

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

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Thursday April 21, 2016

4:15 PM

**Call to Order**

**Roll Call**

1. Approval of April 7, 2016 Minutes
2. Applicant Mike Haight (#16640) seeks Conditional Use approval to operate Contractor Shops and Storage Yards at a commercial property located in the C-3 Highway Commercial District @ 1534 13th Ave SE.
  - A. Public hearing
  - B. Board of Adjustment action
3. Applicants Kelly, Domenik & Nicole Mahlen (#16641) seeks Conditional Use approval to operate Contractor Shops and Storage Yards at a commercial property located in the C-3 Highway Commercial District @ 1639 12th Ave SE.
  - A. Public hearing
  - B. Board of Adjustment action
4. Applicants Gene & Kathy Bierscheid (#16642) seek variance relief from the requirements of the City Ordinance, by appealing the terms of Zoning Title 21 as it applies to their property located @ 1312 S Lake Dr, to allow for the construction of a nonconforming roofed deck (porch) onto a compliant Single Family Dwelling in the R-1 Single Family Residential District.
  - A. Public hearing
  - B. Board of Adjustment action
5. Applicants Thomas & Helen Hoftiezer (#16604) seek variance relief from the requirements of the City Ordinance, by appealing the terms of Zoning Title 21 as it applies to their property located @ 3540 14th Ave NW, to allow for the construction of a nonconforming Single Family Dwelling with attached garage in the R-1 Single Family Residential District.
  - 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	X
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

**APPLICATION FOR BUILDING PERMIT**

16640

Zone C-3 Date \_\_\_\_\_ Co. Rcd# \_\_\_\_\_

Proposed Construction Commercial Bldg

Size 60 X 96 Sq. Ft. 5760 Height ≤ 30'

Address 1534 13<sup>th</sup> Ave SE Lot Area 22,712<sup>sq</sup>

Lot W 136' E 1/2 N 1/2 of B1K 3

Block \_\_\_\_\_ Addition East Acres

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

Details Seeks CU for Contractors Shops & Storage Yds

per § 21.2803 (B); contingent N upon compliance w/ SR 6 I C U S § 21.0202 2(b) 6(a-h).

W

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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 Mike Haight Address \_\_\_\_\_

By \_\_\_\_\_

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

4/21/16

**PERMIT APPROVAL**

Authorized by:

Members of Board of Adjustment

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

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

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

April 4, 2016

RE: Board of Adjustment  
Conditional Use Request

Dear Board of Adjustment Members:

I am requesting approval to build a storage contractor shop/building/storage yard to be constructed on our property on 13<sup>th</sup> Ave South: The West 136' of the East Half of the North Half of Block 3 of East Acres Addition in the City of Watertown Located in the NE ¼ of Section 5-T116N-R52W of the 5<sup>th</sup> PM, Codington County, South Dakota.

Commercial storage is the purpose of the building which will have no signage or garbage on site.

Thank you,

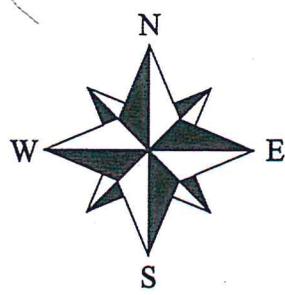
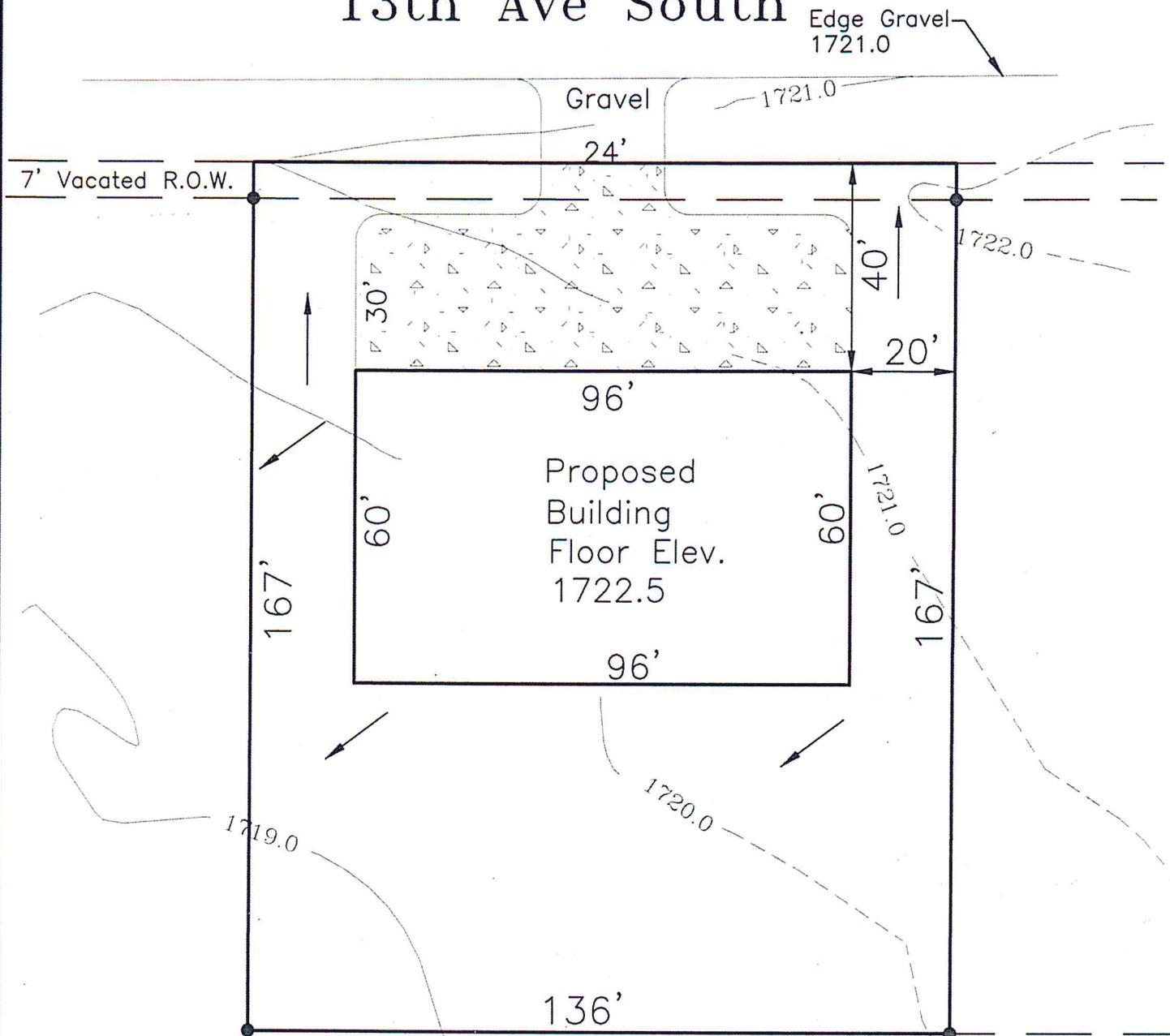
A handwritten signature in black ink, appearing to read 'Mike Haight', written in a cursive style.

Mike Haight

Site Plan of

The West 136' of the East Half of the North Half of Block 3 of East Acres Addition in the City of Watertown Located in the NE 1/4 of Section 5-T116N-R52W of the 5th P.M., Codington County, South Dakota.

13th Ave South



Scale: 1"=30'  
● Monument Recovered

Owner: Mike Haight

**MACK** Land Surveying, LLC  
Marty Mack  
Registered Land Surveyor  
Codington County, South Dakota  
Cell: (605) 880-3108 • Phone: (605) 878-2007  
322 30th St. NW • Watertown, SD 57201  
mackls@midco.net

REGISTERED LAND SURVEYOR  
REG. NO. 6973  
MARTY W MACK  
SOUTH DAKOTA  
*Marty W Mack*  
Registered Land Surveyor



# STAFF REPORT

## Conditional Use Application #16640

Owner/Applicant: **Mike Haight**  
 Property Address: **1534 13th Ave SE**  
 Legal: **the W136' of the E1/2 of the N1/2 of Blk 3, East Acres Addition**

**Conditional Use Request:**

Applicant seeks Conditional Use approval to allow for the construction of a 5,760 sq ft (60'x96') commercial building on a C-3 *Highway Commercial District* parcel, to be used as *Contractor Shops and Storage Yards* per §21.2803(13) of the Zoning Ordinance; contingent upon compliance with:

- Specific Rules Governing Individual Conditional Uses, including but not limited to **§21.0202(2b6a-h)**.

	<b><u>C-3 District Regulations:</u></b>	<b><u>Subject Parcel:</u></b>
<b>Min Lot Area:</b>	20,000 sq ft	22,712 sq ft
<b>Min Lot Width:</b>	100'	136'
<b>Front/side/rear SBs</b>	40'/20'/30'	40'/20'/67'
<b>Bldg Rqts (21.73):</b>	15' grass w/2-3 trees	will comply
<b>Infr Rqts (Titles 5, 18, 21&amp;24)</b>	4' sw/trl, c&g	will comply
<b>Off-street Pkg Rqts (21.63)</b>	5 OSPSS	will comply

**STAFF FINDS THAT:**

(all public notice requirements have been met)

***Contractor Shops & Storage Yards*** is a listed Conditional Use for the C-3 Highway Commercial District per §21.2803(13).

Definition: ***Contractor Shops and Storage Yards:***  
*use of land or buildings for storage and preparation of materials used by that same individual in conducting business, including but not limited to, construction, repair work, fabrication and assembly, and incidental retail sales. Each unit shall have separate water and sewer utilities.*

Applicant submitted the attached Site Plan. In addition to compliance with **§21.0202(2)b(6a-h)**, Definition, and water/sewer utilities regulations, the property is also subject to compliance with:

- Off-Street Parking and Loading Requirements*** Chapter 21.63:
  - The submitted Site Plan does not show **off-street parking spaces/isles layout**; sufficient area exists for minimum necessary.
- Outside Storage and Displays – Commercial Uses*** Chapter 21.65:
 

***Outside Storage:*** *Outside storage may be permitted, if acceptable screening is provided & approved by the Bldg Offl. **Displays:** Merchandise which is offered for sale, rental or lease may be displayed beyond the confines of a building.*

  - The submitted Site Plan does not show plans for **outside storage or screening**.
- Landscape and Lighting Standards*** Chapter 21.73:
  - The required **sidewalk/trail, curb/gutter, 15' grassed Blvd with 2-3 trees** are not shown on the submitted Site Plan; note: the applicant is **NOT** seeking variances from these requirements. **Lighting, signage, refuse containment, utilities, etc...**were not addressed on the Site Plan.
- Subdivision of Land*** Title 24:
  - The proposed parcel is a legally described subdivision of a platted Block (East Acres Addition was platted into Blocks, but not Lots). The proposed parcel complies with C-3 zone area & width requirements, but lacks basic infrastructure for new development (**paved street, curb/gutter**).

This Board must consider if satisfactory provision and arrangement has been made concerning **§21.0202(2)b(6a-h)**, Chapters 21.63, 21.65, & 21.73, and Title 24. If application is endorsed, conditions of approval such as screening of outside storage may be specified, and/or any other conditions the Board deems necessary.

See attached

Written Request, Site Plan, Vicinity/Zoning Map

Mtg date: April 21, 2016

**§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.

**FOUNDATION**

Concrete Slab	
Concrete Block Walls	
Concrete Walls	
Wood Walls	

**BASEMENT AREA**

N	C	P	S	F
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**EXTERIOR WALLS**

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Column Building	
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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**

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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**

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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	X
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

**APPLICATION FOR BUILDING PERMIT**

16641

Zone C-3 Date \_\_\_\_\_ Co. Rcd# 14016

Proposed Construction Commercial Bldg

Size 60' x 109' Sq. Ft. 6540 Height < 30'

Address 1639 12th Ave SE Lot Area 23,636

Lot 3 - W264'

Block 1 Addition East Acres

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

Details seeks CU for Contractors shops + storage yds

per §21.2803 (13); contingent N upon compliance w/ SRBICUs § 21.0202 2(b)6 (a-h).

W

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S

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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 Kelly Mahlen + Address 2701 7th St SW, WTN  
Domenik + Nicole Mahlen

By \_\_\_\_\_

Dated \_\_\_\_\_ Contractor 4/21/16

**PERMIT APPROVAL**

Authorized by: \_\_\_\_\_

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

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

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

Members of Board of Adjustment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

April 1, 2016

Board of Adjustment

City of Watertown

23 2<sup>nd</sup> St NE

Watertown, SD 57201

RE: Request for Conditional Use

We are requesting a Conditional Use authorization for a storage building/contractor shop/storage yard to be constructed on our property, located at Lot 3 less W264', Block 1, East Acres Addition.

Site Plan for the proposed building is enclosed.

The building will be used as a commercial storage and will have no signage or garbage site on the property, and minimal parking at this time.



Domenik Mahlen

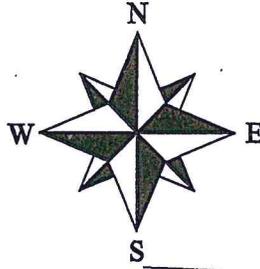
Nicole Mahlen

2701 7<sup>th</sup> St SW

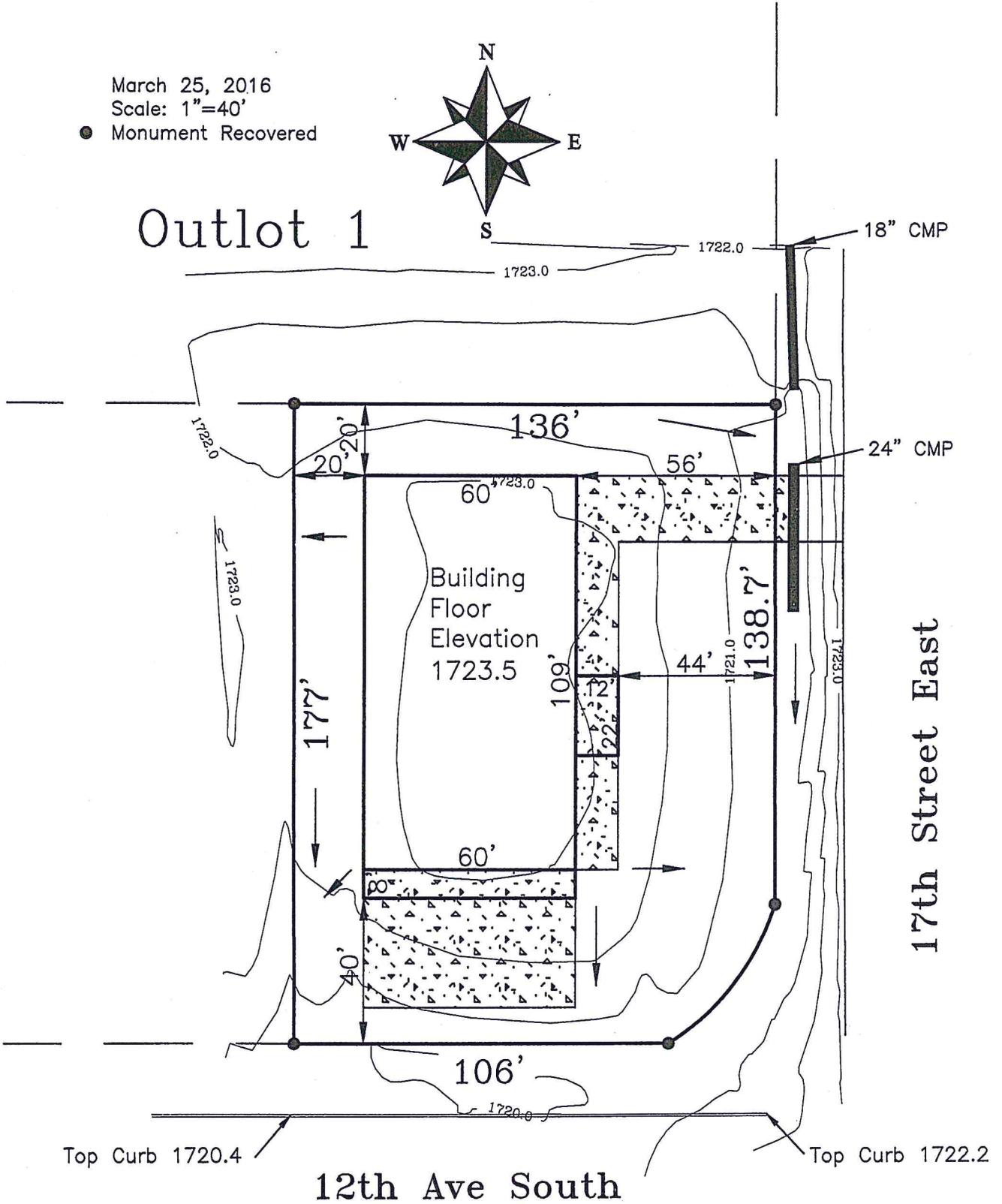
Watertown, SD 57201

# Site Plan of Lot 3 Block 1 less the West 264' thereof, East Acres Addition to the City of Watertown, South Dakota.

March 25, 2016  
Scale: 1"=40'  
● Monument Recovered



Outlot 1



Kelly Mahlen



Marty Mack  
Registered Land Surveyor  
Certified Federal Surveyor

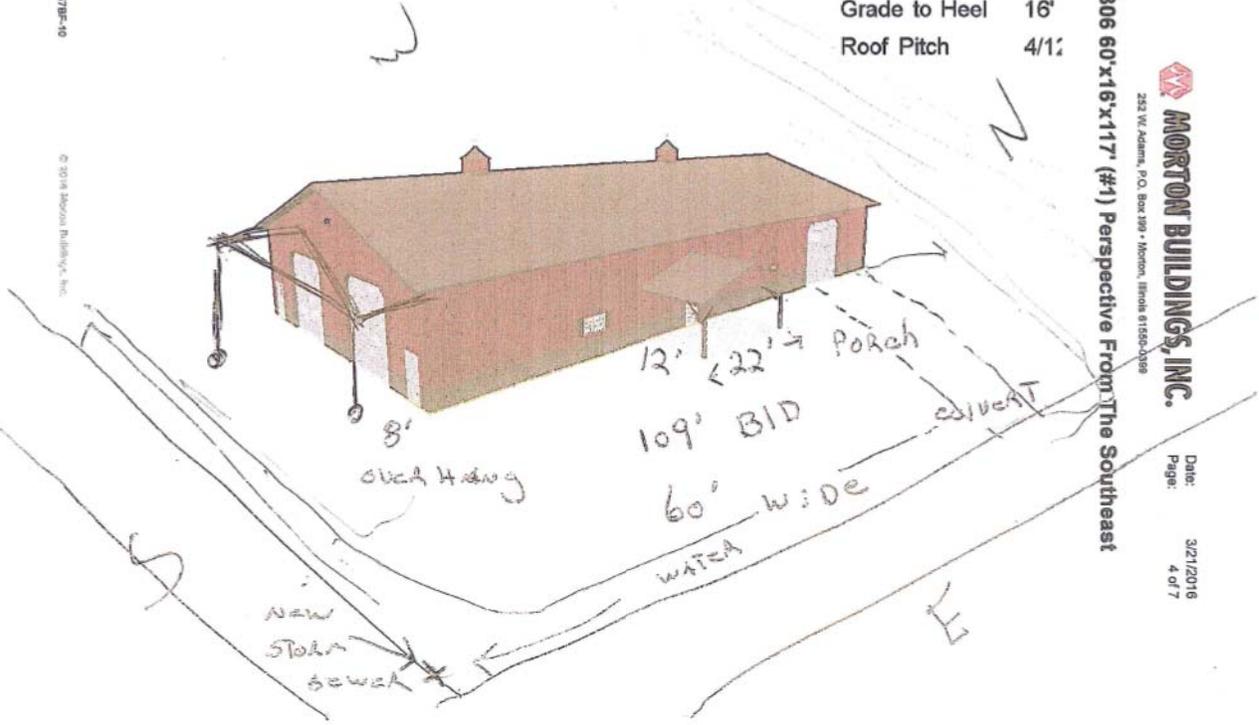
Cell: (605) 880-3108 • Phone: (605) 878-2007  
322 3rd St. NW • Watertown, SD 57201  
mackds@midco.net



Registered Land Surveyor

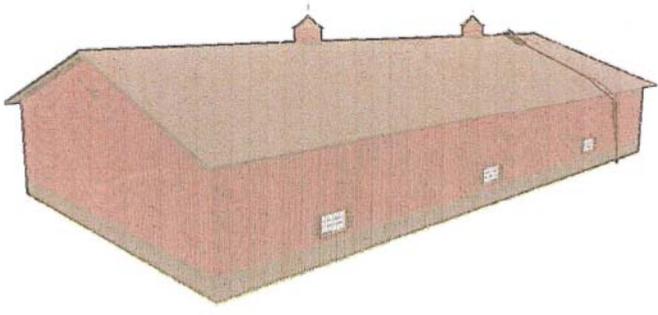
Building 306 60'x16'x117' (#1) Perspective From The Southeast

Peak Height	27'
Soffit Height	17'
Grade to Heel	16'
Roof Pitch	4/12



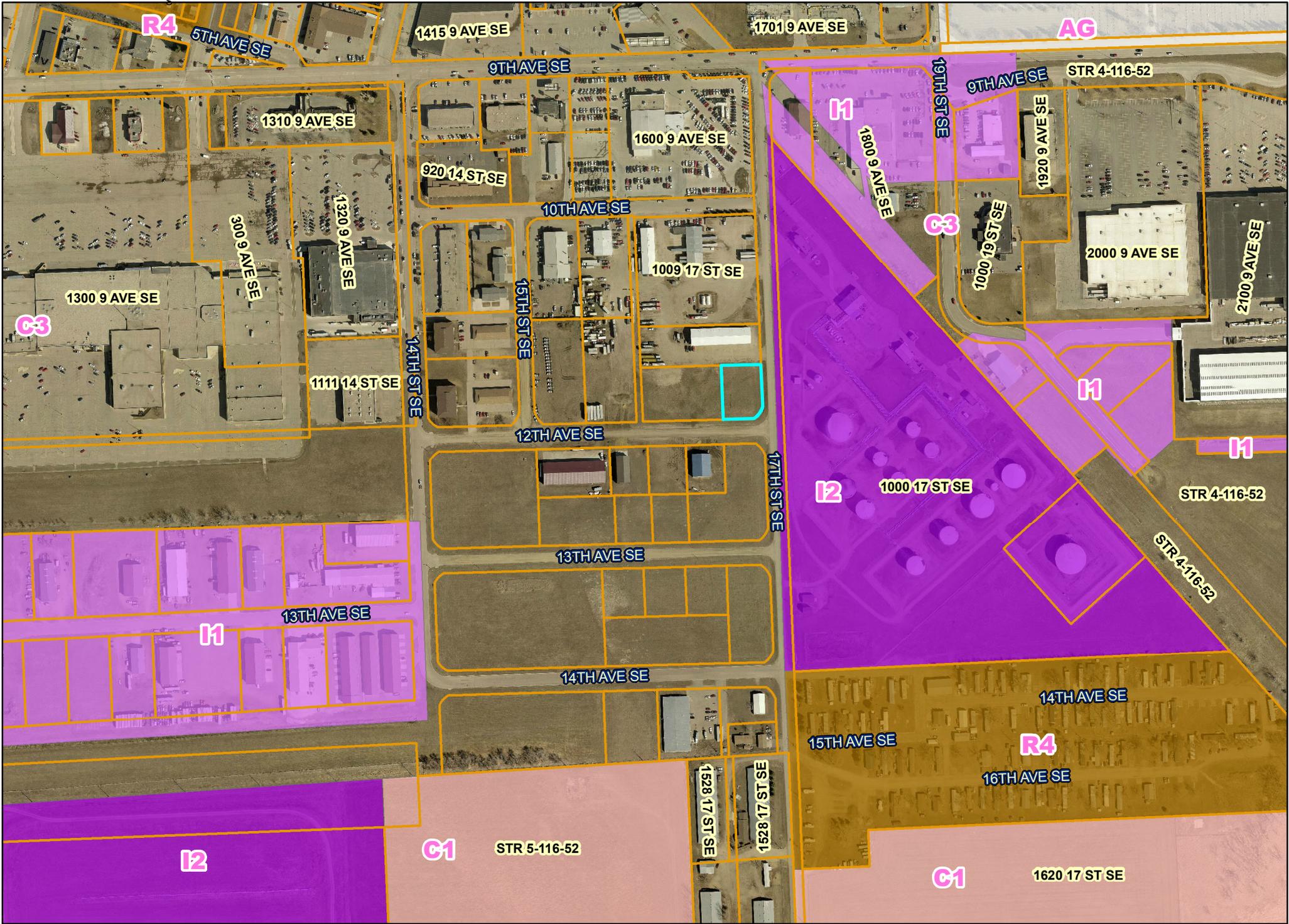
Building 306 60'x16'x117' (#1) Perspective From The Northwest

Peak Height	27'
Soffit Height	17'
Grade to Heel	16'
Roof Pitch	4/12





# Mahlen 1639 12th Ave SE



# STAFF REPORT

## Conditional Use Application #16641

Owner/Applicant: **Kelly Mahlen, Domenik Mahlen & Nicole Mahlen**  
 Property Address: **1639 12th Ave SE**  
 Legal: **Lot 3 less the W264', Blk 1, East Acres Addition**

**Conditional Use Request:**

Applicant seeks Conditional Use approval to allow for the construction of a 6,540 sq ft (60'x109') commercial building on a C-3 *Highway Commercial District* parcel, to be used as *Contractor Shops and Storage Yards* per §21.2803(13) of the Zoning Ordinance; contingent upon compliance with:

- Specific Rules Governing Individual Conditional Uses, including but not limited to **§21.0202(2b6a-h)**.

	<b><u>C-3 District Regulations:</u></b>	<b><u>Subject Parcel:</u></b>
<b>Min Lot Area:</b>	20,000 sq ft	<b>23,636 sq ft</b>
<b>Min Lot Width:</b>	100'	<b>136'</b>
<b>Front SBs</b>	40'	<b>40'</b>
<b>side SBs</b>	20'	<b>20'</b>
<b>Bldg Rqts (21.73):</b>	<b>15' grass w/6 trees</b>	<b>will comply</b>
<b>Infr Rqts (Titles 5, 18, 21&amp;24)</b>	<b>4' sw/trl, c&amp;g</b>	<b>will comply</b>
<b>Off-street Pkg Rqts (21.63)</b>	<b>6 OSPSS</b>	<b>will comply</b>

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

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  - The submitted Site Plan does not show plans for **outside storage or screening**.
- Landscape and Lighting Standards*** Chapter 21.73:
  - The required **sidewalk/trail, curb/gutter, 15' grassed Blvd with 6 trees** are not shown on the submitted Site Plan; note: the applicant is **NOT** seeking variances from these requirements. **Lighting, signage, refuse containment, utilities, etc...**were not addressed on the Site Plan.
- Subdivision of Land*** Title 24:
  - The proposed parcel is a legally described subdivision of a platted Lot. The proposed parcel complies with C-3 zone area & width requirements, but lacks basic infrastructure for new development (**paved street, curb/gutter**).

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**FOUNDATION**

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Concrete Walls	
Wood Walls	

**BASEMENT AREA**

N	C	P	S	F
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**EXTERIOR WALLS**

Siding on Sheathing	
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Steel Siding	
Brick/Stone/Stucco	
Wall Insulation	
Roof Insulation	
Other	

**ROOF TYPE**

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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.)	1/16/09 X
.2% (500 yr.)	
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

**APPLICATION FOR BUILDING PERMIT**

16642

Zone R-1 Date \_\_\_\_\_ Co. Rcd# 9691

Proposed Construction Roofed Deck / Porch

Size \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Height \_\_\_\_\_

Address 1312 S Lake Dr Lot Area \_\_\_\_\_

Lot N 11.5' Lot 1 + W 145' S 25' Lot 1 + N 26' W 145' Lot 2

Block Gov't Lot 4 Addition Pebble Beach / 10-117-53

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

Details App. appeals the terms of § 21.0302 prohibiting the

creation of moncon structures. N § 21.1001 H+P Regs ;  
§ 21.6001 Adj Ryd Yds (SBs) shall be open / unoccupied space ; and  
§ 21.6002 NO adj. open space shall be used to satisfy any  
(SB) for any other structure; and NO yard (SB) shall be reduced below  
that which is req'd for that zone -

W

E

S

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Owner Gene Bierscheid Address 1018 16<sup>th</sup> ST NE

By \_\_\_\_\_ WJTN

Dated \_\_\_\_\_ Contractor Lammle Constr.

Members of Board of Adjustment

**PERMIT APPROVAL**

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

March 31st, 2016

Board of Adjustments  
City of Watertown  
Watertown, SD 57201

Gene and Kathy Bierscheid  
1018 16th St NE  
Watertown, SD 57201

To Whom It May Concern:

We would like a variance for the property located at 1312 S. Lake Drive. We are remodeling this home and have removed a sunroom which was originally attached to the back of the house (lake side). We would like to replace it with a roofed deck. The roof and deck will not block the view of any neighbors because we have a unique shape property that is somewhat pie shaped. Because of this our neighbors are not close enough to be affected by this addition. As a matter of fact, it will be a reduction in structure than what existed prior to this remodel (sun room existed in this location previously). We have discussed this matter with the neighbors and they told us they did not have any conflict with the addition.

Thank you! We appreciate your consideration on this matter. Please feel free to contact us if you have any further questions at 6

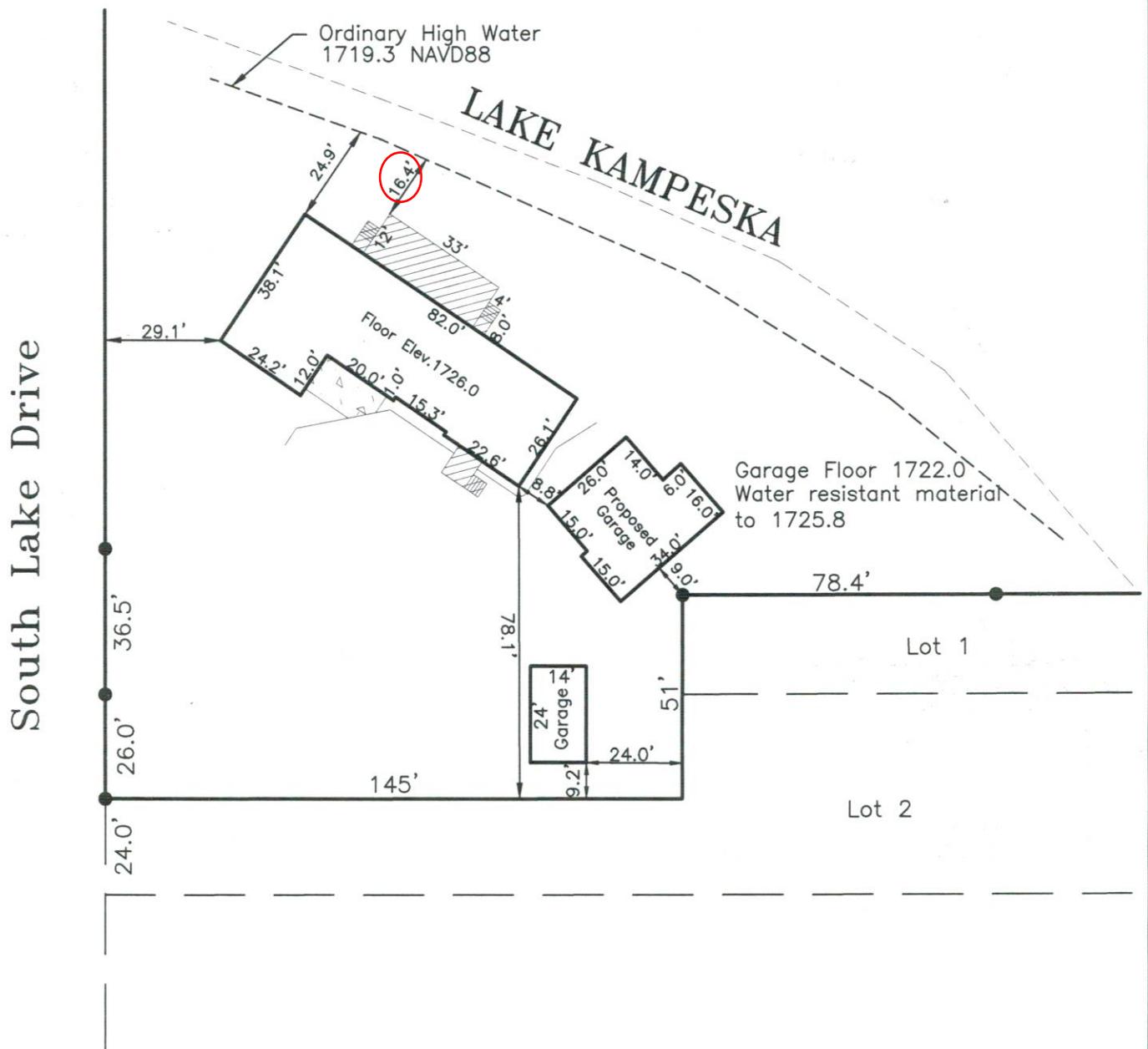
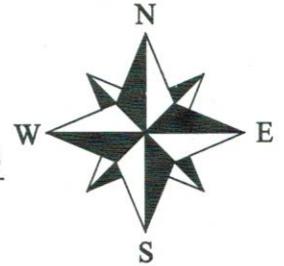
Sincerely,

Gene and Kathy Bierscheid

Site Survey of  
 The North 11.5' of Lot 1 and the West 145' of the  
 South 25' of Lot 1, and the North 26' of the West  
 145' of Lot 2 of Pebble Beach Addition, and  
 Government Lot 4 in Section 30, Township 117  
 North, Range 53 West of the 5th P.M., Codington  
 County, South Dakota.

Revised: 4/19/16

March 29, 2016  
 Scale: 1"=40'  
 ● Monument Recovered  
 Base Flood Elev.  
 Lake Kampeska 1724.8



Gene Bierschied  
 1312 South Lake Drive  
 Watertown, SD 57201

**MACK**  
 Land Surveying LLC

*Marty Mack*  
 Registered Land Surveyor  
 Certified Professional Surveyor

Cell: (605) 880-3108 • Phone: (605) 878-2007  
 322 30th St. NW • Watertown, SD 57201  
 macksls@midco.net

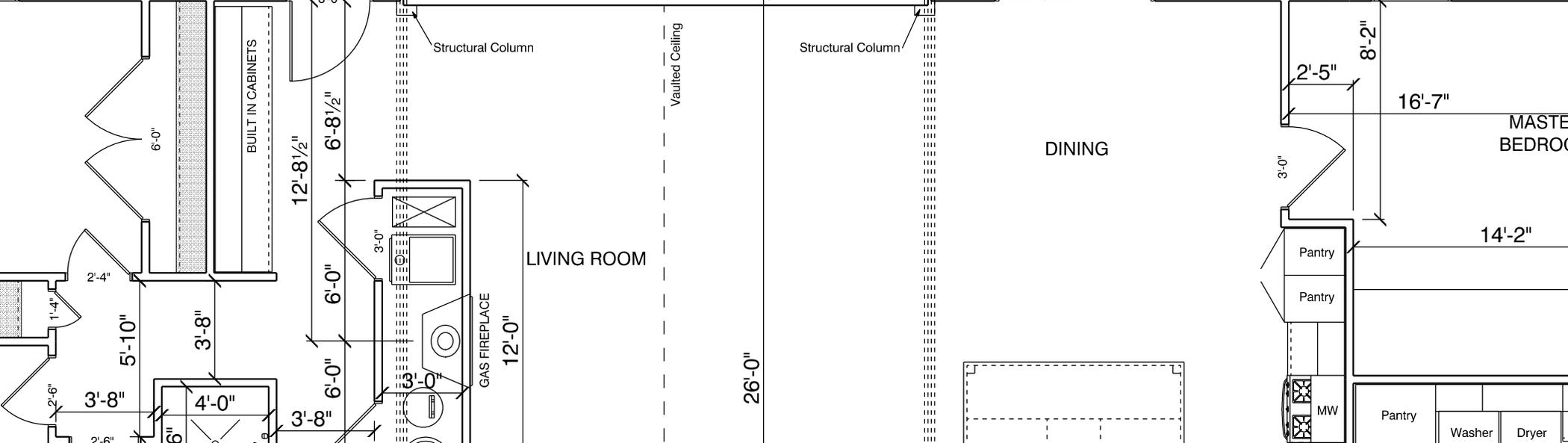
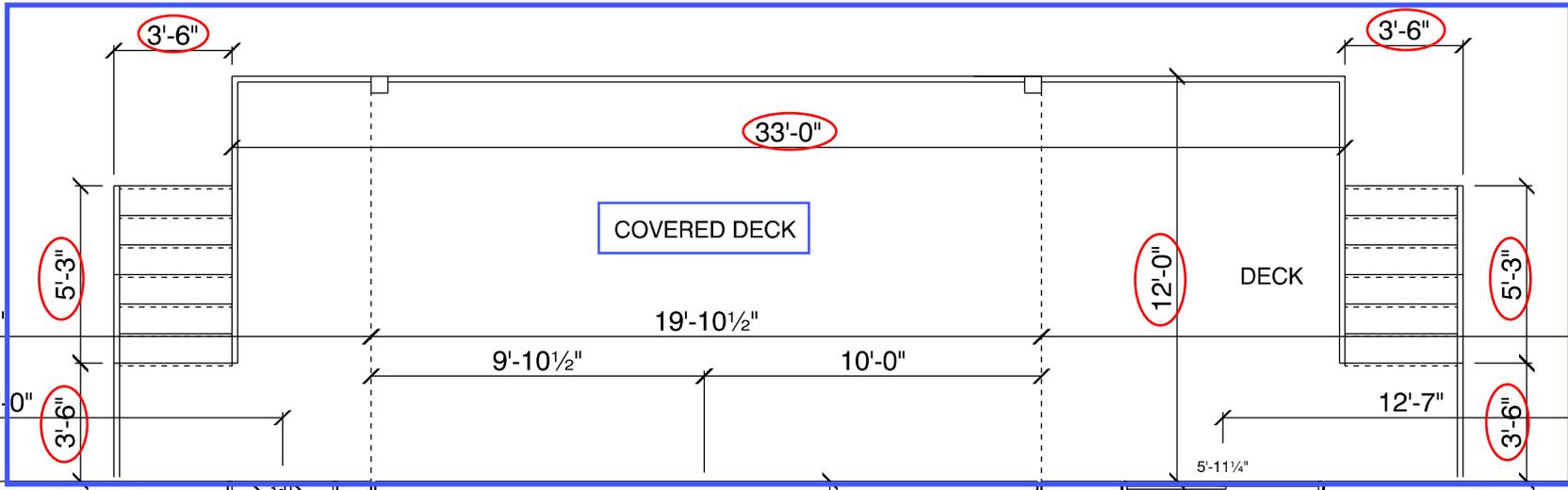
REGISTERED LAND SURVEYOR  
 REG. NO.  
 6973  
 MARTY W  
 MACK  
 SOUTH DAKOTA

*Marty W Mack*  
 Registered Land Surveyor

NORTH

close-up DECK

82'-0"





Bierscheid 1312 S Lake Dr



1312 S LAKE DR

1308 S LAKE DR

**STAFF REPORT**  
**Appeal Application #16642**

**REVISED**

Owner/Applicant: **Gene & Kathy Bierscheid**  
 Property Address: **1312 S Lake Dr**  
 Legal Description: **the N11.5' & W145' S25' of Lot 1 & N26' W145' of Lot 2, Pebble Beach Addition, and Gov't Lot 4 of section 3010-T117N-R53W**

1. **Application was submitted** requesting to construct a **nonconforming ~ 480 sq ft (~12'x40')** **roofed deck (porch)** onto a compliant Single Family Dwelling; said structure proposed to be constructed:
  - **23.1'\*16.4'** from the front (northerly) property line, where a minimum **30'** is required.  
\*see Revised Site Plan
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibits 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.

	<u>R-1 District Regulations:</u>	<u>existing / proposed:</u>
Minimum Lot Area:	9,000 sq ft	±31,591 sq ft
Minimum Lot Width:	75'	±292'
<b>Front SB:</b>	30'	<b>35' / 23.1'</b>
Side SB	9'	9' / NA
Rear SB	25'	25' / NA
Bldv Rqts (21.73):	15' grass blvd w/3-4 blvd trees	
Infr Rqts (Titles 5, 18, 21 & 24):	4' sw/trl, c&g	<b>none</b>
Min. Off-St Pkg (21.63):	2/sfd	<b>&gt;2</b>

**HISTORY:**

2016	#16535	Bierscheid	interior remodel
2015	#16460	Bierscheid	lifted house (to FEMA regs) & moved 336 sf grg
1988	#4063	Elkins	house addn
1980	#1637	Elkins	roof & screen existing deck
1975			house w/attached garage

**STAFF FINDS THAT:**

(all public notice requirements have been met)

- Approval of this request would create a nonconforming property where currently there exists a compliant primary structure (**2,487 sq ft** Single Family Dwelling with **336 sq ft** garage) setting on a compliant **31,591 sq ft** R-1 zoned parcel.
- This proposed structure would replace a smaller 162 sq ft (9'x18') enclosed front porch.
- Applicant has reasonable use of this 31,591 sq ft parcel, but reasons that Lake Kampeska (to the north) is justifiably utilized to satisfy their private property setback requirements, which is prohibited by §21.6002: *No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure,...*
- This parcel lacks standard Blvd & Infrastructure requirements (Blvd trees, curb/gutter, & sidewalk/trail); 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.

(Note: the correction to the submitted legal description *after* publication: the N11.5' & W145' S25' of Lot 1 & N26' W145' of Lot 2, Pebble Beach Addition, and Gov't Lot 4 of section **3010**-T117N-R53W)

\*Also Note: 4/19/16: the Site Plan was corrected (proposed front setback= **23.1' 16.4'**).

**FOUNDATION**

Concrete Slab	
Concrete Block Walls	
Concrete Walls	
Wood Walls	

**BASEMENT AREA**

N	C	P	S	F
---	---	---	---	---

**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**

16604

Zone R-1 Date 3-28-15 Co. Rcd# 17993  
 Proposed Construction House w/ Att Garage  
 Size 17: 2,460<sup>sq</sup> Sq. Ft. 6: 1520<sup>sq</sup> Height \_\_\_\_\_  
 Address 3540 14<sup>th</sup> Ave NE Lot Area 18,400<sup>sq</sup>  
 Lot 1  
 Block \_\_\_\_\_ Addition PATTERS GREEN SUBDIVISION  
 Estimated Value \_\_\_\_\_ Fee \_\_\_\_\_ BOA Fee  Plans   
 Details App. Approaks the terms of § 21.0302 prohibiting

*the design & creation of non-con. structures, § 21.1001  
 H&P Regs; § 21.6001 All Reg'd Yards (SBs) shall be open  
 unoccupied space ... and § 21.6002 NO yard (SB) shall be  
 reduced in dimension below that which is reg'd for that district,  
 and NO adjacent open space shall be used to satisfy any  
 yard (SB) for any other structure.*

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 TOM & MELAN HOLTREZER Address 392 S. Lake Dr.  
 LTN

By \_\_\_\_\_ Contractor \_\_\_\_\_

**PERMIT APPROVAL**

Authorized by:

\_\_\_\_\_  
 Building Official  
 \_\_\_\_\_  
 Fire Chief  
 \_\_\_\_\_  
 City Engineer

4/21/16  
 Members of Board of Adjustment

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

March 30, 2016

City of Watertown

Board of Adjustment

Dear Sir,

Please consider this letter my request for a **2 foot variance** to comply with the 9 foot setback required for new home construction.

The lot is legally described as "**Lot 1, Putters Green Subdivision to the Municipality of Watertown**" with the house address of 3540 14<sup>th</sup> Avenue NE, Watertown SD 57201. The 2 foot variance is requested on the west side of the lot due to the narrow width (92 ft) of the lot.

Sincerely,

  
Tom Hoftiezer

605-880-3749

  
3/30/16

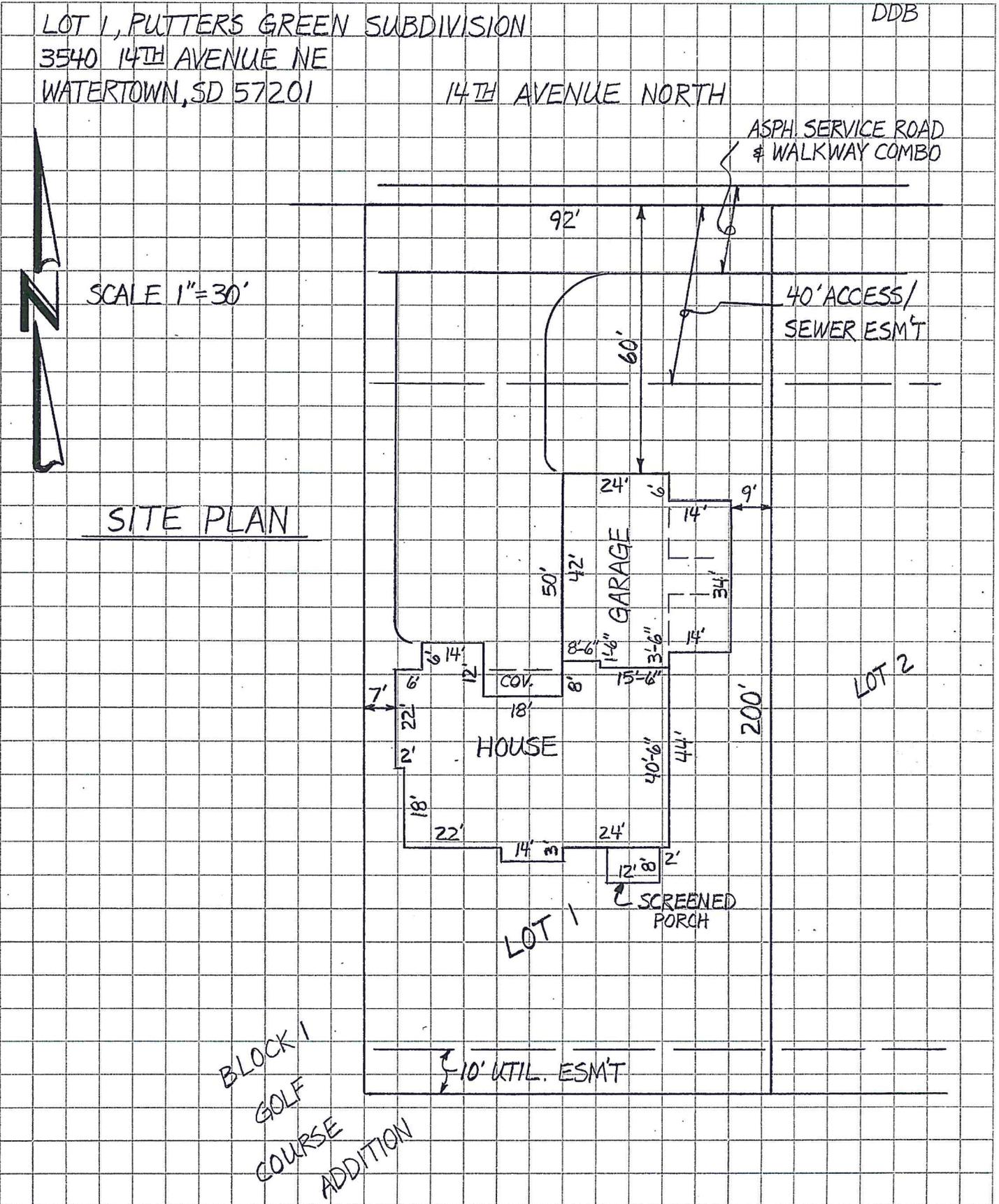
# BRINKMAN LAND SURVEYING & BRINKMAN SPECIALTIES

Darwin D. Brinkman, L.S. - Registered Land Surveyor

1415 Harmony Lane • Watertown, SD 57201-1285 • Phone: 605/886-4007 • Cell: 605/881-7259 • Fax: 605/878-0879

PROJECT TOM & HELEN HOFTIEZER

DATE 3/23/16

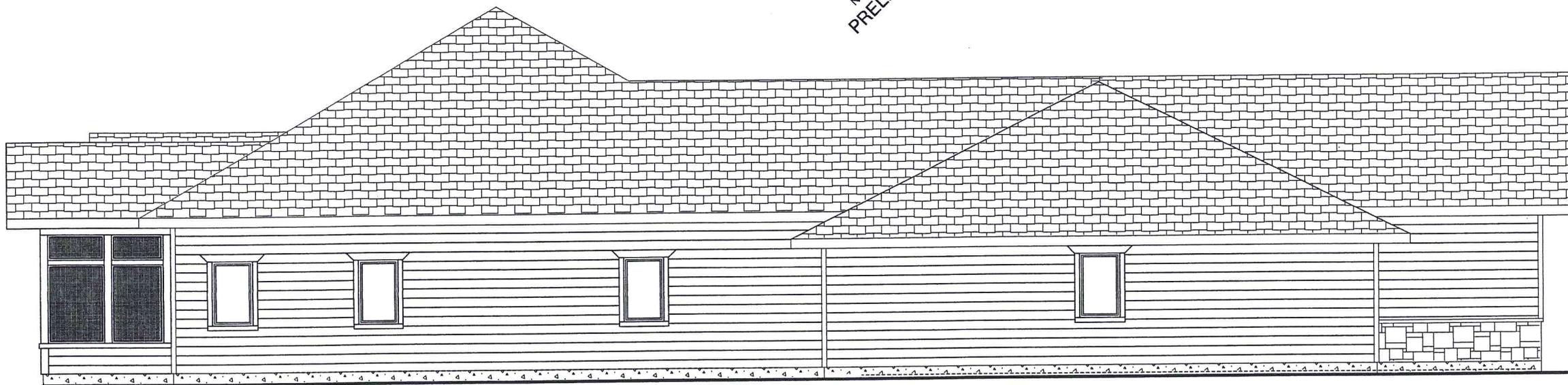






REAR ELEVATION

NOT FOR CONSTRUCTION  
PRELIMINARY ONLY



LEFT ELEVATION

HOFTIEZER, TOM & HELEN	
EXTERIOR ELEVATIONS	
SCALE:	1/8" = 1'-0"
DATE:	MARCH 4, 2016
REV. DATE:	

**HOME TOWN**  
BUILDING CENTER

Cindy Harding  
cindyh@hometownbuildingcenter.com  
Toll Free: (888) 560-5824  
Fax: (605) 886-4705

WE MEASURE UP  
886-4700



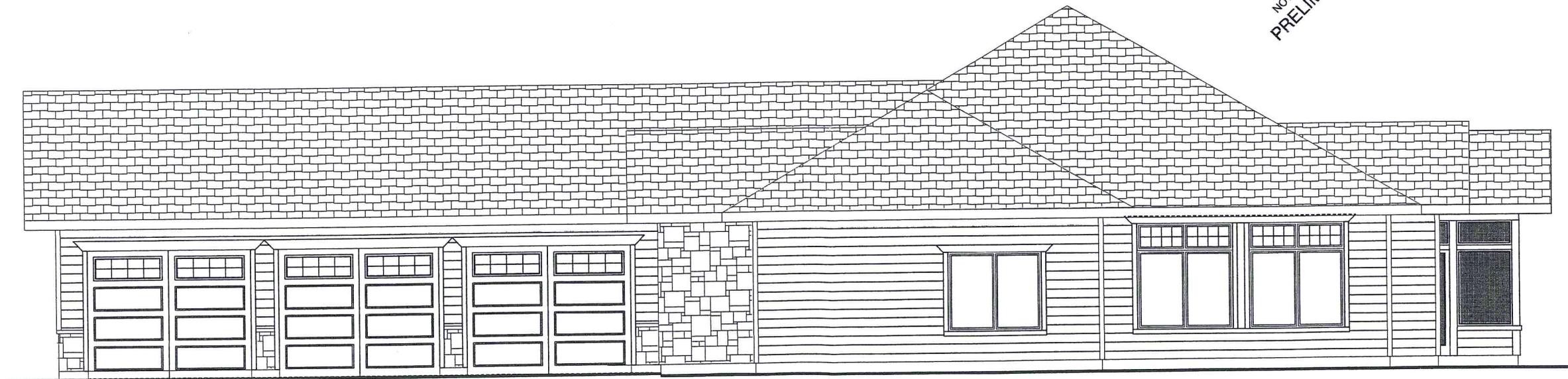
LP WINDOW BANDS,  
HEADER & FRIEZE

COLUMNS ARE BAYER, DURA CAST,  
ROUND TAPERED PLAIN COLUMN.

SEE PLAN FOR FULL HEIGHT STONE  
AND STONE WAINSCOT LOCATIONS

FRONT ELEVATION

NOT FOR CONSTRUCTION  
PRELIMINARY ONLY



RIGHT ELEVATION



Hoftiezer 3540 14th Ave NW



# STAFF REPORT

## Appeal Application #16642

Owner/Applicant: **Thomas & Helen Hoftiezer**  
 Property Address: **3540 14th Ave NW**  
 Legal Description: **Lot 1, Putters Green Subd**

1. **Application was submitted** requesting to construct a **nonconforming 3,980 sq ft Single Family Dwelling with attached garage** on an 18,400 sq ft parcel; said structure proposed to be constructed:
  - **7'** from the side (west) property line, where a minimum **9'** is required.
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibits 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 whatsoever...; 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.

	<u>R-1 District Regulations:</u>	<u>Subject Parcel / proposed:</u>
<b>Minimum Lot Area:</b>	9,000 sq ft	<b>18,400 sq ft</b>
<b>Minimum Lot Width:</b>	75'	<b>92'</b>
<b>Front</b>	N: 25' *	N: <b>60'</b>
<b>Side</b>	E: <b>9'</b> / W: <b>9'</b>	E: <b>9'</b> / W: <b>7'</b>
<b>Rear</b>	S: 25'	S: <b>48'</b>
<b>Bldv/Infra Rqts</b> (21.73):	15' grass blvd w/1-2 blvd trees	<b>will comply</b>
<b>Infr Rqts</b> (Titles 5, 18, 21 & 24):	4' sw/trl, c&g	<b>will comply</b>
<b>Min. Off-St Pkg</b> (21.63):	2/sfd	<b>3 interior</b>

\*Putter's Green has a 40' (front yard) platted Access/Sewer Easement in this area.

### STAFF FINDS THAT:

(all public notice requirements have been met)

- Applicant proposes to construct a **3,980 sq ft nonconforming primary structure** (2,460 sq ft main level and 1,520 sq ft attached garage area) on this compliant **18,400 sq ft platted Lot**, which is more than twice the area required for the R-1 Single Family Residential District.
- There is over 9,990 sq ft (74' x 135') of compliant buildable area on this property (more for detached/accessory structures) in which to construct without variances.
- Applicant has reasonable use of this 18,400 sq ft parcel, but reasons that the Municipal Golf Course is justifiably utilized to satisfy their private property setback requirements, which is prohibited by §21.6002: *No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure,...*
- If, for instance, the areas of the garage defined on the Floor Plan as “man cave” and “storage” rooms were reduced in size from 12.18' x **14'** to 12.18' x **12'** (a total of **68 sq ft**), the structure would be compliant.
- If endorsed, staff recommends the Board clarify Blvd requirements.

See attached

Written Request, Site Plan, Floor Plan, Aerial View

Mtg date: April 21, 2016