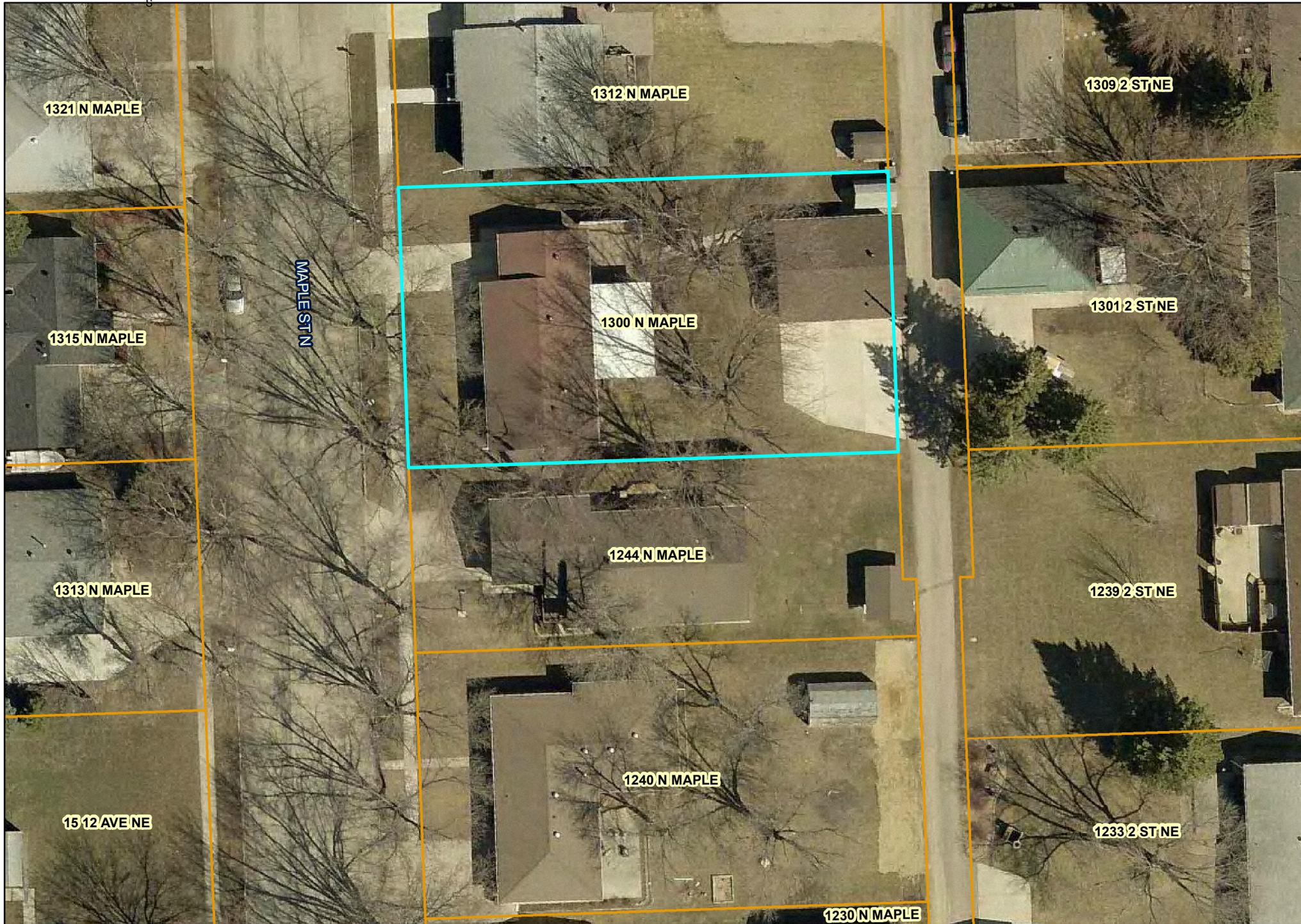
*Ardelle E. Aason*  
 Reg Prof Eng and

attachment #6841

1, Mt Olive Subd



# Engels 1300 N Maple



1321 N MAPLE

1312 N MAPLE

1309 2 ST NE

MAPLE ST N

1315 N MAPLE

1300 N MAPLE

1301 2 ST NE

1313 N MAPLE

1244 N MAPLE

1239 2 ST NE

15 12 AVE NE

1240 N MAPLE

1233 2 ST NE

1230 N MAPLE

**STAFF REPORT**  
**Application to the Board of Adjustment #16522**

Owner/Applicant: **Teresa Engels**  
 Property Address: **1300 N Maple**  
 Legal: **Lot 1 & N1/2 (5') vac walkway, Mount Olive Subdivision**

1. **Application was submitted** requesting to alter an existing **nonconforming 936 sq ft (26'x36') unattached garage**; said structure proposed to be repositioned, or a portion removed, so as to be located:
  - not closer than **3'** from the rear (east) property line, where a minimum **9'** is required.
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibiting the alteration or establishment of nonconforming structures;
  - §21.1002 Height & Placement Regulations for Accessory Structures;
  - §21.6001 All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions...; and
  - §21.6002 No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure, ... no yard (setback) shall be reduced in dimension below the minimum requirements set for the district in which such yard or lot is located.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<b>R1 min Req's</b>	<b>Existing / Proposed</b>	<b>Meets Req's:</b>
Area	9,000 sq ft	<b>12,264 sq ft</b>	<b>X</b>
Width	75'	<b>84'</b>	<b>X</b>
Front	25'	W: >25' / NA	<b>X / X</b>
Side	9'	N: >9' / <b>will comply</b>	<b>X / X</b>
Side	9'	S: ±43.3' / <b>will comply</b>	<b>X / X</b>
<b>Rear (acc bldg)</b> entered: parallel: <b>9'</b> / perpendicular: <b>20'</b>		E: <b>-3.5' / 3'</b>	<b>NO / NO</b>
Bldv Rqts	15' grass blvd / 2 trees	<b>compliant</b>	<b>X</b>
Infr Rqts	sw/trl, c&g	<b>compliant</b>	<b>X</b>
Off-St Pkg*	2/sfd	<b>5 / 5</b>	<b>X / X</b>

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

**HISTORY:**

1966 #B148	Mt. Olive Lutheran Church	house & att garage	
1995 #6841	Doug & Teresa Engels	24'x36' unattached garage w/10' side & rear setbacks	(a 26'x36' grg was constructed (see BP))
2002 #9520	Doug & Teresa Engels	3 season porch	
???? NO BP	Doug & Teresa Engels	unlawful 8'x12' shed	

In 1995, Doug & Teresa Engels were issued Building Permit #6841 for:

- a compliant 864 sq ft (24'x36') unattached garage,
  - to be constructed 10' from the north (side), and 10' from the east (rear) property lines.

However,

- a noncompliant 936 sq ft (26'x36') garage was constructed,
  - encroaching 3.5' over their east (rear) property line and into public right-of-way.

Due to financing purposes, Teresa Engels comes now to this Board requesting to alter the structure (remove a portion of, or reposition) just enough to satisfy the financier.

**STAFF FINDS THAT:**

(all public notice requirements have been met)

- Currently, this compliant R-1 zoned parcel consists of a single family dwelling with attached (308 sq ft) single garage, a nonconforming unattached triple garage and utility shed.
- There is a total of 7,392 sq ft of legal buildable area on this parcel (available for accessory structures), of which 2,146 sq ft (29%) is occupied by the primary structure (house w/attached garage).
- Sufficient "backyard" buildable area exists on this parcel for compliant accessory structures: approximately 4,648 sq ft upon which to reposition this 936 sq ft structure without variances, and compliant with §21.1002(3a):

***Supplemental Provisions for Residential Accessory Structures greater than 200 Square Feet.***

- a. *A garage permitted prior to July 11, 2008 which is entered perpendicular to an alley shall not be located closer than nine (9) feet to the alley line. A garage permitted after July 11, 2008 which is entered perpendicular to an alley shall not be located closer than twenty (20) feet to the alley line. A garage which is entered parallel to an alley shall not be located closer the nine (9) feet to the alley line.*

See attached

Written Request, Site Plan, Aerial Map, photos, original BP #6841

Mtg date: Feb 4, 2016



**MILLS**  
444 12<sup>th</sup> Ave NW  
Watertown, SD 57201

January 4, 2016

RE: Variance

Dear Board of Adjustment Members:

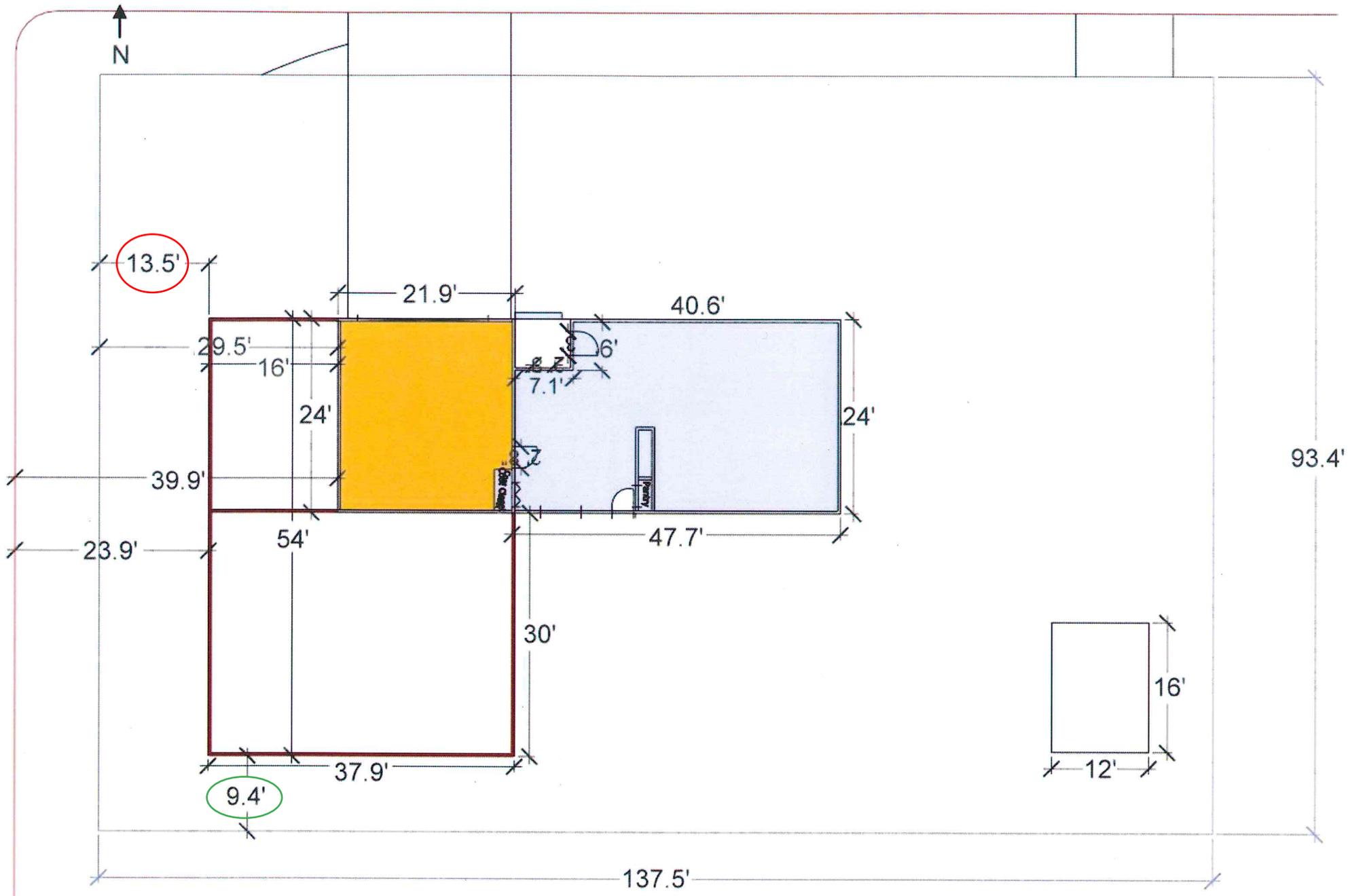
We are requesting a variance for an attached garage addition to our property located at 444 12<sup>th</sup> Ave NW (legal description Lot 31 Block 2 Suttor's Sunset Heights Addition).

We live on a corner lot and are therefore asking for an 11.5' front yard variance.

Thank you,

*Mike and Jana Mills*

Mike & Jana Mills



# PLOT PLAN

OWNERS: MICHAEL & JANA MILLS

082994 ✓

ADDRESS: 444 12TH AVENUE NW WATERTOWN, SD 57201

LEGAL DESCRIPTION: LOT 31, BLOCK 2, SUTTOR'S SUNSET HEIGHTS ADDITION TO THE CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA

SUBJECT TO EASEMENTS & ENCROACHMENTS NOT FOUND OF RECORD.

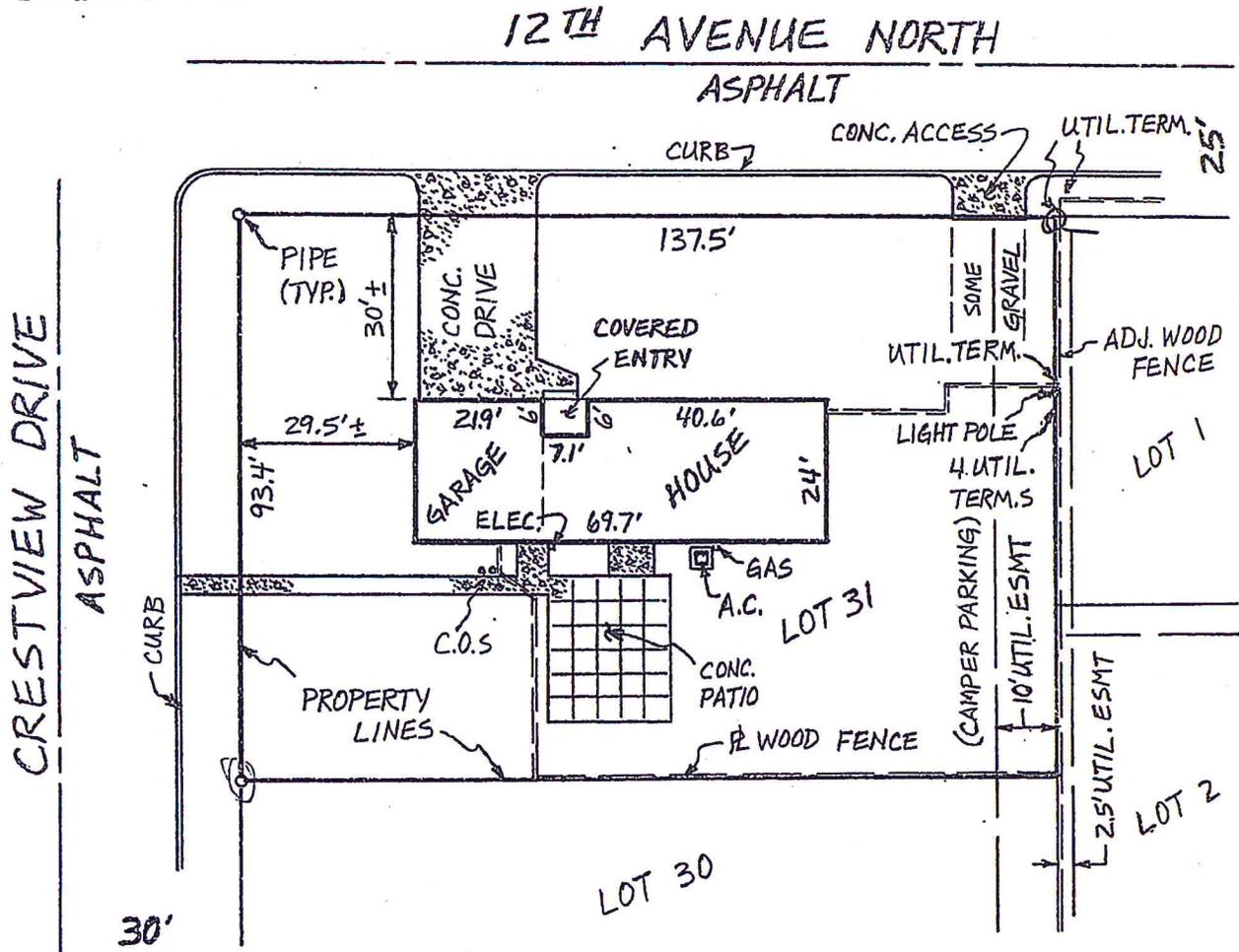


SURVEYED BY:

REGISTERED LAND SURVEYOR

OCTOBER 21, 2008

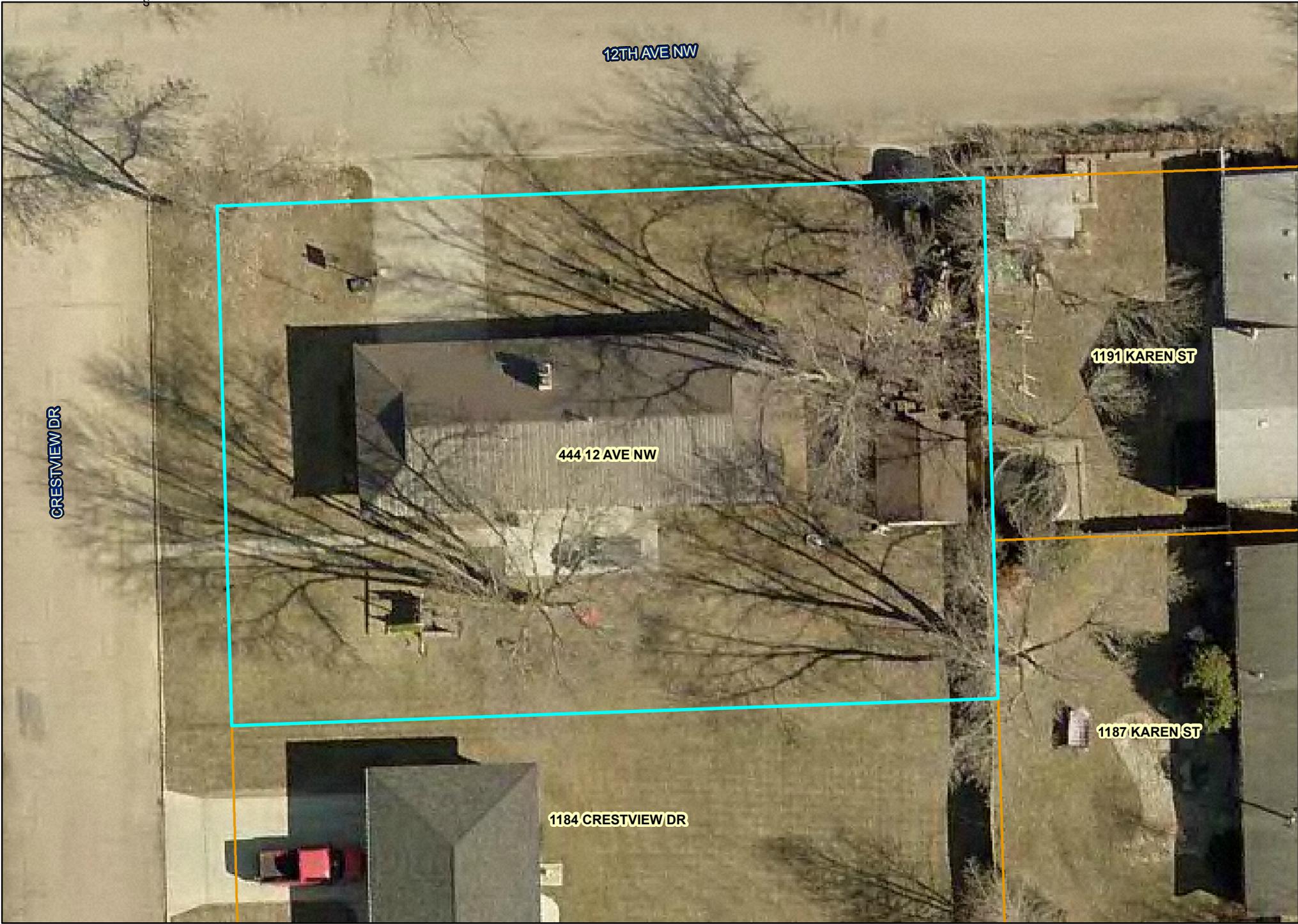
SCALE 1" = 30'







Mills 444 12th Ave NW



12TH AVE NW

CRESTVIEW DR

444 12 AVE NW

1191 KAREN ST

1184 CRESTVIEW DR

1187 KAREN ST

# STAFF REPORT

## Application to the Board of Adjustment #16523

Owner/Applicant: **Michael & Jana Mills**  
 Property Address: **444 12th Ave NW**  
 Legal: **Lot 31, Blk 2, Suttor's Heights Addition**

1. **Application was submitted** requesting to construct a **1,521 sq ft addition, 621 sq ft (11.5'x54')** of **which is nonconforming**, onto an existing compliant 525.6 sq ft (21.9'x24') attached garage; said addition proposed to be constructed:
  - **13.5'** from the front (west) property line, where a minimum **25'** is required.
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibiting the design and creation of nonconforming structures;
  - §21.1001 Height & Placement Regulations;
  - §21.6001 All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions...; and
  - §21.6002 No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure, ... no yard (setback) shall be reduced in dimension below the minimum requirements set for the district in which such yard or lot is located.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<b>R1 min Req's</b>	<b>Existing / Proposed</b>	<b>Meets Req's:</b>
Area	9,000 sq ft	<b>12,842.5 sq ft</b>	<b>X</b>
Width	75'	<b>93.4'</b>	<b>X</b>
Front	25'	N: 30' / <b>30'</b>	<b>X / X</b>
<b>Front</b>	<b>25'</b>	W: 29.5' / <b>13.5'</b>	<b>X / NO</b>
Side	9'	E: ~38' / NA	<b>X / X</b>
Side	9'	S: ~39.4' / <b>9.4'</b>	<b>X / X</b>
Bldv Rqts	15' grass blvd / 4-5 trees	grass & <b>1 tree</b>	<b>no</b>
Infr Rqts	sw/trl, c&g	<b>no sidewalks</b>	<b>no</b>
Off-St Pkg*	2/sfd	2 / <b>~4</b>	<b>X / X</b>

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

### HISTORY:

1973	#693	house & att garage	Tomlinson
2012	#14569	shed 12x16	Mills
2015	#16273	bathroom remodel+	Mills

### STAFF FINDS THAT:

(all public notice requirements have been met)

- This compliant R-1 zoned parcel consists of a conforming single family dwelling with attached (525.6 sf) double garage.
- The legal buildable area on this parcel is 6,088.5 sq ft, of which 1,672.8 sq ft (28%) is occupied by the compliant primary structure (house w/attached garage). There is sufficient buildable area on this parcel to construct attached and/or unattached structures without variances.
- This parcel lacks standard Blvd & Infrastructure requirements (Blvd trees & sidewalk); if application is endorsed, this board may consider fulfillment of any/all of those requirements in conjunction with any structural improvements authorized by Building Permit.

See attached

Written Request, Site Plan, aerial view, elev view

Mtg date: Feb 4, 2016