

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

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Thursday March 10, 2016

4:15 PM

**Call to Order**

**Roll Call**

1. Approval of February 18, 2016 Minutes
2. Applicant Ryan Wanner (#16547) seeks Conditional Use approval to operate an in-home transfer printing business out of a multi family dwelling unit located in the R-2A Single Family Attached Residential District @ 303 (aka 305) 1st Ave SW Apt #5.
  - A. Public hearing
  - B. Board of Adjustment action
3. Applicant ANZA, Inc (#16548) seeks Conditional Use approval to allow for the manufacturing of small technological products in the C-3 Highway Commercial District @ 1404 9th Ave SW.
  - A. Public hearing
  - B. Board of Adjustment action

**Old Business:**

1. Applicant Josh Soucy (#15997) appeals the requirements of Zoning Ordinance sections 21.0302; 21.1001; 21.1002; 21.6001; & 21.6002; to allow for the construction of a nonconforming garage @ 1201 E Kemp.
  - A. Public hearing held: 4/8/2015. Tabled.
  - B. Board of Adjustment action

**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**

16547

Zone R-2 A Date \_\_\_\_\_ Co. Rcd# 10331  
 Proposed Construction Conditional Use only - (transfer printing)  
 Size \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Height on clothing  
 Address 303 (aka 305) 1st Ave SW #5 Lot Area 16,500

Lot 13+14  
 Block 38 Addition 2nd Railway

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

Details seeks approval per §21.1804, §21.1603(1), + §21.1403(5)  
Contingent upon compliance N w/ Chapter 21.70 Home Occupations + SRGIC Use §21.0202 (2b)(a-h).

W E

**S**

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 Mary Goepfert) Address \_\_\_\_\_  
 Applicant: Ryan Wanner → Apt. #5 303 1st Ave SW  
 By \_\_\_\_\_ Contractor \_\_\_\_\_

Dated \_\_\_\_\_ Contractor 3/10/16

**PERMIT APPROVAL**  
 Authorized by: \_\_\_\_\_  
 \_\_\_\_\_ Building Official  
 \_\_\_\_\_ Fire Chief  
 \_\_\_\_\_ City Engineer

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

Board of Adjustments information for a Variance

Address and Legal Description:

303 1<sup>st</sup> Ave. SW #5

Lots <sup>cu</sup> 38 & <sup>cu</sup> 4 Block <sup>cu</sup> 48. 2<sup>nd</sup> Railway Addn.

Ryan is requesting a <sup>conditional use (cu)</sup> variance to run a small T-shirt business out of his apartment. Due to Ryan's disability and his goal of wanting to be self-sufficient to provide a reasonable life style. Ryan and his team which consists of his family members, Employment Specialist's, SD Vocational Rehabilitation, and staff that are on-site 24/7 feel that running this business out of his apartment with all the supports is a necessity for Ryan to be successful.

Ryan lives in a 2 bedroom apartment which one of the bedrooms would be his working area no special accommodations will be needed to be done to his apartment for equipment. Ryan's hours of operation will typically be Monday thru Friday 8am-5pm, with the possibility of Ryan designing and or printing on the weekend's if he feels the need to do so. Most of Ryan's business will be done via internet ,word of mouth, church groups, and area businesses so there will be not too much traffic from customers. This will also not cause any parking or extra traffic in the area. There will be no signage outside of the apartment building. On occasion there will be delivery trucks to bring inventory items as needed. There will not be an excessive amount of garbage, as there will only be one transfer sheet per shirt printed. There are no chemicals other than ink cartridges which will be disposed of properly or re-used.

Enclosed is a letter from Citi-Wide stating their permission. A letter from Colleen Winge Employment specialist, and the layout of Ryan's apartment

**Home Occupation:** Any occupation which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use other than a non-illuminated sign not exceeding four hundred (400) square inches in area. This occupation shall be carried on or conducted only by members of a family residing in the dwelling. (Ord 04-04; Rev 3-26-04)

**Chapter 21.70**  
**HOME OCCUPATIONS AND STANDARDS**

**21.7001: HOME OCCUPATIONS FOR RESIDENTIAL DISTRICTS**

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 3-26-04) (Ord 08-23; Rev 11-28-08) (Ord 10-34; Rev 1-13-11)

**21.7002: HOME OCCUPATION STANDARDS**

In addition to meeting the general accessory use standards of Section 21.2101 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 non-resident 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 3-26-04)
9. Any change in location of an existing home occupation shall be required to meet these regulations.

I am aware of and will comply with Ordinance requirements for an in-home business (Home Occupation)

*Ryan H. Co.*  
\_\_\_\_\_

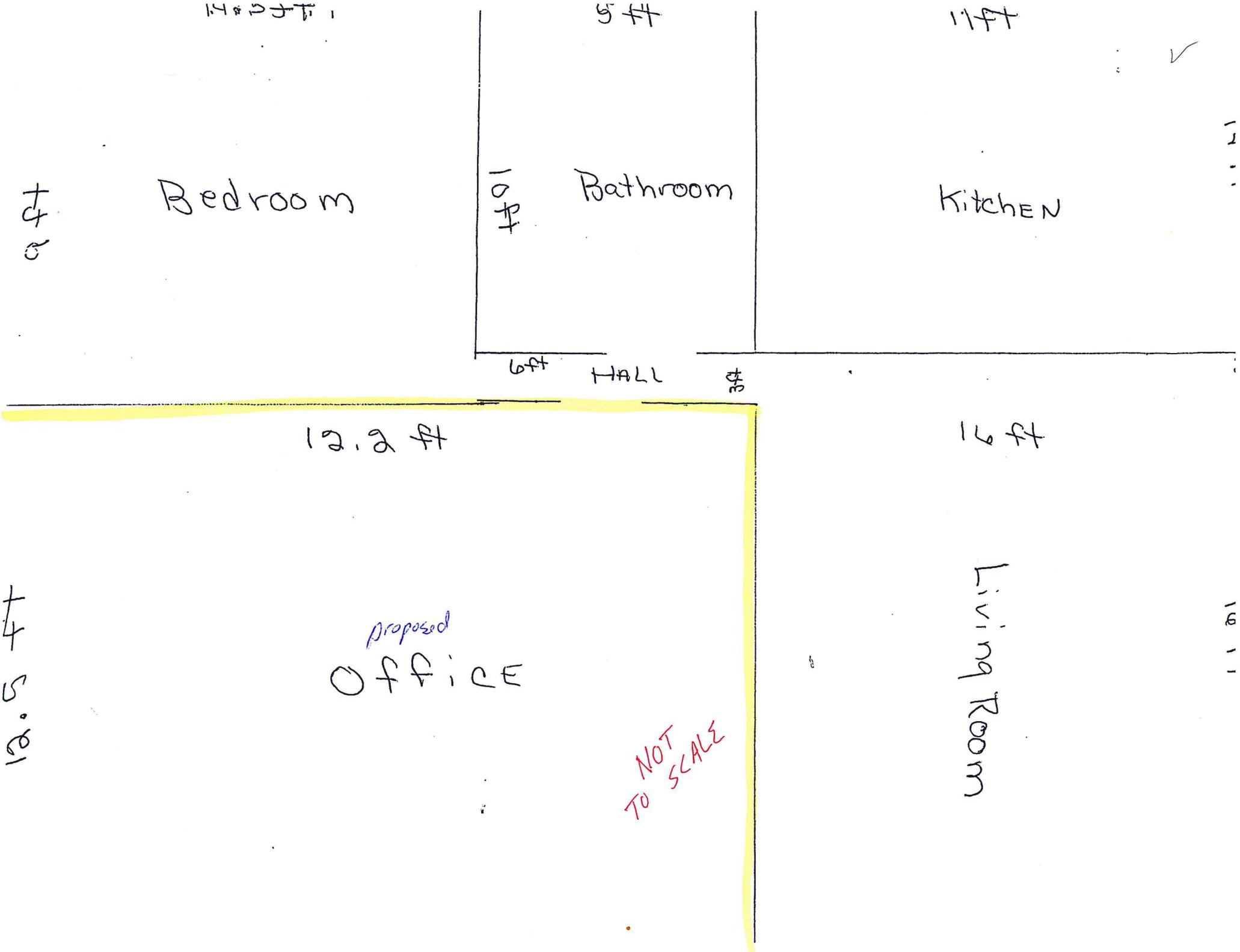
To the Board of Adjustment,

I would like to introduce myself first, my name is Colleen Winge and I am an Employment Specialist with New Horizons/HSA. My job entails working with people supported in helping them find jobs in the community or in this case starting Ryan's own business. I also assist in training these person's into their positions until they are comfortable. I am comfortable and the employer are comfortable with us fading.

Ryan is authorized thru SD Vocational Rehab services, which basically means they will assist Ryan in getting this business up and running and provide one on one training for approximately 3 months from myself or another job coach. After 3 month's we still do monthly follow ups just to keep up on their progress.

Ryan lives in a supervised apartment with staff available 24/7 to also assist with this venture ,We have checked into the screen printing and the laser t-shirts and feel the best one for Ryan is the Laser t-shirts because of the simplicity of only needing a computer, printer, and the heat press. No chemicals required.

Ryan plans on designing and printing all of his own shirts and at this time with no other employees. Ryan has a very supportive family and staff. Ryan is planning on selling shirts to church groups, internet and area businesses and word of mouth. One of the benefits of Ryan being with New Horizons are we provide all transportation to and from these groups.



Bedroom

Bathroom

KITCHEN

HALL

Living Room

proposed  
OFFICE

NOT  
TO  
SCALE

12.2 ft

5 ft

11 ft

10 ft

6 ft

ft

12.2 ft

16 ft

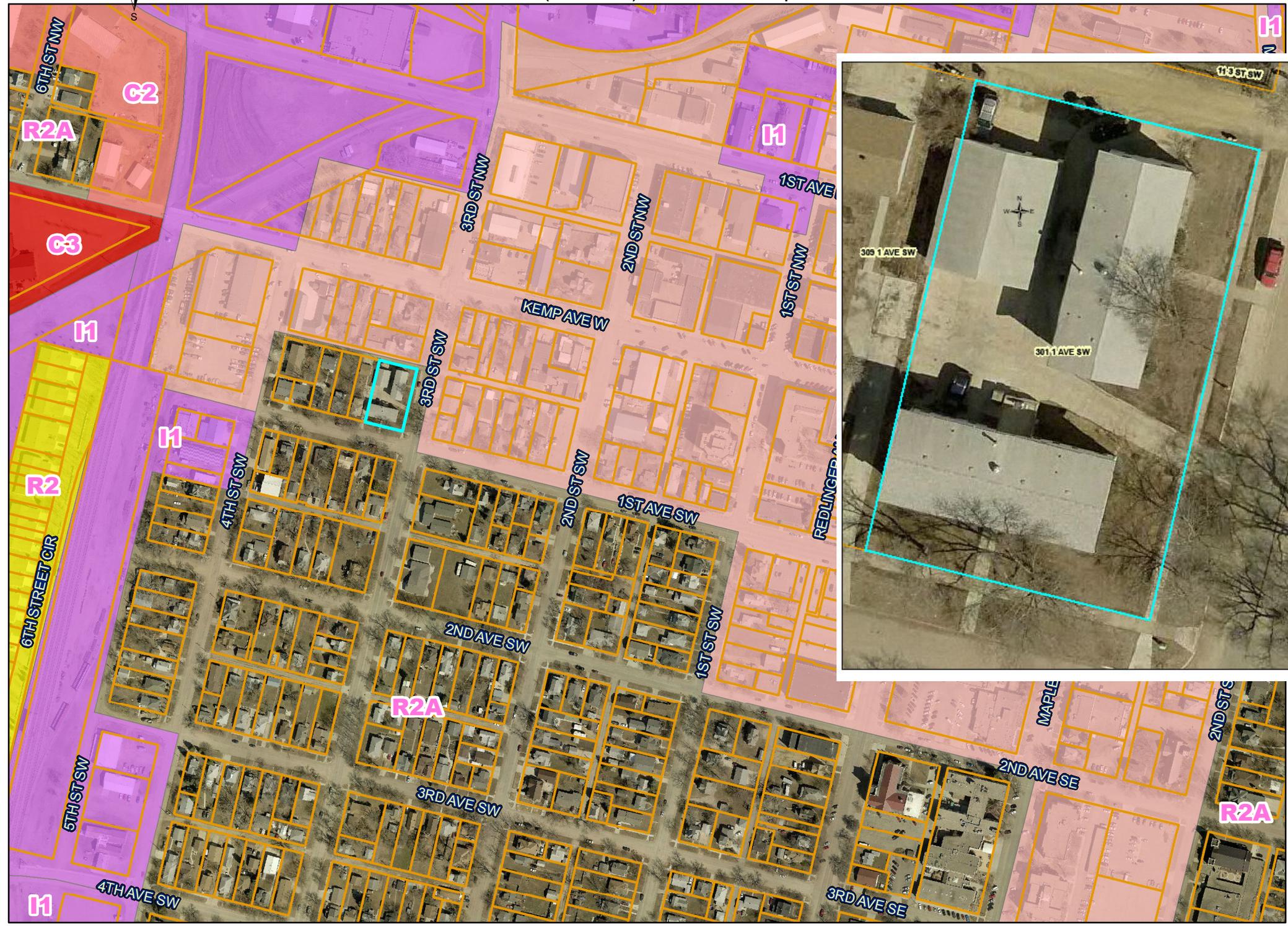
4.5 ft

7.4 ft

16.1 ft



Wanner 303 (aka 305) 1st Ave SW Apt #5



M

113 ST SW

309 1 AVE SW

301 1 AVE SW

2ND ST SE

R2A

MAPLE

2ND AVE SE

3RD AVE SE

**STAFF REPORT**  
Application #16547 Conditional Use Request

Property Owner: Mary Goepfert (Citi-Wide Property Management, Inc.)  
 Applicant: **Ryan Wanner**  
 Property Address: **303 1st Ave SW** (aka 305 1st Ave SW) **Apt #5**, Watertown, SD  
 Legal Description: Lots 13 & 14, Blk 38, 2nd Railway Addn

**Conditional Use Request:**

Applicant seeks approval to operate a **transfer-printing on clothing (e.g.:T-shirts) business** from his apartment located in the R-2A Single Family Attached Residential District, per §21.1804, §21.1603(1), & §21.1403(5) of the Zoning Ordinance; 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)**.

(for comparison)

<b><u>District Regulations:</u></b>	<b><u>R-3:</u></b>	<b><u>R-2a:</u></b>	<b><u>Subject Parcel:</u></b>
<b>Min Lot Area:</b>	15,600 sq ft	*NA	<b>16,500 sq ft</b>
<b>Min Lot Width:</b>	125'	*NA	<b>100'</b>
<b>Max dwelling units (d.u.):</b>	limited only by lot size	*4 max	<b>12</b>
<b>Max % home business use:</b>	25% of 743 sq ft d.u.		<b>21% (152.5 sf)</b>
<b>Min Off-St Pkg Spaces (21.63):</b>	<b>24</b> (12fd) & ?/secondary use		<b>9**</b>
<b>Bldv Rqts (21.73):</b>	<b>15'</b> grassed Bldv w/5-6 trees		<b>&lt;15' grass / 2 trees</b>
<b>Infr Rqts (Title 18)</b>	<b>4'</b> sw/trl, c&g		East: <b>Bldv inset pkg</b>

\*The R-2A zone is limited to a maximum four (4) dwelling units (d.u.) (1-2 d.u. are a Permitted Use, 3-4 d.u. are possible by Conditional Use); this parcel has twelve (12) dwelling units.

\*\***legal OSPS:** min size: 9'x18.5' inside &/or outside (durable-surfaced), allowing the exit of a vehicle w/out first having to move another.

***Home Occupation:***

*any occupation which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use other than a non-illuminated sign not exceeding four hundred (400) square inches in area.*

*This occupation shall be carried on or conducted only by members of a family residing in the dwelling.*

**HISTORY:**

1967	B494	Johnson	Two Duplexes
1968	B676	Johnson	detached garage (6 stalls) (BOA granted variances for setbacks)
???	no BPs found	???	converted from duplexes into six-plexes

**STAFF FINDS THAT:**

(all public notice requirements have been met)

- Home Occupations** is a listed Conditional Use in the R2a Single Family Residential District per City Zoning Ordinance sections 21.1804, 21.1603(1) and 21.1403(5).
  - Such Conditional Use may be approved subject to compliance with §21.0202(2)b(6a-h) *SRGICUs*, definitions, and any other conditions the Board deems necessary.
- Applicant proposes to utilize part of his leased apartment (less than 25% of the d.u.'s ~743 sq ft living area) for business use. (see Written Request & Floor Plan for details).
- Applicant has received, and will comply with, the ordinance requirements for Home Occupations, per **definition** and per **Chapter 21.70**.
- The property is also subject to compliance with:
  - **Chapter 21.63 Off-Street Parking and Loading Requirements:**
    - No Site Plan was submitted. According to aerial photo, there appears to be 9 OSP spaces. At some point (prior to 2000) City curb was removed & replaced w/box curbing on the east Blvd for inset parking.
  - **Chapter 21.73 Landscape and Lighting Standards:**
    - No Site Plan was submitted. At some point (prior to 2000), compliant 15' grassed Blvd was reduced to ~10' on 3<sup>rd</sup> St. Lighting, refuse containment, utilities, etc...were not addressed.
  - **Chapter 21.80 Signs and Outdoor Advertising:**
    - The Written Request indicates no outdoor signage for this business.
- This Board must determine if satisfactory provision and arrangement has been made concerning the above §21.0202(2)b(6a-h), Chapters 21.18, 21.63, 21.73, & 21.80.
- This parcel is lacking & noncompliant in Blvd and infrastructure (grass/trees, c/g) requirements. If application is endorsed, this Board may consider requiring fulfillment/correction of any/all lacking and noncompliant Blvd/Infra requirements.

See Attached:  
Written Requests, vicinity map, Floor Plan

mtg: 3/10/2016
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**§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**

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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:

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**BASEMENT AREA**

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Type X Sheetrock			
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**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**

16548

Zone C-3 Date \_\_\_\_\_ Co. Rcd# 5994  
 Proposed Construction Conditional Use only - Light Mfg.  
 Size \_\_\_\_\_ Sq. Ft. 4,818<sup>sq ft</sup> Height \_\_\_\_\_  
 Address 1404 9<sup>th</sup> Ave SW Lot Area 34,632  
 Lot N/396' W/117' E/150' Gov't Lot 3 - Lot H-1 + Lots H-7-H8  
 Block \_\_\_\_\_ Addition 1-116-53  
 Estimated Value \_\_\_\_\_ Fee \_\_\_\_\_ BOA Fee  Plans   
 Details Seeks approval for Light Manufacturing per §21.2863 (F)

Contingent upon compliance N w/ SRGIC U.S. §21-0202 (2b)(4-h)

**W** **E**

**S**

**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.

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Owner Prairie CAR, LLC Address \_\_\_\_\_  
 Applicant: ANZA, Inc / NASCENT Technology → 121 Airport Dr, WTN  
 By \_\_\_\_\_

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

**PERMIT APPROVAL**

Authorized by: \_\_\_\_\_  
 \_\_\_\_\_ Building Official  
 \_\_\_\_\_ Fire Chief  
 \_\_\_\_\_ City Engineer

Members of Board of Adjustment  
3/10/16  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

February 18, 2016

City of Watertown  
Board of Adjustment  
23 2<sup>nd</sup> Street NE  
Watertown, SD 57201



Dear Members of the Board:

ANZA, Incorporated plans to lease the property located at 1404 9<sup>th</sup> Ave SW (N396' W117'E150' GOVT LOT3 LESS LOT H1 & LOTS H7-H8 CITY LANDS 1-116-53) to house our company, NASCENTechnology Inc. The property is current zoned C3 Highway Commercial District. We request that the property receive a conditional use permit for Light Manufacturing. Light Manufacturing is listed as a conditional use in the revised ordinances Chapter 21.28 for the C-3 Highway Commercial District

NASCENT is currently located in a building shared with Wurth Midcom located at 121 Airport Drive. As Wurth-Midcom has needs for the space currently occupied by Nascent the lease for NASCENT in the Midom building will not be renewed after June 30, 2016. In order to maintain manufacturing and support these jobs in Watertown we must move to a new location as soon as possible.

NASCENT manufactures small wire-wound transformers and small co-fired ceramic transformers. The manufacturing process used by NASCENT is very clean and emits no noise or odors. This process will require the construction of a clean room. This addition will be approximately 2000 sq feet and will be attached to the rear of the building at 1404 9<sup>th</sup> Ave SW. The current building is set back from the property line 78 feet in the front and 163 feet in the rear. The side set backs are 46 feet on the street side and 10 feet on the other (west) side. We are aware that the City of Watertown requires a 20-foot setback on the west side of the building and 40-foot on the east side. In addition, a 40-foot setback on the front of the building and 20-foot on the rear is also required. All new construction will conform to these requirements.

NASCENT will employ approximately 20 full-time employees, expected to operate during normal business hours. An occasional customer may visit the facility however, normal operation is limited to the employees. Signage will be modest and occupy existing signage frames at the building.

Space to house NASCENT has been searched throughout Watertown. The Watertown Development Corporation and local realtors have been used to identify property. This property best fits our needs and could be made available to fit our schedule. Operation of NASCENT will not conflict or be detrimental to the neighborhood. The type of manufacturing that will occur is very similar to Minntronix which is currently located at 1600 9<sup>th</sup> Ave SE.

We will be present at your meeting on March 10, 2016 and look forward to answering any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Jim Hill". The signature is written in a cursive style with a large, looping initial 'J'.

Jim Hill  
ANZA, Incorporated

US HWY 212 9TH AVENUE SOUTH

# SITE PLAN

ADDRESS: 1404 9TH AVENUE SW WATERTOWN, SD 57201  
LEGAL DESCRIPTION: THE NORTH 396' OF THE WEST 117' OF THE  
EAST 150' OF GOV'T LOT 3 LESS LOTS H1, H7 & H8,  
CITY LANDS, SEC. 1-T116N-R53W

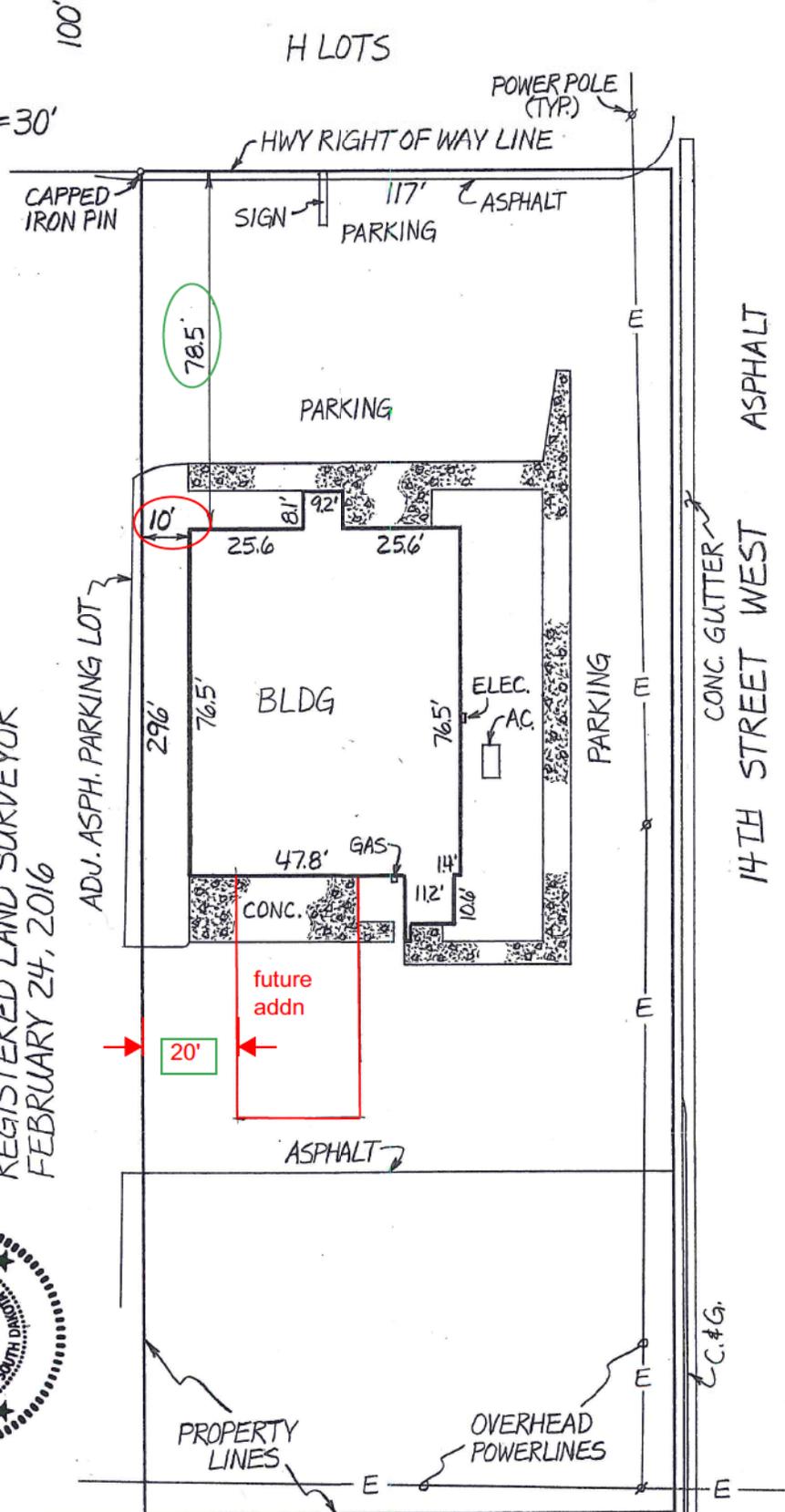
SCALE 1"=30'

AMERICAN LEGION

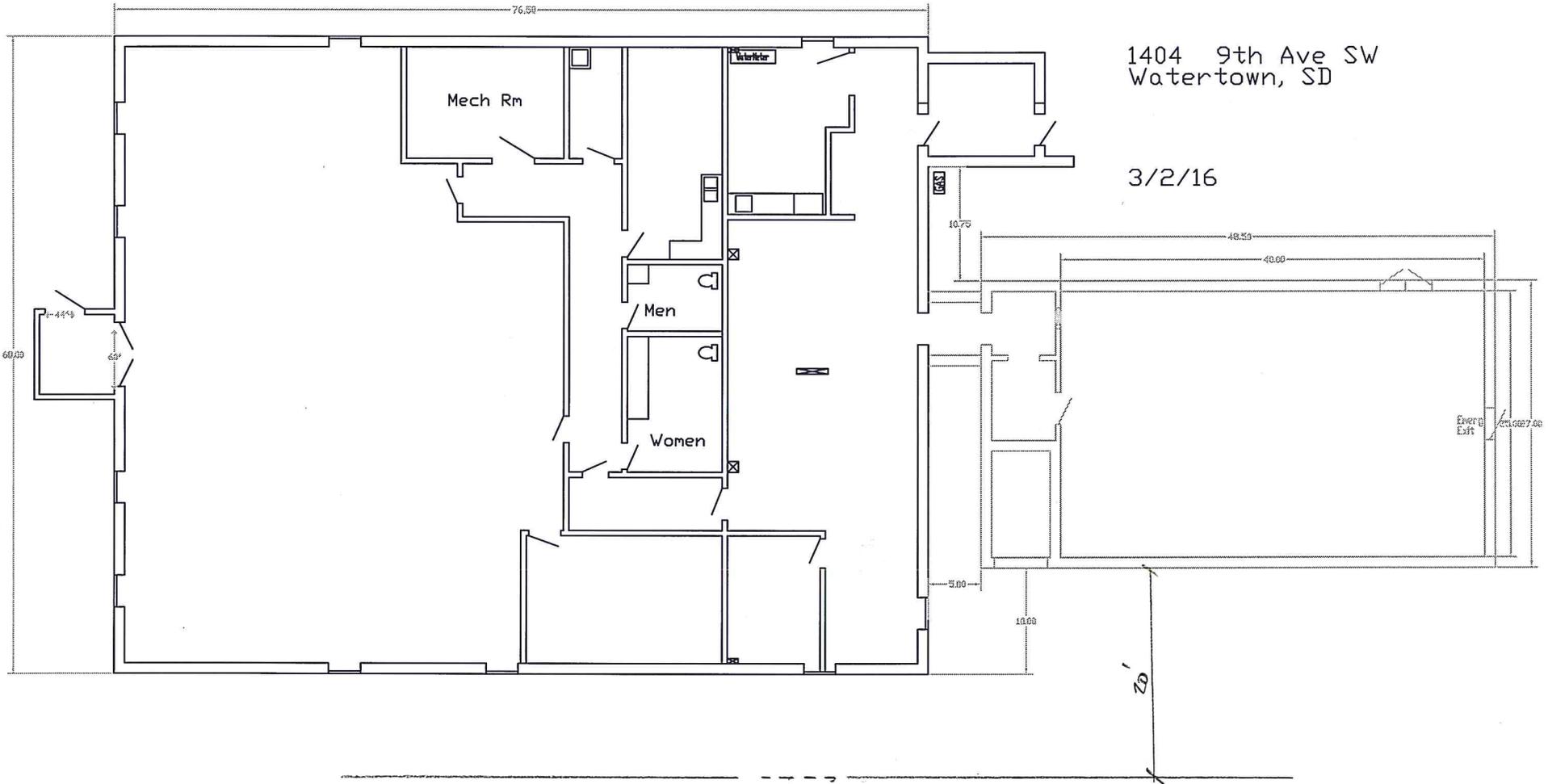
SURVEYED & PREPARED BY:

*Darwin D. Brinkman*

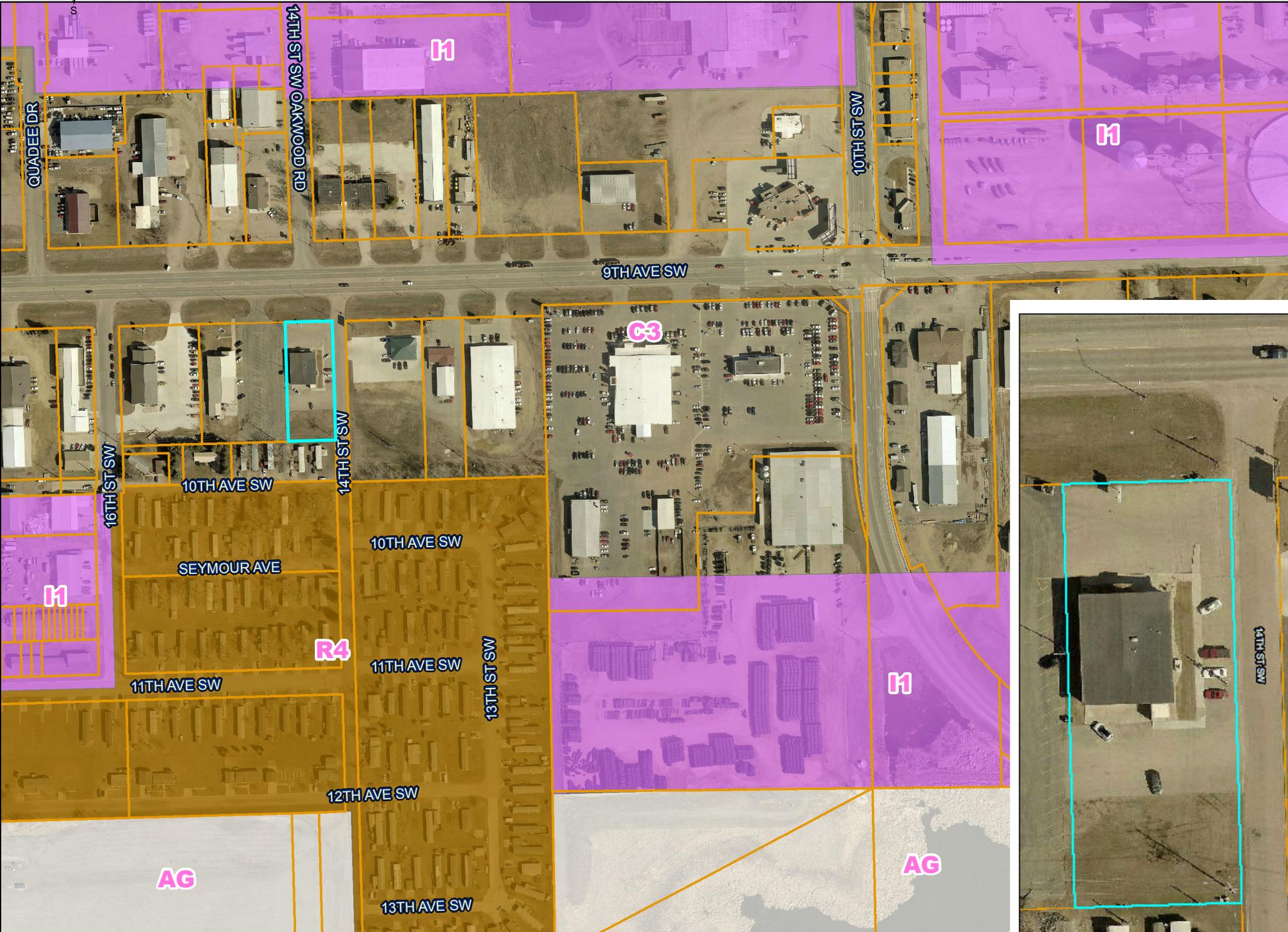
REGISTERED LAND SURVEYOR  
FEBRUARY 24, 2016



SITE PLAN



# ANZA / NASCENT 1404 9th Ave SW



**STAFF REPORT**  
**Application #16548 Conditional Use Request**

Property Owner: Prairie CAR, LLC  
 Applicant: Jim Hill for ANZA, Inc  
 Property Address: 1404 9th Ave SW, Watertown, SD  
 Legal Description: N396' W117' E150' Of Gov't Lot 3 less Lot H1 & Lots H7-H8 1-116-53

**Conditional Use Request:**

Applicant seeks approval to allow for a C-3 zoned commercial property to be used for the **manufacturing of small technological products** per *Light Manufacturing* §21.2803(14) of the Zoning Ordinance; contingent upon compliance with:

- *Specific Rules Governing Conditional Uses*, including but not limited to **§21.0202(2b6a-h)**;
- **§21.2801 PURPOSE** of the C-3 zone; and
- any other conditions this Board deems necessary.

	<b><u>C-3 District Regulations:</u></b>	<b><u>Subject Parcel:</u></b>
<b>Min Lot Area:</b>	20,000 sq ft	<b>34,632 sq ft</b>
<b>Min Lot Width:</b>	100'	<b>117'</b>
<b>Front/Side SBs</b>	40'/20'	<b>78.5 &amp; 40' / 130' &amp; 10' (west)</b>
<b>Min Off-St Pkg (21.63):</b>	13	sufficient area exists
<b>Blvd Rqts (21.73):</b>	15' grassed Blvd 8-9 blvd trees	<b>E: NONE / N: compliant *</b> <b>NONE *</b>
<b>Infr Rqts (Title 18)</b>	<b>4'</b> sw/trl, c&g	<b>1/3<sup>rd</sup> c&amp;g, 2/3<sup>rd</sup> gutter only &amp; NO sw</b>

**HISTORY:**

1976	no BP	??	4636 sf general retail bldg
1977	BP#438	Berven Co	addition to ASCS bldg
1994	BP#6454	Prairie Lakes Health Care System	remodeling rehab center
1994	BP#6679	Prairie Lakes Health Care System	used modular office building
2008	no BP	??	enclosed entry addition(s)

**STAFF FINDS THAT:** (all public notice requirements have been met)

ANZA, Inc and NASCENTechnology seek Conditional Use approval **for the manufacturing of small technology transformers** on this premise.

- Light Manufacturing* is a listed Conditional Use in the C-3 Highway Commercial District per City Zoning Ordinance section 21.2803(14).
  - Such Conditional Use may be approved subject to compliance with **§21.0202(2)b(6a-h) SRGICUs**, definitions, and any other conditions the Board deems necessary.
- The property is also subject to compliance with:
  - **Chapter 21.73 Landscape and Lighting Standards:**
    - See Site Plan. Lighting, refuse containment, utilities, etc...were not addressed.
  - **Chapter 21.80 Signs and Outdoor Advertising:**
    - See Site Plan. The Written Request does not indicate new signage.
- This Board must determine if satisfactory provision and arrangement has been made concerning the above §21.0202(2)b(6a-h), Chapters 21.63, 21.73, & 21.80.
- This parcel also lacks standard Blvd and infrastructure (grass/trees, sw/trl, c/g) requirements. If application is endorsed, this Board has the authority to require fulfillment of any/all lacking Blvd/Infra requirements.

*Light Manufacturing: those manufacturing processes which are not obnoxious due to dust, odor, noise, vibration, pollution, smoke, heat or glare. These commercial and industrial uses are characterized by generally having all aspects of the process carried on within the building itself.*

## Chapter 21.28 C-3 HIGHWAY COMMERCIAL DISTRICT

### 21.2801: PURPOSE

1. To establish appropriate locations along major streets and highways for highway and automobile related retail and service establishments.
2. To permit development of highway service centers in the appropriate locations shown in the Comprehensive Land Use Plan. (Ord 04-04; Rev 03-26-04)

### §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.

**OFFICIAL PROCEEDINGS  
BOARD OF ADJUSTMENT  
CITY OF WATERTOWN, SD**

**April 8, 2015**

Present: Dargatz-Johnson, Shriver, MaGuire, Stonebarger, Stein & Dahle  
Absent: Arnold, Johnson, & Lawrence (resigned)  
Also Present: Ken Bucholz, Jill Steiner, Stanton Fox, Sarah Caron, Tim Lalim, Luke Muller,  
& others

The Board of Adjustment convened at approximately 12:15 PM, in the Council Chambers, City Hall, 23 2<sup>nd</sup> Street NE; Pat Shriver, Chairman, presiding.

MaGuire motioned to approve the 3/19/15 minutes, Stonebarger seconded, motion carried unanimously.

**Public Hearing: Appeal No. 15997**

**Applicant Josh Soucy appeals the terms of Zoning Ordinance sections 21.0302; 21.1001; 21.1002; 21.6001; & 21.6002; to allow for the construction of a nonconforming garage in the R-2a Single Family Attached Residential District**

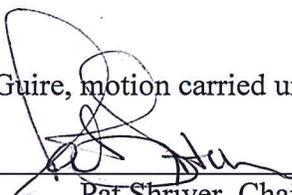
Application was submitted requesting to construct a nonconforming 660 sq ft (22'x30') garage at 1201 E Kemp; said structure proposed to be constructed 1.5' from the front (west) property line where a minimum 25' is required, and 1.5' from the side (east) property line where a minimum 6' is required. Additionally, the west 1.5' setback is proposed where 20' is the minimum parking length needed in front of garage doors, so as to avoid encroaching over/into public Right-of-Ways including pedestrian walkways (whether improved/paved or unimproved).

The Staff Report was orated. There is no legal buildable area on this parcel; the Blvd/public ROW is being used to satisfy the entire (west) Required Front Yard (setback) for the existing single family dwelling and the proposed garage. Soucy was present; he has purchased the property for rental purposes. The Shepherds were present with concerns about the lack of adequate setback to their adjoining property to the east. There was discussion between the Board and Acting City Engineer regarding the state of 12<sup>th</sup> St E. Dahle motioned to table the Application while the property owner pursues Vacation of the Right-of-Way (and waiver of \$100.00 BOA processing fee upon return); Stonebarger seconded, and motion carried unanimously.

**Old Business:**

The Beacon Center (formerly known as the Watertown Resource Center) asks for reconsideration of the factors that led to the approval of Conditional Use permit #15394, which was submitted with substantial changes from a previously denied application, specifically: a screened & grassed play yard, security lighting, and fulfillment of lacking blvd/infrastructure requirements creating defined ingress/egress to the property for vehicles and pedestrians. The Center now requests to postpone the blvd/infrastructure requirements until the 10<sup>th</sup> (Jenson) Ave S and 8<sup>th</sup> St E street improvement projects are completed. Stonebarger motioned to grant Waiver of Right to Protest fulfillment of the blvd/infrastructure requirements (grass, trees, curb/gutter, & sidewalk/trl) until the 10<sup>th</sup> (Jenson) Ave S street project is completed; Dahle seconded and motion carried unanimously.

Motion by Dahle to adjourn, seconded by MaGuire, motion carried unanimously.

  
\_\_\_\_\_  
Pat Shriver, Chairman