

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

Thursday September 8, 2016

4:15 PM

Call to Order

Roll Call

1. Approval of 8/18/2016 Minutes
2. Applicant Sarah Benson (#16973) seeks Conditional Use approval to operate a home Day Care business from a single family dwelling located @ 1008 N Maple in the R-1 Single Family Residential District.
 - A. Public hearing
 - B. Board of Adjustment action
3. Applicant Shelly Pieper (#16974) seeks Conditional Use approval to operate a home-based hair salon business from her single family dwelling located @ 1706 Washington Dr in the R2 Single Family Attached Residential District.
 - A. Public hearing
 - B. Board of Adjustment action
4. Applicant ESCO Manufacturing, Inc (#16977) appeals the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.0302 to allow for the enlargement of an existing nonconforming industrial building located @ 2020 4th Ave SW in the I-2 Heavy Industrial District.
 - A. Public hearing
 - B. Board of Adjustment action
5. Applicant Inter-Lakes Community Action Partnership (#16976) seeks Conditional Use approval to operate a Pre-school / Day Care Facility (Non-residential) @ 1323 9th Ave SW in the C-3 Highway Commercial District; concurrently, applicant appeals the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.0302 to allow for the enlargement of the existing nonconforming commercial building.
 - A. Public hearing
 - B. Board of Adjustment action
6. Applicant Edward Kangas dba Ron's Saw Shop (#16975) appeals the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.1003, and Chapters 21.03, 21.60, & 21.63, to allow for the construction of a nonconforming commercial building @ 197 10th St NW located in the C-3 Highway Commercial 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.)	
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

16973

Zone R-1 Co. Rcd# 12432 Date _____

Proposed Construction Conditional Use Only - Day Care

Size _____ Sq. Ft. _____ Height _____

Address 1008 N Maple Lot Area 50' x 144'

Lot N50' Lots 14-16

Block 3 Addition Way's

Estimated Value _____ Fee _____ BOA Fee Plans

Details SEE'S CU for Home Day Care per §21.1403 (1st);

Contingent upon compliance with N Chapter 21.70 Home OCCS. and SRGICUs including but not limited to: §21.0202 (2b 6 G-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.

App Owner Sarah Benson Address SAA
 owner: Matthew & Carrie Kranz

By _____

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

Building Official

Fire Chief

City Engineer

9/8/16
Members of Board of Adjustment

Dear City Council Of Watertown SD

My name is Sarah Benson I am asking to obtain a license to operate an in home daycare at 1008 N Maple. I have done daycare for 11 and a half years and was previously licensed with the city at 530 8th ST NE. I am open Monday-Friday from 6:15am to 5:30 pm. My house is 3 bedroom 1 and half bath. We are currently freshening up the basement to have a family room/toy room for me to use for daycare. There is a side door off of the driveway that will allow access straight to the basement. I also use the main floor of my house for daycare and as needed for nap time. The children do not go upstairs to the loft area at any time. I am planning on fencing my yard in either this fall or early spring. I have a driveway that is big enough for 2-3 cars at a time with access to the back yard and 2 of the 3 doors. I also have room for off street parking in the front and alley access. The parents are able to use the front, side and/or back door for pick up and drop off at any time.

I usually have anywhere from 8-12 kids at a time depending on the day and schedules. I have 3 of my own kids ages 6, 13 and 17 that live with me. My boyfriend also lives with me and has 2 kids ages 4 and 8 that are at the residence half the time usually nights and weekends.

I will not be registering with the state as I have done that in the past. If I have an apt or emergency my boyfriend Troy Anglin can sit with the kids for short time otherwise I usually just close for the day. I do not have a pool, trampoline or anything that may be considered dangerous. I also carry Daycare and Rental Insurance.

Thank You For Your Time



Sarah Benson
1008 N Maple
881-8706

Note: Troy Anglin resides at this residence also.

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

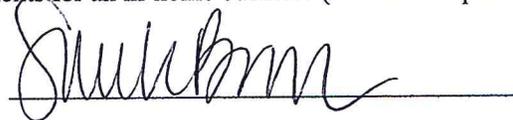
Home occupations may be permitted by conditional use as accessory uses to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.7002 of this Ordinance. (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)

A handwritten signature in black ink, appearing to read "Shukhman", is written over a horizontal line.

PLOT PLAN

OWNERS: MATTHEW KRANZ & CARRIE KRANZ
ADDRESS: 1008 NORTH MAPLE STREET WATERTOWN, SD 57201
LEGAL DESCRIPTION: THE NORTH 50' OF LOTS 14-16, BLOCK 3,
WAYS' ADDITION TO (THE CITY OF) WATERTOWN,
CODINGTON COUNTY, SOUTH DAKOTA

SUBJECT TO EASEMENTS & ENCROACHMENTS NOT FOUND OF RECORD.

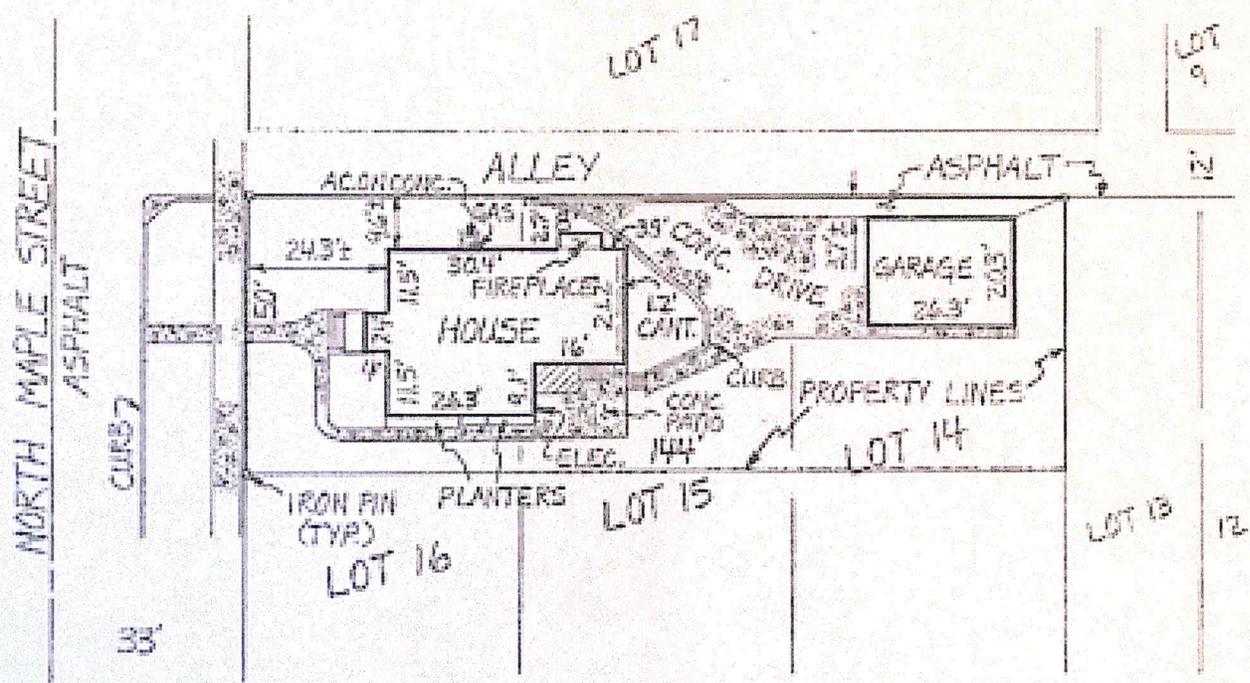
SURVEYED BY:

Darwin D. Brinkman

REGISTERED LAND SURVEYOR

SCALE 1"=30'

AUGUST 1, 2016



NORTH MAPLE STREET
ASPHALT

CURB 7

35'

30.0' DRIVE

15.0'

11.5'

24.3'

7.4'

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Minimum information required for Board of Adjustment

ALL required information must be **accurate, complete, and submitted by the deadline:**

Letter to the Board:

- 1 Include subject property's Street Address and full Legal Description;
- 2 Explain/demonstrate your need for **variance** with reasons in detail ("unnecessary hardship"); and/or
- 3 Explain **conditional use** request with details such as hours of operation, all uses, parking, signage, amount of traffic expected, etc...;
- 4 (Also provide owner's and applicant's contact info: mailing address, phone, & email (doesn't need to be in letter which will be distributed to public).

Site plan: Boundary Survey with accurate details and measurements of all existing & proposed structures; actual/"as-built" placement on parcel (property line to foundation, NOT ± measurements). (Req'd Blvd, Parking layout & floor plan may be req'd.) *Facts only – if surveyor/draftsman has comments other than measurements of your property, please have them submit a separate letter.* You **MUST** know the physical location of your property lines, taking whatever steps necessary to locate them accurately.

Nonrefundable fees:

40.00 Watertown Public Opinion public notice fee
100.00 BOA processing fee
140.00 (issue 1 check payable to City of Watertown)

After submittal deadline / prior to BOA mtg, public notice requirements must be met:

- 1 Public notice in the official newspaper must be posted not less than ten (10) days prior to the hearing. City will submit with applicant's prepaid fee (above).
- 2 Adjacent landowners must be notified. Proof of notification to adjacent landowners **via certified mail** is required. City will send the letters, applicant will reimburse upon notification of actual USPS fees due (failure to reimburse the City for the fees incurred will constitute an incomplete application and will eliminate your issue from the agenda).

Questions?

Please contact Jill Steiner, Building Services Specialist / Board of Adjustment Staff,
605-882-6201 ext 47 jsteiner@watertownsd.us

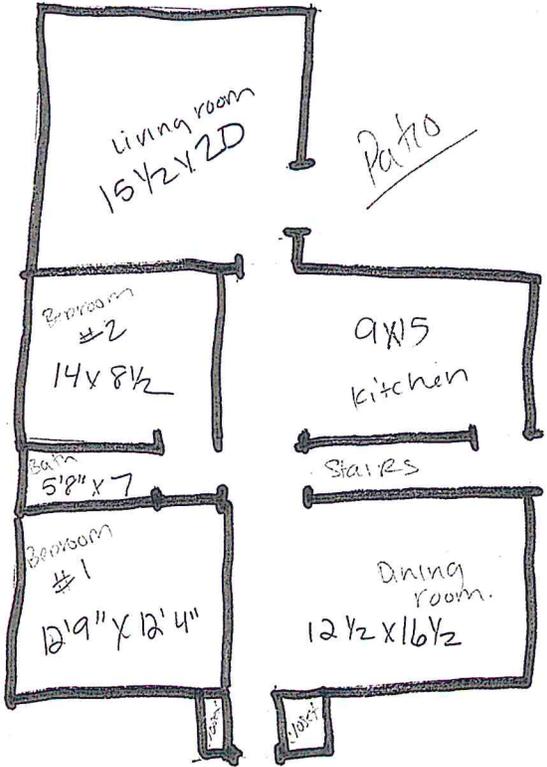
Next deadline: _____ for meeting date:

I have received information regarding §21.02 BOA Procedures/Powers/Duties, Criteria for Variance, and explanation of "unnecessary hardship" as defined by the SDSC.

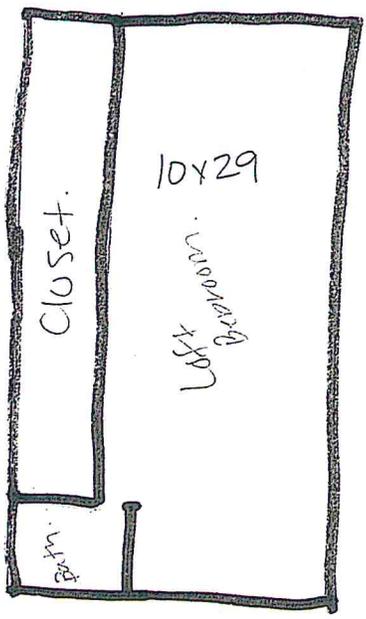


I have received explanation of:
Development Lot Agreement (DLA) 30.00 filing fee SB
Waiver of Right to Protest (WRTP) 30.00 filing fee SB

Main Floor.

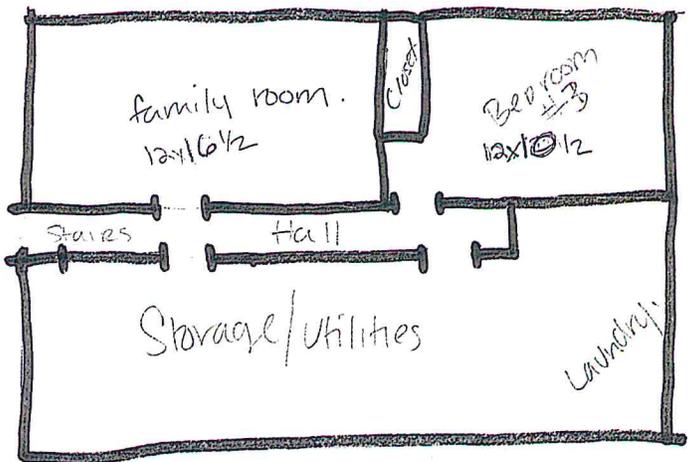


1008 N Maple
Upstairs.



Down stairs

1008 N Maple



STAFF REPORT
Conditional Use Application #16973

Applicant/occupant: **Sarah Benson** (Property Owner: Mathew & Carrie Kranz)
Property Address: **1008 N Maple**

Conditional Use Request:

Applicant seeks approval to operate a **Home Day Care business** in a single family dwelling located in the R-1 Single Family Residential District per §21.1403(1)&(5); and 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: the **N50' Lots 14-16, Blk 3, Ways Addition**

	<u>R-1 District Regulations:</u>	<u>Subject Parcel:</u>
Minimum Lot Area:	9,000 sq ft	7,200 sq ft
Minimum Lot Width:	75'	50'
Bldv/Infra Rqts (21.73):	15' grass blvd w/1 blvd tree sidewalk/trl & c/g	grassed Blvd / 2 trees exists
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-1 Single Family Residential District per §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 basement and main levels of the 2,236 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). Benson is not registered with the state.

Applicant submitted the attached Written Request, Site Plan & Floor Plans, 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 21' wide paved driveway/parking area (alley access), 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 three (3) legal OSPSs could be utilized/counted if the pavement was extended to include an unpaved 3.7' x 25' area adjacent to the alley. Applicant plans to fence the yard this fall or spring.

Chapter 21.70 HOME OCCUPATIONS and STANDARDS

- Benson 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:

- Boulevard / Infrastructure compliant.

This Board must determine if the request shows satisfactory provision and arrangement concerning Chapter 21.70 *Home Occ.s & Standards*, §21.0202(2)b(6a-h) *SRGICUs*, and Chapters 21.63, 21.65, & 21.73. If endorsed, this board may consider imposing any conditions of approval deemed necessary for this secondary use (e.g.: additional OSPSs,...).

See attached

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

Mtg date: Sept 8, 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.)	
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

16974

Zone R-2 Co. Rcd# _____ Date _____

Proposed Construction Conditional Use only - Hair Salon

Size M: 2021' B: 757' business Sq. Ft. < 6945' Height _____

Address 1706 Washington Dr. Lot Area 26,457'

Lot 25

Block 17 Addition Korradny

Estimated Value _____ Fee _____ BOA Fee Plans

Details APP sucks CU per § 21.1603(1) + \$21.1403(5);

Contingent upon compliance with N Chapter 21.70 Home Uccs, and SRGICUS including but not limited to

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 Shelly Pieper Address _____

By _____

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by: _____

 Building Official

 Fire Chief

 City Engineer

Members of Board of Adjustment

1 - Shelly Pieper (Jim)
1706 Washington Drive NE
Lot 25, Block 17
of Konrad's addition
to the municipality of Watertown, SD
Codington County

2 - approval for home occupation
- hair salon

3 - Hours of operation - 25 - 30 hours week
- mostly 8:00 AM to 5:00 PM Mon-Fri
- ample parking in driveway
usually only one or two cars
at a time
- There will be no sign displayed
- All appointments made in advance
there is no walk in appointments
- currently live 2 blocks away - have
had a salon there for 17 years with no
complaints from neighbors

4 - Shelly - Jim Pieper
11616 13th Ave NE
886-8871
JSKKpieper@gmail.com

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

Chapter 21.70
HOME OCCUPATIONS AND STANDARDS

21.7001: HOME OCCUPATIONS FOR RESIDENTIAL DISTRICTS

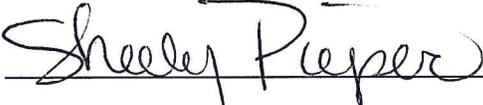
Home occupations may be permitted by conditional use as accessory uses to a principal residential use within any residential district (including PUD), and any property used as a residential dwelling within any zoning district, but only in conformance with the standards of Section 21.7002 of this Ordinance.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

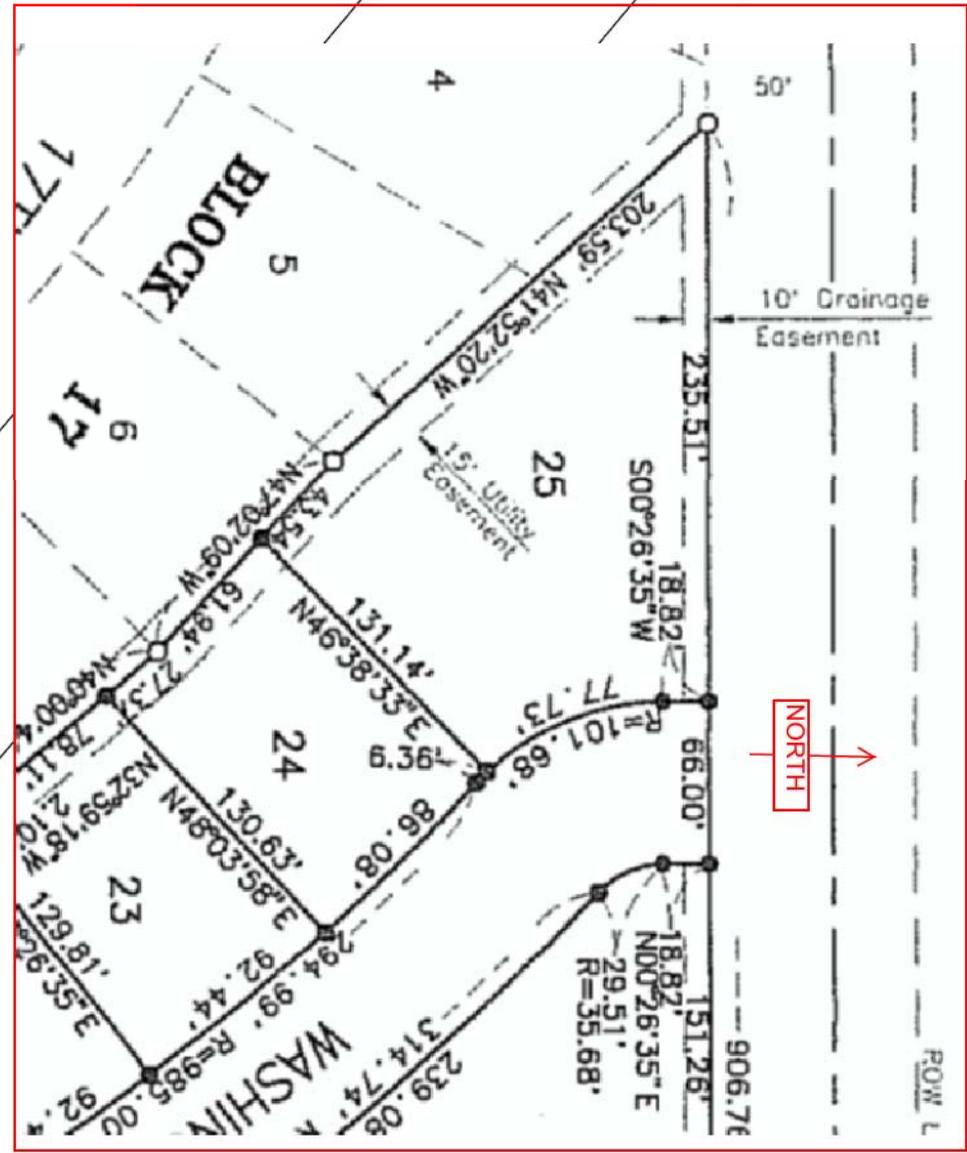
21.7002: HOME OCCUPATION STANDARDS

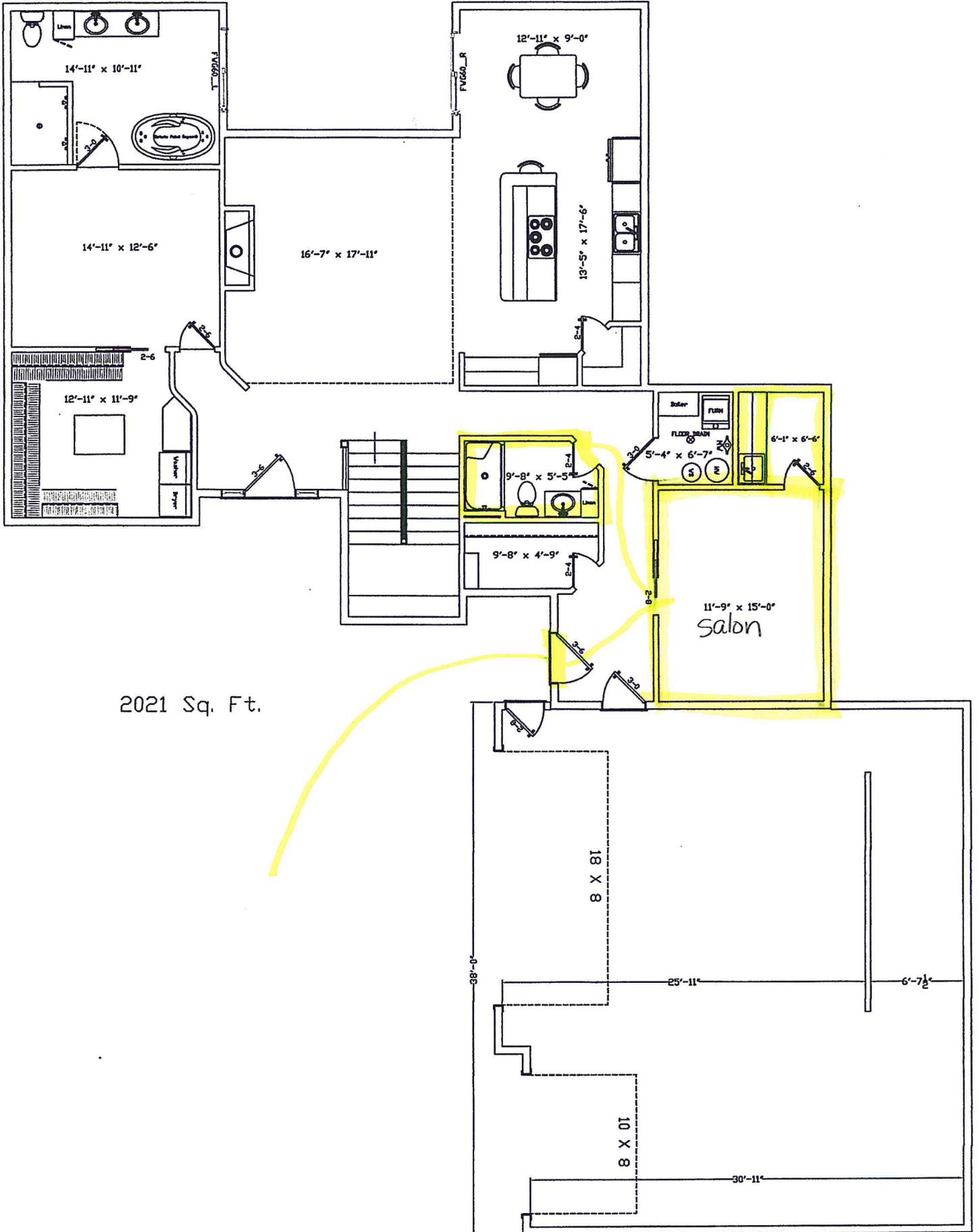
In addition to meeting the general accessory use standards of Section 21.2101 and all applicable standards or regulations of the zoning district in which it is located, Each home occupation shall comply with the following standards:

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

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

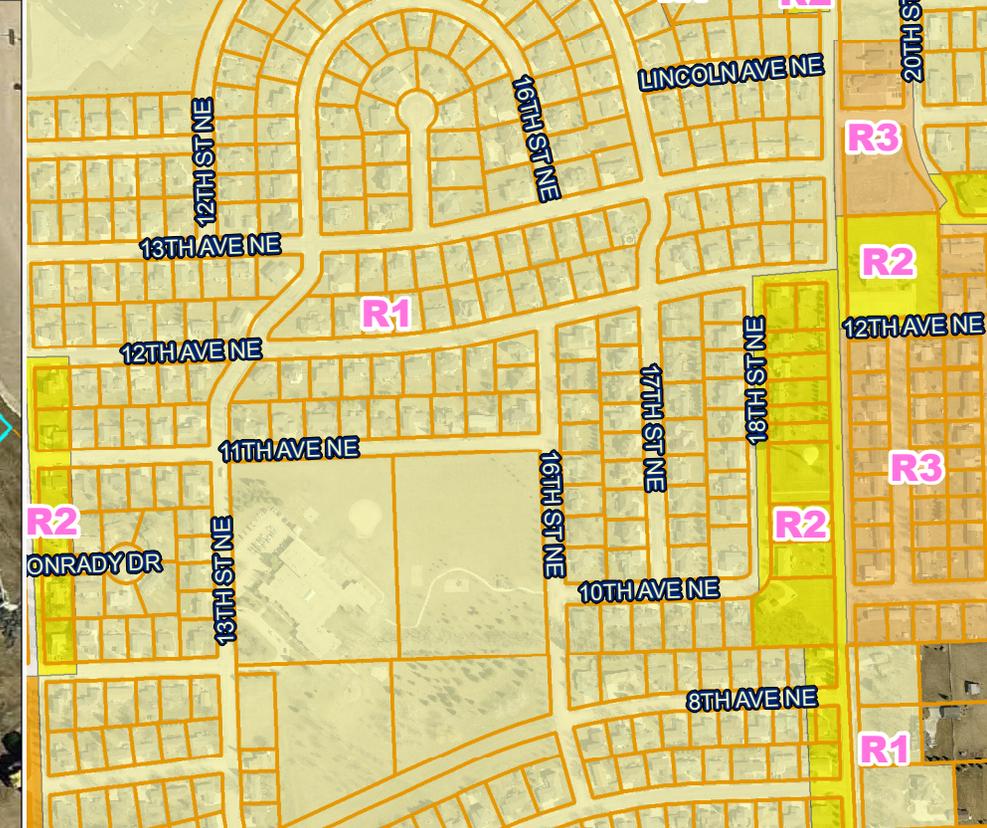
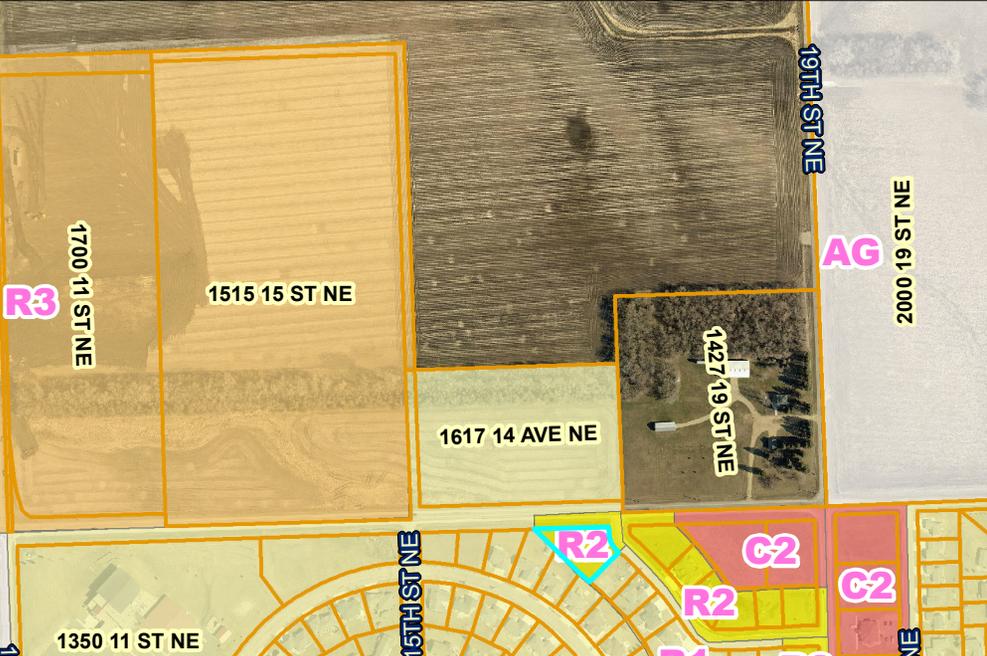
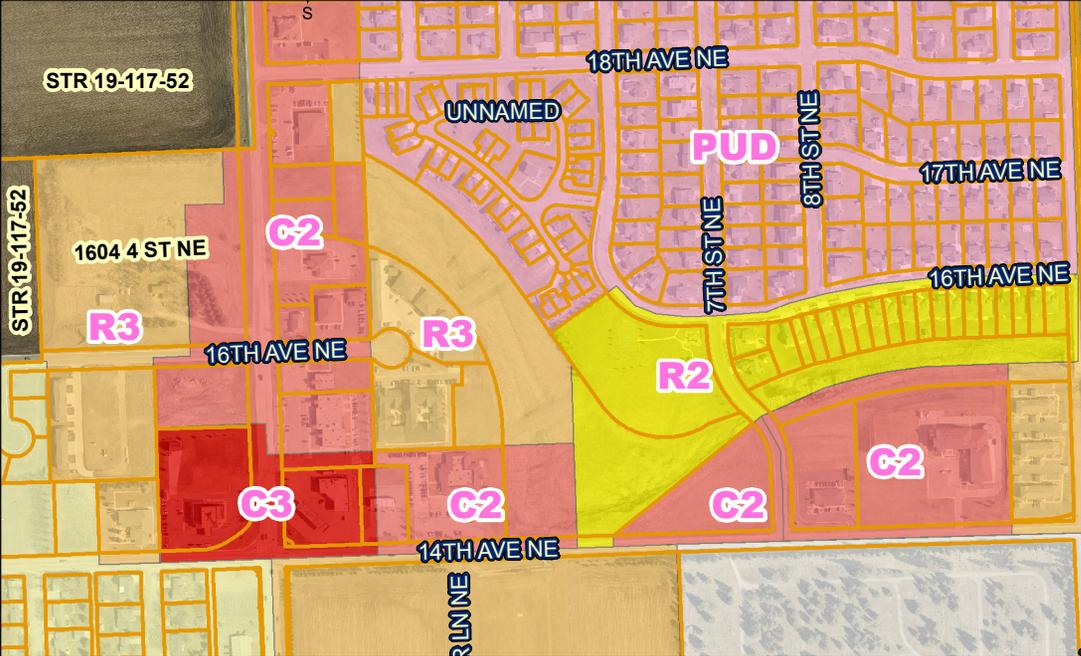






2021 Sq. Ft.

Pieper 1706 Washington Dr



STAFF REPORT
Conditional Use Application #16974

Owner/Applicant: **Shelly Pieper**
Property Address: **1706 Washington Dr**
Legal: **Lot 25, Blk 17, Konrady Addition**

Conditional Use Request:

Applicant seeks approval to operate a hair salon business from her single family dwelling located in the R-2 Single Family Attached Residential District per §21.1603(1) & §21.1403(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).

	<u>R-2 District Regulations:</u>	<u>Subject Parcel:</u>
Minimum Lot Area:	10,000 sq ft	26,457 sq ft
Minimum Lot Width:	85'	>85'
Blvd/Infra Rqts (21.73):	15' grass blvd w/ 7 blvd trees sidewalk/trl, c/g	will comply will comply
Min Off-St Pkg (OSPSSs) (21.63):	2/sfd	3*

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

DEFINITION: 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 03-26-04)

STAFF FINDS THAT:

(all public notice requirements have been met)

(Note: this house is not yet constructed)

- Home Occupations** is a listed Conditional Use for the R-2 Single Family Attached Residential District per:
- §21.1603(1) *Any Conditional Use listed in the R-1 District.*
 - §21.1403(5): *Home Occupations in accordance with Chapter 21.70*

Applicant submitted the attached Floor Plans and Site Plan which reflect (or do not reflect) the following requirements of the Ordinance:

- §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):
- See Site Plan and written request.
- Chapter 21.70 HOME OCCUPATIONS and STANDARDS**
- Pieper has acknowledged by signature her assurance to comply (see attached);
 - she proposes to utilize less than 25% (~ 434 sq ft) of her 2,778 sq ft house for the business; and
 - No signage is proposed at this time.
- Chapter 21.63 Off-Street Parking and Loading Req'ts, and Engineering Design Standards:**
- *Dimensions were not provided on the Site Plan, but it appears that sufficient area exists for three (3) legal OSPSSs.
- Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:**
- Typical to the average single family dwelling (outside storage was not indicated in the application).
- Chapter 21.73 Landscape and Lighting Standards:**
- Not shown on Site Plan. Boulevard and Infrastructure requirements will be fulfilled with Building Permit.

This Board must determine if the request shows satisfactory provision and arrangement concerning Chapter 21.70 *Home Occ.s & Standards*, §21.0202(2)b(6a-h) *SRGICUs*, and Chapters 21.63, 21.65, & 21.73. If endorsed, this board may consider imposing any conditions of approval deemed necessary for this secondary use (e.g.: additional OSPSSs,...).

See attached

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

Mtg date: Sept 8, 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.)	
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

16977

Zone I-2 Co. Rcd# 12322 Date _____

Proposed Construction Addn to a noncon bldg.

Size 8'x12' Sq. Ft. 96' Height _____

Address 2020 4th Ave SW Lot Area 232,000

Lot 035' Lot 4 + Lot 6

Block 3 Addition LITN Dev Co.

Estimated Value _____ Fee _____ BOA Fee Plans

Details APP Approvs the terms of § 21.0302 prohibiting the alteration, modification or enlargement of nonconforming structures.

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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 ESCO Mfg. Co Address 2020 4th Ave SW

By _____ LITN

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

Building Official

Fire Chief

City Engineer

9/8/16
Members of Board of Adjustment



**ESCO Manufacturing,
Inc.**

2020 4th Avenue SW | P.O. Box
1237
Watertown. SD 57201-6237

August 18, 2016

City of Watertown Board of Adjustments
23 2nd St. NE
Watertown SD 57201

RE: ESCO Manufacturing
2020 4th Ave SW
W35' of Lot 4 & Lot 6
Blk 3 Watertown Development Corporation
Ordinance # 21-0302

On Behalf of ESCO Manufacturing, I'm requesting a City of Watertown Building Permit to construct the following;

8' x 12' Extension of Current Equipment Storage, attached to the Southwest side of the building.

Proposed 8' x 12' Extension of the equipment shed is being constructed for the purposes of the following, but not limited to,
bullet points;

- 1) Relocation of a major piece of equipment along with the equipment's vacuum system.
- 2) Extension of the current equipment storage will allow us to house the vacuum system off of the Production floor and will diminish the amount of noise generated by the vacuum system that our employees would be exposed too on a daily basis if left on the production floor.

Thank you for your time and consideration.

Sincerely

Kevin Morris
Facilities Manager
ESCO Manufacturing

Re
8-18-16

NORTH

Property line

563.06' (meas.)
563.1' (rec)

95'-9 1/8"

47'-6 1/8"

Property line



4'-4 1/2"

Proposed
8' x 12'
addition

Existing
8' x 8' shed

Property line

EAST

WEST

47'-6 1/8"

83'-9 13/16"

Lot 6

527.53' (meas.)
527.3' (rec)

Lot 5

458.29' (meas.)

Property line

412.19' (meas.)
412.7' (rec)

SOUTH

45'-0"

35'-4.86"

ESCO MFG
2020 4TH AVE SW
WATERTOWN SD 57201

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	

APPLICATION FOR BUILDING PERMIT

16320

Zone I-2 Date _____ Co. Rcd# 12322

Proposed Construction Offices Addn.

Size 50'x70' / 7,000^{sq ft} Sq. Ft. 3500^{sq ft} (2) Height 2-story

Address 2020 4th Ave SW + 12'x24' 288^{sq ft} Canopy Lot Area ~232,000^{sq ft}

Lot W35' Lot 4 + Lot 6

Block 3 Addition LTN Dev. Co.

Estimated Value _____ Fee _____ BOA Fee Plans

Details App seek Variances from E 21.0302 prohibiting man cons;

§21.1003 H+P Regs; §21.6001 N All Req'd Yds (setbacks) shall be open unoccupied space. and §21.6002 No (adj) open space shall be used to satisfy any Req'd Yd (setback) for any other structure + NO Req'd Yd (setback) shall be reduced below the minimum Req'd for that District.

Stein recused himself from No. 16320 as he is the owner of ESCO Manufacturing, Inc.

Public Hearing: Appeal No. 16320

Applicant ESCO Manufacturing, Inc appeals the terms of Zoning Ordinance sections 21.0302, 21.1003, 21.6001 & 21.6002, to enlarge an existing nonconforming industrial facility in the I-2 Heavy Industrial District

Application was submitted to enlarge an existing legal nonconforming industrial facility located @ 2020 4th Ave SW, by constructing a nonconforming 7,000 sq ft two-story offices addition (a 50'x70' footprint / 3,500 sq ft per floor) with 288 sq ft (12'x24') canopied/roofed entry. Said structure is proposed to be constructed 45.9' from the front (north) property line, where a minimum 75' setback is required, and 24.6' from the side (east) property line where a minimum 50' setback is required. The staff report was orated. This is a new application with a larger addition than that which was approved by this Board on 7/23/2015. Kevin Morris was present. There was no opposition. Albertsen motioned to approve, Stonebarger seconded, and motion carried unanimously.

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

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.

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	

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 ESCO Mfg., Inc. Address _____

By _____

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

Building Official

Fire Chief

City Engineer

9/9/15
Members of Board of Adjustment

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	

APPLICATION FOR BUILDING PERMIT

16222

Zone I-2 Date _____ Co. Rcd# 12322
 Proposed Construction offices addition
 Size 50'x50' Sq. Ft. 2500 sq Height _____
 Address 2020 4th Ave SW Lot Area ~232,000 sq
 Lot W35' Lot 4 + Lot 6
 Block 3 Addition WTN Dev. Co.
 Estimated Value _____ Fee _____ BOA Fee Plans
 Details App. seeks variances from § 21.0302 prohibiting non cons.

§ 21.1003 Hort Regs. § 21.6001 N All Rgd Yds shall be open purpose. Space; and § 21.6002 No (adj) open space shall be used to satisfy any Rgd Yd (SB) for any other structure + No Rgd Yd (SB) shall be reduced below the min for that district.

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Stein recused himself from No. 16222 as he is the owner of ESCO Manufacturing, Inc.

Public Hearing: Appeal No. 16222

Applicant ESCO Manufacturing, Inc appeals the terms of Zoning Ordinance sections 21.0302, 21.1003, 21.6001 & 21.6002, to allow for the construction of a nonconforming addition in the I-2 Heavy Industrial District

Application was submitted to enlarge an existing legal nonconforming industrial facility located @ 2020 4th Ave SW, by constructing a nonconforming 5,000 sq ft two-story offices addition (a 50'x50' footprint, 2,500 sq ft per floor) with 12'x24' canopied/roofed entry. Said structure is proposed to be constructed 45.9' from the front (north) property line, where a minimum 75' setback is required, and 16.05' from the side (east) property line where a minimum 50' setback is required. The staff report was orated. Kevin Morris was present to describe how the new office space would benefit the flow of the facility. There was no opposition. Albertsen motioned to approve with request for three (3) more compliant trees to be planted on the 4th Ave S Blvd, Johnson seconded, and motion carried unanimously.

Heat Pump/Hot Water	
Electric	
Gas Furnace	
Air Conditioning	
Fireplace/Stone	
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	

Resubmit 3 trees 4th Ave

S

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Owner ESCO Mfg. Inc. Address _____
 By _____
 Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

 Building Official

 Fire Chief

 City Engineer

7/23/15
 Members of Board of Adjustment

FOUNDATION		
Concrete EMB		X
Concrete Dblty Walls		
Concrete Walls		X
Wood Walls		
BASEMENT AREA		
(N) P F		
EXTERIOR WALLS		
Slating on Sheathing		X
Single Siding		
Double Siding		
Clay or Building		
Cement Siding		
Concrete Block		
Face Brick Veneer		
Face Brick on C.I.		
Hardboard Siding		
Vinyl Siding		
Steel Siding		X
Wood Siding		
Wall Insulation		X
Flood Insulation		X
ROOF TYPE		
Hip		
Gable		
Manard		
ROOFING		
Asphalt Shingle		
Wood Shingle		
Membrane Roof		
Concrete		
Steel		X
Pitch and Gravel		
FLOORS		
	B	1st 2nd
Concrete		X
Earth		
Gravel		
Physcore		
INTERIOR FINISH		
	B	1st 2nd
Wood		
Concrete Block		
Block		
Sheet Rock		
Type X Sheetrock		
Painted		
Paneling		X
Unfinished Int.		
HEATING		
Boiler		
Heat Pump		
Hot Water		
Electric		
Gas Furnace		
Oil Furnace		
Geothermal		
Air Conditioning		
Fireplace		
Wood Stove		
No Heating System		X
PLUMBING		
	B	1st 2nd
Rough In		
Drain Pipes		
Washer		
Laundry		
No Plumbing		X
LANDSCAPING		
Grass Ditch/Trees		

APPLICATION FOR BUILDING PERMIT 10714

Zone I-2 Date 4/18/05 20

Proposed Construction Equipment Storage addns

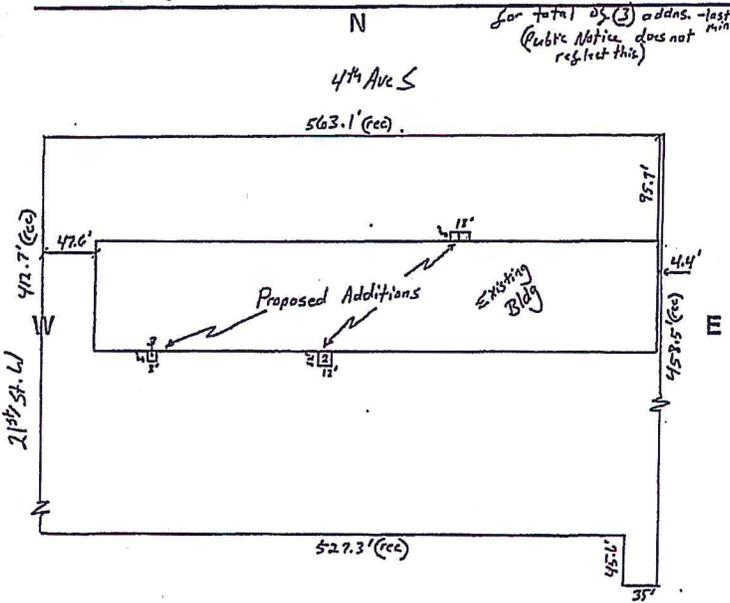
Size 12x12' + 8x18' Sq. Ft. 144' + 144' Height _____

Address 2020 4th Ave SW Lot Area _____

Lot 6 + W35' of 4 Block 3 Addition WTN Dev. Co.

Estimated Cost 10,000.00 Fee 32.50 Plans Filed YES

Details not mentioned above: Asks variance for enlargement of nonconforming structure § 21.0302(1) - Applicant added (1) new addn.



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Owner Esco Mfg, Inc Address PO Box 1237

By Alan Hesse

Dated _____, 20____ Contractor Self + Bohling - concrete
Plumbing elec.

PERMIT APPROVAL

Authorized by: [Signature] 5-505 Building Official

Members of Board of Adjustment: [Signatures]

Fire Chief: _____

City Engineer: _____

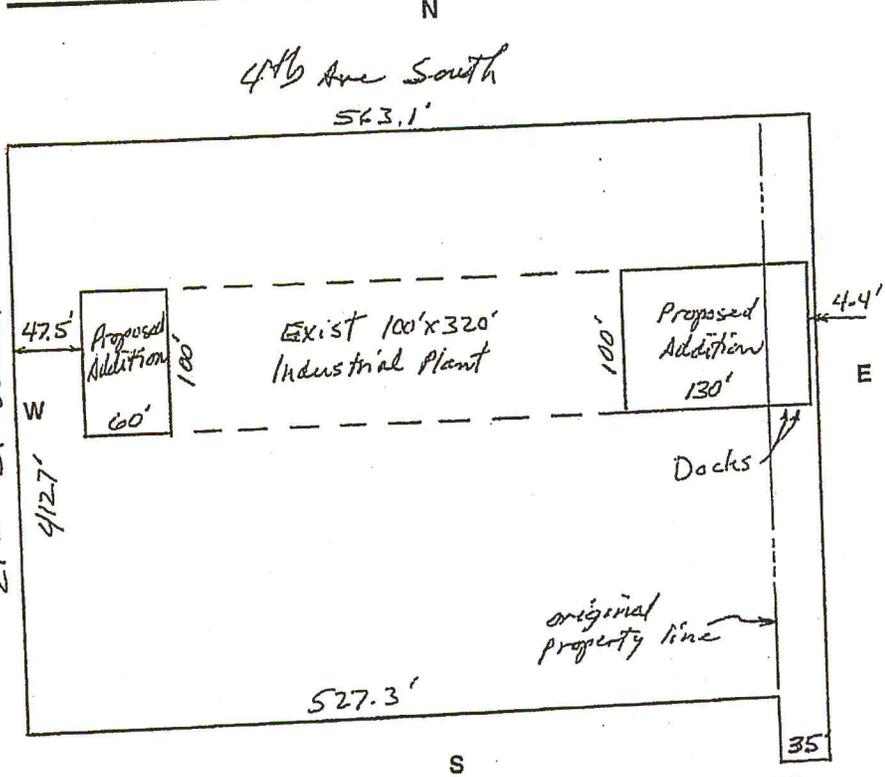
5/4/2005 BOA mins
Public Hearing: Application No. 10714 by Esco Mfg., Inc. at 2020 4th Ave SW: Requests variance from §21.0302(1) - enlargement of nonconforming structures
 Kevin Morris and Alan Hesse represented Esco Mfg in their request for (3) equipment storage additions to be added to the existing 510' legally nonconforming building. Staff had no concerns about granting the variance, as the placement of the proposed additions, on the north & south sides of the building, would not encroach into setbacks that currently comply with the ordinance. Motion by Brandriet to approve the application, seconded by Mahowald; all in favor, motion carried.

APPLICATION FOR BUILDING PERMIT

No. 6981

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			
Aluminum Siding			
Steel Siding			
Wall Insulation			
Roof Insulation			
ROOF TYPE			
Hip	Gable		
Mansard	Flat		
ROOFING			
Asphalt Shingle			
Wood Shingle			
Membrane Roof			
Slate			
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			

Zone I-2 Date 10/2, 1995
 Proposed Construction Industrial Plant Additions
 Size 60x100' & 130'x100' Sq. Ft. _____ Height _____
 Address 2020 4th Ave SW Lot Area _____
 Lot 64 West 35' of 4 Block 3 Addition Wm Development Co.
 Estimated Cost \$300,000⁰⁰ Fee \$457⁵⁰ Plans Filed _____
 Details not mentioned above: See permit # 6834 for variances
Plans prepared by HKG Architects - Aberdeen



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 ESCO Inc Address 2020 4th Ave SW
 By Howard Morrison
 Dated Oct 2, 1995 Contractor MRK Construction

PERMIT APPROVAL

Authorized by: [Signature] Building Official
 _____ Fire Chief
 _____ City Engineer

Members of Board of Adjustment

Staff Report

APPEAL #16977

Owner/Applicant: **ESCO Manufacturing, Inc** Address: **2020 4th Ave SW**
 Legal: **W35' Lot 4 & Lot 6, Block 3, Watertown Development Co Addition**

1. **Application was submitted** requesting to construct a compliant **96 sq ft (8'x12')** addition onto an existing 12,549+ sq ft nonconforming industrial building located in the I-2 Heavy Industrial District; said nonconforming primary structure sets as close as:
 - **47'- 6 1/8"** from the front (west) property line, where a minimum **75'** is required; the addition is proposed to be constructed:
 - **83'- 9 13/16"** from the front (west) property line, where a minimum **75'** is required.
2. **Application was denied** based on the following ordinance regulations:
 - §21.0302: prohibits *the alteration, modification &/or enlargement of nonconforming structures.*
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

§21.1003	I-2 min/max Req's	Existing & Proposed	Meets Req's:
Area	220,000 sq ft	232,000+ sq ft	X
Width	300'	412.7'	X
Front	75'	N: 45.9'	no
	75'	W: ~ 47.5' / 83'	no / X
Side	50'	S: ~ 217' / >50'	X
	50'	E: 4.4'	no
Blvd Rqts	15' grass / 19-20 Blvd trees	compliant / 3	x / no
Infr. Rqts	sw/trl, c&g	N: c/g & trail exists, W: nothing	*
Off-St Pkg	142	116 PSs	**

*21st St W is built to rural road standards.

**sufficient land exists to comply with minimum Off-street Parking requirements.

HISTORY:

1980	#1635	mftg building (see PC mins)
1980	NO Permit found	finished 5300 sf mezzanine
1986	#3585	10,000 sf warehouse
1988	#4284 #4261	3840 sf cold stg pole bldg & propane tank
1995	#6834 #6981	nonconforming additions (see BOA mins)
2001	#8983	int remodel
2004	#10575	office remodel
2005-2007	#10714 #10973 #11957	small noncon. additions (see BOA mins) & replace entry
2008	#12544	security fence
2015 - 2016	#16222 #16320	nonconforming addns (see BPs & BOA mins)
2016	#16701	bathroom remodel

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

- This **96 sq ft (8'x12')** addition is proposed to be constructed to allow for more equipment storage area for an industrial manufacturing facility.
- This parcel lacks standard Blvd & infrastructure requirements (Blvd trees, sw/trl, c/g...); the applicant has not requested variance from any of these unfulfilled requirements. This Board has the authority to require fulfillment of any/all Blvd/Infra requirements in conjunction with any structural improvements authorized by Building Permit.

See Attached:

written request, Site Plan, BPs & Board mins, & aerial view

mtg: 9/8/16



ESCO 2020 4th Ave SW

2017 4 AVE SW

2009-2011 4 AVE SW

1915 4 AVE SW

1907 4 AVE SW

1901 4 AVE SW

4TH AVE SW

1900 4 AVE SW

21ST ST SW

2020 4 AVE SW

510 21 ST SW

507 19 ST SW





INTER-LAKES COMMUNITY ACTION PARTNERSHIP

PO Box 268 • 111 N Van Eps Ave • Madison, SD 57042 • 605-256-6518 • Fax 605-256-2238 • www.interlakescap.com

ICAP Offices

601 4th St Ste 108
Brookings, SD 57006
692-6391

116 N Commercial
PO Box 119
Clark, SD 57225
532-3722

7 - 8th Ave SE
Watertown, SD 57201
886-7674

Courthouse
PO Box 616
Clear Lake, SD 57226
874-2062

Courthouse
210 E 5th Ave
Millbank, SD 57252
432-6571

Courthouse
PO Box 237
Hayti, SD 57241
783-3867

Courthouse
PO Box 254
DeSmet, SD 57231
854-3701

111 N Van Eps Ave
PO Box 268
Madison, SD 57042
256-6518

104 N Main Suite 140
Canton, SD 57013
940-1909

Courthouse
PO Box 190
Salem, SD 57058
425-2271

108 E Hwy 34
PO Box 2
Howard, SD 57349
772-5712

505 N Western Ave
Sioux Falls, SD 57104
334-2808

112 E Pipestone
Flandreau, SD 57028
997-2824

Courthouse
PO Box 370
Parker, SD 57053
940-1909

TO: Board of Adjustment
FROM: Inter-Lakes Community Action Partnership
RE: Request for conditional use and enlargement of a nonconforming commercial building
DATE: 8/17/2016

Property Address / Legal Description:
1321-1323 Ninth Avenue SW
Watertown, SD 57201

The East 110 Feet of the West 260 Feet of the South 450 Feet less ROW, in the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼), 36-117-53, and the East Half and the West Half (E ½ & W ½), Watertown Sales Pavilion Addition to the City of Watertown, Codington County, South Dakota

Owner/Applicant Contact Information:
Inter-Lakes Community Action Partnership
Attn: Arleen Weerheim, Deputy Director
PO Box 268
Madison, SD 57042
(605) 256-6518
aweerheim@interlakescap.com

Dear Board of Adjustment:

Inter-Lakes Community Action Partnership (ICAP) is requesting a variance of the above stated property for the intent to use as a Head Start Center. As we will be increasing the size of the building, we are also requesting an appeal for a nonconforming commercial building.

The Head Start program was created in 1965, and ICAP has provided Head Start services since 1966. Each enrolled child, ages 3-5, and his/her family receive an array of education, health, social and nutrition services. Parental involvement is strongly encouraged, and the program provides opportunities for volunteer activities and involvement. The overall purpose of the program, following a set curriculum is to provide services aimed at assisting low-income children and children with special needs to meet their development needs before they start school.

We are proposing to improve the property to include an addition to the existing building that will house a commercial kitchen shipping/receiving, storage, office,



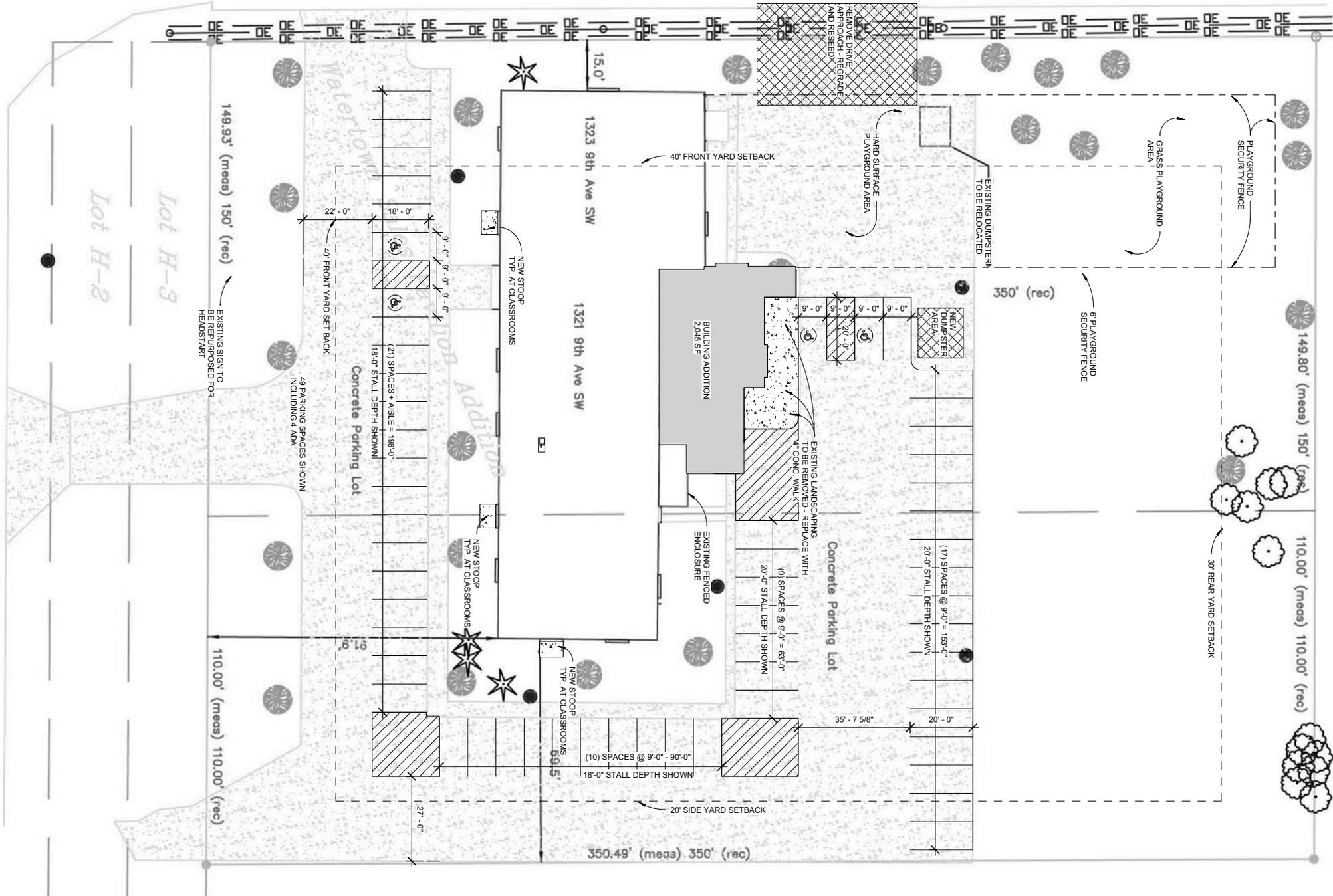
ICAP is an equal opportunity provider and employer.



14th Street West

NEW SITE PLAN
1" = 20'-0"

9th Avenue South (Highway 212)



Lot H-2

Lot H-3

149.93' (meas) 150' (rec)

EXISTING SIGN TO BE REPAIR/REPLACED FOR HEADSTART

49 PARKING SPACES SHOWN INCLUDING ADA

Concrete Parking Lot

(21) SPACES + AISLE = 198'-0"
18'-0" STALL DEPTH SHOWN

NEW STOOP TYP. AT CLASSROOMS

1323 9th Ave SW

1321 9th Ave SW

BUILDING ADDITION
2,045 SF

EXISTING FENCED ENCLOSURE

Concrete Parking Lot

(17) SPACES @ 9'-0" = 153'-0"
20'-0" STALL DEPTH SHOWN

350' (rec)

6' PLAYGROUND SECURITY FENCE

GRASS PLAYGROUND AREA

PLAYGROUND SECURITY FENCE

149.80' (meas) 150' (rec)

110.00' (meas) 110.00' (rec)

30' REAR YARD SETBACK

350.49' (meas) 350' (rec)

20' SIDE YARD SETBACK

(10) SPACES @ 9'-0" - 90'-0"
18'-0" STALL DEPTH SHOWN

35' - 7 5/8"

40' FRONT YARD SETBACK

40' FRONT YARD SETBACK

15.0'

40' FRONT YARD SETBACK

HARD SURFACE PLAYGROUND AREA

EXISTING DUMPSTER TO BE RELOCATED

REMOVE DRIVE APPROACH - REGRADE AND RESSEED

EXISTING LANDSCAPING TO BE REMOVED - REPLACE WITH 4" CONC. WALK

Water Tower Addition

STAFF REPORT
Conditional Use Application and Appeal #16976

Applicant: **Inter-Lakes Community Action Partnership**
 Property Address: **1323 9th Ave SW**
 Owner: **Federal Land Bank & Production Credit Assn**
 Legal Description: **W1/2 & E1/2 Wtn Sales Pavilion Addition, and
 E110' W260' S450' less ROW, SW1/4 SE1/4 36-117-53**

Applicant seeks Conditional Use approval **to operate a Pre-school / Day Care Facility** in the C-3 Highway Commercial District per §21.2803(11) *Day Care Facility (Non-residential)*, & per §21.2803(19) *Other Uses...*, contingent upon compliance with:

- *Purpose* §21.2801; and
- *Specific Rules Governing Individual Conditional Uses* including but not limited to §21.0202(2b6a-h).

Additionally,

1. **Application was submitted** requesting to construct a compliant 2,045 sq ft addition onto the existing ~9,500 sq ft nonconforming commercial building; said nonconforming primary structure sets as close as:
 - **15'** from the front (west) property line, where a minimum **40'** setback is required. The addition is proposed to be constructed:
 - **~71'** from the front (west) property line, where a minimum **40'** setback is required.
2. **Application was denied** based on the following ordinance regulations:
 - §21.0302: prohibits *the alteration &/or enlargement of nonconforming structures*.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<u>C-3 District Regulations:</u>	<u>Existing/Proposed:</u>	<u>Meets Reqts?:</u>
Minimum Lot Area:	20,000 sq ft	91,000 sq ft	X
Minimum Lot Width:	100'	260'	X
Front SB:	40'	W: 15' / ~71'	no/X
	40'	S: 91.9' / NA	-
Side SB:	20'	N: 190'+ / ~160'	X/X
	20'	E: 69.5' / NA	-
Bldv Rqts (21.73):	15' grass blvd w/12-13 trees	grassed / 0 <i>Bldv</i> trees	no
Infr Rqts (Titles 5, 18, 21 & 24):	sidewalk/trl, c/g	no sw	no
Off-street pkg (OSPSSs) (21.63):	58 OSPS	58 shown	*X

*based on commercial 5/1000 sq ft gross floor area

HISTORY:

2000 & 2003	#8973 & #10034	FCS	office remodels
1979	#1528	FLB	building addn
1974	#1071	PCS & FLB	commercial bldg

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

Day Care Facility (Non-residential) is a listed Conditional Use for the C-3 Highway Commercial District per §21.2803(11), and applicant proposes that **Pre-School** may also be permitted per §21.2803(19): **Other uses which in the opinion of the Board of Adjustment are of the same general character as those enumerated in the C-3 District**, contingent upon compliance with:

- **Purpose** of the C-3 District §21.2801; and
- the following regulations...

Applicant submitted the attached Floor Plan and Site Plan which reflects (or does not reflect) the following requirements of the Ordinance:

- §21.0202(2)b(6a-h) Specific Rules Governing Individual Conditional Uses:**
 - See Site Plan and written request to determine if satisfactory provision and arrangement has been made concerning: **ingress/egress, OSP/loading, refuse & service areas, utilities, screening/buffering, signage, exterior lighting, etc...**
- Chapter 21.63 Off-Street Parking & Loading Req'ts, and Engineering Design Standards:**
 - See Site Plan: concrete parking lot exists;
 - applicant proposes to close the NW access point, this creates a deadend situation.
- Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:**
 - outside storage was not indicated in the application.
- Chapter 21.73 Landscape and Lighting Standards:**
 - Site Plan does not show Blvd. Applicant has NOT requested variances from Blvd Reqts.

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**. This parcel lacks standard Blvd and Infrastructure requirements (trees, sw/trl), from which the applicant has not requested variance. If application is endorsed, this Board has the authority to require fulfillment of any/all Blvd/Infra requirements in conjunction with any structural improvements authorized by Building Permit, in addition to any other conditions deemed necessary for Conditional Use approval.

See attached

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

Mtg date: Sept 8, 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.)	
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

APPEAL 16975

Zone C-3 Co. Rcd# _____ Date _____
 Proposed Construction Commercial Sales/Service Building
 Size 50' x 80' Sq. Ft. 4,000 Height ≤ 30'
 Address 197 10th St NW Lot Area 15,000
 Lot 12-15
 Block 28 Addition Replat West LTN
 Estimated Value _____ Fee _____ BOA Fee Plans

Details Seeks variances from §21.0302 prohibiting non-conformance;
§21.1003 H & P Regs; Chapter N 21.60 All Reg'd yds shall
be open/unoccupied spaces, ... No adj. open space shall satisfy
any yard/SB req'd for any other structure, & No yard/SB
shall be reduced below the min Reg'd in that zone; And
from §21.63 off-street parking Design minimums.

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 Edward Kangas Address dba Ron's Saw Shop
 By _____ 197 10th St NW, LTN
 Dated _____ Contractor _____

PERMIT APPROVAL

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

9/8/16
 Members of Board of Adjustment

Ron's Saw Shop
197 10th St NW
Watertown SD 57201
LOTS 12-15, BLOCK 28, Replat of West Watertown.

A variance is requested for the setback on the North side of the lot to help accommodate parking on the South side of the lot. The lot adjacent to the variance request is a parking lot. Due to traffic flow I feel it is necessary to have this variance.

Edward Kangas

A handwritten signature in black ink, appearing to read 'Edward Kangas', with a large, sweeping flourish extending to the right.

BRINKMAN LAND SURVEYING

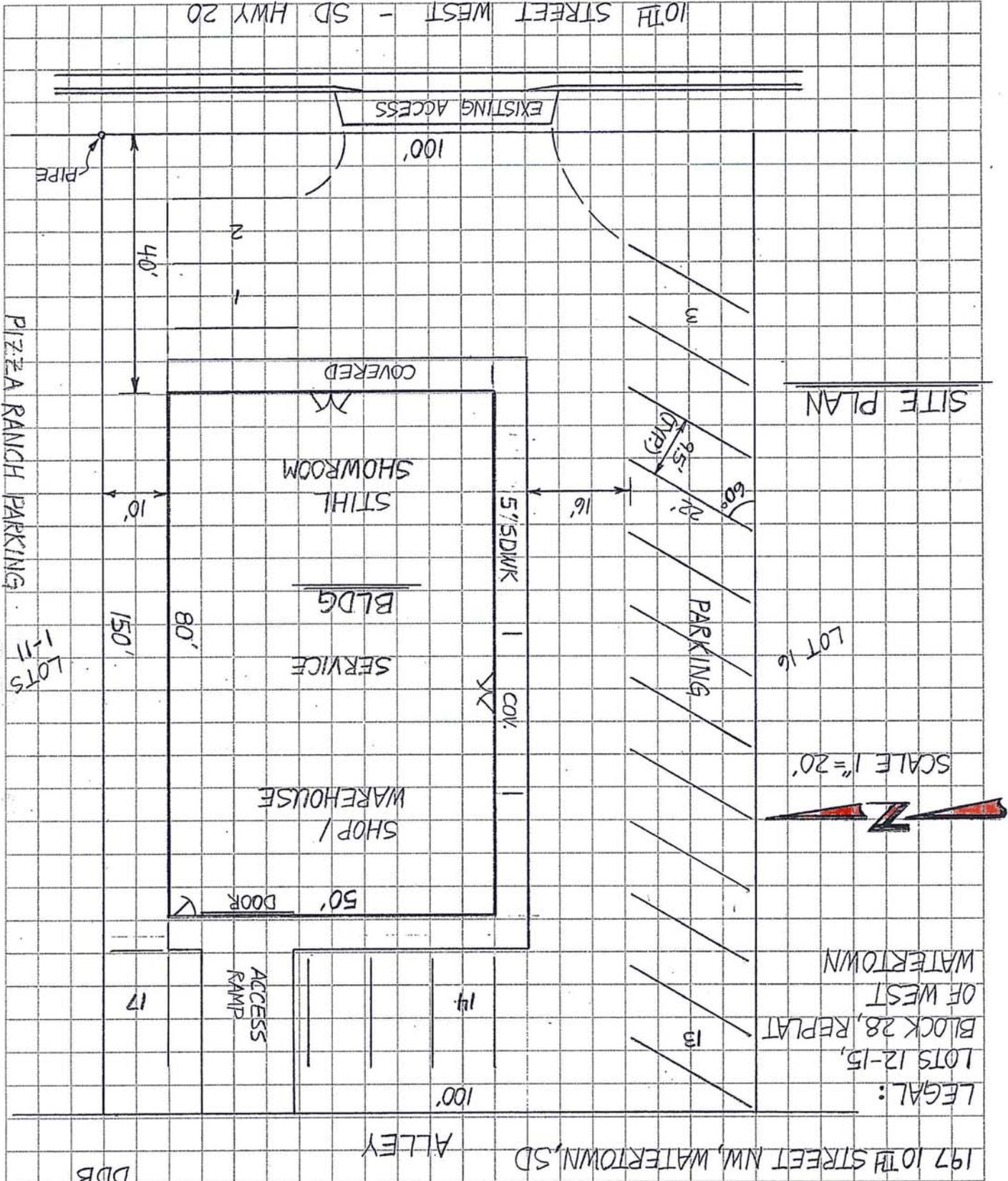
& BRINKMAN SPECIALTIES

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

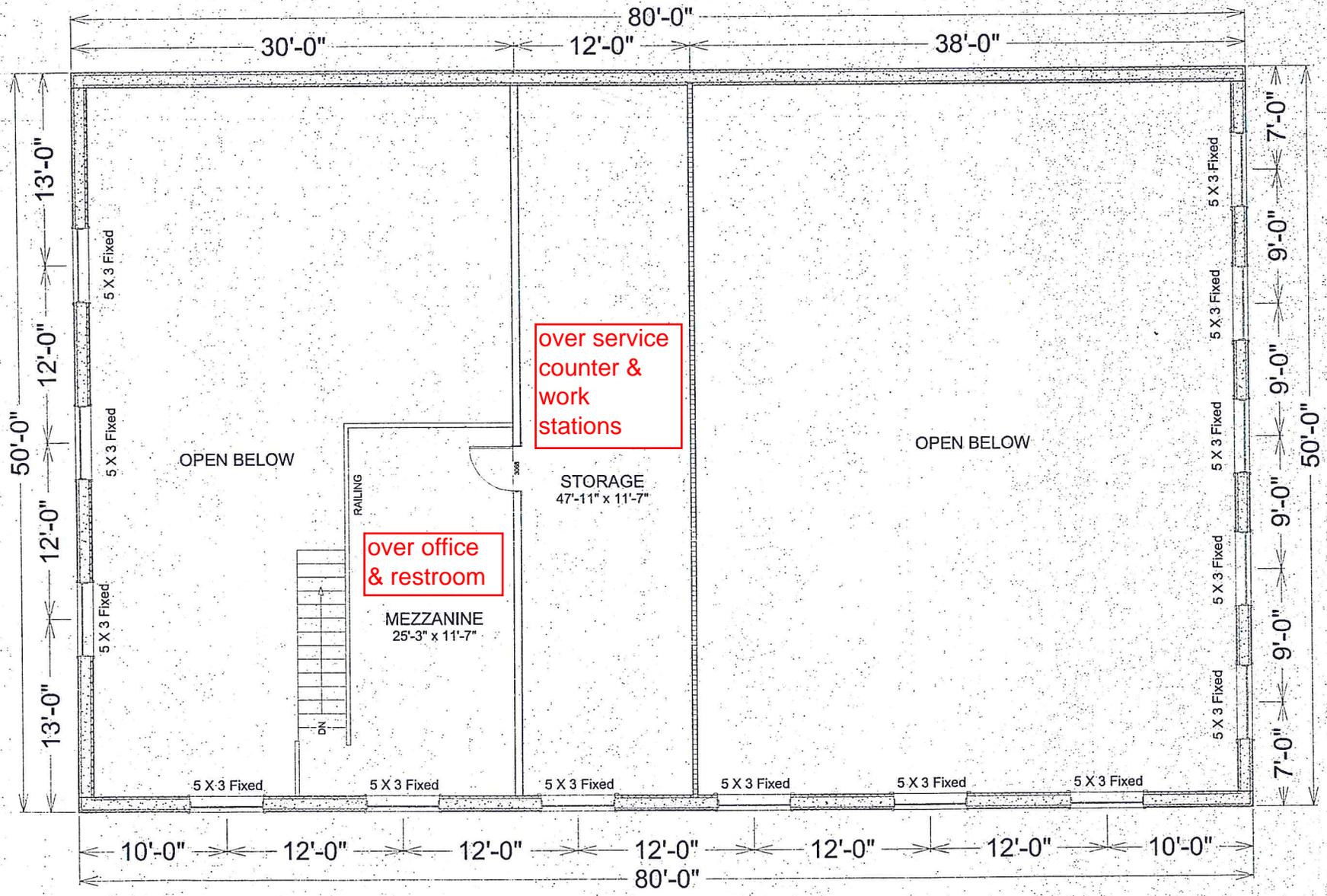
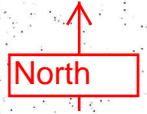
1415 Harmony Lane • Watertown, SD 57201-1285 • Phone: 605/886-4007 • Cell: 605/881-7259 • Fax: 605/878-0879

PROJECT EDWARD & AMY KANGAS RON'S SAW SHOP

DATE 8/15/16



Upper Level



STAFF REPORT
Appeal #16975

Owner/Applicant: **Edward Kangas dba Ron's Saw Shop**
 Property Address: **197 10th St NW**
 Legal Description: **Lots 12-15, Blk 28, Replat of West Watertown Addition**

Application was submitted requesting to construct a nonconforming 4,000 sq ft (50'x80') commercial building (with 847.5 sq ft upper level) on a substandard 15,000 sq ft parcel located in the C-3 Highway Commercial District; said structure is proposed to be constructed:

- **10'** from the side (north) property line, where a minimum **20'** setback is required; and eleven (11) off-street parking spaces are proposed to be positioned:
- **0'** from the side (south) property line, where a minimum **5'** setback is required.

1. *Application was denied* based on the following ordinance regulations:

- §21.0302 prohibits the design & creation of nonconforming structures on nonconforming lots;
- §21.1003 *Non-Residential Height & Placement* regulations;
- Chapter 21.60 all required yards (setbacks) shall be open, unoccupied space, ...; & 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; and
- Chapter 21.63 *Off-Street Parking & Loading Requirements*.

2. *Applicant appeals* the above (#2) requirements of the current Zoning Ordinance.

	<u>C-3 min Regs:</u>	<u>Proposed:</u>	<u>meets req'ts?:</u>
Min Lot Area:	20,000 sq ft	15,000 sq ft	NO
Min Lot Width:	100'	100'	X
SBs: Front/side/rear:	40'/20'/30'	40'/10'/30'	NO
Blvd Rqts (21.73):	15' grass w/2 trees	not shown on SP	*will comply
Infr Rqts (Titles 5, 18, 21 & 24):	sw/trl, c&g	curbside sw on SP	*will comply
Off-street pkg spaces (21.63):	15	17	** for # only
Parking Lot Design:	5' SB from PLs	none (west side)	**NO

*Applicant has NOT applied for variances from the Landscape Requirements

** Parking Lot does NOT meet all minimum Ordinance & Engineering Design Standards for setbacks, size, location, etc...

STAFF FINDS THAT:

(all public notice requirements have been met)

- This is a redevelopment project. The existing structure is to be razed, and the proposed commercial building will continue to be used for retail sales and service which are Permitted Uses in the C-3 Highway Commercial District per §21.2802(2&3).
- ****** Additional to the redevelopment of the nonconforming property with a nonconforming structure, the proposed parking lot layout does **not** meet minimum requirements per §21.6302 *OFF-STREET PARKING DESIGN AND MAINTENANCE*:
 1. *Minimum parking setbacks from property lines and buildings shall be five (5) feet for commercial or industrial uses.*
 2. *All parking areas shall be surfaced with a durable, all weather surface material.*
 4. *Parking lots shall be in accordance with Engineering Design Standards:*
 - according to the proposed parking layout, there is only ingress/entrance from 10th St W, and egress/exit traffic is routed out through the alley;
 - a 2.3' bumper overhang is not provided for the 60° parking spaces on the south side; &
 - four (4) 90° parking spaces (west side of bldg) have no aisle, utilizing alley (public ROW) as such.
- These items, required per §21.7304, are not shown on SP or addressed in the written request:
 - parking lot lighting; and
 - all outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall.
- There is sufficient buildable area (4,800 sq ft (60'x80')) on this 15,000 sq ft parcel to develop without variances.
- If endorsed, this board may require fulfillment of Landscape & Infrastructure requirements which were not shown on the submitted Site Plan. *Note: applicant is NOT requesting variances from these requirements, and unless otherwise determined by this board, a Waiver of Right to Protest sidewalk/trail will be recorded.

See attached

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

Mtg date: Sept 8, 2016

21.6302: OFF-STREET PARKING DESIGN AND MAINTENANCE

1. Minimum parking setbacks from property lines and buildings shall be five (5) feet for commercial or industrial uses.
2. All parking areas shall be surfaced with a durable, all weather surface material, graded to dispose of surface water and regularly cleaned and maintained.
3. Off-street parking shall be on the same site as, or under common ownership with, the structure it is intended to serve.
4. Parking lots shall be in accordance with Engineering Design Standards. (per parking layouts sheet)
5. Each space shall be designed to allow the exit of the car therein without first moving another car.

21.6303: OFF-STREET LOADING MINIMUM REQUIREMENTS

1. No open, exterior, loading facility shall be located on a street frontage (loading facility includes dock, berth, maneuvering area) except in I-2.
2. Loading areas, parking bays and access drives shall be surfaced with a durable all weather surface material and shall be so graded to dispose of surface water.
3. All berths shall be screened from view from the street by plant materials, walls, earth berms or fences, except in I-2.

21.7305: BOULEVARD/PUBLIC RIGHT-OF-WAY LANDSCAPING REQUIREMENTS

1. The entire public right-of-way, excluding the street, in all zoning districts shall be devoted entirely to grass and approved tree plantings, except for the necessary surfacing of sidewalks and driveways.
2. There shall be a minimum width of fifteen (15) feet of grass adjacent to the public street. In the event that there is not fifteen (15) feet of public right-of-way to be utilized for the planting of grass, the difference shall be met by requiring the developer/owner of the property to provide the balance of the required fifteen (15) feet of grass on private property. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of fifteen (15) feet of grass.

21.7304: PARKING LOT REQUIREMENTS

1. Parking lot lighting. In order to minimize the negative impact of parking lot lighting on adjacent properties, the City requires the use of "shoe box" style lighting fixtures adjacent to any residential district.
2. Parking lot buffer areas. A grassed setback area of at least five (5) feet shall be provided between the parking surface and property line where the parking lot abuts adjacent residentially used property. Exception: Where a screen fence or wall is provided, the required setback may be reduced to three (3) feet.
3. Parking lot screening:
 - a. Adequate screening of a parking lot from adjacent residentially used property shall be provided. Where residentially used property is across the right-of-way from a parking area, screening shall be provided in all cases except when the right-of-way is an arterial. Screening shall be an opaque fence, wall, berm, or hedge maintained at least four (4) feet in height and in such a manner as not to materially impede vision at intersecting streets, alleys and driveways. (Ord 07-03, Rev 03-20-07)
 - b. Berms or other landscaping techniques may be used for all or part of the screening requirement and may be incorporated into a required setback area. Berms shall have a maximum grade of three (3) feet horizontal to one (1) foot vertical and shall be sodded or planted with grass.
4. Screening dumpsters. All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall.
5. Exception. The parking lot buffer, parking lot screening and screening dumpster requirements shall not apply to the parking areas of residential dwelling with less than eight (8) units.



Kangas 197 10th St NW

110-220 11 ST NW

C-3

217 10 ST NW

197 10 ST NW

105 10 ST NW

10TH ST NW

220 10 ST NW

102 11 ST NW

R2A

5 10 ST NW

1023 W KEMP

1019 W KEMP

4-8 10 ST NW