

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

Thursday June 23, 2016

4:15 PM

Call to Order

Roll Call

1. Approval of June 9, 2016 Minutes
2. Applicant Glacial Lakes Energy, LLC (#16795) seeks Conditional Use approval to operate a rail loop and tank farm facility, with storage of ethanol & petroleum based products @ 1332 10th St SW, located in the I-2 Heavy Industrial District.
 - A. Public hearing
 - B. Board of Adjustment action
3. Applicant Troy Binde (#16796) seeks Conditional Use approval and concurrently appeals the terms of the ordinance to allow for the construction of a compliant addition onto an existing nonconforming retail building @ 505 & 507 Arrow Ave, located in the C-3 Highway Commercial District; and additionally seeks approval for the operation of Video Lottery machines, and the expansion of the original area allowed for the sale/serving/consumption of alcoholic beverages.
 - A. Public hearing
 - B. Board of Adjustment action
4. Applicant Jeff & Sandra Stadheim (#16797) seek Conditional Use approval and concurrently appeal the terms of the ordinance to allow for the construction of a compliant addition onto an existing nonconforming retail building @ 308 & 312 5th St SE, located in the R2-A Single Family Attached Residential District.
 - A. Public hearing
 - B. Board of Adjustment action

Old Business:

Motion to adjourn

Request for Plan Commission Action

TO: Plan Commission
THROUGH: Pat Shriver, Chairman
FROM: Paul Calkins, Glacial Lakes Energy Project Manager
SUBJECT: Glacial Lakes Energy Properties – City Ordinance 5.0401

Glacial Lakes Energy is continuing with plans to add a rail loop and tank farm on property between the Big Sioux River and the South By-pass (20th Avenue S).

The said operation is in the process of being rezoned as defined in the City ordinance I-2 (Heavy Industrial District) and will fall in the Conditional Uses in 21.3603.

At this time Glacial Lakes Energy is requesting approval from the Board of Adjustment to store ethanol and petroleum based products on the property. Glacial Lakes Energy has reviewed the stipulations set forth in Title 21 of the City of Watertown Ordinances and will comply to said Ordinances.

Glacial Lakes Energy is well aware of the Federal, State and City requirements for the construction and operation of such facilities and will comply with said regulations.

Glacial Lakes Energy is also aware of the floodplain and aquifer protection requirements and will work diligently with the City of Watertown's Engineering office to insure compliance.

At this time Glacial Lakes Energy would request approval from the Board of Adjustment to construct and operate a facility that stores ethanol and petroleum based products.



Paul Calkins

Glacial Lakes Energy Project Manager



LOT 1 OF THE PLAT ENTITLED, "LOT 1 OF LUKEN'S ADDITION TO THE CITY OF WATERTOWN, SOUTH DAKOTA"; AND

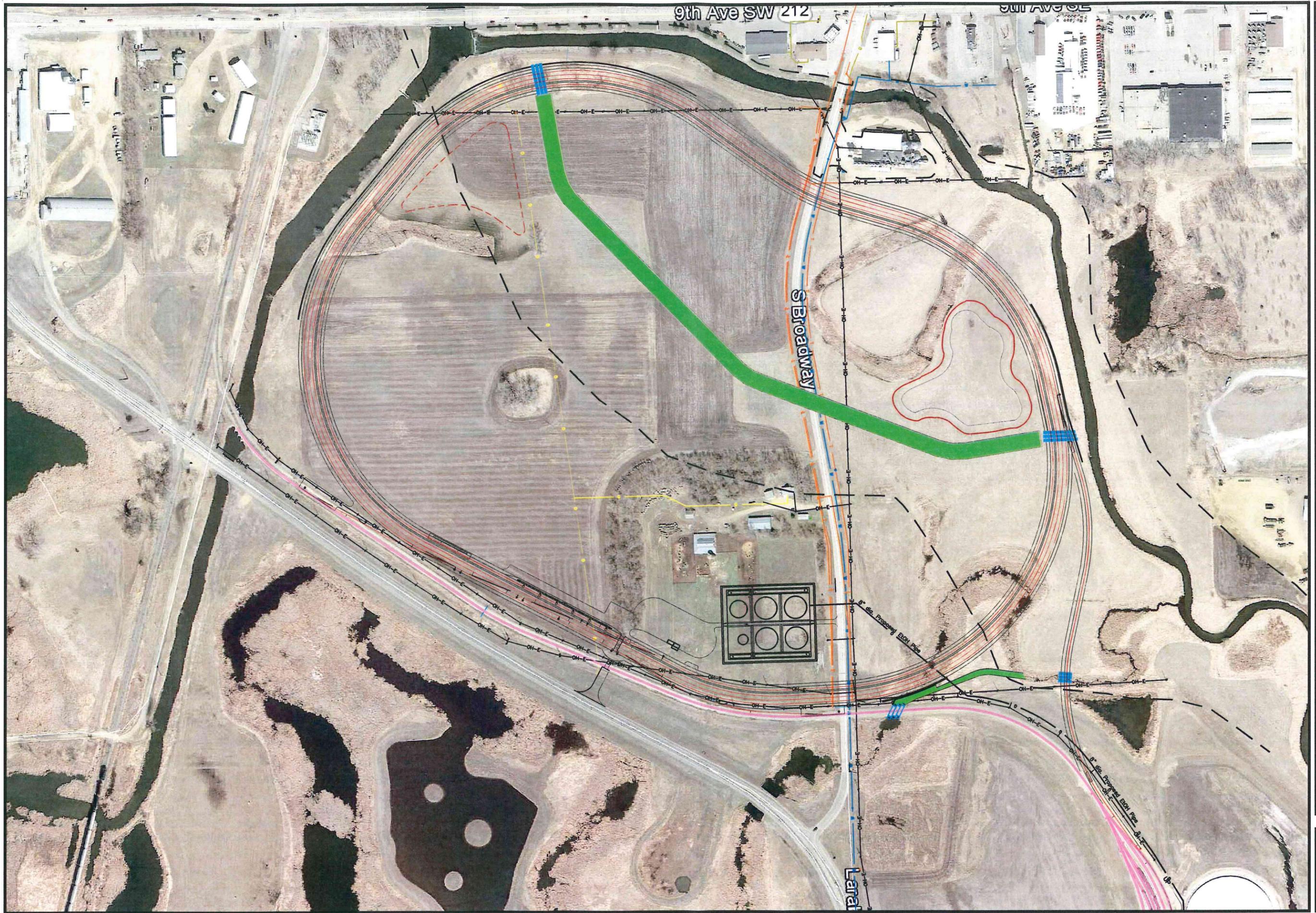
THE SOUTH HALF OF THE NORTHWEST QUARTER, LESS HANTEN INDUSTRIAL PARK ADDITION, AND LESS THAT PORTION OF SOUTH BROADWAY STREET OUTLOT LOCATED THEREIN, AND LESS ROAD RIGHT OF WAY, AND LESS RAILROAD RIGHT OF WAY, ALL IN SECTION 6, TOWNSHIP 116 NORTH, RANGE 52 WEST OF THE 5TH P.M., CODINGTON COUNTY, SOUTH DAKOTA; AND

GOVERNMENT LOT 3, LESS LITTLE RIVER CITY ADDITION, AND LESS STEIN ADDITION, AND LESS THAT PORTION OF SOUTH BROADWAY STREET OUTLOT LOCATED THEREIN, AND LESS THE EAST 20 FEET THEREOF; AND GOVERNMENT LOT 4 LESS SIOUX DIVERSION ADDITION, AND LESS HANTEN INDUSTRIAL PARK ADDITION, AND LESS RAILROAD RIGHT OF WAY, AND LESS ROAD RIGHT OF WAY, ALL IN SECTION 6, TOWNSHIP 116 NORTH, RANGE 52 WEST OF THE 5TH P.M., CODINGTON COUNTY, SOUTH DAKOTA; AND

ALL THAT PORTION OF LOT 8 OF THE PLAT ENTITLED, "HANTEN INDUSTRIAL PARK ADDITION TO THE MUNICIPALITY OF WATERTOWN, IN THE COUNTY OF CODINGTON, SOUTH DAKOTA," LOCATED NORTH AND EAST OF THE PLAT ENTITLED, "LOTS H1 IN LOTS 8 AND 9 OF HANTEN INDUSTRIAL PARK ADDITION TO THE MUNICIPALITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA."

AND FOR THE SPUR TRACK PORTION ACROSS CITY PROPERTY:

LOT 4 OF THE PLAT ENTITLED, "GLACIAL LAKES ENERGY ADDITION TO THE MUNICIPALITY OF WATERTOWN, IN THE COUNTY OF CODINGTON, SOUTH DAKOTA."



  GRAPHIC SCALE IN FEET
REVISIONS: DATE:
RECEIVED JUN 07 2016 City of Watertown
This Work Provided By:  AEGION ENGINEERING COMPANY 1000 S. 10th St., Suite 200 Watertown, SD 57157
CONCEPTUAL LAYOUT OF GLE INDUSTRY TRACK WATERTOWN, SD
DATE: May 31, 2016 SCALE: 1" = 150' DRAWN BY: CBD JOB NO.: 2016-004 SHEET 1 OF 1

STAFF REPORT
Conditional Use Application #16795

Owner/Applicant: **Glacial Lakes Energy, LLC**

Property Address: **1332 10th St SW**

Legal Description: **see attached**

Conditional Use Request:

Applicant seeks approval to operate a **rail loop and tank farm facility, with storage of ethanol & petroleum based products** per §21.3603(4&13); contingent upon compliance with:

- the *Purpose* of the I-2 Heavy Industrial District §21.3601;
- Chapter 5.04 *Petroleum Products*;
- Chapter 21.50 “AP” *Aquifer Protection Overlay District*; and
- *Specific Rules Governing Individual Conditional Uses*, including but not limited to §21.0202(2b6a-h).

	<u>I-2 District Regulations:</u>	<u>Subject Parcel:</u>
Minimum Lot Area:	220,000 sq ft	>220,000 sq ft
Minimum Lot Width:	300’	>300’
Req’d Yard (F/S/R):	75’/50’/50’	will comply
Max height:	50’	will comply
Bldg Rqts (21.73):	15’ grass w/1 tree per 50’ frontage	will comply
Infr Rqts (Titles 5, 18, 21 & 24):	4’ sw/trl, c&g	will comply
Min. Off-St Pkg (21.63):	xxxx	will comply

HISTORY:

This property was:

Annexed: effective June 10, 2016

Zoned I-2: effective June 10, 2016

STAFF FINDS THAT:

(all public notice requirements have been met)

- Railroad Tracks and equipment located on a railroad right-of-way** are exempt from the regulations of the ordinance and shall be permitted in any district per §21.0302(6)b.
- Distillation and Petroleum products terminal** are listed Conditional Uses for the I-2 Heavy Industrial District per §21.3603(4&13):
 - Permit is required from the Board of Adjustment for **Storage of Petroleum Products for sale or commercial use** per Chapter 5.04 *Petroleum Products*

The following rules, requirements and standards of the Ordinance are to be considered for approval; applicant submitted the attached Site Plan which reflects (or does not reflect) these regulations:

- §21.0202(2)b(6a-h) Specific Rules Governing Individual Conditional Uses:**
 - ingress/egress, off-street parking & loading refuse & service areas, utilities, screening/buffering, signage, exterior lighting, Required Yards & open space, & general compatibility
- §21.5004(2)a: Zone B – Aquifer Secondary Impact Zones**
 - The property is in the Zone B AP District: The following conditional uses are permitted in Zone B provided they meet the appropriate Performance Standards outlined for Aquifer Protection Overlay Zones, and when located within the city limits are connected to the city’s sanitary sewer system.
 - Siting of new or expansion of existing commercial and industrial establishments which handle, use or store potential groundwater contaminants to include but not limited to gasoline, benzene, diesel, other petroleum based products and if they are located north of 6th Avenue North and west of the Big Sioux River.
- §21.5005(2): Performance Standards for Aquifer Protection Overlay Zones**
 - Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must meet South Dakota Department of Environment and Natural Resources standards and may be required to have a secondary containment system where it is deemed necessary by the City Engineer.
- Chapter 21.63 Off-Street Parking and Loading Requirements:**
 - Parking layout was not shown on Site Plan. Sufficient area exists.
- Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:**
 - outside storage &/or display of materials, equipment, etc. was not indicated in the application.
- Chapter 21.73 Landscape and Lighting Standards:**
 - parking lot layout, lighting, Blvd & Infra Requirements, etc. were not shown on the Site Plan. (I-2 Zone is exempt from the interior tree requirement)
- Chapter 21.80 Signs and Outdoor Advertising:**
 - Signage was not addressed in the application.

This Board must determine if satisfactory provision and arrangement has been made concerning **§21.0202(2)b(6a-h)** and **Chapters 5.04, 21.36, 21.50, 21.63, 21.65, 21.73 & 21.80** for such use(s) to be operated at this location.

See attached

Written Request, Site Plan, Vicinity/Zoning Map

Mtg date: June 23, 2016

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

16796

Zone C-3 Date _____ Co. Rcd# 9860 + 9861
 Proposed Construction Addition to Comm. Bldg +
 Size 15'x50' Sq. Ft. 750 Height _____
 Address 505 + (507) Arrow Ave Lot Area 22,725'
 Lot 6, 7 + 8
 Block 19 Addition Pattigrews
 Estimated Value _____ Fee _____ BOA Fee Plans

Details App seeks CU for ~~video~~ the operation of video lottery machines per 21.2803(4) and N the expansion of the sale/serving/ + consumption of alcoholic beverages into the expanded property per 21.2803(3); and concurrently appeals the ordinance 21.0302 which prohibits the enlargement of nonconforming structures.
contingent upon compliance w/ 21.0102 Location + 21 SR6121s including but not limited to 21.0202 (2b)(a-h).

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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 Troy Binde Address 1166 6th St NW, WTN
 By _____
 Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by: _____
 _____ Building Official
 _____ Fire Chief
 _____ City Engineer

6/23/16
 Members of Board of Adjustment

May 26, 2016

Board of Adjustment
City of Watertown

Greetings:

I request a special exception for the operation of a casino and a variance for the construction of an addition in connection with the casino.

I own Lots 6, 7 and 8, in Block 19 of Pettigrew's Addition. This property is zoned C-3. "Casino" is a special use under this zoning. The property holds a 100' by 30.2' building housing a Subway restaurant on the West end and Highway 81 Liquors, owned by a corporation of which I am the only stockholder, on the East end. When I constructed the building I was granted a variance. This is a corner lot so that for set back purposes it is considered to have two front yards (40' set back) and two side yards (20' set back). The West "front" yard has a set back of 29.5', for which the variance was granted. The South "front" yard has 45.5' of set back. The West set back is not effected by the proposed addition. The proposed addition extend 15' North for the 50 East feet of the existing building. Even with the proposed addition all but the West side has more than the required set back.

There is auto ingress and egress on the Southeast side and on the West side. Parking for the whole of the property is non-exclusive to the businesses thereon, but I expect the Casino patrons will park on the North side. The entrance to the Casino will be on the North side. For the whole building, with the addition, there is more than the required parking of five parking spaces per 1,000 square feet. There will also be emergency egress through the liquor store.

No off street loading will be required for the Casino. Its inventory will be purchased from the adjacent liquor store.

The refuse container will continue to be on the Northeast corner of the property. I don't expect that any additional refuse container will be required, as the current container has far more capacity than is required for the liquor store and the Subway.

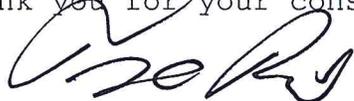
The building has city utility services. No new utility service will be required in connection with the addition.

I propose to put a sign on the building at the door of casino.

The casino will be compatible with the current use of this property. The casino will essentially be co-located with the liquor store,

which certainly is a compatible use. Also, Foxy's Casino is located across 5th Street almost directly West of the property. There is also a Casino at the quick stop on the corner of 1st Avenue North and 5th Street.

Thank you for your consideration of my request.

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

Troy Binde
507 Arrow Avenue NE
Watertown, SD 57201
(605)880-3483
troybin@msn.com

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

GAR: 6/16/16

REV. 6/3/16

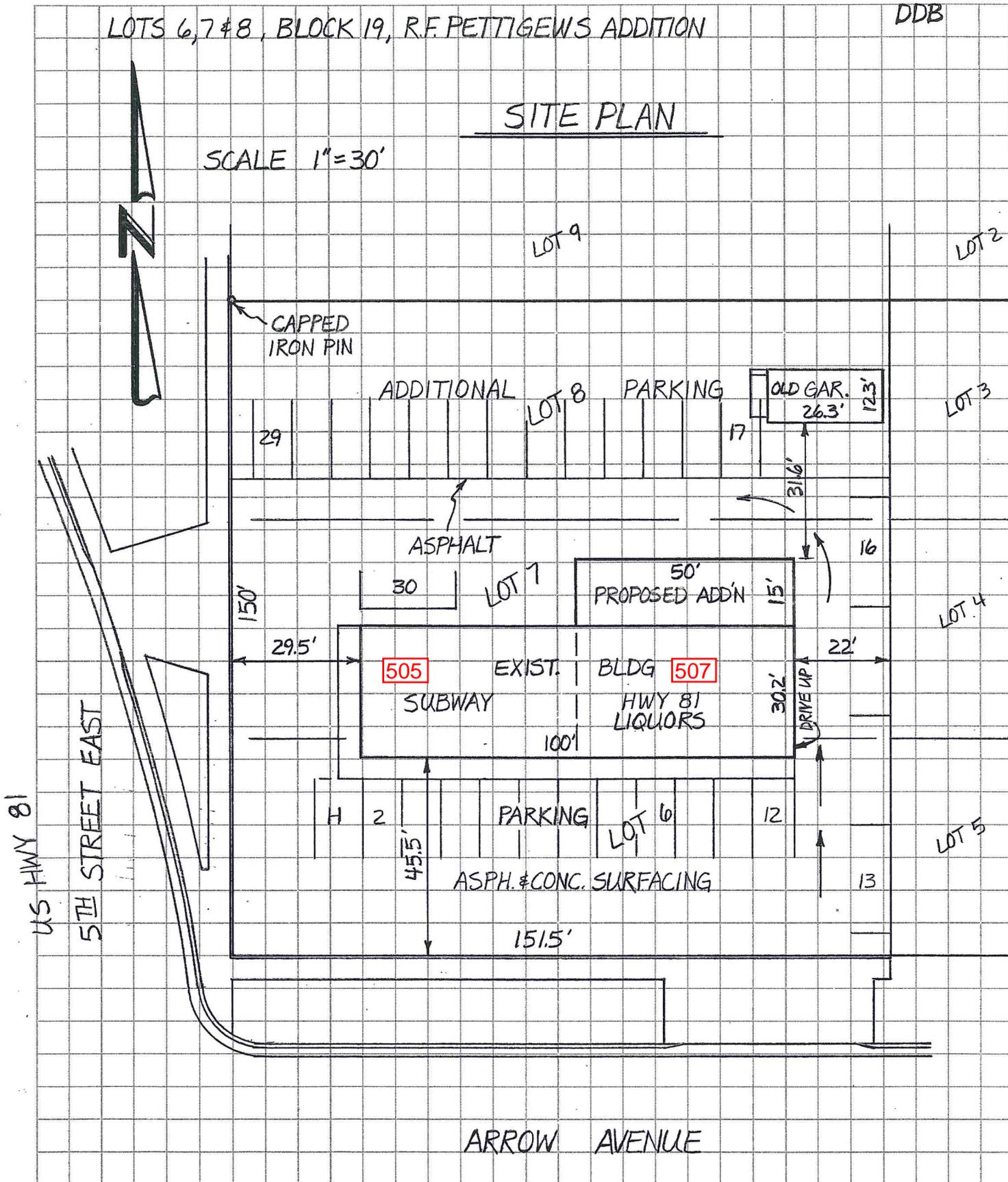
PROJECT TROY BINDE 130 5TH STREET NE / 507 ARROW AVE DATE 5/20/16

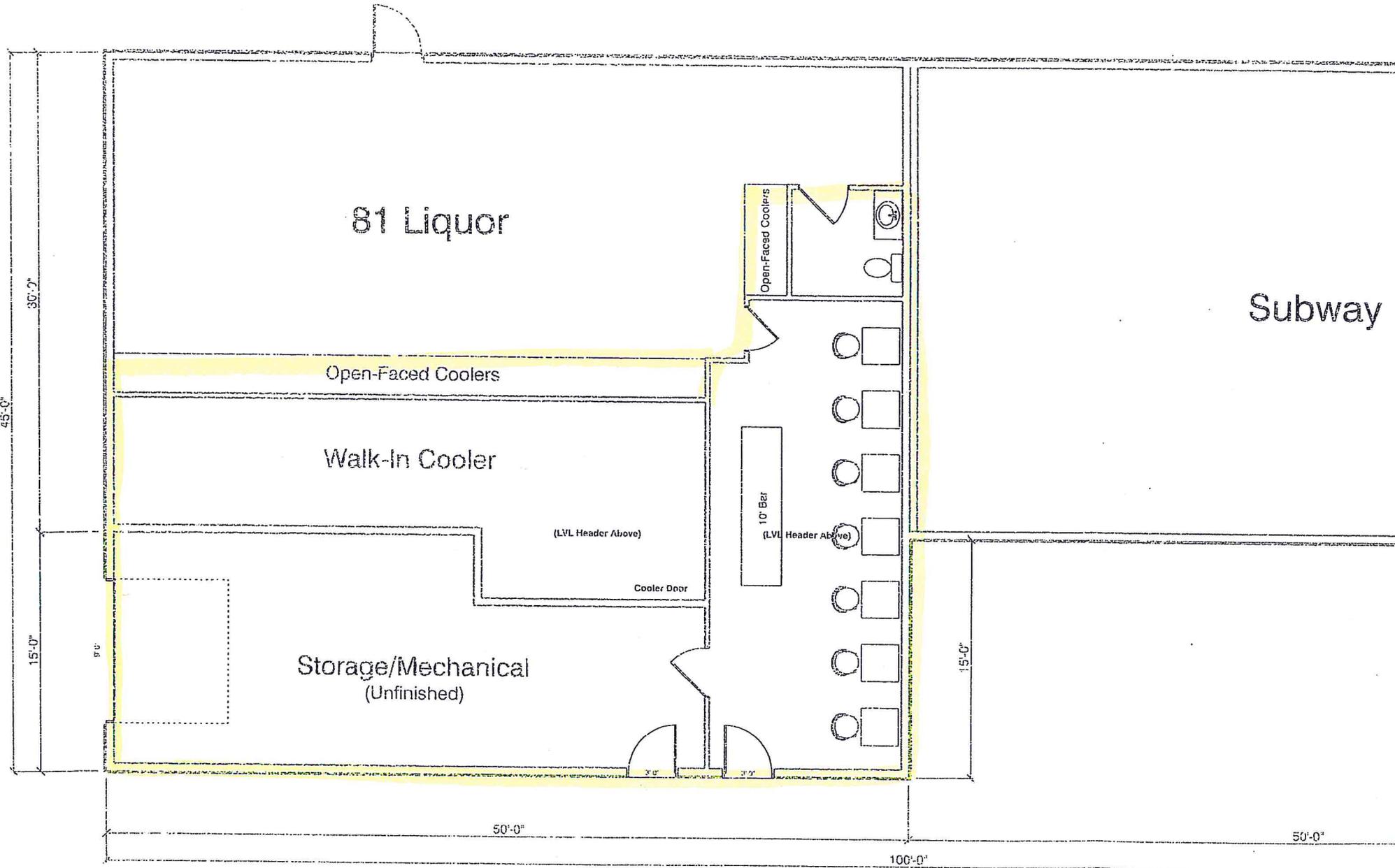
LOTS 6, 7 & 8, BLOCK 19, R.F. PETTIGEW'S ADDITION

DDB

SITE PLAN

SCALE 1"=30'





Subway



FOUNDATION

Concrete Slab _____

Concrete Block Walls _____

Concrete Walls _____

Wood Walls _____

BASEMENT AREA

N P F _____

EXTERIOR WALLS

Siding on Sheathing _____

Single Siding _____

Double Wall _____

Steel Building _____

Column Building _____

Concrete Block _____

Face Brick Veneer _____

Face Brick on C.B. _____

Hardboard Siding _____

Vinyl Siding _____

Steel Siding _____

Wood Siding _____

Wall Insulation _____

Roof Insulation _____

ROOF TYPE

Hip Gable _____

Mansard Flat _____

ROOFING

Asphalt Shingle _____

Wood Shingle _____

Membrane Roof _____

Concrete _____

Steel _____

Pitch and Gravel _____

FLOORS

	B	1st	2nd
Concrete			
Earth			
Gravel			
Plyscore			

INTERIOR FINISH

	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			
Type X Sheetrock			
Painted			
Paneling			
Unfinished Int.			

HEATING

Solar _____

Heat Pump _____

Hot Water _____

Electric _____

Gas Furnace _____

Oil Furnace _____

Geothermal _____

Air Conditioning _____

Fireplace _____

Wood Stove _____

No Heating System _____

PLUMBING

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

LANDSCAPING

Grass Blvd/Trees _____

APPLICATION FOR BUILDING PERMIT 10562

Zone C-3 Date 12/1/04, 20____

Proposed Construction Variance only

Size _____ Sq. Ft. _____ Height _____

Address 505 + 507 Arrow Ave Lot Area 15,150^{sq}

Lot 6+7 Block 19 Addition Pettigrew's

Estimated Cost _____ Fee _____ Plans Filed #10308

Details not mentioned above: _____

N

Requests variance from § 21.2114(E) Blvd/Public Right-of-way landscaping requirements, + waiver of sidewalk installation § 18.0306.

December 8, 2004

Public hearing: Application No. 10562 by Troy Binde and Trent Binde located at 505 & 507 Arrow Avenue. Requesting variance from boulevard/public right-of-way landscaping requirement and waiver of sidewalk installation. Motion was made by Pellish, seconded by Shriver, to open the public hearing. All voted unanimously. Motion carried. Mr. Pellish advised the Board this matter had been previously acted on when the special exception was approved. Notice of this public hearing was published and certified cards have not been returned. Mr. Tom Burns was present representing the Binde's. Mr. Burns spoke on waiving the sidewalk and landscape requirements until the lot east of this location is similarly improved. Motion was made by Mahowald, seconded by Pellish, to close the public hearing. All voted unanimously. Motion carried. Motion was made by Pellish, seconded by Brandriet, to acknowledge the variance request by the Binde's, and to find that the Board does not have authority to grant a variance as there is no building permit action before the Board. All voted unanimously. Motion denied.

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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.

81 Liquor/Subway

Owner Troy Binde + Trent Binde Address _____

By _____

Dated _____, 20____ Contractor _____

PERMIT APPROVAL

Authorized by: _____

Members of Board of Adjustment

Dennis 12-8-04

Building Official

Fire Chief

City Engineer

FOUNDATION

Concrete Slab
 Concrete Block Walls
 Concrete Walls
 Wood Walls

BASEMENT AREA

N P F

EXTERIOR WALLS

Siding on Sheathing
 Single Siding
 Double Wall
 Steel Building
 Column Building
 Concrete Block
 Face Brick Veneer
 Face Brick on C.B.
 Hardboard Siding
 Vinyl Siding
 Steel Siding
 Wood Siding
 Wall Insulation
 Roof Insulation

ROOF TYPE

Hip Gable
 Mansard Flat

ROOFING

Asphalt Shingle
 Wood Shingle
 Membrane Roof
 Concrete
 Steel
 Pitch and Gravel

FLOORS

	B	1st	2nd
Concrete			
Earth			
Gravel			
Plyscore			

INTERIOR FINISH

	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			
Type X Sheetrock			
Painted			
Paneling			
Unfinished Int.			

HEATING

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

PLUMBING

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

LANDSCAPING

Grass Blvd/Trees

APPLICATION FOR BUILDING PERMIT 10337

Zone C-3 Date 6/15/04, 20__

Proposed Construction Special Exception only

Size _____ Sq. Ft. _____ Height _____

Address 130 5th St. NE Lot Area _____

Lot 6r7 Block 19 Addition Pettigrew's

Estimated Cost _____ Fee _____ Plans Filed _____

Details not mentioned above: Bar/Tavern in C3 zone (revisions to legal description for off sale r liquor licenses currently held)

N

June 24, 2004
Public hearing: Troy Binde and Trent Binde owners of the Highway 81 Liquors located at 130 5th St NE for a special exception to facilitate a minor revision to the legal description on the off-sale malt beverage and liquor license for a bar/tavern in a C-3 zone. Motion was made by Brandriet, seconded by Mahowald, to open the public hearing. All voted unanimously. Motion carried. This location had been the subject of a variance during the June 21st Board of Adjustment meeting for other relief, and the applicant appeared today seeking a special exception for a on/off sale malt beverage and liquor license for a bar/tavern in a C-3 zone. This special exception is necessitated by the applicant's plan to demolish their existing structure and build a new one. The applicant's existing liquor license is issued to the specific legally described premise which includes their building. Because a new building will be built at a different location on their property, they first need a special exception to allow this use, whereupon they will ask the City Council to take action on a request to transfer their existing liquor license to their newly constructed facility. which will be located on Lots 6 & 7, Blk 19 of R. F. Pettigrews Addition. Troy Binde owner was present. Motion was made by Mahowald, seconded by Brandriet, to close the public hearing. All voted unanimously. Motion carried. Motion was made by Shriver, seconded by Redlin, to approve the special exception to make a minor revision to the legal description of off-sale malt beverage and liquor license for a bar/tavern for C-3 zone. All voted unanimously. Motion carried.

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Owner Troy + Trent Binde Address _____

By Troy Binde _____

Dated 8-10, 2004 Contractor _____

PERMIT APPROVAL

Authorized by: _____

Members of Board of Adjustment

 Building Official

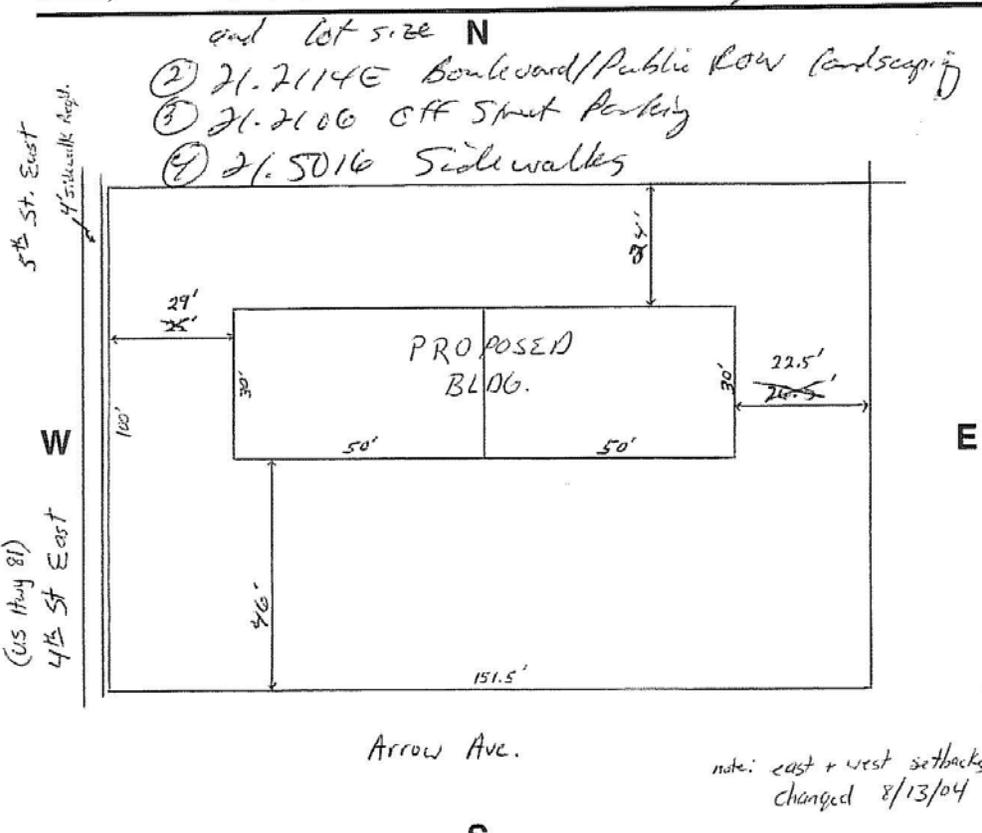
 Fire Chief

 City Engineer

APPLICATION FOR BUILDING PERMIT 10308

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

Zone C3 Date 5/26/04, 2004
 Proposed Construction Commercial retail building
 Size W 1/2 = 1500" (30'x50') Sq. Ft. E 1/2 = 1500" (30'x50') Height _____
 Address 1045-04 130 5th St. NE 505 Arrow Ave 507 Area Lot Area 15,150"
 Lot 6 & 7 Block 19 Addition Pettigrew's
 Estimated Cost 200,000⁰⁰ Fee 357.50 Plans Filed YES
 Details not mentioned above: proposed plan requires variances from: ① Title 20.200(i) for rear yard setback



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Troy 880-3483
 Owner Troy Binde + Trent Binde Address _____
 By Troy Binde
 Dated 8-17, 2004 Contractor Norton Bldgs.

PERMIT APPROVAL

Authorized by: _____
 Members of Board of Adjustment

 Building Official

 Fire Chief

 City Engineer

June 21, 2004
 Public hearing: Application No. 10308 by Troy Binde and Trent Binde for Lots 6 & 7, Block 19, R.F. Pettigrews Addition, 130 5th Street NE for variances on boulevard/public ROW landscaping, off street parking and sidewalks. (Highway 81 Liquors) Motion was made by Redlin, seconded by Brandriet, to open the public hearing on the request for variance for lot size and rear yard setback for Highway 81 Liquors. All voted unanimously. Motion carried. Location of this property is near Arrow Avenue and 4th Street East. Mr. Schlechter spoke on a change on the map which would change the access area and to provide adequate parking. Sidewalks will be provided on Arrow Avenue and also 15' of grass along the boulevard.
 The rearyard setback fall short of the ordinance. Motion was made by Roby, seconded by Brandriet, to close the public hearing. All voted unanimously. Motion carried. Motion was made by Roby, seconded by Shriver, to approve the request for variance for the size of the lot, setback and relief of the ordinance on the west side of the property for landscape. All voted unanimously. Motion carried.

STAFF REPORT

Conditional Use Application and Appeal #16796

Owner/Applicant: **Troy Binde**

Property Address: **505 & 507 Arrow Ave**

Legal D.: **Lots 6-8, Blk 19, Pettigrews Addition**

Conditional Use Request and Appeal:

Applicant seeks approval for the **operation of Video Lottery machines**, and the **expansion of the sale, serving, & consumption of alcoholic beverages area to include a new addition and Lot 8** per §21.2803(3&4); contingent upon compliance with:

- §2.0102 *Location*, and
- *Specific Rules Governing Individual Conditional Uses* including but not limited to §21.0202(2b6a-h).

Additionally, applicant concurrently appeals the following ordinance regulation to allow for the **construction of a compliant 750 sq ft (15'x50') addition** onto an existing nonconforming commercial building:

- §21.0302 prohibits *the alteration, modification &/or enlargement of nonconforming structures*.

	<u>C-3 District Regulations:</u>	<u>existing & proposed:</u>	<u>Meets Rqts:</u>
Minimum Lot Area:	20,000 sq ft	22,725 sq ft	X
Minimum Lot Width:	100'	150'	X
Front setback (west):	40'	29.5' / NA	-
Front setback (south):	40'	45.5' / NA	-
Side setback (north):	20'	74.5' / 59.5'	X
Side setback (east):	20'	22' / 22'	X
Bldv Rqts (21.73):	15' grass w/6 trees	0 trees	*will comply
Infr Rqts (Titles 5, 18, 21 & 24):	4' sw/trl, c&g	no sw on Lot 8	*will comply
Min. Off-St Pkg (21.63):	**1 per 3 seats / ***5 per 1,000 sf gf	? / 29 (north pkg area not paved)	X

*variance(s) are NOT requested
 restaurant / *community commercial

HISTORY:

NO BP found		single garage (left standing after Demo of house)
#10308	2004	Binde
#10337	2004	Binde
#10562	2004	Binde

noncon commercial retail building (see BPs & mins)
 Special Exception approved (see BPs & mins)
 Variance denied (see BPs & mins)

STAFF FINDS THAT:

(all public notice requirements have been met)

Bar or Tavern and Casino or Gambling Establishment are listed Conditional Uses for the C-3 HIGHWAY COMMERCIAL DISTRICT per §21.2803(3) and §21.2803(4).

• **Definitions:**

Bar or Tavern: any establishment, including restaurants and gambling establishments, licensed to sell alcoholic beverages for consumption upon the premises where sold or provided. The term bar or tavern shall also include establishments licensed to sell alcoholic beverages for consumption off the premises where sold.

Casino or gambling establishment: an establishment that operates gambling facilities, such as video gaming terminals. A casino or gambling establishment may provide food and beverage services. The term casino or gambling establishment shall not include full-service restaurants/bars/taverns where gambling receipts do not exceed fifty percent (50%) of the total gross receipts of the business.

- Currently, there exists on this parcel: a legal nonconforming 3,000 sq ft (30'x100') commercial building, and a 312 sq ft (12'x26') accessory structure.

- A Floor Plan of the proposed addition was submitted, showing the layout of (7) VL machines.

The following rules, requirements and standards of the Ordinance are to be considered for approval; applicant submitted the attached Site Plan which reflects (or does not reflect) these regulations:

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

- ingress/egress, off-street parking & loading refuse & service areas, utilities, screening/buffering, signage, exterior lighting, Required Yards & open space, & general compatibility

§2.0102 Location:

- the premises must be more than one hundred (100) yards measured by the regular and usual path of travel from any door or exit, of any church, school, Boy's or Girl's Club, or community sponsored recreation center (w/exceptions).

Chapter 21.63 Off-Street Parking and Loading Requirements: see chart above

Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:

- outside display was not indicated in the application.

Chapter 21.73 Landscape and Lighting Standards:

- does not show six (6) required Blvd trees.

Chapter 21.80 Signs and Outdoor Advertising:

- See written request (signage specifics were not addressed).

Title 24 Subdivision of Land:

- Applicant agrees to a Development Lot Agreement in lieu of re-platting, thus creating a compliant C-3 zoned parcel.

This Board must determine if satisfactory provision and arrangement has been made concerning **Sections 21.0202(2)b(6a-h) & 2.0102; Chapters 21.63, 21.65 21.73, & 21.80; and Title 24**. This parcel lacks standard Blvd & Infrastructure requirements; 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, Floor Plan, Vicinity/Zoning Map, BPs/mins, pics

Mtg date: June 23, 2016

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

16797

Zone R-2A Date _____ Co. Rcd# 10078
 Proposed Construction Addition to Retail Establishment
 Size _____ Sq. Ft. ~840 SF Height matching
 Address 308 * 312 5th St SE Lot Area 22,500^{sq}
 Lot 3-5
 Block D Addition 2nd Railway
 Estimated Value _____ Fee _____ BOA Fee Plans

Details App seeks approval for modification of Site Plan for

a previously approved CU. N to allow for the expansion of a Retail Establishment in the R-2A zone, per § 21.1804, § 21.1603(4); contingent upon compliance with SRGICUs § 21.0202(2)(b)(a-h). App concurrently appeals Ord § 21.0302 which prohibits the enlargement of noncon structures.

* On 7/23/15 the BOA granted CU. approval to allow for this "Retail Establishment" (as opposed to a "Neighborhood Retail Establishment") in the R-2-A 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 Sandra + Jeff Stadwin Address 44964-176 St WTA

By _____

Dated _____

Contractor _____

PERMIT APPROVAL

Authorized by:

Building Official

Fire Chief

City Engineer

6/23/16
Members of Board of Adjustment

Subject:

addition on south side
of The House of Dreams

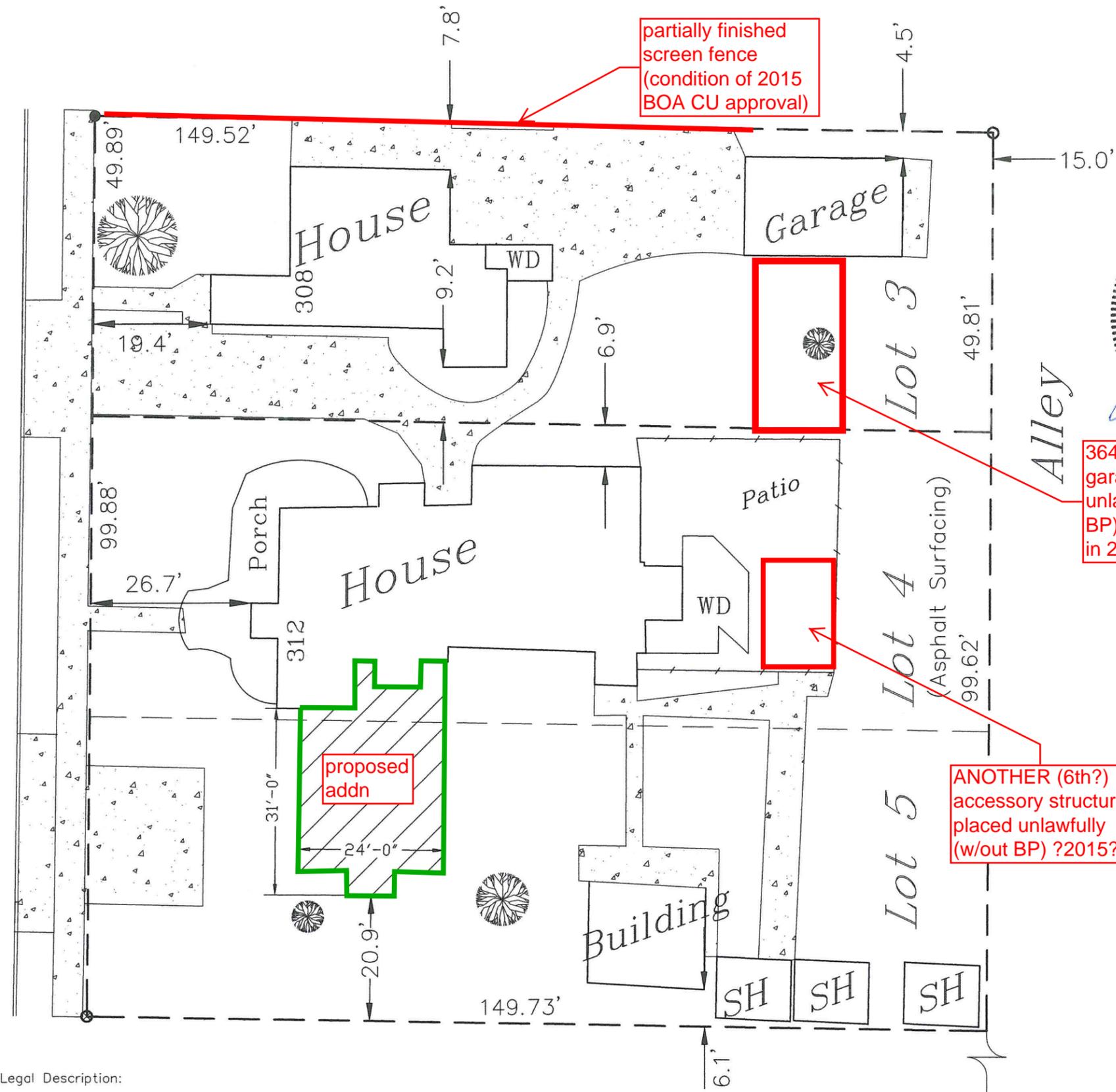
One room addition 31' x 24'
one lg. room w/basement
underneath, for storage.

The addition is needed
for counter space and
traffic flow.

Thank you

Sandy Stadheim

5th Street East



SCALE: 1"=20'

LEGEND

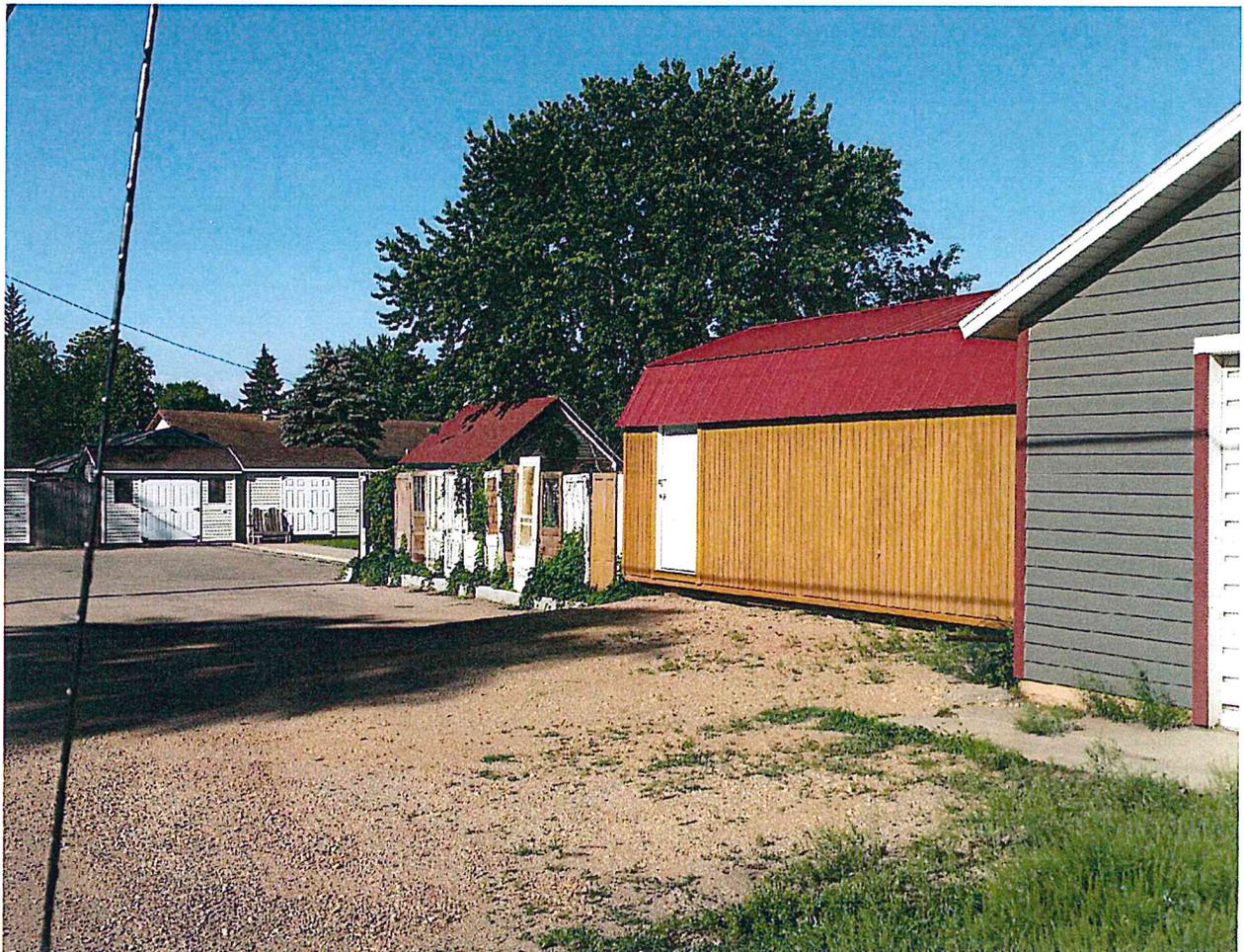
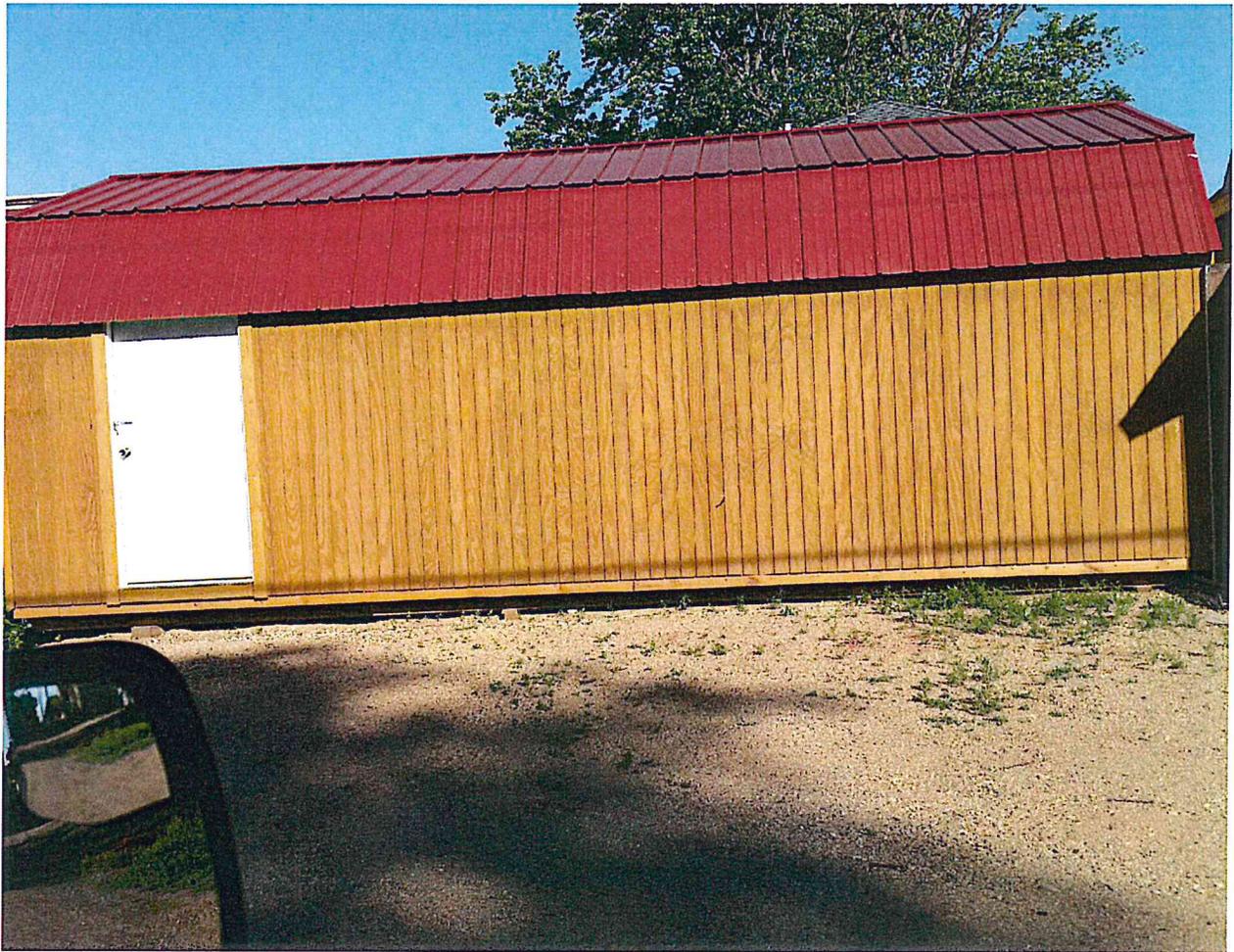
- Property Line
- Capped Pin Recovered
- Pipe Recovered
- ⊗ Rebar Recovered
- Fence
- WD Wood Deck
- SH Portable Shed
- Concrete
- Tree
- Proposed Addition

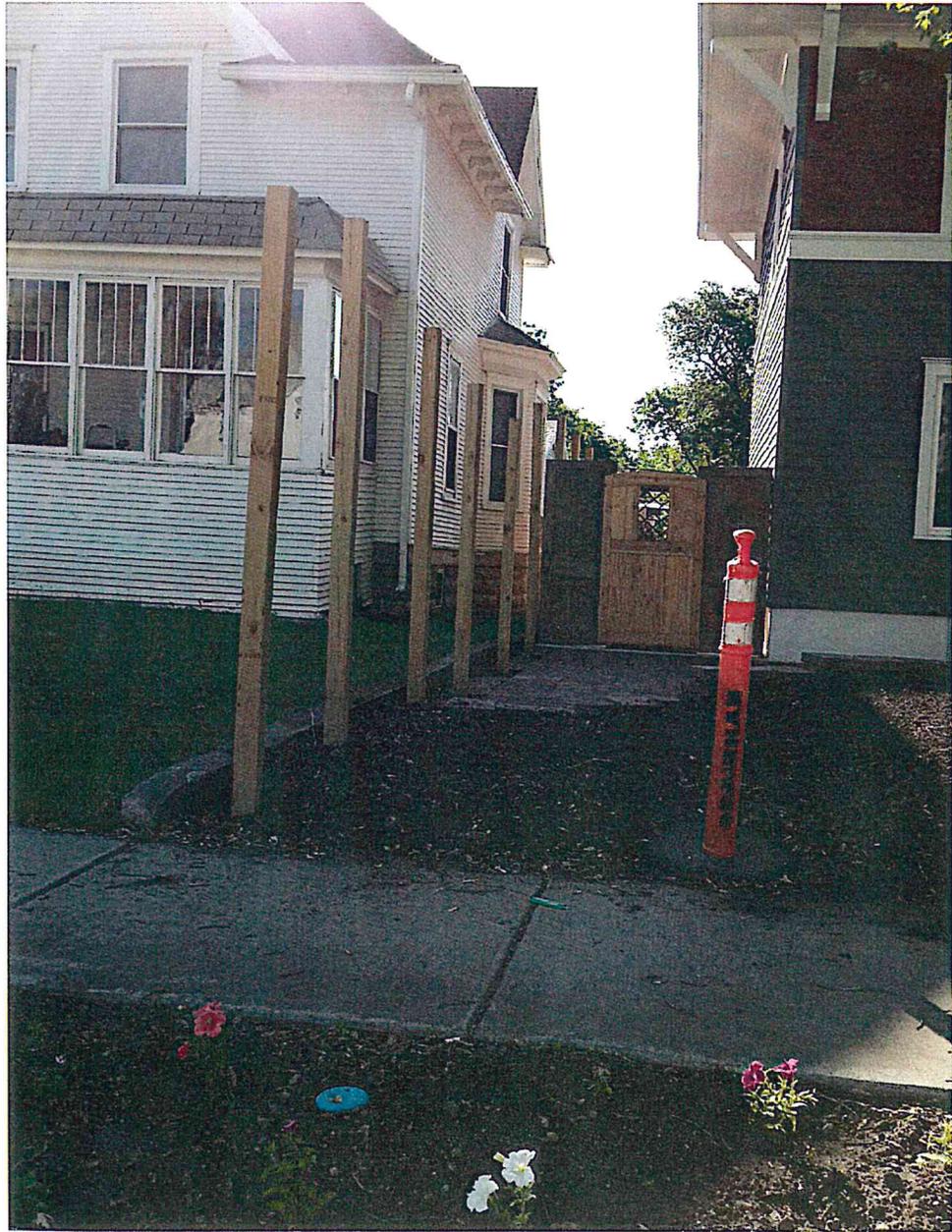
Legal Description:
 308 S 5th Street: Lot 3, Block D, 2nd Railway Addition
 312: S. 5th Street: Lots 4-5, Block D, 2nd Railway Addition

Scott Engineering Company
 707 South Maple, Watertown, SD
 Phone: (605) 886-5725
 Fax: (605) 886-6788
 Scotteng@qwestoffice.net

Proposed Building Addition
FOR
 308 and 312 South 5th St. SE

DRAWN BY GDS
CHECKED BY JJS
APPROVED BY
DATE June 2016
REVISIONS
CAD FILE
PROJECT NO. 6287
SHEET 1 OF 1





OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD

July 23, 2015

Public Hearing: Conditional Use Request No. 16223

Applicant Sandra Stadheim seeks approval for modification of Site Plan for a previously approved Conditional Use (fka Special Exception) located in the R-2A Single Family Attached Residential District, per §21.1804 & §21.1603(4), and contingent upon compliance with §21.0202 BOA Powers & Duties and SRGICUs including but not limited to §21.0202(2)b(6a-h)

In May, staff advised a property owner to secure the required permit(s) for property improvements being initiated w/out permit @ 308 5th St SE, at which time it was discovered that property owner Sandra Stadheim seeks to convert the residential (Single Family Dwelling) property/use into commercial (retail) property/use, accessory to her adjacent formerly approved "business" property/use (House of Dreams retail establishment @ 312 5th St SE); all to be operated as one merged retail establishment facility. Now comes applicant Sandra Stadheim seeking approval to allow for the expansion of her "business" which meets the Ordinance's current definition of *Retail Establishment*. However, *Retail Establishment*, as defined by Ordinance, is currently neither a listed Permitted nor Conditional Use in the R-2A District. Therefore, prior to any consideration, the BOA was asked to decide if they indeed have authority to consider this application pursuant to §21.0202(2c7) and other sections of Chapter 21.02; upon consensus, the staff report was orated. A Site Plan was not provided in time for processing and agenda distribution, so issues such as noncompliant structures; outside storage & display; Code compliance (safety, ADA, occupancy load, etc...); parking space / isle layout; loading / maneuvering areas; etc... could not be effectively evaluated by staff prior to this meeting.

Sandra & Jeff Stadheim were present in support of their application. Adjacent landowners, Theresa & Larry Lanning, were present in opposition to expanding the commercial/retail use which, if approved, would then abut their single family residential property, further disrupting their privacy and the feeling of a residential neighborhood. Since the purchase of their home until now, the adjacent properties have been residential zoned single family dwellings. Concerns over uncontained refuse, parcel delivery, and parking/traffic issues are already a problem and are feared to get worse. Adjacent landowner, Marion Johnson, spoke in support of the application contending that the House of Dreams property is generally a good neighbor, and predicting the proposed expansion of the Retail Establishment will be an improvement to the neighborhood. Stonebarger motioned to **approve with screening fence along their north property line**; Albertsen seconded, and motion carried unanimously.

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



~~Dennis Arnold, Vice Chairman~~
Pat Shriver, Chairman

STAFF REPORT

Application #16223 Conditional Use Request

Owner/Applicant: Sandra Stadheim Address: 308 & 312 5th St SE

Conditional Use Request:

Applicant seeks approval for modification of Site Plan for a previously approved Conditional Use (fka Special Exception), to allow for the expansion of a Retail Establishment located in the R-2A Single Family Attached Residential District per §21.1804 and §21.1603(4); and contingent upon compliance with:

- Board of Adjustment Powers & Duties per §21.0202 (see back page);
• Specific Rules Governing Ind'l Conditional Uses including but not limited to §21.0202(2b6a-h);
• and any other applicable Ordinance regulations (see Staff findings below).

Legal: Lots 3-5, Blk D, 2nd Railway Addition

Table with 3 columns: Min Lot Area, Min Lot Width, Front/side/rear SBs, Blvd Rqts (21.73), Infr Rqts (Titles 5, 18, 21 & 24), Off-street pkg (OSP) (21.63), R-2A District Regulations, Subject Parcel.

History:

Table with 4 columns: Year, Permit #, Address, Description of history events.

STAFF FINDS THAT:

(all public notice requirements have been met)

In May, staff advised a property owner to secure the required permit(s) for property improvements being initiated w/out permit at 308 5th St SE, at which time it was discovered that property owner Sandra Stadheim seeks to convert the residential use (Single Family Dwelling) into commercial (retail) use, accessory to her adjacent approved "business" use (House of Dreams retail establishment), to be operated as one merged retail establishment facility.

Prior to further consideration, the BOA must decide if they indeed have authority to consider approval of this application pursuant to §21.0202.

Retail Establishments, as defined by Ordinance, is neither a listed Permitted nor Conditional Use in the R-2A District; however, it is in the C-1, C-3 & BP Districts. (Neighborhood Retail Establishments, as defined by Ordinance, is a listed Permitted or Conditional Use in the R-2, R2-A, R-3 & C-2 Districts.)

Definitions:

- Neighborhood Retail Establishment: generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
Retail Establishment: establishment engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including, convenience stores, petroleum sales, repair shops, indoor amusement, copying services, health, professional, educational, social services and other miscellaneous services.

A complete Site Plan and Floor Plans were requested, but not provided, so issues such as noncompliant structures; Code compliance (safety, ADA, occupancy load, etc...); parking space / isle layout; loading / maneuvering areas; etc... could not be evaluated. A Site Plan would reflect compliance (or noncompliance) with the following requirements of the Ordinance:

- §21.0202(2)b(6a-h) Specific Rules Governing Individual Conditional Uses: (see back page)
Chapter 21.63 Off-Street Parking and Loading Req'ts, and Engineering Design Standards:
• The alley is used to access customer parking (paving of alley may be considered as condition).
Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:
• Outside displays of merchandise is permitted, & outside storage may be w/approved screening.
Chapter 21.73 Landscape and Lighting Standards (Blvd req'ts, parking, screening, etc...).
• Minimally, parking lot screening from adjacent residentially used property shall be provided.
Titles 5, 18, 21 & 24 sidewalk/trail, curb & gutter, and Subdivision of Land:

If application is endorsed, the Board may consider conditions of approval such as limiting outside storage/displays/parking, paving alley, screening, fulfillment of any/all lacking Blvd/Infra requirements, &/or any other conditions the Board deems necessary.

See attached:

Vicinity Map, Aerial View, Written Request, BPs & Board mins

Mtg: 7/23/15

City of Watertown

SOUTH DAKOTA 57201

"Lake City of the Dakotas"

BUILDING AND PLUMBING OFFICIAL
P.O. BOX 910
WATERTOWN, SOUTH DAKOTA 57201

November 17, 1992

Dear Property Owners:

The Board of Adjustment is going to discuss Sandra Stadheim's request to move Kountry Klassics to 312 5th Street SE again on Friday, November 20, 1992, at 9:00 A.M. at City Hall.

Mrs. Stadheim has decided to expand the existing front parking area to a three car space and leave the remainder of the site as is.

If you have any questions, please contact me.

Yours very truly,



Darwin D. Brinkman
City Building Official

DDB/pbl

Application #5753 by Sandra Stadheim of Kountry Klassics for a Business in an R-2 Zone was being reconsidered. Brinkman stated that another letter had been sent to all the neighbors telling them of another parking space in the back making a total of 3 parking spaces. Beebe thinks that there will be adequate parking for the size of this Business. Mrs. Gene Johnson (an adjacent neighbor) told the board that she thinks parking will be a problem because of the limited amount of space available and she was against passing this application from the start. Mr. John Endres told the Board that he has no problem with this application because it will do the City good to renovate this old house. Brinkman told the Board that after he sent the letters out to the neighbors, he had phone calls from two neighbors that couldn't be at the meeting, but the two neighbors, Les Simon and Virginia Mages told Brinkman that they approve of this application and the use of this house for a business. Motion was made by Johnson and seconded by Redlin to approve the application. Upon vote taken, all voted aye; motion carried.

A CITY OF

- 28 CHURCHES
All Leading Denominations
- 9 GRADE SCHOOLS
6 Public - 4 Parochial
- 2 JUNIOR HIGH SCHOOLS
1 Public - 1 Parochial
- 1 SENIOR HIGH SCHOOL
- LAKE AREA MULTI-DISTRICT
VOCATIONAL HIGH SCHOOL
- LAKE AREA VOCATIONAL-
TECHNICAL INSTITUTE
- WATERTOWN REGIONAL LIBRARY
- 2 HOSPITALS
- 7 MEDICAL CLINICS
- 5000 SEAT ARENA
- 1050 SEAT AUDITORIUM
- 500 SEAT STADIUM
- 2 SWIMMING POOLS
Sanctioned for A.A.U. Meets
1 Indoor Complex
- 10 DEVELOPED PARKS
BRAMBLE PARK ZOO
- 2 GOLF COURSES
18 Holes, Grass Greens
- LAKE KAMPESKA
500 Acres
- LAKE PELICAN
3000 Acres
- 100 LAKES
In 75 Mile Radius
- HUNTING AND FISHING

FULL TIME . . .

- POLICE DEPARTMENT
- FIRE DEPARTMENT
- INSURANCE RATING CLASS 6
- MUNICIPAL UTILITIES
28,000 KW Firm Power
Abundant Natural Gas
Central Steam Heating
Unlimited Supply of W.
Adequate Sawage Dis.
715 Miles of Paved Str.

SERVED BY . . .

- REPUBLIC AIRLINES
- FISCHER AVIATION
Charter - Air Ambulance
Flight Training
- HERTZ RENT A CAR
- C & N W RAILWAY
- BURLINGTON NORTHER
- JACKRABBIT LINES
- ZEPHYR LINES
- 4 MOTOR CARRIERS
Scheduled Routes
In All Directions

and Still Growing

IN THE AGRICULTURAL HEART OF AMERICA

City of Watertown

SOUTH DAKOTA 57201

"Lake City of the Dakotas"

BUILDING AND PLUMBING OFFICIAL
P.O. BOX 910
WATERTOWN, SOUTH DAKOTA 57201

October 23, 1992

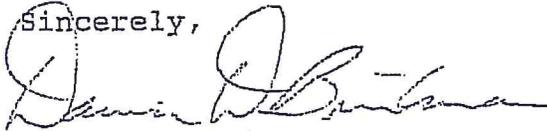
Dear Property Owners:

Sandra Stadheim of Kountry Klassics has requested that the Board of Adjustment reconsider her application for a special exception to move her business to 312 5th Street SE (Lots 4 and 5, Block 2, 2nd Railway Addition).

You are hereby notified that the Board of Adjustment is going to reconsider application #5753 on Friday, October 30, 1992, at 9:00 A.M. here at City Hall.

If you have any questions, please contact me.

Sincerely,



Darwin D. Brinkman
City Building Official

Appl. # 5753 by Sandy Stadheim of Kountry Klassics was presented for reconsideration. Several area residents were present to discuss the matter. Elaine Simon stated she would not be opposed to the use if they were going to live there. John Endres again expressed a concern about the parking and asked if the parking could be behind the structure. Geebe remarked that this should improve the area and assured the neighborhood that they would regret if she quit. Mrs. Stadheim offered to try to arrange the parking so it went back out to Hwy. #81, not using the alley. Redlin suggested everyone should work toward a compromise. Mr. Endres then stated he would go along with it if she didn't put a graveled roadway through the property. After further discussion, motion was made by Pederson and seconded by Johnson to table the Appl. until a scale drawing can be made showing the parking access in the relationship to

the house, property lines, Etc. Upon vote taken, all voted aye; motion carried.

A CITY OF . . .

- 25 CHURCHES
All Leading Denominations
- 9 GRADE SCHOOLS
5 Public - 4 Parochial
- 3 JUNIOR HIGH SCHOOLS
1 Public - 1 Parochial
- 1 SENIOR HIGH SCHOOL
- LAKE AREA MULTI-DISTRICT
VOCATIONAL HIGH SCHOOL
- LAKE AREA VOCATIONAL-
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BRAMBLE PARK ZOO
- 2 GOLF COURSES
10 Holes, Grass Greens
- LAKE KAMPESICA
5500 Acres
- LAKE PELICAN
3000 Acres
- 100 LAKES
In 75 Mile Radius
- HUNTING AND FISHING

FULL TIME . . .

- POLICE DEPARTMENT
- FIRE DEPARTMENT
- INSURANCE RATING CLASS 6
- MUNICIPAL UTILITIES
25,000 KW Firm Power
Abundant Natural Gas
Central Steam Heating System
Unlimited Supply of Water
Adequate Sewage Disposal
115 Miles of Paved Streets

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- FISCHER AVIATION
Charter - Air Ambulance
Flight Training
- HERTZ RENT A CAR
- C & N W RAILWAY
- BURLINGTON NORTHERN
- JACKRABBIT LINES
- ZEPHYR LINES
- 4 MOTOR CARRIERS
Scheduled Routes
In All Directions

and Still Growing

IN THE AGRICULTURAL HEART OF AMERICA

NOTICE: THE BOARD OF ADJUSTMENT WILL MEET FRIDAY, OCTOBER 2, 1992, AT 9:00 AM IN THE MEETING ROOM TO ACT ON THIS APPLICATION. Singrey & Fox

APPLICATION FOR BUILDING PERMIT

No 5753

FOUNDATION		
Concrete Slab		
Concrete Block Walls		
Concrete Walls		
Wood Walls		
BASEMENT AREA		
N	P	F
EXTERIOR WALLS		
Siding on Sheathing		
Single Siding		
Double Wall		
Pole Building		
Column Building		
Concrete Block		
Face Brick Veneer		
Face Brick on C.B.		
Hardboard Siding		
Wood Siding		

Zone R-2 Date Sept 23, 19 92
 Proposed Construction Special Exception Only
 Size Exists Sq. Ft. _____ Height _____
 House No. 312 5th St SE Lot Area _____
 Lot 445 Block D Addition 2nd Rwy
 Estimated Cost 0 Fee \$0 Plans Filed _____
 Details not mentioned above: Needs special exception for business in R-2 zone

N

Appl. # 5753 by Sandra Stadheim for Special Exception only at 312 5th St SE needs special exception for business in R-2 zone. Sandra told the Board that the house she will be moving on to the lot was built in 1890 and that she will not be residing there. The house will be just used for business. There were a number of neighbors and adjoining neighbors that told the board they were worried about the traffic problems that this would cause on the adjoining alley. The neighbors also said that the alley is gravel and the extra traffic would cause a lot of dust and traffic combustion. Johnson asked Mrs. Stadheim about how many customers she would expect on a daily basis. Mrs. Stadheim said that she expects about an average of 20 to 25 customers on a daily basis. Mrs. Stadheim also said she plans on renovation the house by putting a new roof on other outside work on it and sometime in the future blacktopping the alley. Mrs. Stadheim commented that the parking will be diagonally to the South of the house to help any parking problems. Beebe said the he does not live that far from the proposed location of the house and he does not see traffic as a problem. Pederson asked which of the neighbors were opposed to the application. The adjoining neighbors to the South said that they were opposed to the application because of the traffic and the dust. Brinkman explained to the Board that this property may eventually become zoned into commercial property. Motion was made by Pederson and seconded by Hemp to deny the application. Upon vote taken, Hemp, Pederson and Johnson voted Aye, Beebe Voted No; motion carried.

E

INTERIOR FINISH			
	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			
Type X Sheetrock			
Painted			
Paneling			
Unfinished Int.			
HEATING			
Solar			
Heat Pump			
Hot Water			
Electric			
Gas Furnace			
Oil Furnace			
Geothermal			
Air Conditioning			
Fireplace			
Wood Stove			
No Heating System			
PLUMBING			
	B	1st	2nd
Rough In			
Bath Rooms			
Kitchen			
Laundry			
No Plumbing			

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. →

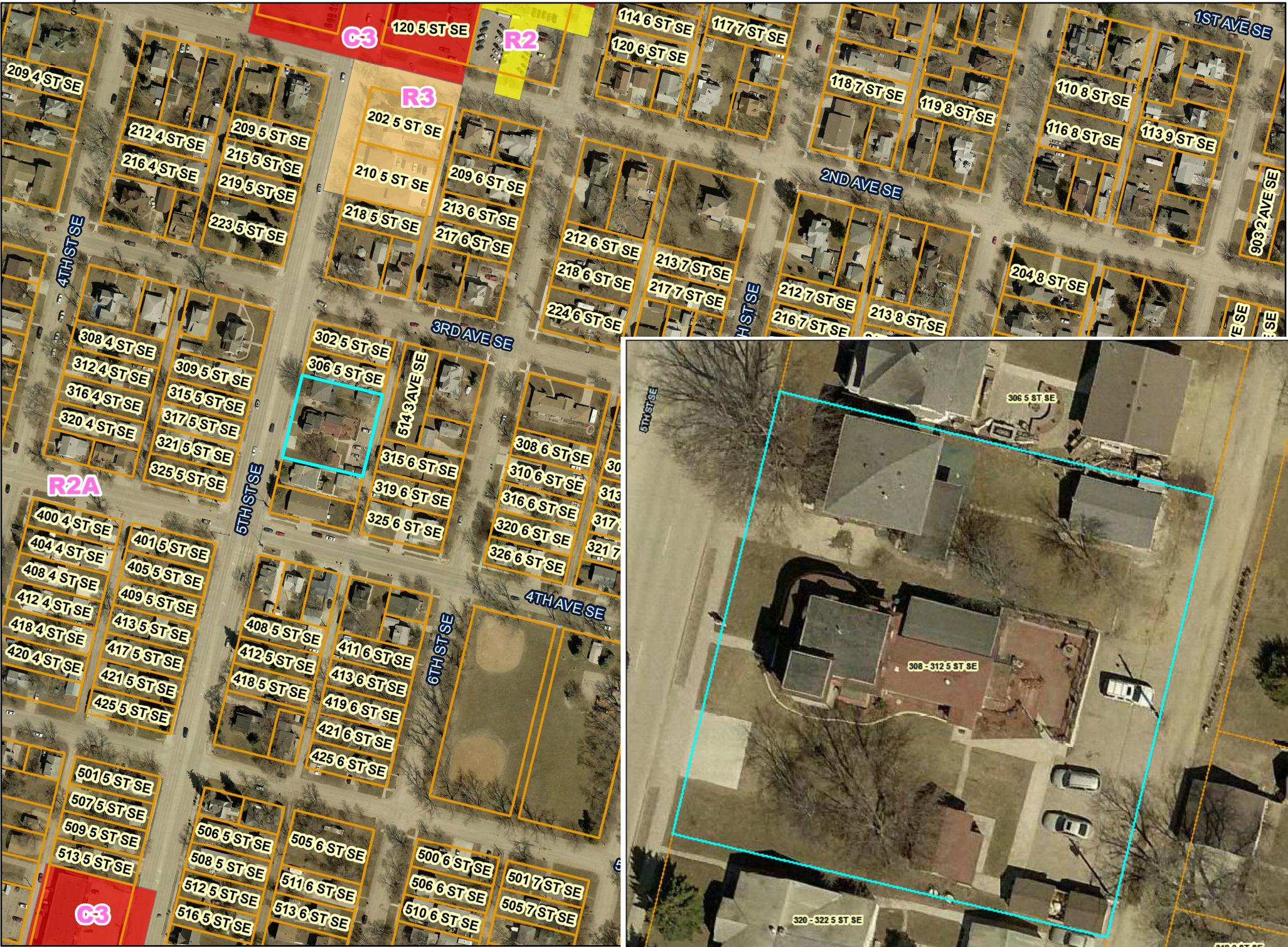
IT IS HEREBY AGREED between the undersigned, as owner, his agent or servant, and the City of Watertown, that for and in consideration of the premises and the permit to construct, erect, alter or install and the occupancy of building as above described, to be issued and granted by the Building Official, 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, repairs, removal and safety of buildings and other structures and permanent building equipment.

Owner Country Classics Address 14 W Kemp Ave
 By Sandra N. Stadheim
 Dated _____, 19 _____

PERMIT APPROVAL

Authorized by: 11/20/92 Members of Board of Adjustment
Rene Beebe DRB
Glenn V. Johnson Building Official
[Signature] Fire Chief
[Signature] City Engineer
[Signature] Reconsidered
10/2/92

Stadheim 308 & 312 5th St SE



STAFF REPORT

Conditional Use Application and Appeal #16797

Owner/Applicant: **Jeff & Sandra Stadheim**

Address: 308 & 312 5th St SE

Legal: **Lots 3-5, Blk D, 2nd Railway Addition**

Conditional Use Request and Appeal:

Applicant seeks approval to allow for the **construction of a compliant ~840 sq ft addition** onto an existing nonconforming retail building (expansion of a previously approved Conditional Use and modification of Site Plan) per §21.1804 & §21.1603(4); contingent upon compliance with:

- *Specific Rules Governing Ind'l Conditional Uses* including but not limited to §21.0202(2b6a-h). Concurrently, applicant appeals the following ordinance regulation to allow for that **construction**:
- §21.0302 prohibits *the alteration, modification &/or enlargement of nonconforming structures*.

	<u>R-2A District Regs:</u>	<u>existing/proposed:</u>	<u>meets req'ts:</u>
Min Lot Area:	7,500 sq ft	22,500 sq ft	X
Min Lot Width:	75'	150'	X
front (west) SBs:	30' (primary bldg(s))	26.7' / >30'	no / X
side (south) SBs:	9' " "	55.9' / 20.9'	X / X
side (north) SBs:	9' " "	7.8' / NA	no / NA
rear (east) SBs:	25' " "	>25' / >25'	X / X
Blvd Rqts (21.73):	15' grass w/3 trees	1 tree	*NO
Infr Rqts (Titles 5, 18, 21 & 24):	4' sw/trl, c&g	exists	
Off-street pkg (OSP) (21.63):	5/1,000 sf gf	???	??? not shown on Site Plan

*variance(s) are NOT requested

History:

1992	#5753	312 5th St SE	Special Exception for a business in the R-2 zone by Stadheim
1996	#7261	312 5th St SE	legal nonconfg 224 sf shed (#1) by Stadheim
1996-2011	NO Permit	312 5th St SE	unlawful 85 sf lean-to on shed #7261
1996-2011	NO Permits	312 5th St SE	unlawful sheds #2, #3, #4 and screen/fence
2011	#14142	312 5th St SE	bldg addition & deck by Stadheim
???		308 5th St SE	SFD converted to commercial/retail w/out permit(s)
2015	#16202	308 5th St SE	remodel: removed ktchn & bathrm, new w/s,...
2015	#16223	308 & 312 5 th St SE	CU approval for expansion of Retail Establishment: approved with screen/fence along their north property line (unfinished)
2015?	NO Permits	308 & 312 5 th St SE	more unlawful accessory structures: 364 sq ft (14'x26') garage & ?6 th ? (X'xX') shed

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

Neighborhood Retail Establishments, as defined by Ordinance, is a listed Permitted or Conditional Use in the R-2, R2-A, R-3 & C-2 Districts, while **Retail Establishments**, as defined by Ordinance, is neither a listed Permitted nor Conditional Use in the R-2A Single Family Attached Residential District (*it is* in the C-1, C-3 & BP Districts). Nevertheless, the BOA granted CU approval to allow this Retail Establishment, and the expansion of it, in the R-2A Zone on 7/23/2015. (see attached mins)

➤ **Definition: Neighborhood Retail Establishment:**

generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.

➤ **Definition Retail Establishment:**

establishment engaged in selling products, goods or merchandise to the general public for personal or household consumption; and establishments engaged in providing services or entertainment to the general public including, convenience stores, petroleum sales, repair shops, indoor amusement, copying services, health, professional, educational, social services and other miscellaneous services.

Complete and accurate Site Plan and Floor Plans were requested, as usual, so that issues such as noncompliant structures; Code compliance (safety, ADA, occupancy load, etc...); parking space / isle layout; loading / maneuvering areas; etc... could be evaluated. The Site Plan is not complete/accurate, as there are at least two (2) new unlawful accessory structures placed in the last ~year. The Site Plan provided and additional staff notes & pictures reflect compliance (or noncompliance) with the following requirements of the Ordinance:

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

➤ ingress/egress, off-street parking & loading refuse & service areas, utilities, screening/buffering, signage, exterior lighting, Required Yards & open space, & general compatibility

Chapter 21.63 Off-Street Parking and Loading Req'ts, and Engineering Design Standards:

➤ The alley is used to access customer parking (paving of alley may be considered as condition).

Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:

➤ Outside displays of merchandise is permitted, & outside storage *may* be w/approved screening – neither were addressed in the submitted application.

Chapter 21.73 Landscape and Lighting Standards (Blvd req'ts, parking, screening, etc...).

➤ Minimally, parking lot screening from adjacent residentially used property *shall* be provided.

Chapter 21.80 Signs and Outdoor Advertising:

➤ Signage was not addressed in the application.

This Board must determine if satisfactory provision and arrangement has been made concerning **§21.0202(2)b(6a-h); and Chapters 21.63, 21.65 21.73, & 21.80**. This parcel lacks standard Blvd requirements; if application *is* endorsed, this board may consider requiring fulfillment of the lacking Blvd requirements, &/or any other conditions of approval deemed necessary such as: limiting outside storage/displays/parking, paving alley, screening, etc... in conjunction with any structural improvements authorized by Building Permit.

See attached:

Vicinity Map, Written Request, BPs & Board mins, pics

Mtg: 6/23/2016