

AGENDA
SPECIAL MEETING
of the
WATERTOWN BOARD OF ADJUSTMENT
City Council Chambers
23 2nd Street NE

Thursday October 13, 2016

4:15 PM

Call to Order

Roll Call

1. Applicant Heath Rylance (#17027) appeals the terms of the City Ordinance as they apply to his property located in the R-1 Single Family Residential District, seeking variance relief from the requirements of Title 21 *Zoning* to allow for the construction of a nonconforming Single Family Dwelling with attached garage @ 582 S Lake Dr.
 - 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

17027

Zone R-1 Co. Rcd# _____ Date _____

Proposed Construction House w/ attached garage

Size M: 18 21' G: 960' Sq. Ft. _____ Height _____

Address 582 S. Lake Dr. Lot Area 12,285'

Lot 14-15 w vac public access + vac public ROW (SLDR)

Block 2 Addition Arands Park

Estimated Value _____ Fee _____ BOA Fee Plans

Details Appr. Appeals the terms of §21.0002 which prohibits the

Creation of nonconformities; N §21.1001 Ho P Regs;
§21.6001 All Reg'd Yds (SBs) shall be open/unoccupied space
and §21.6002 No adj. space shall be used to satisfy
any yard (SB) Reg'd for any other structure, and no yard
(SB) shall be reduced below the minimum Reg'd for that district

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 Heath Rylance → Address 4413 Horner Dr., WTN

By _____

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

Building Official

Fire Chief

City Engineer

10/13/16
Members of Board of Adjustment

Heilman Homes Inc.

507 11th St. SE Suite 2

Watertown, SD 57201

9-23-16

Board of Adjustment

Re: Variance for Heath Rylance

We are proposing building a new home at 582 South Lake Drive for Heath Rylance. Legal Description of property: Lots 14-15 and the East 5' of vacated public access lying adjacent to Lot 15, Block 2, Arends Park Addition. We are asking for a variance on the South side of the property by the road. We are doing this so this property and the neighbors' properties all line up as far as structures. Also to note, the driveway faces East so vehicles parking on the driveway will not protrude into the road.

Contact information:

Heilman Homes Inc.

507 11th St. SE Suite 2

Watertown, SD 57201

heilmanhomes24@gmail.com

605-868-1410

Heath Rylance

582 South Lake Drive

Watertown, SD 57201

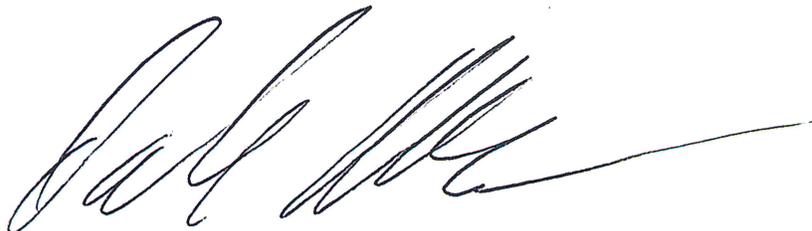
heath.rylance@wellsfargo.com

605-237-0255

Thank you very much,

Dale Heilman

Heilman Homes Inc.

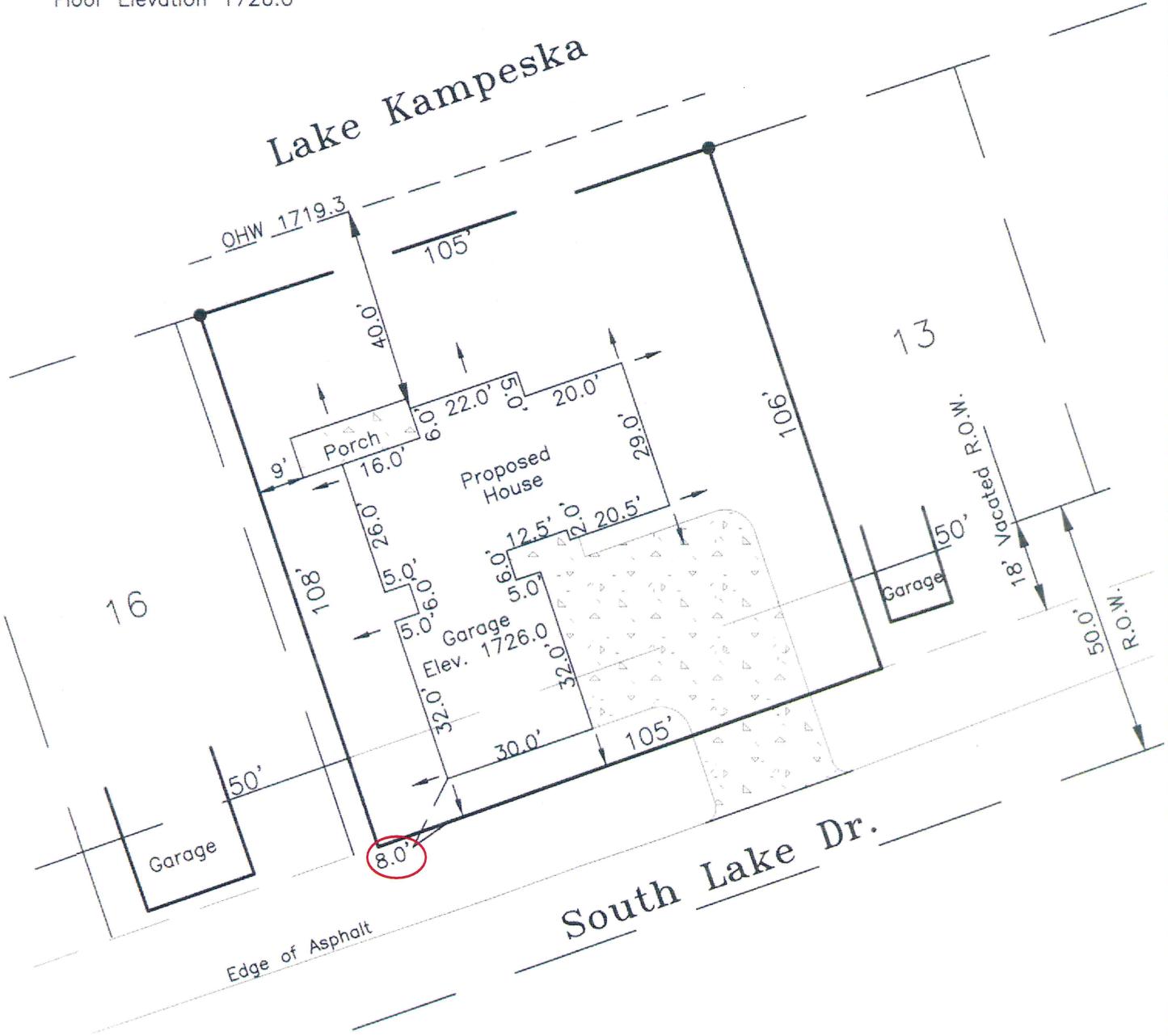
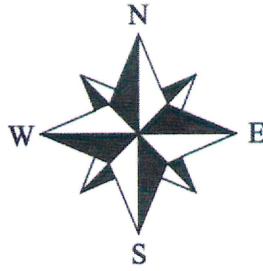
A handwritten signature in black ink, appearing to read 'Dale Heilman', with a long horizontal flourish extending to the right.

Site Plan of
 Lots 14-15 and the East 5' of vacated public
 access lying adjacent to Lot 15, Block 2, Arends
 Park Addition, and vacated South Lake Drive road
 right of way.

September 13, 2016
 Scale: 1"=30'

- Monument Recovered
- Monument Set

Base Flood Elev. 1724.8 NAVD88
 Fill raised to 1725.5 NAVD 88
 House is a slab on grade
 Floor Elevation 1726.0



Heath Rylance
 582 South Lake Dr.
 Watertown, SD 57201

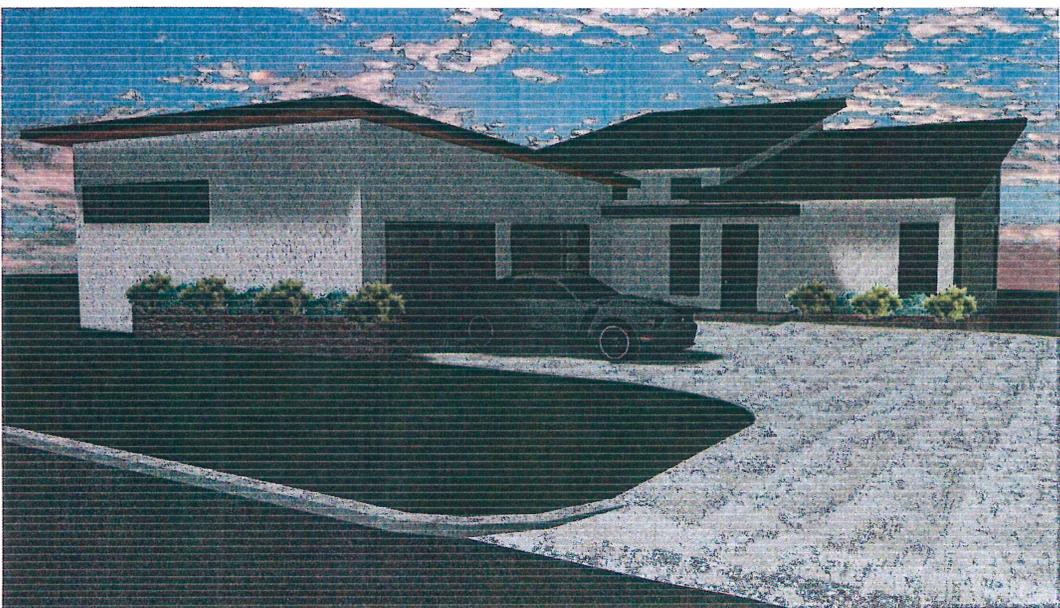
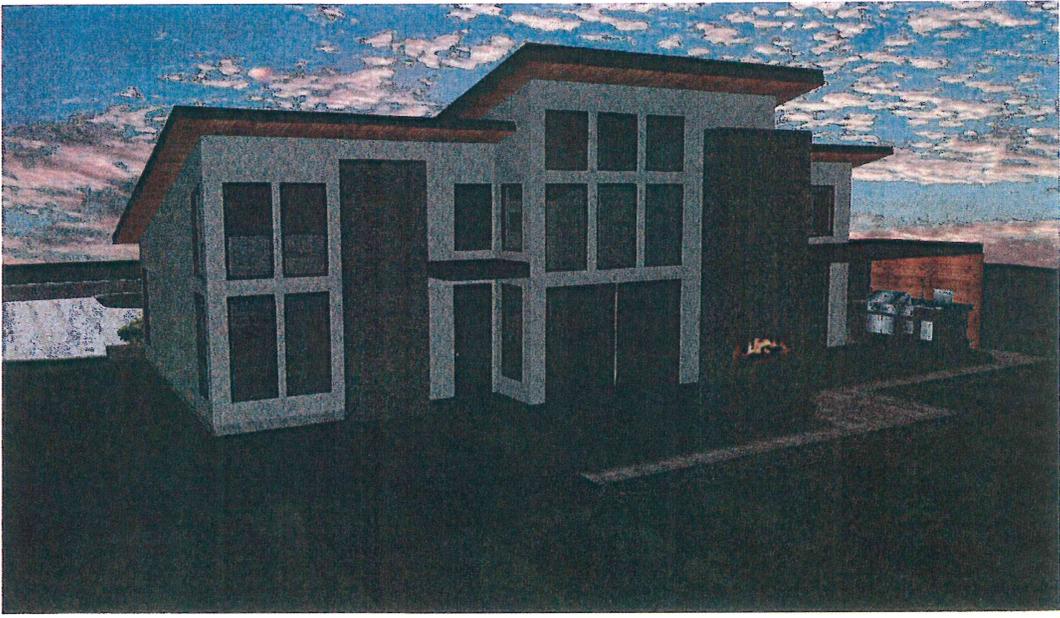


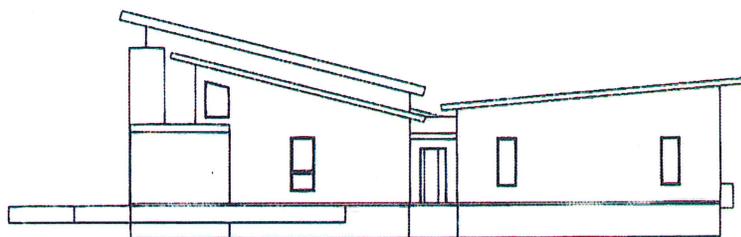
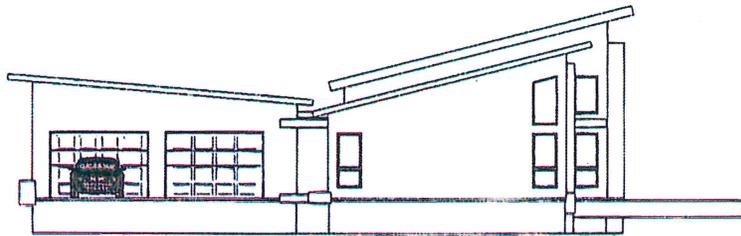
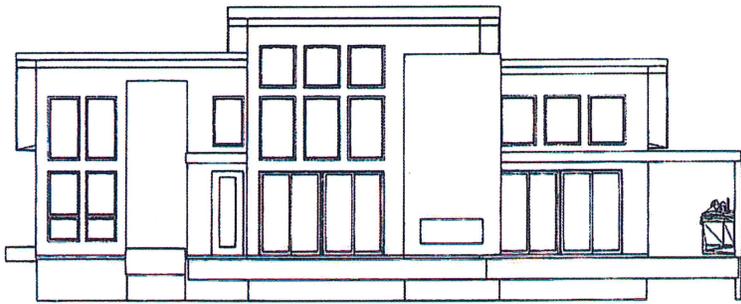
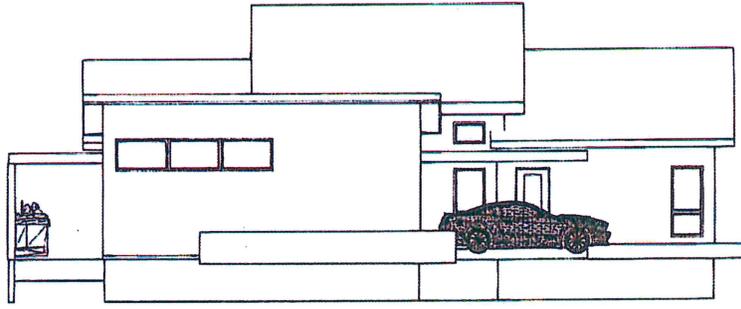
Marty W. Mack
 Registered Land Surveyor

MACK
 Land Surveying, LLC

Marty Mack
 Registered Land Surveyor
 Certified Professional Surveyor

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





**OFFICIAL PROCEEDINGS
PLAN COMMISSION
CITY OF WATERTOWN, SD**

June 9, 2016

Members Present: Shriver, Maguire, Stein, Dahle, Hanson, Arnold

Absent: Stonebarger

Also Present: Ken Bucholz, Jill Steiner, Shane Waterman, Luke Muller, Mark Meier, Chip Premus, Marvin West, Dan Albertsen & others

Approval of Agenda:

Motion was made by Maguire and seconded by Hanson to approve the agenda. Motion carried unanimously.

Approval of Minutes:

Motion was made by Stein and seconded by Maguire to approve the minutes from the April 21 & May 5, 2016 meetings. Motion carried unanimously.

Vacation of Northerly 18' of S. Lake Drive Adjacent to Lots 6-27, Block 2, Arends Park Addition:

Interim Planner Luke Muller introduced and reviewed the item. Petitioners request vacation of the northerly 18' of South Lake Drive between the west edge of Lot 27, to the midpoint of Lot 6, Block 2, of Arends Park Addition. The petition was signed by all 15 property owners. This stretch of South Lake Drive is a collector street. The right-of-way west of this stretch is 70' wide, and east of this stretch it varies between 50' and 88'. Vacating 18' of Right-of-Way would leave a remaining 70' right-of-way. The vacation is intended to make legal the existence of structures already located in the right-of-way and allow consideration of future construction in the area to be vacated. Because this area was platted 1908, most of the pins are not to be found. Somewhere between five and ten structures are located in the row as it exists today, but it is difficult to tell exactly how many without knowing the location of the pins. Muller explained that, without knowing exactly where the right-of-way is, we would run the risk of potentially vacating property that would put the road itself into private property. Staff's recommendation is that this item be tabled to allow staff time to get a better idea where the property lines are and determine how much right-of-way could be vacated. Pat Shriver opened the Public Hearing. City Engineer Shane Waterman commented that, even if we identify where the property lines are, we are finding that the roadway is probably not built in the center of the right-of-way all along that stretch. Also, the utilities are built a certain distance off the roadway, so to define a consistent amount to vacate is difficult because there is nothing accurate to measure from at this point. Staff would like to get a better feel for what should appropriately be vacated relative to the existing utilities and find a way to adequately describe it. Hearing no additional comments, Pat Shriver closed the public hearing. Motion was made by Arnold and seconded by Dahle to table this item pending more information from staff. Motion carried unanimously.

Plat of Watertown Community Center Addition:

This plat is the location of the future community center north of 14th Avenue North and between 11th and 19th Streets East. The plat consists of two lots, the primary one of 22 acres and a drainage outlot of 2 acres. The right-of-way on both 15th Street and 18th Avenue is 66', and the right-of way on 14th Avenue is 80'. The property is owned by the city, except for portions of the right-of-way owned by adjacent property owners on the east and north. The community center will be the only proposed use of this property, and the rights-of-way are the recommended widths for this use in the master plan. Pat Shriver opened the public hearing, and as no one came forward, closed the public hearing. When asked when the street will be constructed, City Engineer Shane Waterman responded that 15th Street up to the south entrance of the community center will be constructed this year, and the remaining portions of 15th Street and 18th Avenue next year or the year after. Motion was made by Dahle and seconded by Arnold to recommend approval of Resolution 2016-21. Motion carried unanimously.

**OFFICIAL PROCEEDINGS
PLAN COMMISSION
CITY OF WATERTOWN, SD**

June 23, 2016

Members Present: Stein, Hanson, Stonebarger, Arnold, Maguire

Absent: Dahle, Shriver

Also Present: Ken Bucholz, Jill Steiner, Shane Waterman, Lisa Carrico, Luke Muller, Ray Rylance, Mark Meier, Ray Tesch, Mayor Thorson, Mike Danforth, Randy Tupper, Bill Rieffenberger, Dan Albertsen & others

Approval of Agenda:

Motion was made by Stonebarger and seconded by Maguire to approve the agenda. Motion carried unanimously.

Approval of Minutes:

Motion was made by Hanson and seconded by Stonebarger to approve the minutes from the June 9, 2016 meeting. Motion carried unanimously.

Vacation of the northerly 18' of S. Lake Drive Adjacent to Lots 6-27, Block 2 Arends Park Addition:

Motion was made by Stonebarger and seconded by Hanson to remove this item from the table. Interim Planner Luke Muller explained that this item is a follow-up to the June 9, 2016 meeting, where it was discussed that staff would further research the area proposed for vacation. City Engineer Shane Waterman stated that the final determination was that 18' be vacated uniformly. Staff successfully retraced the survey data on both sides of the roadway, and found that if 18' of the right-of-way is vacated, all the roadway and utilities would remain in the right-of-way and all ten of the private structures would be removed from the right-of-way. Motion was made by Maguire and seconded by Stonebarger to recommend approval of Resolution 2016-20, vacating 18' of the right-of-way. Motion carried unanimously.

Vacation of alley adjacent to a portion of Block 2, Lake View Addition:

Muller explained that this alley is between 3rd & 4th Street NW, just north of 7th Avenue, on the eastern edge of the Prairie Lakes Hospital parking lot. The request is to vacate most of that alley, with the exception of the portion behind 817 3rd St NW. Prairie Lakes Hospital is in the process of purchasing this property, and a petition to vacate that portion will be forthcoming. Muller suggested that one option is to stipulate that if the petition to vacate the rest of the alley is not received by the final vote of the council, an access easement needs to be retained from 9th Avenue to this property. If the purchase goes through, there is no need to maintain a utility access because the hospital facilities would all be served through an alternate location. Motion was made by Stonebarger and seconded by Maguire to recommend approval of Resolution No. 2016-22, vacating the alley with the stipulation that if the pending purchase agreement does not go through, an access and utility easement is maintained to 817 3rd St NW from 9th Avenue N. Motion carried unanimously.

Old Business:

None

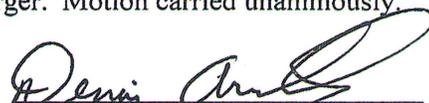
New Business:

New

Executive Session:

Not held

Motion to adjourn was made by Stein and seconded by Stonebarger. Motion carried unanimously.


Dennis Arnold, Acting Chairman



Rylance 582 S Lake Dr



LAKE DR S

STAFF REPORT

Appeal #17027

Owner/Applicant: **Heath Rylance**
 Property Address: **582 S Lake Dr**
 Legal Description: Lots 14-15, & E5' of vac public access lvg adjacent to Lot 15,
 & vac S Lake Dr road right-of-way, Blk 2, Arends Park Addition

1. **Application was submitted** requesting to construct a **nonconforming 2,781 sq ft single family dwelling with attached garage**, on a ~12,285 sq ft parcel located in the R-1 Single Family Residential District; said structure proposed to be constructed:
 - **8'** from the rear (south) property line, where a minimum **25'** is required.
2. **Application was denied** based on the following ordinance regulations:
 - §21.0302 prohibits the design and creation of nonconforming structures;
 - §21.1001 Height & Placement Regulations;
 - §21.6001 All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions whatsoever...; and
 - §21.6002 No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure, ... no yard (setback) shall be reduced in dimension below the minimum requirements set for the district in which such yard or lot is located.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	R-1 min Req's	Proposed	Meets Req's:
Area	9,000 sq ft	~ 12,285 sq ft	X
Width	75'	105'	X
Front	30'	N: 40'	X
Side	9'	W: 18' / E: 29'	X / X
Rear	25'	S: 8'	NO
Blvd Rqts	15' grass blvd / 2-3 trees	required by permit	will comply
Infr Rqts	sw/trl, c&g	required by permit (trail S side SLD)	will comply (w/WRTP)
Off-St Pkg	2/sfd	3+	*X

*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.

HISTORY:

2015 #16439 2016	Rylance 15 petitioners	Demolition of single family dwelling & detached accessory bldg. PC/CC vacated an 18' strip of the S Lake Dr public ROW (land reclaimed back to adj property owners) (see PC minutes attached)
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STAFF FINDS THAT:

(all public notice requirements have been met)

- Applicant seeks to redevelop an approximately 12,285 sq ft parcel located in the R-1 Single Family Residential District, proposing to construct a nonconforming 2,781 sq ft (single family dwelling) primary structure: 1,821 sq ft (single story) living quarters with a 960 sq ft attached garage.
- In June 2016, Rylance was one of 15 property owners who successfully petitioned to vacate a portion of the S Lake Drive right-of-way that lies adjacent to their properties. This property gained 1,890 sq ft (18'x105') of buildable area with the vacation of that public right-of-way.
- There is now approximately 5,394 sq ft (~62'x87') of compliant buildable area on this property (more for detached/accessory structures) in which to construct without variances.

See attached

Written Request, Site Plan, Floor Plan, Aerial Map, PC mins, elev drgs

Mtg date: Oct 13, 2016
