

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

**Thursday October 20, 2016**

**4:15 PM**

**Call to Order**

**Roll Call**

1. Approval of 9/22/2016, 10/6/16, & 10/13/16 Minutes
2. Applicant Justin Knight (#17052) appeals the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.1001, and Chapters 21.03 & 21.60 to allow for the construction of a nonconforming porch addition onto a nonconforming Single Family Dwelling located in the R-2a Single Family Attached Residential District @ 205 Kampeska Blvd.
  - A. Public hearing
  - B. Board of Adjustment action
3. Applicant Tim Waba (#17053) appeals the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.1002 and Chapter 21.03 to allow for the construction of a nonconforming unattached garage in the R-2a Single Family Attached Residential District @ 19 15th St SE.
  - A. Public hearing
  - B. Board of Adjustment action
4. Applicants Dennis & Rosemary Mahaffy Murphy (#17055) appeal the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.1001, and Chapters 21.03 & 21.60 to allow for the construction of nonconforming carport addition onto an existing compliant Single Family Dwelling located in the R-1 Single Family Residential District @ 305 18th St NE.
  - A. Public hearing
  - B. Board of Adjustment action
5. Applicants Kevin & Stacy Niemann dba KSN Properties, LLC (#17054) appeal the terms of the Zoning Ordinance seeking variance relief from the requirements of Section 21.1001, and Chapters 21.03 & 21.60 to allow for the construction of a nonconforming garage onto a nonconforming Single Family Dwelling located in the R-2a Single Family Attached Residential District @ 401 2nd St SE.
  - A. Public hearing
  - B. Board of Adjustment action

**Old Business:**

**Motion to adjourn**

**FOUNDATION**

Concrete Slab	
Concrete Block Walls	
Concrete Walls	
Wood Walls	

**APPLICATION FOR BUILDING PERMIT**

17052

Zone R-2A Co. Rcd# 10971 Date \_\_\_\_\_

Proposed Construction front porch

Size 7'x22' Sq. Ft. 154' Height \_\_\_\_\_

Address 205 Kampuska Blvd Lot Area 7,182'

Block 25 Addition Replat West LTN

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

Details App appeals the terms of §21.0302 prohibits the creation

for enlargement of non-conformities N §21.1001 H&R Regs;  
§21.6001 All Reg'd Yards (SBs) shall be open/unoccupied space;  
and §21.6002 No adj open space shall be used to enclose any  
Reg'd Yd (SB) for any other structure... NO Yard (SB) shall be  
reduced below the minimum Reg'd for that district.

**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	

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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 Justin Knight Address SAA (owner occupied)

By \_\_\_\_\_

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

**PERMIT APPROVAL**

Authorized by:

10/20/16  
 Members of Board of Adjustment

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

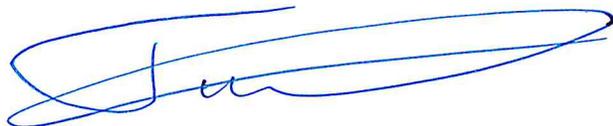
\_\_\_\_\_  
 Fire Chief

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

Justin Knight  
205 Kapeska Blvd  
Watertown SD 57201

I am writing in regards to the front porch on my property at 205 Kapeska Blvd. The porch has sagged in the middle and is build with 4x4 post which act as the foundation. The porch is beyond repairable. I want to tear off the existing porch, pour a foundation and rebuild new porch the same size as existing.

Thank You

A handwritten signature in blue ink, appearing to read "Justin Knight", enclosed within a large, loopy blue oval scribble.

# PLOT PLAN

OWNER: JUSTIN D. KNIGHT

ADDRESS: 205 NORTH KAMPESKA BLVD WATERTOWN, SD 57201

LEGAL DESCRIPTION: LOTS 7 & 8, BLOCK 25, REPLAT OF WEST WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA

SUBJECT TO EASEMENTS & ENCROACHMENTS NOT FOUND OF RECORD.

SURVEYED BY:

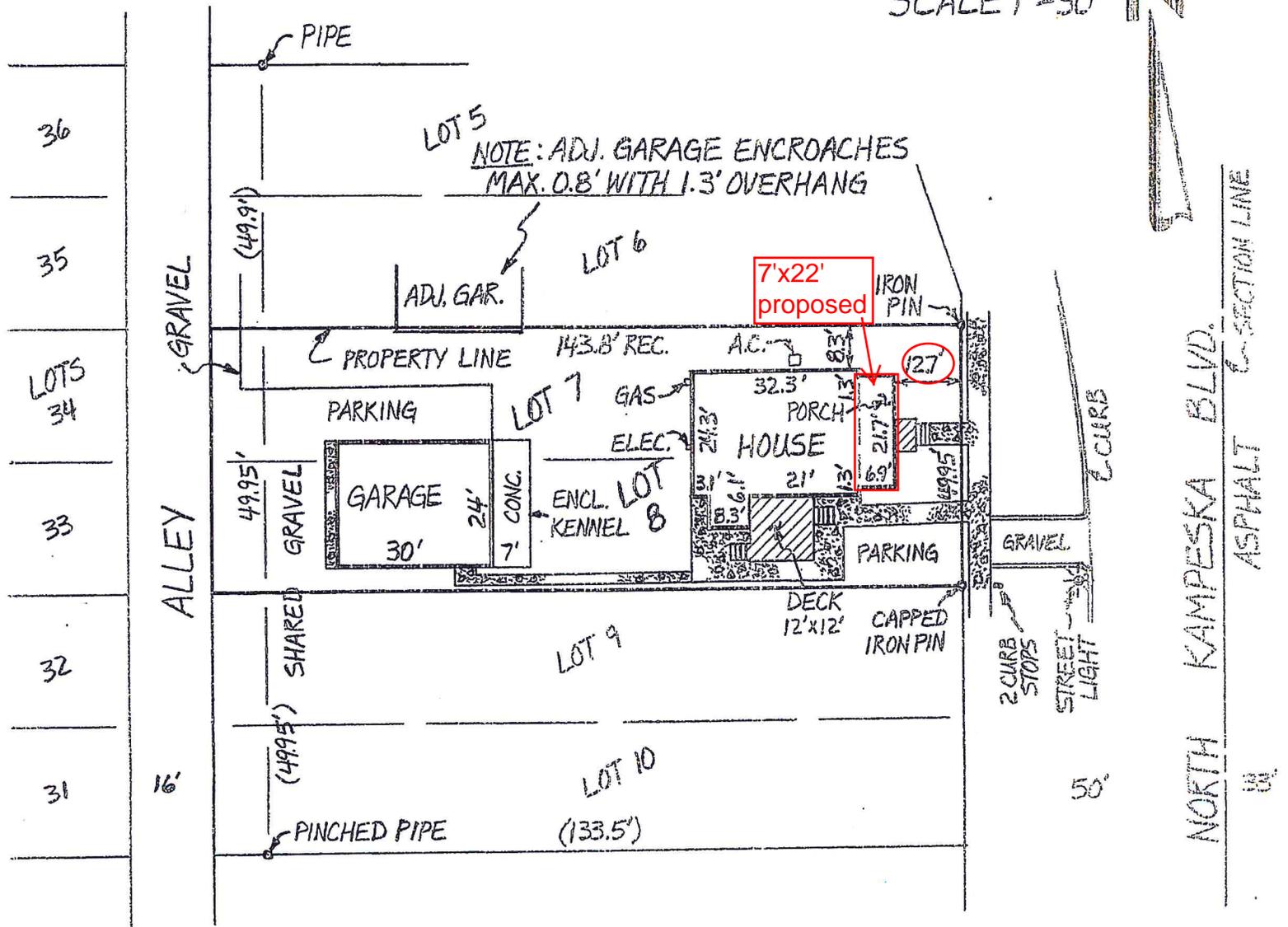
*Darwin D. Brinkman*

REGISTERED LAND SURVEYOR

JULY 9, 2012



SCALE 1"=30'





# Knight 205 Kampeska Blvd



210 8 ST NW

213 KAMPESKA BLVD

208 8 ST NW

209 KAMPESKA BLVD

204 8 ST NW

205 KAMPESKA BLVD

200 8 ST NW

201 N KAMPESKA BLVD

107 N KAMPESKA BLVD

102 8 ST NW

103 KAMPESKA BLVD

KAMPESKA BLVD N

11 N KAMPESKA BLVD

# STAFF REPORT

## Appeal #17052

Owner/Applicant: **Justin Knight**  
 Property Address: **205 Kampeska Blvd**  
 Legal: Lots 7 & 8, Blk 25, Replat West Watertown Addition

1. **Application was submitted** requesting to remove an existing 149.73 sq ft (6.9'x21.7') front porch, and **construct a new nonconforming 154 sq ft (7'x22') porch addition** onto an existing single family dwelling; said structure proposed to be constructed:
  - **12.7'** from the front (east) property line, where a minimum **25'** setback is required.
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibits the design, creation, &/or enlargement of nonconforming structures;
  - §21.1001 Height & Placement Regulations;
  - §21.6001 All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions...; and
  - §21.6002 No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure, ... no yard (setback) shall be reduced in dimension below the minimum requirements set for the district in which such yard or lot is located.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<b>R-2a min Req's</b>	<b>Existing &amp; Proposed</b>	<b>Meets Req's:</b>
Area	6,000 sq ft	<b>7,182.8 sq ft</b>	<b>X</b>
Width	50'	<b>49.95'</b>	<b>NO</b>
<b>Front</b>	<b>25'</b>	<b>E: 12.7' / 12.6'</b>	<b>NO / NO</b>
Side	6'	N: <b>9.6' / 9.3'</b>	<b>X / X</b>
Side	6'	S: <b>&gt;6' / NA</b>	-
Rear	25'	E: <b>&gt;25' / NA</b>	-
Bldg Rqts	15' grass blvd w/1 tree	<b>0 trees</b>	<b>no</b>
Infr Rqts	4' sw/trl, c&g	<b>exists</b>	<b>x</b>
OSPSs	2 / sfd	<b>3</b>	<b>x</b>

**PERMITS HISTORY:**      1979    #1369      Pappone      motor cycle shop business

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

- The existing front porch (and the proposed) projects beyond a straight line drawn between the front face/wall of the adjacent houses, which is prohibited per section 21.1001(2e).
- This Board has the authority to require fulfillment of any or all lacking boulevard / infrastructure requirements in conjunction with any structural improvements authorized by Building Permit.

**STAFF REPORT**  
**Appeal #17052**

21.1001(2e):

***Supplemental Provisions for Residential Uses:***

*The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. **No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block;** or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side. Any existing residential structure which observes a front setback that is less than required, may, at the discretion of the Building Official, be expanded to the full width of the main building. (example: a front porch).*

See attached

Written Request, Site Plan, Aerial Map

Mtg date: Oct 20, 2016

**FOUNDATION**

Concrete Slab	
Concrete Block Walls	
Concrete Walls	
Wood Walls	

**APPLICATION FOR BUILDING PERMIT**

17053

Zone R2a Co. Rcd# \_\_\_\_\_ Date \_\_\_\_\_

Proposed Construction unattached garage

Size 34' X 42' Sq. Ft. 1428<sup>sq</sup> Height 10'2" SLIS/18' HT.

Address 19 15<sup>th</sup> ST SE Lot Area \_\_\_\_\_

Lot 5 + 513' Lot 4

Block 1 Addition North Side

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

Details Appr approves the terms of: § 21.0302 prohibiting the creation

of nonconformities; § 21.100 2 N H + P Regs for accessory bldgs; § 21.6001 All Reg'd yds (SBS) shall be open / unoccup. yd space; and § 21.6002 No adj open space shall be used to satisfy any ydred (SS) for any other structure... + No ydred (SS) shall be reduced below that which is Reg'd for that District.

**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	

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Owner Tim Waba → Address 103 15<sup>th</sup> ST SE, WTN

By \_\_\_\_\_

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

**PERMIT APPROVAL**

Authorized by:

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

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

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

10/20/16  
Members of Board of Adjustment

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

Address: 19 15<sup>th</sup> Street South EAST

9-30-2016

Legal: The south 13' of Lot 4 and All of Lot 5 Block 1 of morning side Addition to the City of Watertown, Codington County, South Dakota.

★ Lot is much Bigger, can't park truck + Trailer inside A 34' Long Garage - if this Garage meets ~~the~~ the setbacks why is the 1192 sqft so Important? only have 1/2 a street (wide) need to park Inside to Keep Everything off Road.

$$34 \times 34 = 1156 \text{ sq ft}$$

$$34 \times 42 = 1428 \text{ sq ft}$$

~~$$34 \times 44 = 1496 \text{ sq ft}$$~~

Asking  
for

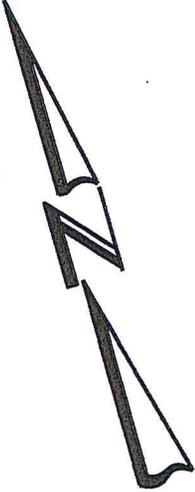
Tim Woba  
103 15<sup>th</sup> Street South EAST  
Watertown South Dakota 57201

*Tim Woba*

# PLOT PLAN

OWNER: TIMOTHY A. AND CAROL J. WABA  
 ADDRESS: 19 15th STREET SOUTHEAST, WATERTOWN, SD 57201  
 LEGAL DESCRIPTION: THE SOUTH 13' OF LOT 4 AND ALL OF LOT 5, BLOCK 1 OF MORNING SIDE ADDITION TO THE CITY OF WATERTOWN, CODINGTON COUNTY, SOUTH DAKOTA

SUBJECT TO EASEMENTS AND ENCROACHMENTS NOT FOUND OF RECORD



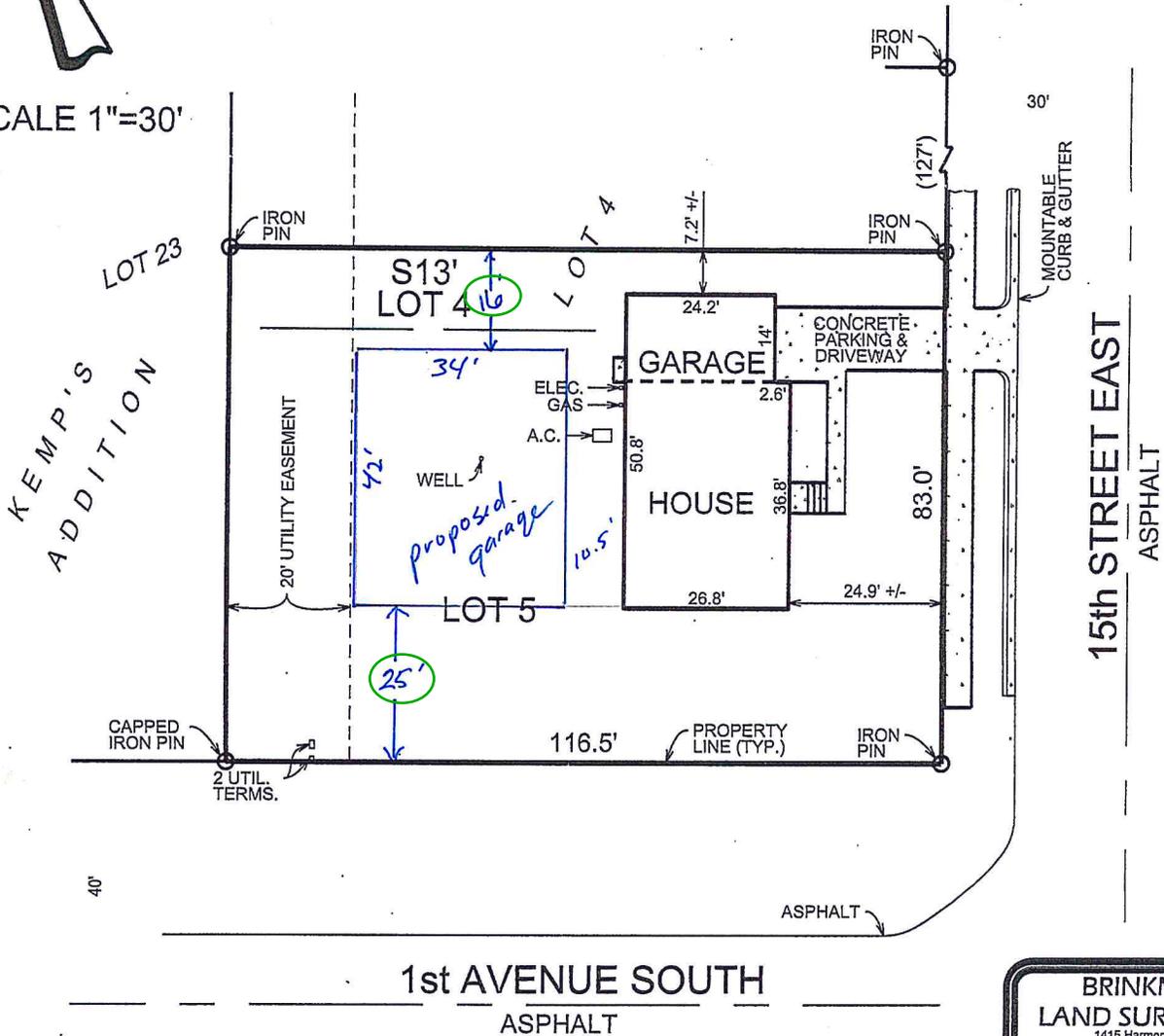
SURVEYED BY:

Dan D. Brinkman

REGISTERED LAND SURVEYOR  
 SEPTEMBER 14, 2016



SCALE 1"=30'



**BRINKMAN  
 LAND SURVEYING**

1415 Harmony Lane  
 Watertown, S.D., 57201  
 Ph. (605) 886-4007 Cell (605) 881-7259  
 Fax (605) 878-0879



Waba 19 15th St SE



# STAFF REPORT

## Appeal #17053

Owner/Applicant: **Tim Waba**  
 Property Address: **19 15th St SE**  
 Legal: **Lot 5 & S13' Lot 4, Blk 1, Morning Side Addition**

1. **Application was submitted** requesting to construct a **nonconforming 1,428 sq ft** (34'x42') **unattached garage** on a 9,669.5 sq ft parcel; said structure proposed to be constructed:
  - on a parcel that allows for a maximum **1,257 sq ft** unattached garage.
  
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibits the design and creation of nonconforming structures;
  - §21.1002(3) Height & Placement Regulations for Accessory Structures;
  - d. Unattached Garage.
    - (1) The cumulative size shall be limited based on total square foot area of a residential lot as follows:
      - (a) Up to 10,000 square feet: Thirteen percent (13%) of lot area or 1,260 square feet, whichever is less
  
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<b>Min R-2a min Req's</b>	<b>Existing / Proposed</b>	<b>Meets Req's:</b>
Area	6,000 sq ft	<b>9,669.5 sq ft</b>	<b>X</b>
Width	50'	<b>83'</b>	<b>X</b>
A.S. Setbacks	Front 25'/Side 9'	S: <b>25'</b> , N: <b>16'</b> , W: <b>20'</b>	<b>X / X</b>
<b>% lot area</b>	1,257 sq ft	no A.S.s / <b>1,428 sq ft</b> (15%)	<b>X / NO</b>
Bldv Rqts	15' grass blvd / 4 trees	<b>0 blvd trees</b>	<b>no</b>
Infr Rqts	4'sw/trl, c&g	S: <b>no sw or c&amp;g</b>	<b>no</b>
Off-St Pkg Spaces	2 /sfd	<b>1 / 4-5</b>	<b>no / X*</b>

\*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.

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### PERMITS HISTORY:

1962 #9                      Gottschalk Co                      Residence with attached garage 50x26

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### STAFF FINDS THAT:

(all public notice requirements have been met)

- Currently, this compliant R-2a zoned parcel consists of a legally noncompliant primary structure (single family dwelling) with a single stall (14'x24') attached garage.
- Waiver of Right to Protest street paving and curb/gutter is required for any further development of this property, for that portion of 1<sup>st</sup> Ave S which is contiguous.
- This Board has the authority to require fulfillment of any or all *other* lacking boulevard / infrastructure requirements (i.e. trees & sidewalk which are not affected by street improvements), in conjunction with any structural improvements authorized by Building Permit.



## To: Board of Adjustment

I am seeking a variance to my property located at 305 18<sup>th</sup> St. N.E.

Legal description: Boone's outlot 3, Rennichs subdivision

Reasons: I would like to add a carport to my existing garage to keep my van under as it will not fit in my garage. I have a painting business and in the winter snow and ice pile up on the ladders and planks stored on top of my van, resulting in my having to crawl up take them down and chip the ice and snow off of them every time I need them. I am not setting a precedent in the neighborhood as two of my neighbors have already been granted variances for building full sized garages. What I'm asking for is to put a 11x24 ft. roof on the side of my existing garage which will have no walls. My neighbor to the North who would be most affected by this addition has no windows on this side of his house, nor does he have a problem with me building it.

Thank you for your consideration

100'-0"

S  
W  
+  
N  
E

SITE  
PLAN

14'-6"

20'-0"

44'-0"

14'-0"

10'-0"

26'-0"

15'-6"

5'-6"

135'-0"

16'-0"

Existing 3-Season

16'-0"

12'-0"

Existing Shed

7'-0"

11'-0"

4'-6"

34'-0"

Existing House

Existing Garage

PROPOSED  
ADD

11' x 24' Car Port

12' o.c.

24'-0"

12' o.c.

Property Line

29'-5"

18'-0"

8'-0"

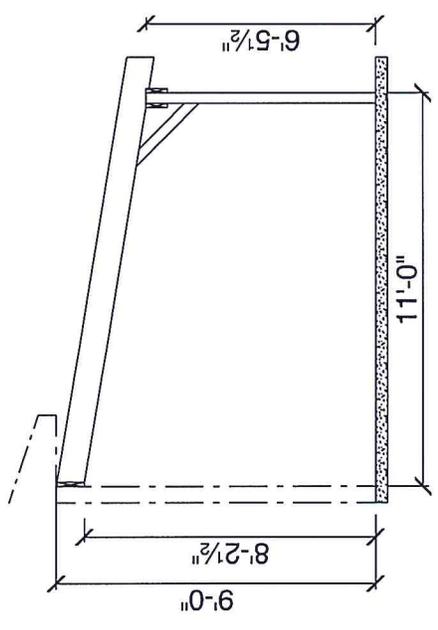
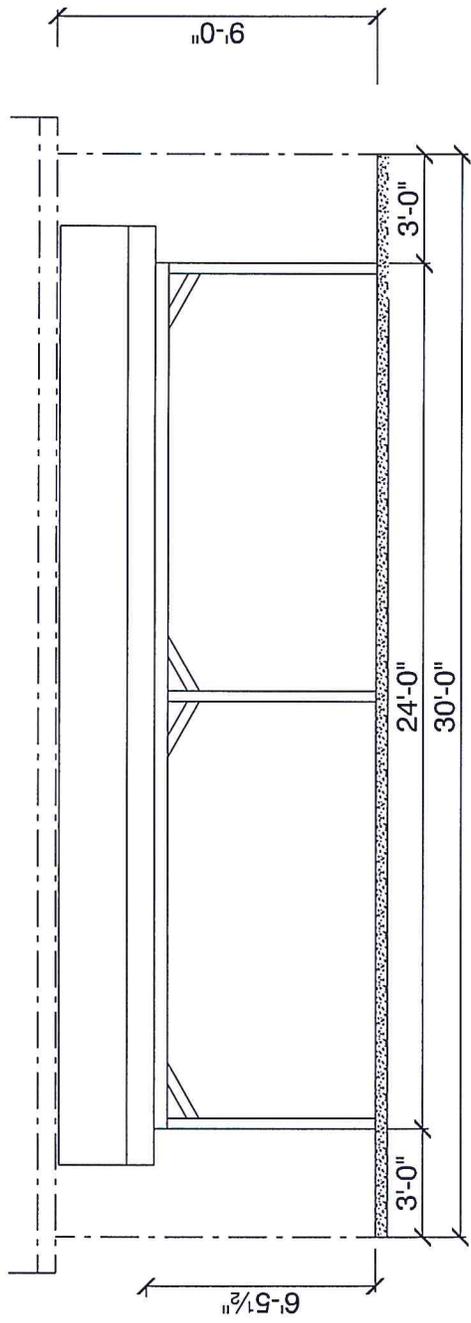
25'-6"

4'-0"

26'-6"

12'-0"

3'-6"





Murphy 305 18th St NE

312 17 ST NE

311 18 ST NE

305 18 ST NE

302 17 ST NE

303 18 ST NE



# STAFF REPORT

## Appeal #17055

Owner/Applicant: **Dennis & Rosemary Mahaffy Murphy**  
 Property Address: **305 18th St NE**  
 Legal: **Lot 5 Boone's OL 3, Rennich's Subd Addition**

1. **Application was submitted** requesting to construct a **nonconforming 264 sq ft** (11'x24') **open-sided carport** onto an existing compliant single family dwelling; said structure proposed to be constructed:
  - **4.5'** from the side (north) property line, where a minimum **9'** setback is required.
2. **Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibiting the design and creation of nonconforming structures;
  - §21.1001 Height & Placement Regulations;
  - §21.6001 All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions...; and
  - §21.6002 No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure, ... no yard (setback) shall be reduced in dimension below the minimum requirements set for the district in which such yard or lot is located.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<b>Min R-1 min Req's</b>	<b>Existing / Proposed</b>	<b>Meets Req's:</b>
Area	9,000 sq ft	<b>13,500 sq ft</b>	<b>X</b>
Width	75'	<b>100'</b>	<b>X</b>
Front	25'	E: <b>30' / 37'</b>	<b>X / X</b>
<b>Side</b>	<b>9'</b>	N: <b>15.5' / 4.5'</b>	<b>X / NO</b>
Side	9'	S: <b>~14.5' / NA</b>	<b>X / NA</b>
Rear	25'	W: <b>55' / 74'</b>	<b>X / X</b>
Bldg Rqts	15' grass blvd / 2 trees	<b>0 blvd trees</b>	<b>no</b>
Infr Rqts	sw/trl, c&g	<b>exists</b>	<b>x</b>
Off-St Pkg Spaces	2 /sfd	<b>3 / 3</b>	<b>x / x*</b>

\*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.

### PERMITS HISTORY:

1989	#4422	Murphy	Single Family Dwelling w/780 sf (26'x30') attached garage
1998	no BP found	"	120 sf shed
2009	no BP found	"	72 sf deck
2010	no BP found	"	unlawful 224 sf addition

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

- Currently, this compliant R-1 zoned parcel consists of a compliant primary structure (single family dwelling) with one (1) compliantly placed (but unpermitted) lawn shed.
- There is ~3,558 sq ft of legal buildable (backyard) area on which to construct accessory structures without variance.
- This Board has the authority to require fulfillment of any or all lacking boulevard / infrastructure requirements in conjunction with any structural improvements authorized by Building Permit.

**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**

17054

Zone R2-A Co. Rcd# 10500 Date \_\_\_\_\_

Proposed Construction attached garage

Size 18' x 24' Sq. Ft. 432 Height 10'-2" S4S / 18' Ht <sup>max</sup>

Address 401 2nd St SE Lot Area 4350

Lot 1 - W28'

Block 53 Addition 2nd Railway

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

Details App appeals the terms of §21.0302 prohibiting the creation

+ for enlargement of nonconformities; N § 21.1001 HoP Regs;  
§ 21.6001 All Req'd yds (SBs) shall be open/unoccupied space; and  
§ 21.6002 No adj open space shall be used to satisfy any yard  
(SB) for any other structure; and No Yard (SB) shall be reduced below  
that which is Req'd as the minimum for that District.

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

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

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

Owner KSN Properties, LLC Address Kevin + Stacy Niemann

By \_\_\_\_\_ 46344 - 180th St  
Castlewood, SD

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

10/20/16  
 Members of Board of Adjustment

**PERMIT APPROVAL**

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

Dear Board,

I am applying for a variance for the following address - 401 2nd Street SE in Watertown SD and its legal description is Lot 1, except the West 78 feet thereof, in Block 53 of the Second Railway Addition. I am asking for a variance of 3 more feet west and 3 more feet to the north to make garage and house even on north side - this would allow us to tear off current run down lean thats attached to this house and build on a functional one stall garage. With this variance I will be able to get in and out of my car once I have it pulled into the garage. Thank you all for taking your time to considering this option for us.

Thanks Again-  
Kevin and Stacy Niemann

# 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 KSN PROPERTIES - KEVIN & STACY NIEMANN

DATE 10/1/16

LOT 1 LESS THE WEST 78' BLOCK 5B,  
SECOND RAILWAY ADDITION  
401 2ND STREET SE WATERTOWN, SD 57201

DDB

## SITE PLAN

SCALE 1"=30'

4TH AVENUE SOUTH

CONG.  
ACCESS

SDWK

12'

3.6'

PROPOSED  
GARAGE WITH  
BSMT ACCESS  
(EXIST.)

18'  
(11.9')  
24'  
(19.9')  
EXIST.

TO BE  
REMOVED

24.3'

EXISTING  
HOUSE

50'

87'

2ND STREET EAST



KSN Properties 401 2nd St SE



1184 AVE SE

4012 ST SE

4072 ST SE

# STAFF REPORT

## Appeal #17054

Owner/Applicant: **Kevin & Stacy Niemann dba KSN Properties, LLC**  
 Property Address: **401 2nd St SE**  
 Legal: **Lot 1 -W78', Blk 53, 2nd Railway Addition**

- Application was submitted** requesting to remove a 240 sq ft (12'x20') garage, and **construct a new nonconforming 432 sq ft (18'x24') garage** onto an existing nonconforming single family dwelling; said structure proposed to be constructed:
  - 3.6'** from the side (west) property line, where a minimum **6'** setback is required; and
  - 12'** from the front (north) property line, where a minimum **25'** setback is required.
- Application was denied** based on the following ordinance regulations:
  - §21.0302 prohibits the design, creation, & enlargement of nonconforming structures;
  - §21.1001 Height & Placement Regulations;
  - §21.6001 All required yards (setbacks) shall be open, unoccupied space, extending from the natural ground level to the sky with no obstructions...; and
  - §21.6002 No (adjacent) open space shall be used to satisfy any yard (setback) required for any other structure,... no yard (setback) shall be reduced in dimension below the minimum requirements set for the district in which such yard or lot is located.
- Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	<b>R-2a min Req's</b>	<b>Existing &amp; Proposed</b>	<b>Meets Req's:</b>
Area	6,000 sq ft	<b>4350 sq ft</b>	<b>NO</b>
Width	50'	<b>50'</b>	<b>X</b>
<b>Front</b>	<b>25'</b>	<b>N: 16' / 12'</b>	<b>NO / NO*</b>
Front	25'	E: NA	-
<b>Side</b>	<b>6'</b>	<b>W: 9.6' / 3.6'</b>	<b>X / NO</b>
Side	6'	S: <b>14' / 14'</b>	<b>X / X</b>
Bldv Rqts	15' grass blvd w/1 tree per 50' of frontage.	<b>1 tree (E) &amp; 1 tree (N)</b>	
Infr Rqts	4' sw/trl, c&g	<b>exists</b>	<b>x</b>
OSPSs	2 / sfd	<b>1(inside) 1(outside) / 2 (inside)</b>	<b>x / x**</b>

\*A *minimum* 20' parking length is needed for vehicles to park/unload without encroaching into/over the sidewalk and blvd, which is prohibited by ordinance.

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

### PERMITS HISTORY:

2006	#11717	Schafer	kitchen remodel
2009	#13057	Steiner	interior remodel
??	<b>no BPs found</b>	??	unlawful fence & shed

### STAFF FINDS THAT:

(all public notice requirements have been met)

- Currently, this is a substandard R-2a zoned parcel consists of a nonconforming primary structure (single family dwelling) with an attached single stall garage, and an unpermitted accessory bldg.
- There is an 18' wide concrete blvd access allowing for (1) "legal" inside parking space, and (1) "legal" outside parking space next to the west property line; however, the 16' long driveway is currently unimproved (unpaved).
- The Ordinance explicitly gives the Building Official discretion to use the "in-line" provision §21.1001(2e) where adjacent buildings have observed a lesser depth of *front* yard than required; however, that ability does not apply to the other (2) issues involved: insufficient parking length & required side yard (setback).
- Approval, as requested, will cause any vehicles parked outside (in front of the garage doors) to encroach into the blvd and over/onto the sidewalk; 20' is the min length needed to avoid this issue.
- There is legal buildable area on this property to create the same or greater square footage of compliant garage/storage space with up to a 294.5 sq ft (15.5'x19') attached garage, and up to a 200 sq ft (10x20) shed placed on the south side of the house. Requiring at least a 20' front (north) setback instead of the 12' requested would reduce the impact of this request.

See attached

Written Request, Site Plan, Aerial Map

Mtg date: Oct 20, 2016

**STAFF REPORT**  
**Appeal #17054**

21.1001(2e):

***Supplemental Provisions for Residential Uses:***

*The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. **No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block**; or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side. Any existing residential structure which observes a front setback that is less than required, may, at the discretion of the Building Official, be expanded to the full width of the main building. (example: a front porch).*