

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

Thursday August 18, 2016

4:15 PM

Call to Order

Roll Call

1. Approval of 7/21/2016 Minutes
2. Applicant Danielle Lentz (#16922) seeks Conditional Use approval to operate a home Day Care business out of a single family dwelling located in the R-2A Single Family Attached Residential District @ 715 1st Ave SW.
 - 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
---	---	---	---	---

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

APPLICATION FOR BUILDING PERMIT

16922

Zone R2A Co. Rcd# _____ Date _____

Proposed Construction Conditional Use only - Home Day Care

Size M: 1012 (w/34B) Sq. Ft. _____ Height _____

Address 715 1st Ave SW Lot Area 75x50'

Lot E 1/2 Lots 22 & 23

Block 50 Addition Replat W. WTN

Estimated Value _____ Fee _____ BOA Fee Plans

Details App. seeks approval per § 21.1804, § 21.16030, &

§ 21.1403 (+5) contingent upon N compliance with: Chapter 21.70 Home Occupations & Standards, and SROFCUs including but not limited to: § 21.0202 (2b) (en-h).

W

E

S

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

IT IS HEREBY AGREED between the undersigned, as owner, his agent or servant, and the City of Watertown, that for and in consideration of the premises and the permit to construct, erect, alter or install and the occupancy of building as above described, to be issued and granted by the Building Official, that the work thereon will be done in accordance with the descriptions herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter or install and occupy in strict compliance with the ordinances of the City of Watertown; and to obey any and all lawful orders of the City Engineer of the City of Watertown and all State Laws relating to the construction, alteration, repair, removal, and safety of buildings and other structures and permanent building equipment.

By City Ordinance, 5.0301(2) 2012 IBC Section 107 SUBMITTAL DOCUMENTS, is hereby further amended by adding the following: [A] 107.6 Applicant's Responsibility for Compliance. Neither examination and review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and any other applicable local, state and federal rules, regulations, and ordinances.

Owner Jeremy Smith Address SAA (same as above)
 Applicant: Danielle
 By _____

Dated _____ Contractor _____

PERMIT APPROVAL

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

Members of Board of Adjustment
8/18/16

To whom it may concern,

I am looking to have an in home daycare city approved. The daycare will be located at 715 1st Ave. S.W. Hours of operation are from 6:00 a.m. to 6:00 p.m. Monday through Friday. There will be a maximum of 10 children, with my two children included. I will not be getting state registered at this time. Our home has a fenced in side yard. There is available parking directly in front of the home and also in the driveway. In case of emergency, my boyfriend, Jeremy Smith, will leave his place of employment to assist.

Thank you for your consideration,

Danielle Lentz

A handwritten signature in black ink that reads "Danielle" followed by a stylized, cursive flourish.

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

21.1403: CONDITIONAL USES

1. Day care homes caring for children, provided that such facilities shall provide not less than thirty five (35) square feet of interior floor area and fifty (50) square feet of outdoor recreation space for each child. In addition, such facilities shall supply adequate off-street parking or other suitable plan for the loading and unloading of children so as not to obstruct public streets or create other traffic or safety hazards.

Chapter 21.70

HOME OCCUPATIONS AND STANDARDS

21.7001: HOME OCCUPATIONS FOR RESIDENTIAL DISTRICTS

Home occupations may be permitted by conditional use as accessory uses to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.7002 of this Ordinance. (Ord 04-04; Rev 3-26-04) (Ord 08-23; Rev 11-28-08) (Ord 10-34; Rev 1-13-11)

21.7002: HOME OCCUPATION STANDARDS

In addition to meeting the general accessory use standards of Section 21.2101 and all applicable standards or regulations of the zoning district in which it is located, Each home occupation shall comply with the following standards:

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

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



PLOT PLAN

OWNER: JEREMY L. SMITH

ADDRESS: 715 1ST AVENUE SW WATERTOWN, SD 57201

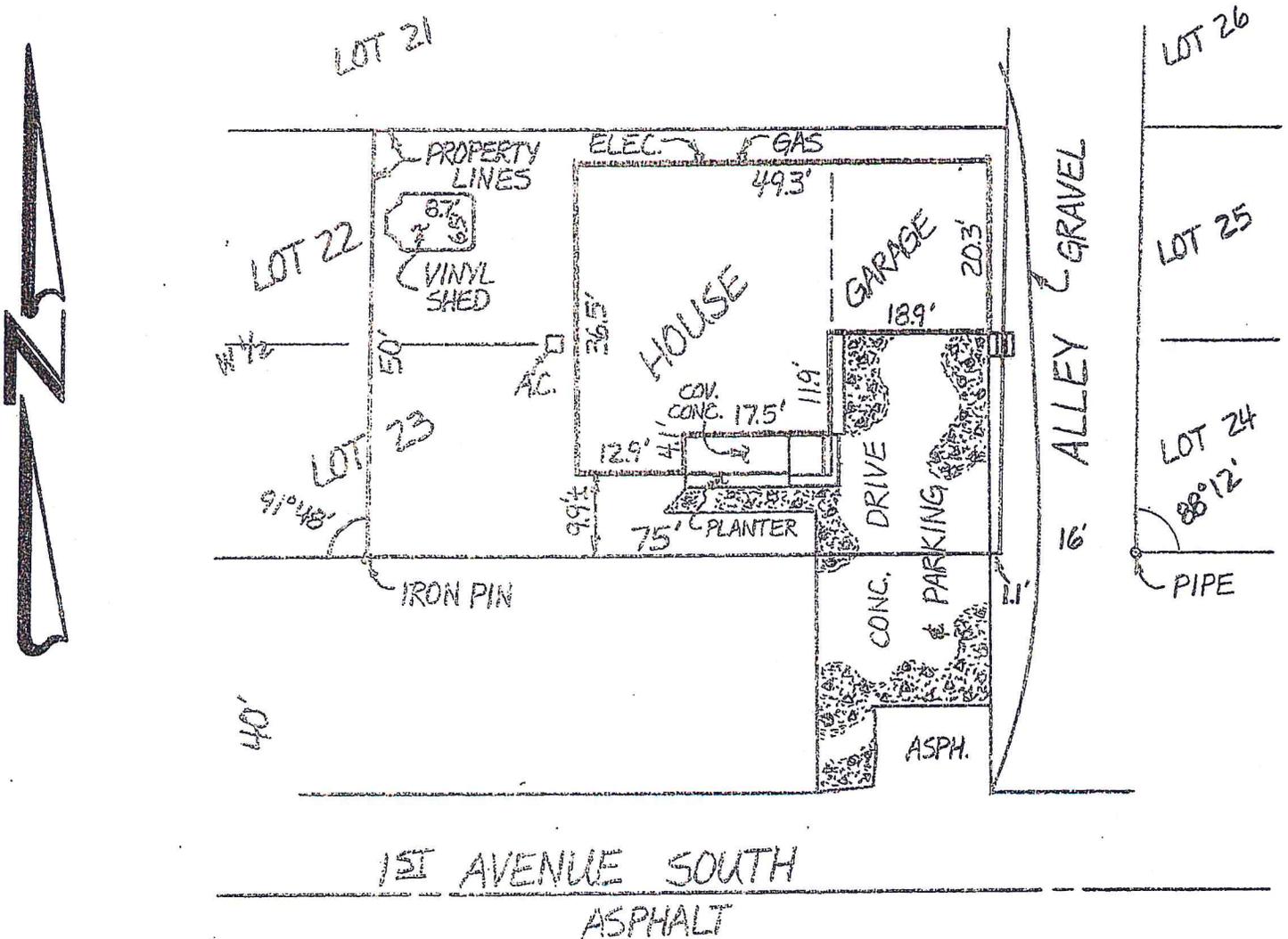
LEGAL DESCRIPTION: THE EAST HALF (E $\frac{1}{2}$) OF LOTS 22 & 23,
BLOCK 50, REPLAT OF WEST WATERTOWN,
CODINGTON COUNTY, SOUTH DAKOTA

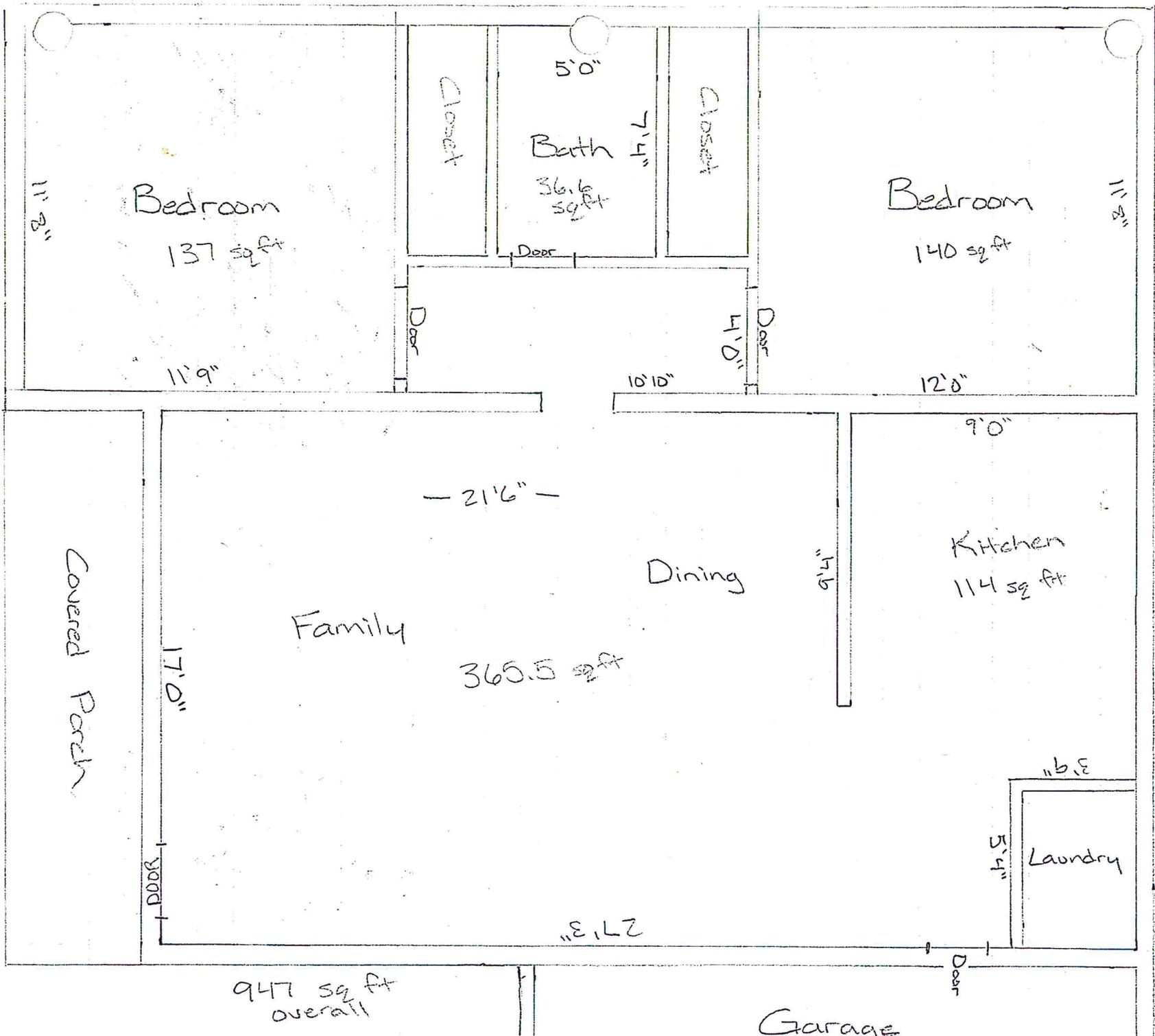
SUBJECT TO EASEMENTS & ENCROACHMENTS NOT FOUND OF RECORD.

SURVEYED BY:

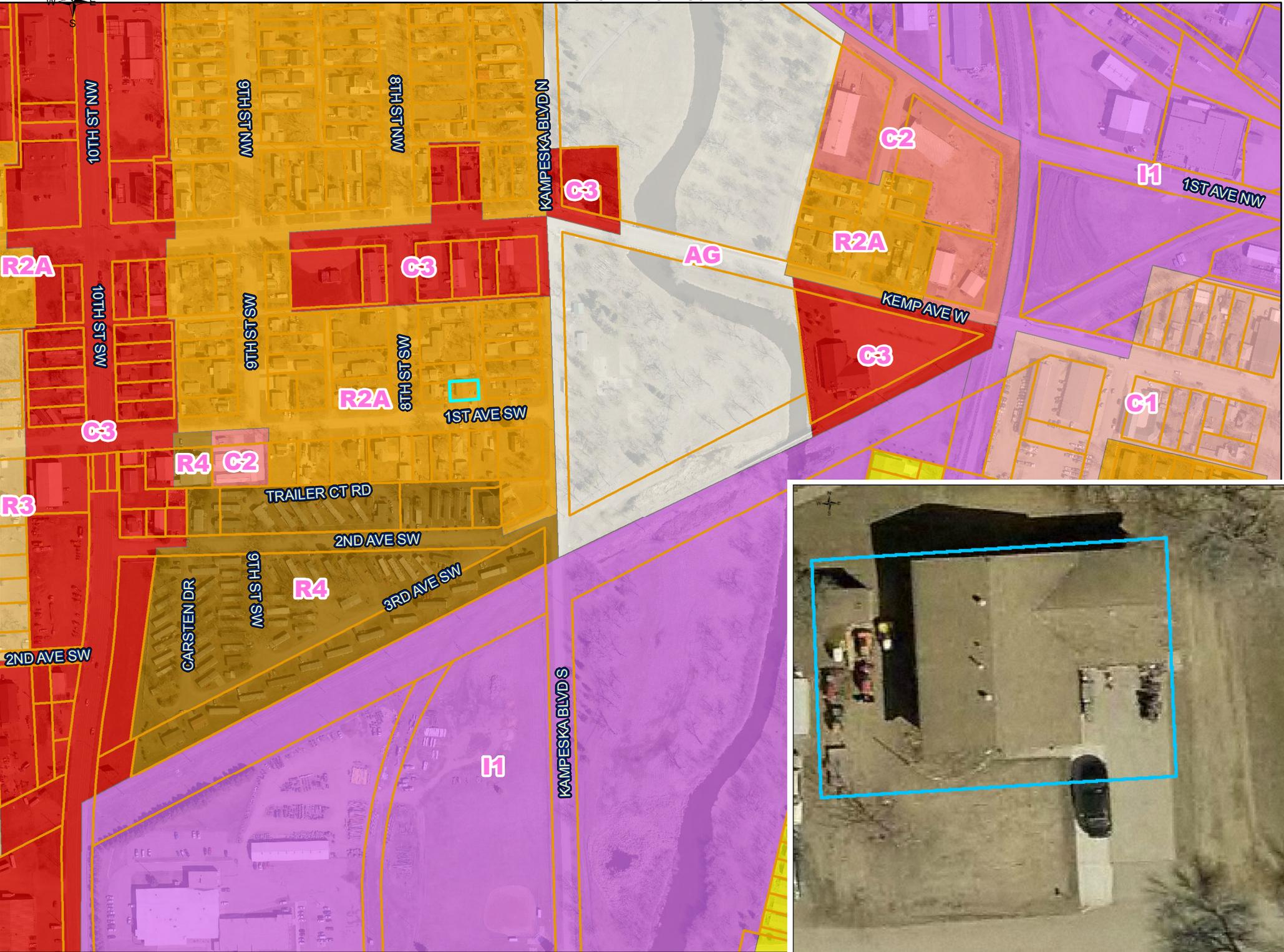
Dan Brinkman

REGISTERED LAND SURVEYOR
SCALE 1"=20' MARCH 12, 2015





Lentz 715 1st Ave SW



STAFF REPORT
Conditional Use Application #16922

Applicant/occupant: **Danielle Lentz** Property Owner/occupant: Jeremy Smith
Property Address: **715 1st Ave SW**

Conditional Use Request:

Applicant seeks approval to operate a Home Day Care business in a single family dwelling located in the R-2A Single Family Attached Residential District per §21.1804, §21.1603(1), & §21.1403(1)&(5); contingent upon compliance with:

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

Legal Description: E1/2 Lots 22&23, Blk 50, Replat of West Watertown Addition

	<u>R2a District Regulations:</u>	<u>Subject Parcel:</u>
Minimum Lot Area:	6,000 sq ft	3,750 sq ft
Minimum Lot Width:	50'	75'
Bldv/Infra Rqts (21.73):	15' grass blvd w/1-2 blvd trees sidewalk/trl & c/g	grassed Blvd / 1 tree none
Min. Off-St Pkg (21.63):	2/sfd & x/Home Occ?	2*

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

DAY CARE:

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

DAY CARE HOME:

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

STAFF FINDS THAT:

(all public notice requirements have been met)

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

- Applicant will regularly utilize the main level of the 1,012 sq ft single family dwelling for the Day Care business. The property surpasses the minimum square footage of interior floor area and fenced outdoor recreation space required for twelve (12) children, per city ordinance §21.1403(1). Lentz is not registered with the state.

Applicant submitted the attached Written Request, Site Plan & Floor Plan, which reflect compliance (or noncompliance) with the following Ordinance requirements:

- §21.0202(2)b(6a-h) Specific Rules Governing Individual Conditional Uses** (ingress/egress, OSP/loading, screening/buffering, signage, exterior lighting, req'd yds/open space, & general compatibility):
 - *OSP/Loading: the property has an approximately 18'x26' driveway/parking area, allowing for a maximum of two (2) legal Off-Street Parking Spaces (OSPSs). The minimum number of legal sized & durable-surfaced OSPSs required just for single family dwelling use is two (2); this Board may consider requiring additional compliant OSPSs as condition of secondary use approval, and to comply with §21.1403(1) for safe *loading and unloading of children*. It appears that vehicle(s) are regularly parked on the boulevard and across the public walkway where an improved sidewalk should be.
- Chapter 21.70 HOME OCCUPATIONS and STANDARDS**
 - Lentz has acknowledged by signature her assurance to comply (see attached)
 - No signage is proposed at this time.
- Chapter 21.63 Off-Street Parking and Loading Req'ts, and Eng. Design Standards:**
 - See Site Plan, and OSP/Loading (above).
- Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:**
 - Typical to the average single family dwelling.
- Chapter 21.73 Landscape and Lighting Standards:**
 - No improved sidewalk in area, concrete driveway widened (between 2011-2014) to allow for parking on boulevard (public ROW).

This Board must determine if the request shows satisfactory provision and arrangement concerning Chapter 21.70 *Home Occ.s & Standards*, §21.0202(2)b6a-h *SRGICUs*, and Chapters 21.63, 21.65, & 21.73. If endorsed, this board may also consider fulfillment of any lacking site requirements (i.e.: Blvd sidewalk,...), additional OSPSs, &/or any other conditions the Board deems necessary for secondary use approval.

See attached

Written Request, Site Plan, Floor Plan, Vicinity/Zoning Map

Mtg date: Aug 18, 2016