

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

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**Thursday November 10, 2016**

**4:15 PM**

**Call to Order**

**Roll Call**

1. Approval of 10/20/16 Minutes
2. Applicant Merle Tschakert (#17111) seeks Conditional Use approval for Storage Units in the C-1 Community Commercial District @ 5 2nd St NE pursuant to §21.2403(11) of the Zoning Ordinance, and contingent upon compliance with Specific Rules Governing Individual Conditional Uses including but not limited to §21.0202(2b6a-h).
  - A. Public hearing
  - B. Board of Adjustment action
3. Applicant EVI Prairie Crossings, LLC (#17110) appeals the terms of the Zoning Ordinance seeking variance relief from the requirements of Chapters 21.03, 21.10, & 21.60, to allow for the expansion/enlargement of a nonconforming facility, located in the R-2a Single Family Attached Residential District, with a nonconforming addition @ 420 & 424 9<sup>th</sup> 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	

**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	X
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

**APPLICATION FOR BUILDING PERMIT**

17111

Zone C-1 Co. Rcd# 9374 Date \_\_\_\_\_

Proposed Construction Convert Retail space to storage units (50)

Size ~100' x 47' Sq. Ft. ~4700 Height \_\_\_\_\_

Address 15 2<sup>nd</sup> St NE Lot Area 50' x 165'

Lot 26

Block 3 Addition Original Plat

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

Details App. seeks CU approval per §21.2403(11); contingent

Upon compliance with SRBFCUN including but not limited to §21.0202(2664th)

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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 Merle Tschackert Address 1509 N Broadway, WTN

By \_\_\_\_\_

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

11/10/16

**PERMIT APPROVAL**

Members of Board of Adjustment

Authorized by: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Building Official

Fire Chief

City Engineer

Watertown Board of Adjustment  
City Council Chambers  
23 2nd St NE  
Watertown, SD 57201

Re: 15 2nd St NE  
Watertown SD 57201  
Watertown City Original Plat  
Lot 26 Blk 3

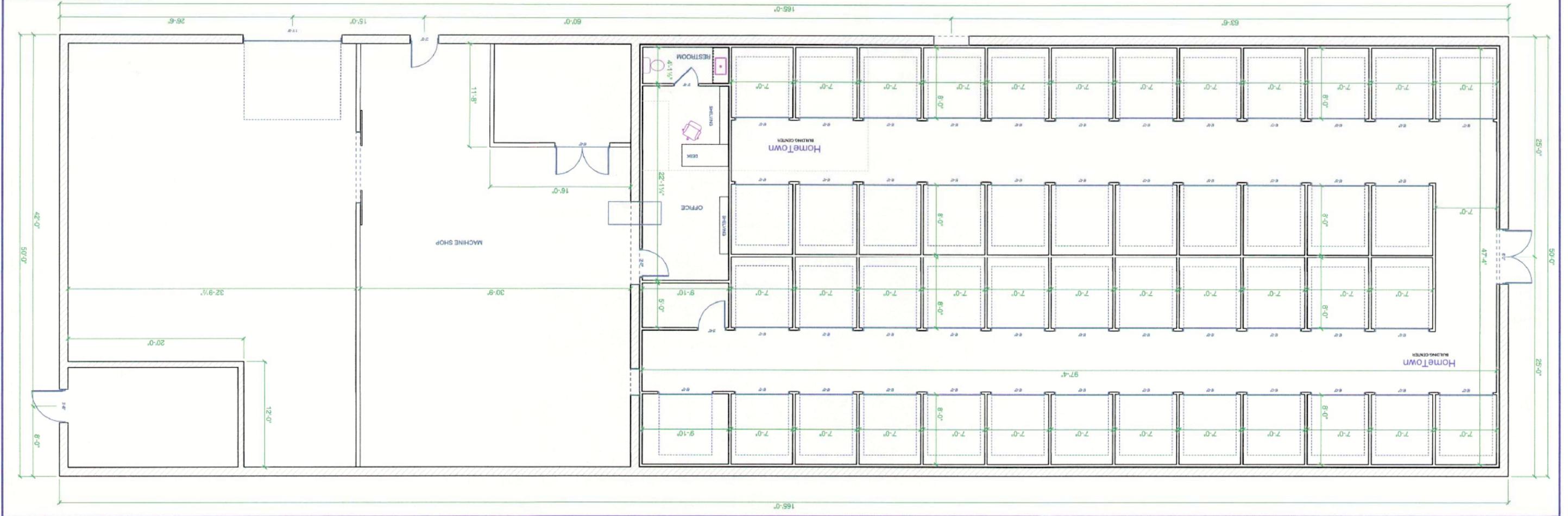
I would like approval to turn the front 2/3 of the above property into a Heated Rental Storage containing 47 units. The back 1/3 of the building will stay occupied by the current business.

I plan to have 24 hour security entrance with video surveillance. There will be no overnight parking allowed outside the place of business and all storage will be contained inside the building.

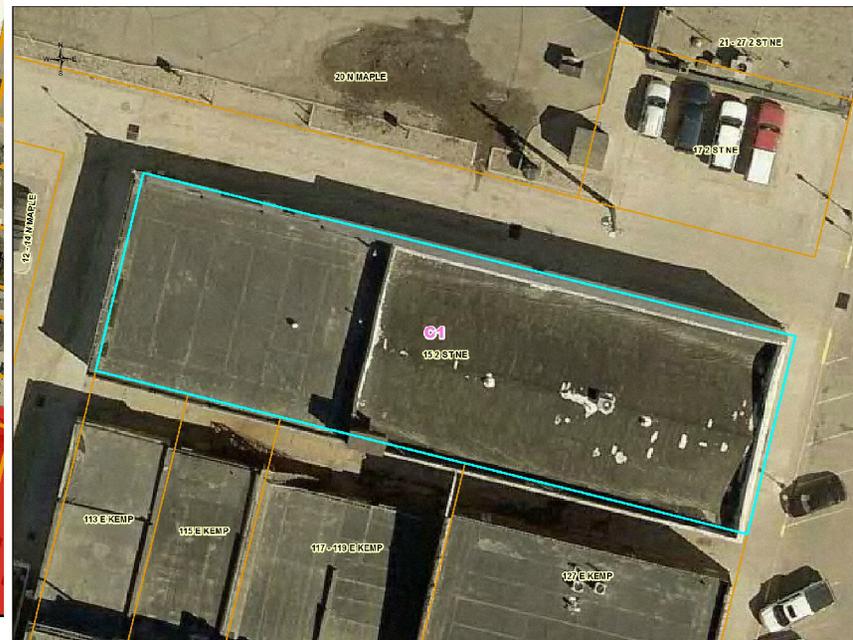
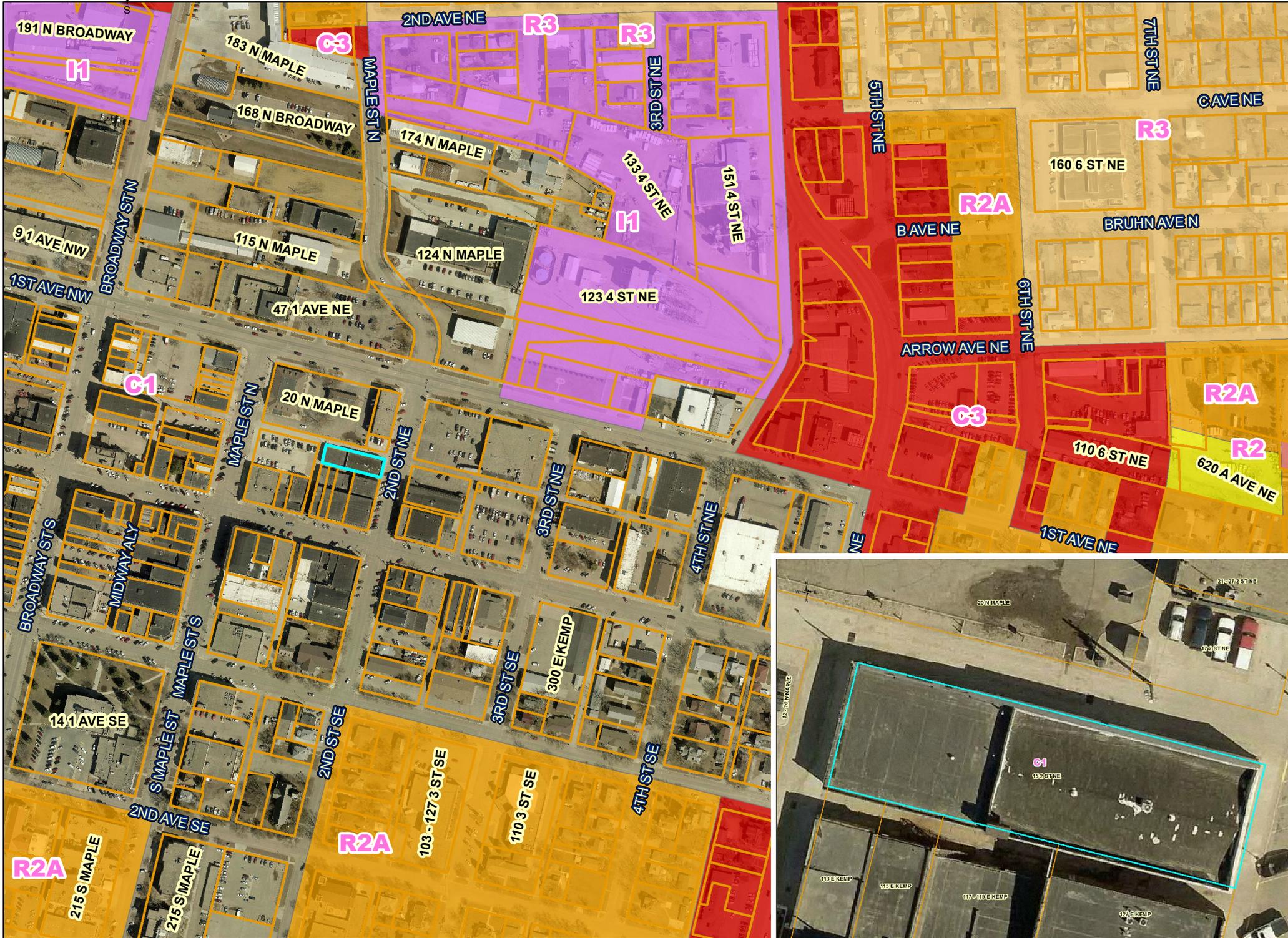
Signage will be placed on the front of the building.

Merle Tschakert  
1509 N Broadway  
Watertown, SD 57201

*Pd*  
11-28-16



# Tschakert 15 2nd St NE



# STAFF REPORT

## Conditional Use Application #17111

Owner/Applicant: **Merle Tschakert**  
 Property Address: **15 2nd St NE**      Legal: Lot 26, Blk 3, Original Plat

**Conditional Use Request:**

Applicant seeks approval to convert an approximately 4,700 sq ft (~100'x47') retail space, located in the C-1 Community Commercial District, into a fifty (50) unit heated rental *Storage Units* facility, pursuant to §21.2403(11) of the Zoning Ordinance and contingent upon compliance with:

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

	<b><u>C-1 District Regulations:</u></b>	<b><u>Subject Parcel:</u></b>
<b>Minimum Lot Area:</b>	10,000 sq ft	8,250 sq ft
<b>Minimum Lot Width:</b>	NA	50'
<b>Bldv/Infra Rqts (21.73):</b>	15' grass blvd w/1 blvd tree	none
<b>Infr Rqts (Titles 5, 18, 21 &amp; 24):</b>	4' sw/trl, c&g	exists

**BP HISTORY:**

1982	#2311	Way	new store entrance
1995	#7041	Carquest	remodel office area
1997	#7698	Weber	remodeling
1998	#8209	Carquest	remodeling

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

**Storage Units** is a listed Conditional Use for the C-1 Community Commercial District per §21.2403(11). Individual units must be less than or equal to ( $\leq$ ) six hundred (600) sf.

**Definition: Storage Units:**

- a building(s) for the storage of commercial or private goods and materials in individual units within a common structure, **without water or sewer utilities.**

Applicant submitted the attached 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:**  
(Ingress and egress, off-street parking/loading, refuse & service areas, utilities, screening/buffering, signage, Required Yards & open space, and general compatibility with other property in the district)
- Chapter 21.63 Off-Street Parking and Loading Req'ts, and Engineering Design Standards:**
  - C-1 District exempt per 21.6301.
- Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:**
  - There is no outside space on this property, the building covers the entire lot.
- Chapter 21.73 Landscape and Lighting Standards:**
  - This property exempt per 21.7302(1b).

This Board must determine if satisfactory provision and arrangement has been made concerning **§21.0202(2)b(6a-h), Chapters 21.63, 21.65, & 21.73.** If application is endorsed, the Board may consider any conditions of approval it deems necessary.

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

**APPLICATION FOR BUILDING PERMIT**

17110

Zone R2a Co. Rcd# 5782 Date \_\_\_\_\_

Proposed Construction addition to non-con. bldgs)

Size \_\_\_\_\_ Sq. Ft. 1597 Height \_\_\_\_\_

Address 420 + 424 9th St SE Lot Area 150 x 200

Lot 7-14 Brocks Rearrangement Lot 2

Block 16 Addition Brocks

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

Details Modification of site plan for a previously approved CU/SE

~~per §21.1804 + §21.1603(7) N to include a licensed memory care facility of Harpays Adult Day Care Services, contingent upon compliance w/ SRGICUs §21.0202 (b6 a-h). Concurrently, app. Appeals the terms of §21.0302 which prohibits the creation on non conformities, §21.1001 HoP Regs, & Chapter 21.60: All Req'd Yds (setbacks) shall be open, unoccupied space, No adj open space shall be used to satisfy a Req'd yd (SB) for any other Bldg, and No Req'd yd (SB) shall be reduced below the min Req'd for <sup>that District.</sup> and Title 5 Flood Plain Regs on residential elevation projects in the AD zone.~~

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Owner SVI Prairie Crossings, LLC Address \_\_\_\_\_

By \_\_\_\_\_

Dated \_\_\_\_\_ Contractor Mills Constn

11/10/16

Members of Board of Adjustment

**PERMIT APPROVAL**

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



October 21, 2016

**RE:** Edgewood Prairie Crossings – Memory Care

**STREET ADDRESS:** 420 & 424 9<sup>th</sup> St SE, Watertown

**LEGAL DESCRIPTION:** Lots 7 through 14, Block 16, Brock's addition to the City of Watertown, Codington County, South Dakota

Watertown Board of Adjustment:

The referenced existing structures were constructed in 1994 and 1995, and were initially granted special exception to allow for *Licensed Residential Treatment*. Assisted Living Centers may also be permitted as Conditional Uses in the current R2A zoning district. The owner is requesting an addition to connect the two existing buildings and provide for shared amenity/therapy and staff/office spaces.

Additionally, the existing structures were surveyed and determined to be “non-conforming” based on the front yard setbacks of 30'-0” in the R2-A zone. The front (West) edge of foundations are both currently approximately 22'-0” back from the property line. The owners would like the variance to allow them to maintain the same setback as the rest of the existing building with the new addition, so that the new connection between buildings would align with the existing leading face of the building along that West side.

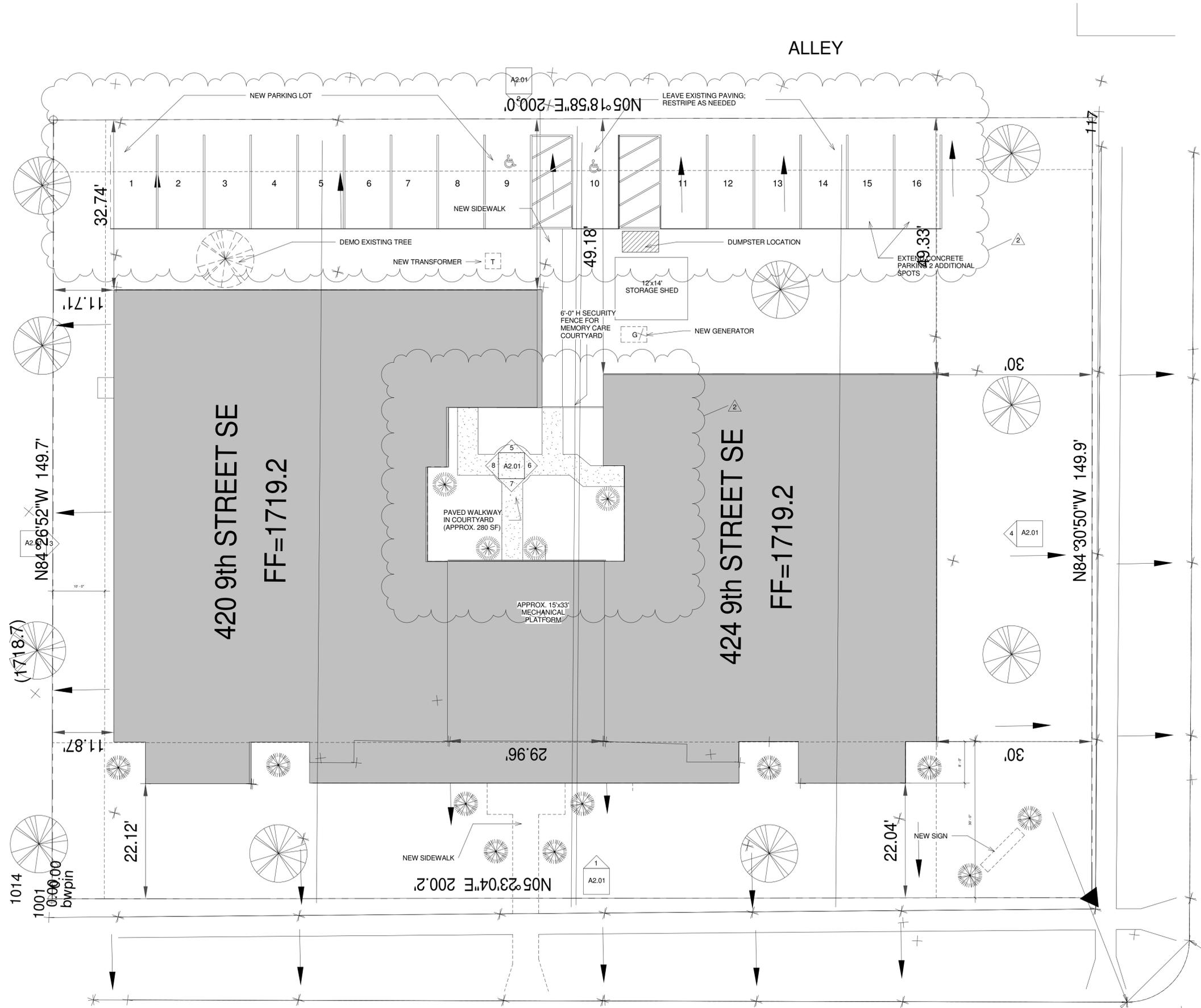
A couple points of note:

1. The property owners purchased the parcels and two structures in 2013. They are intending to connect the facilities and expand services to include licensed Memory Care to help support residents with significant cognitive impairments, as well as provide Memory Care therapy services, and potentially Adult Day offerings for Memory Care. The proposed addition to the facility essentially connects the two existing buildings with an enclosed common area and provides space for essential business and nursing functions for the facility, as well as for more controlled access to interior common areas and exterior courtyard spaces. This will provide some level of independence, but in a care environment sensitive to the challenges of a potential tendency for wandering, and the need for added security for seniors with various forms of dementia and cognitive impairments. As a result of these added patient care elements and the issues facing seniors with cognitive impairments, a full commercial kitchen and fire sprinkler system will be needed to provide for DOH safety requirements for this population.
2. In lieu of raising the building and its proposed newly enclosed connection, the owners and design/construction team are proposing to fulfill the spirit of the ordinance by providing commercial flood-proofing to 1'-0” above the BFE with the appropriate floodproofing certificate, documentation, and inspections. This would be in accordance with the standards for Watertown City Ordinance 5.0217: Non-residential Construction.

Please do not hesitate to contact Mills Construction, Inc., or myself as the Architect of Record, with questions related to the proposed project.

Thank you,

Angela R. Boersma, AIA  
Registered Architect | SD License # 12631



MILLS CONSTRUCTION, INC.  
 1311 Main Avenue S.  
 Brookings, SD 57006  
 T 605-697-3100 | F 605-697-3131  
<http://www.buildwithmills.com>



No.	Description	Date
2	Revision 2	9-22-16

# EDGEWOOD PRAIRIE CROSSINGS WATERTOWN, SD

ALL DIMENSIONS & SIZE DESIGNATIONS ARE SUBJECT TO VERIFICATION ON THE JOBSITE AND ADJUSTMENTS TO FIT JOB CONDITIONS AS DEEMED NECESSARY.

Architect  
 ARB  
 Registration No.:      Date:      6.10.16

Drawn by  
 ARB

Job Number:  
 1681

ARCHITECTURAL SITE  
 PLAN

SCALE:      1" = 10'-0"

## A1.01

1 PROPOSED SITE PLAN  
 1" = 10'-0"

11/1/2016 2:19:55 PM



and seconded by Johnson to deny the application. Upon vote taken, Beebe, Hemp and Johnson vote in favor of the motion and Juba voted against the motion; motion carried. After the motion was made and seconded discussion came about. Kohlhoff explained to the Board and the audience that the lots are not big enough for a home, but relators have the property for sale. Kohlhoff feels that in the future something will be done with the lots. Johnson asked Brinkman if there is room for a house on the lot. Brinkman replied that it would not be automatic, there is not enough room for a home if going by the Ordinances, it would have to go before this Board. The neighbors then explained that the reasons the Ordinances are there is for their protection against applications like this. Johnson then explained to the audience the reasons why the Board of adjustment exists. Beebe then said that the motion has been made and seconded and therefore approved.

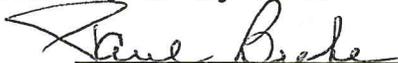
Appl. 6410 by Leroy Benson for house with attached garage at 812 5th Ave NW needs variances for sideyards and not constructing property line sidewalk. Johnson told Benson, (present), that he would like to see the garage at 6' on the East and 7' on the West side. Benson said that would not be a problem. Motion was made by Johnson and seconded by Juba to approve the application with 6' on the East side and 7' on the West side. Upon vote taken, all voted aye; motion carried.

Appl. #6415 by Pat Mack, Watertown Woodworks Inc. located at 500 19th ST SW for Industrial Plant (Light Manufacturing) needs variances from front and side requirements. Pat Mack, (present), told the Board that the parking lot will be in front of building. Motion was made by Juba and seconded by Hemp to approve the application. Upon vote taken, all voted aye; motion carried.

Appl. #6394 that was tabled on Friday May 6, 1994 by Terry Parkinson for special exception at 324 8th Street SE needs home occupation for massage therapist in R-2 Zone. The application came up for discussion. Brinkman informed the Board that Aldermen Don Fox and Larry Singrey are opposed to the application. Johnson said he sees no problem with the application. The Board have passed similar applications in the past. Motion was made by Hemp and seconded by Juba to approve the application, Upon vote taken, all voted aye; motion carried.

Dated at Watertown, South Dakota, this 13th day of May 1994.

  
Ken Lacher, Finance Officer II

  
Paul Beebe, Chairman

OFFICIAL PROCEEDINGS  
BOARD OF ADJUSTMENT

May 20, 1994

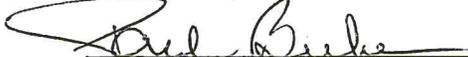
The Board of Adjustment convened at 9:00 am in the meeting room, City Hall, 23 2nd St NE, Paul Beebe presiding. In attendance: Hemp, Pederson and Juba. Absent: Redlin and Johnson. Also in attendance: D. Brinkman, Building Official and Ken Lacher, Finance Officer II.

Appl. #6421 by New West Senior Housing, (Cliff Herzog), for assisted living facility, (14 unit), at 424 9th ST SE needs special exception for licensed residential treatment in R-2 zone. Cliff Herzog, (present), showed the Board a site plan and a brochure of what the housing unit would approximately look like. Herzog explained the housing unit as a 14 resident unit, 7 bedrooms with 2 beds per room, and the rest of the house would be typical rooms found in a house. Herzog went on to explain to the Board that the housing unit will be to assist elderly people. There will be staff members there 24 hours a day to help the elderly people, cook 3 meals a day and to help coordinate any recreational activities. Herzog feels that there is a need for housing units of this nature in the community and this unit will fit right in with the community. There will be 24 hour care for the elderly people at this home. Juba asked what the difference is between a housing unit like this and the other retirement homes in the community like Bennet place. Herzog explained that this place cooks 3 meals a day and not one meal and also that the people who stay here will not have their own cooking facilities and will have shared rooms. Pederson asked Herzog the cost of one person living here. Herzog replied that the cost will be \$1,400.00 per month. Pederson asked if any of the funds were going to come from the County, Herzog replied that all funds will come from the individual living at the home. Juba then asked Brinkman what the total allotted parking spaces would be. Brinkman explained the parking would be 9-10 feet per automobile and there would be approximately 15 off street spaces that the building would provide. Monte Hopper, (attorney for the firm of Austin, Hinderaker, Hopper & Strait), told the Board that he is representing the neighbors in the vicinity of the proposed housing unit. Hopper gave the Board a petition signed by area neighbors that were opposed to the housing unit due to the density of the location already. Hopper then explained that the unit would be located in an R-2 zone and will have 14 rooms now with a future building with up to 14 more rooms across the lot. Hopper then asked the questions on how dense can you load a block and what special exception in the ordinances does this housing unit fall under. Hopper explained that it is not a nursing home and there is no special exception for this home and the biggest problem is the location. Beebe explained that three of the neighbors had called him and were misunderstood as to the application. The neighbors thought that the area was going to be rezoned to a commercial zone. Hopper then replied that his clients feel that this is not the proper location for this home because of the heavy loaded block already. Beebe then asked if anyone in the audience had any comments on this proposed application. One gentleman said that he is a neighbor but he does not want to make any comment and is just observing. Mick Stanton, (representing the proposed home with Herzog), told the Board that he had talked to several of the neighbors and they were misunderstood as to the zoning, they felt the area was going to be rezoned. Juba explained that he didn't know if this application should go before this Board or not. Brinkman then explained that he had talked to City Attorney Foley and Foley explained to him that the Board has the power to make a decision on this application under the special exception, "licensed residential treatment or group homes". Questions then arose about licensing the housing unit and what type of care will be given to the elderly people living at the housing unit. Herzog then said that this facility will be licensed by the state. Hopper explained the zoning requirements and told the Board that their decision will be permanent and feels the Board should table the application until the neighbors understand that the area will not be rezoned and the neighbors get explained as to what exactly the application is about. Hopper feels Herzog should contact the neighbors and explain to them

the proposed application. Hopper then went on to say that a lot of the people that he is representing have to work during the time the Board of Adjustment meets, so they cannot be present. Motion was made by Pederson and seconded by Hemp to table the application for one week so Herzog will have a chance to explain the housing unit to the neighbors. Brinkman then explained that the Board can get more legal advice about the special exception for this application. Juba then told the Board and the audience that an application of this sort will not be the last of its kind, so the Board must be careful about the decision of this application for the future. Upon vote taken, all voted aye; motion carried to table the application for one week until May 27, 1994 meeting.

Dated at Watertown, South Dakota, this 20th day of May 1994.

  
Ken Lacher, Finance Officer II

  
Paul Beebe, Chairman

OFFICIAL PROCEEDINGS  
BOARD OF ADJUSTMENT

May 27, 1994

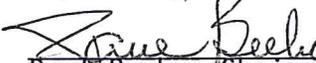
The Board of Adjustment convened at 9:00 am in the meeting room, City Hall, 23 2nd St NE, Paul Beebe presiding. In attendance: Hemp, Pederson, Juba, Redlin and Johnson. Also in attendance: D. Brinkman, Building Official and Ken Lacher, Finance Officer II.

Appl. #6421 by New West Senior Housing that was tabled from May 20, 1994 for assisted living facility at 424 9th St SE needs special exception for licensed residential treatment in R-2 zone came up for discussion. Cliff Herzog, (present), reported to the Board that he contacted three of the neighbors and discussed the proposed housing unit. Herzog explained that he feels the neighbors have the misconception as to the zoning being changed from R-2 to R-3. Herzog then explained that this will be a nice home for elderly people and that traffic will not be a problem because the chances of these people having cars are not very good. Johnson then asked Brinkman about the parking requirements. Brinkman explained to the Board that parking could accommodate up to 12-15 off street parking. Herzog explained that there will be 1 or 2 employees parking there and some occasional visitor parking. Juba then asked Herzog about the utility shed that is shown on the application. Herzog explained that it will be a one stall garage used for lawn mowing equipment, rakes and other lawn care equipment. Mick Stanton (present and representing Herzog in the application), told the audience and the Board that the alley is due to be paved this summer. Doug Austin, (present and representing some opposing neighbors of the application), explained to the Board that Ruth and Dwight Erickson, (adjoining neighbors of the proposed building), called him and wanted his assistance on this application. Austin formally presented the Board a petition signed by 38 of the property owners in the neighborhood opposed to this application. Austin then explained the block was previously zoned R-3 (multi family units) and there are 3 8 plexes in the area already, 8-12 cars for each 8 plex and the residents are concerned with the density of the area. Austin then went on to say that Mr. Tubbs, (present and opposed to

the application), told him that he built a beautiful residential home because of the fact that the area is zoned R-2. Austin then told the Board the others present are neighbors who are opposed to the application, Mr. Peterson, Ms. Swanson, Mr. Walsh and Mr. Tubbs to name a few. Mr. Campbell, (present and owner of the property), told the Board that he feels the application should be approved. Austin then told the Board that the decision they have to make should be based on the Ordinances for special exception and that this special exception requires that a license be required for a group home. Austin feels that this is not a group home and that there is no special exception. Herzog told Austin that they will get a license for elderly care from the state. Brinkman then explained to Austin that other group homes in the area are up to 12 residents. Austin then reiterated the fact of the population density and that the neighbors are opposed to this proposed home. Ruth Erickson then told the Board that Sun Chase apartments had up to 50 cars at one time and she feels that if this home goes up it will cause traffic problems. Brinkman explained the differences between the Sun Chase apartments and this home for elderly people. Herzog then went on to explain to the neighbors the type of people that would be living in this proposed home. Pederson told the rest of the Board that he feels the neighborhood has the right to control the usage. Redlin then said that this proposed application would produce two nice residential homes. Stanton then explained that if this home would not be built, the chances of two other residential homes being put up would be very remote and that anyone could come in and put up 3 duplexes without any hesitation. Redlin then explained to the neighbors that this proposed home would be much more appealing than duplexes being built in the neighborhood. Motion was made by Pederson to deny the application. Motion died as to lack of a second. Motion was made by Juba and seconded by Redlin to approve the application. Upon vote taken, Beebe, Johnson, Redlin and Juba all voted aye. Hemp abstained from the voting and Pederson voted against the motion. Motion carried to approve the application.

Dated at Watertown, South Dakota, this 27th day of May 1994.

  
Ken Lacher, Finance Officer II

  
Paul Beebe, Chairman

OFFICIAL PROCEEDINGS  
BOARD OF ADJUSTMENT

June 03, 1994

The Board of Adjustment convened at 9:00 am in the meeting room, City Hall, 23 2nd St NE, Glenn Johnson, presiding. In Attendance: Hemp, Juba and Redlin. Absent: Beebe and Pederson. Also in attendance: Darwin Brinkman, Building Official and Ken Lacher, Finance Officer II.

Appl. #6442 by Spies Corporation for strip mall with convenience store, car wash, retail space, etc, at 900 5th St SE needs variance only for sideyard setback. Johnson asked Ed Spies, (present), what kind of easement their was on the property. Spies told the Board that the easement is with Shopko for the right for pedestrians and vehicles having the right to walk or drive across the property. The easement goes both ways. Brinkman then explained that the

NOTICE: THE BOARD OF ADJUSTMENT WILL MEET FRIDAY, MAY 20, 1994, AT 9:00 A.M. IN THE MEETING ROOM TO ACT ON THIS APPLICATION. Singrey & Fox

# APPLICATION FOR BUILDING PERMIT No 6421

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	

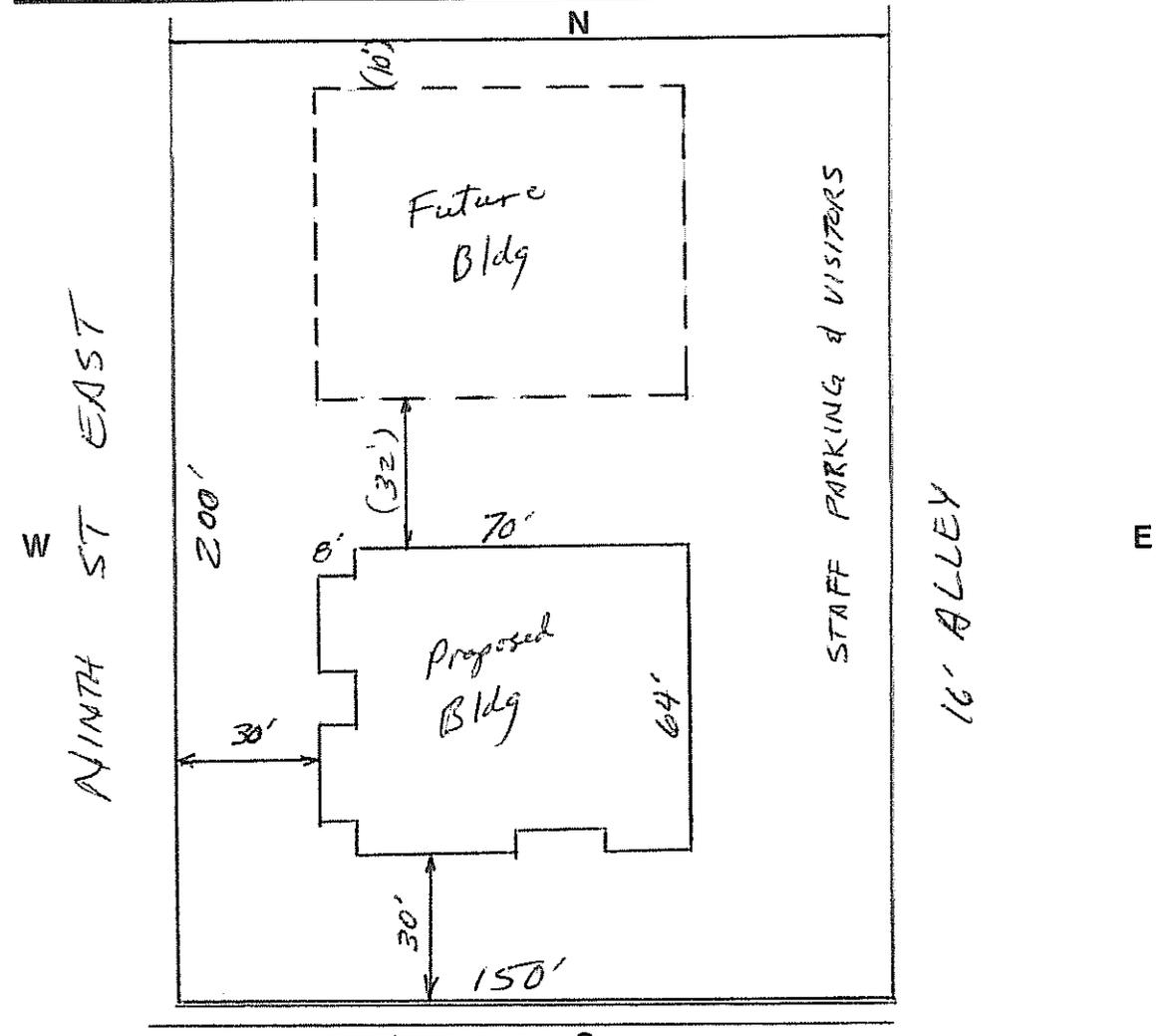
FLOORS			
	B	1st	2nd
Concrete			
Earth			
Gravel			
Plyscore			

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 R-2 Date May 11, 1994  
*special exception only*  
 Proposed Construction Assisted Living Facility (14 unit)  
 Size 64' x 78' Sq. Ft. \_\_\_\_\_ Height One story  
 House No. 424 9th St SE Lot Area 150' x 200'  
 Lot 7-14 Block 16 Addition Brooks Rearrangement of Lot 2  
 Estimated Cost -0- Fee -0- Plans Filed \_\_\_\_\_  
 Details not mentioned above: bed) Needs special exception for licensed residential treatment in R-2 zone



**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 New West Senior Housing, Inc Address \_\_\_\_\_  
 By \_\_\_\_\_  
 Dated \_\_\_\_\_, 19\_\_\_\_

## PERMIT APPROVAL

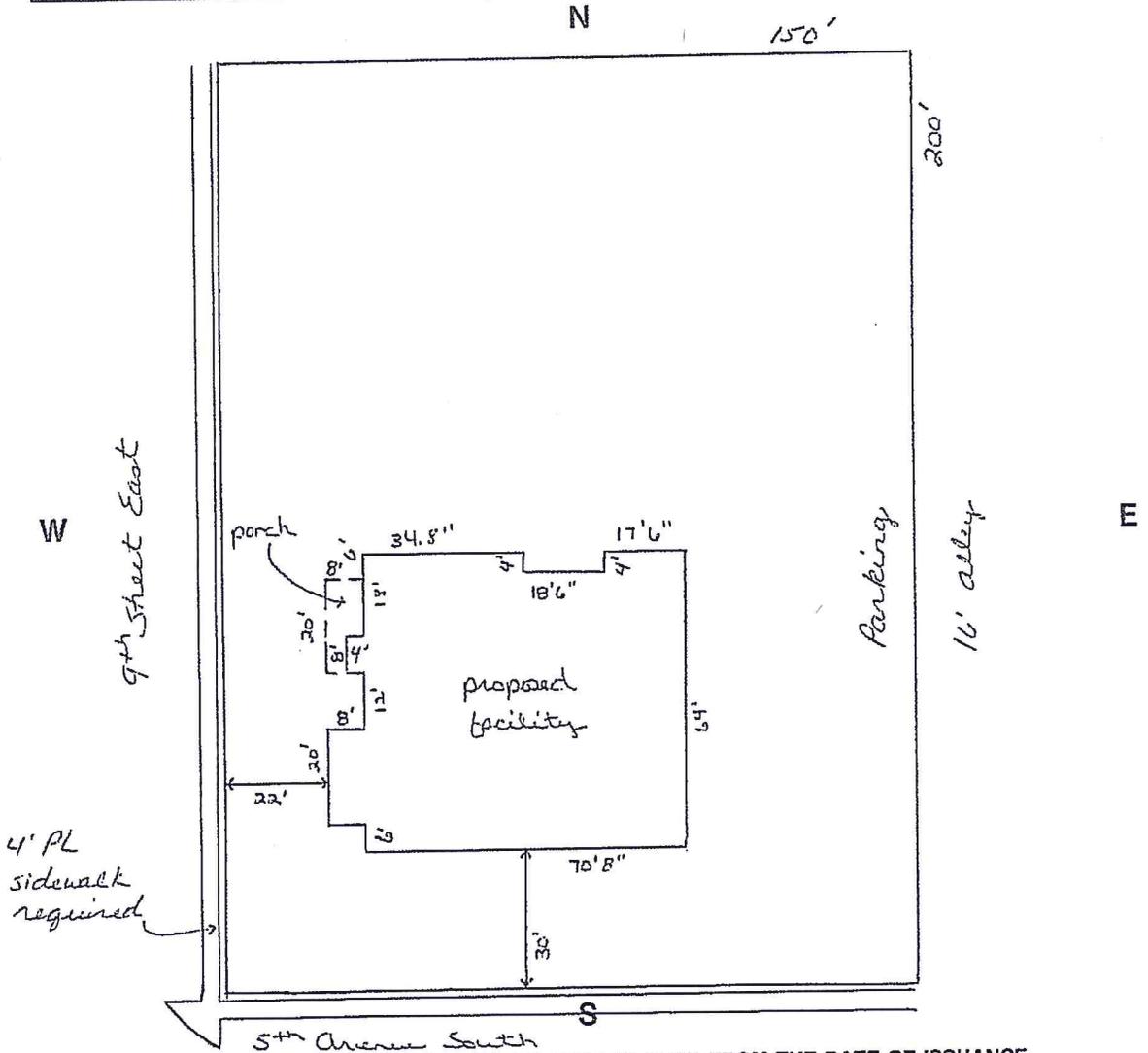
Authorized by: \_\_\_\_\_  
 Members of Board of Adjustment 5/27/94  
 Building Official [Signature]  
 Fire Chief [Signature]  
 City Engineer [Signature]

# APPLICATION FOR BUILDING PERMIT

No 6574

FOUNDATION			
Concrete Slab			
Concrete Block Walls			
Concrete Walls			
Wood Walls			
BASEMENT AREA			
(N) P F			
EXTERIOR WALLS			
Siding on Sheathing			<input checked="" type="checkbox"/>
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			<input checked="" type="checkbox"/>
Roof Insulation			<input checked="" type="checkbox"/>
ROOF TYPE			
Hip			<input checked="" type="checkbox"/>
Gable			
Mansard			
Flat			
ROOFING			
Asphalt Shingle			<input checked="" type="checkbox"/>
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			<input checked="" type="checkbox"/>
Type X Sheetrock			
Painted			<input checked="" type="checkbox"/>
Paneling			
Unfinished Int.			
HEATING			
Solar			
Heat Pump			
Hot Water			
Electric			
Gas Furnace			
Oil Furnace			
Geothermal			
Air Conditioning			<input checked="" type="checkbox"/>
Fireplace			
Wood Stove			
No Heating System			
PLUMBING			
	B	1st	2nd
Rough In			
Bath Rooms			<input checked="" type="checkbox"/>
Kitchen			<input checked="" type="checkbox"/>
Laundry			<input checked="" type="checkbox"/>
No Plumbing			

Zone R2 Date August 23, 1994  
 Proposed Construction assisted living facility (14 bed)  
 Size see sketch Sq. Ft. 4641 Height \_\_\_\_\_  
 House No. 424 9th Street SE Lot Area 150' x 200'  
 Lot s 7-14 Block 16 Addition Brooks Rearrangement of Lot 2  
 Estimated Cost \$180,000.00 Fee \$337.50 Plans Filed \_\_\_\_\_  
 Details not mentioned above: for special exception see permit #6421 dated May 11, 1994



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Owner New West Senior Housing, Inc Address PO Box 804  
 By X [Signature]  
 Dated August 23, 1994

## PERMIT APPROVAL

Authorized by: [Signature]  
 Building Official

Members of Board of Adjustment

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

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

# APPLICATION FOR BUILDING PERMIT

No. 6653

FOUNDATION	
Concrete Slab	<input checked="" type="checkbox"/>
Concrete Block Walls	<input type="checkbox"/>
Concrete Walls	<input type="checkbox"/>
Wood Walls	<input type="checkbox"/>

BASEMENT AREA	
(N) P F	

EXTERIOR WALLS	
Siding on Sheathing	<input checked="" type="checkbox"/>
Single Siding	<input type="checkbox"/>
Double Wall	<input type="checkbox"/>
Pole Building	<input type="checkbox"/>
Column Building	<input type="checkbox"/>
Concrete Block	<input type="checkbox"/>
Face Brick Veneer	<input type="checkbox"/>
Face Brick on C.B.	<input type="checkbox"/>
Hardboard Siding	<input type="checkbox"/>
Wood Siding	<input type="checkbox"/>
Aluminum Siding	<input type="checkbox"/>
Steel Siding	<input type="checkbox"/>
Wall Insulation	<input checked="" type="checkbox"/>
Roof Insulation	<input checked="" type="checkbox"/>

ROOF TYPE	
Hip Gable	<input checked="" type="checkbox"/>
Mansard Flat	<input type="checkbox"/>

ROOFING	
Asphalt Shingle	<input checked="" type="checkbox"/>
Wood Shingle	<input type="checkbox"/>
Membrane Roof	<input type="checkbox"/>
Slate	<input type="checkbox"/>
Steel	<input type="checkbox"/>
Pitch and Gravel	<input type="checkbox"/>

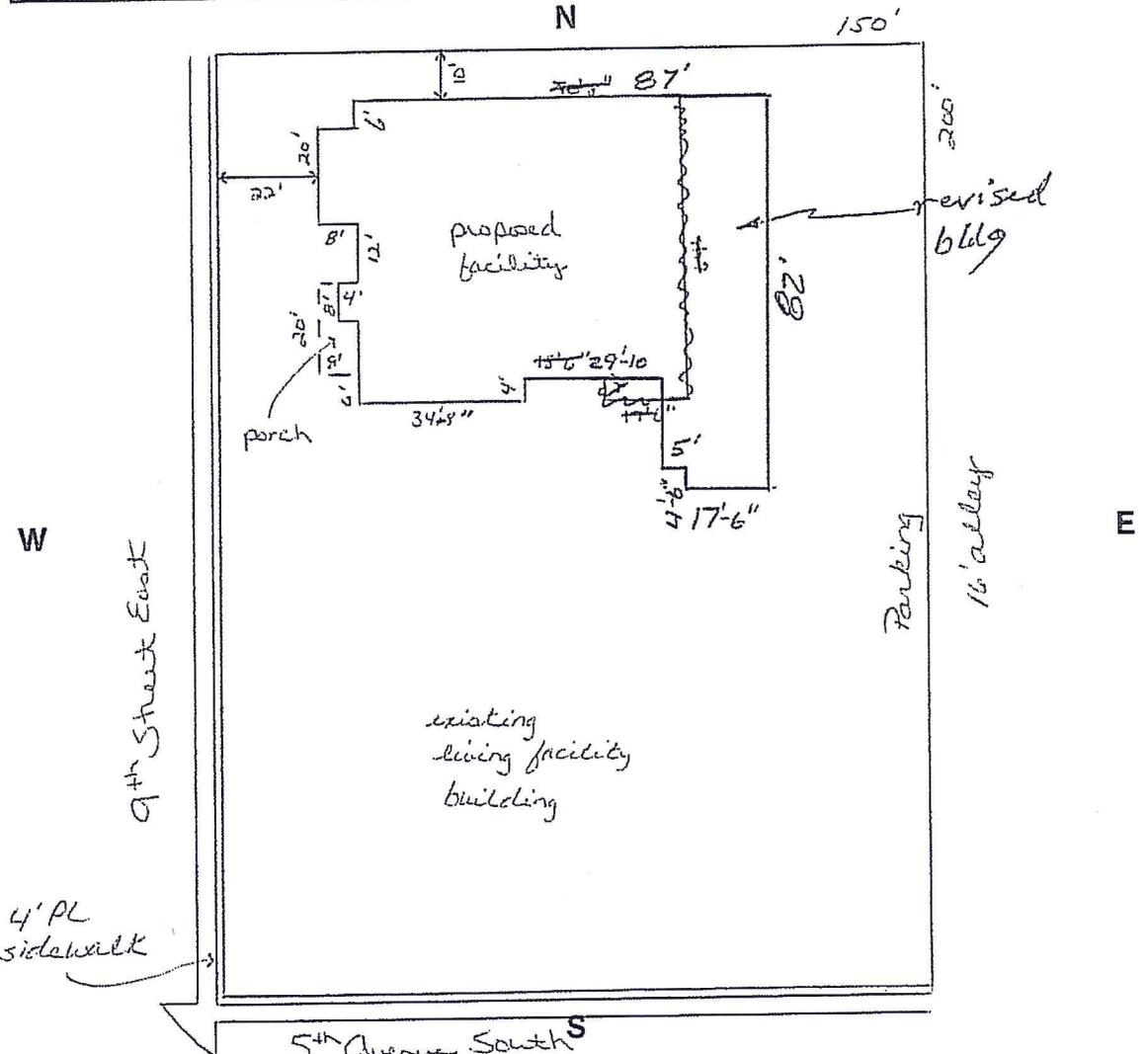
FLOORS			
	B	1st	2nd
Concrete			
Earth			
Gravel			
Plyscore			

INTERIOR FINISH			
	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			<input checked="" type="checkbox"/>
Type X Sheetrock			
Painted			<input checked="" type="checkbox"/>
Paneling			
Unfinished Int.			

HEATING	
Solar	<input type="checkbox"/>
Heat Pump	<input type="checkbox"/>
Hot Water	<input type="checkbox"/>
Electric	<input type="checkbox"/>
Gas Furnace	<input type="checkbox"/>
Oil Furnace	<input type="checkbox"/>
Geothermal	<input type="checkbox"/>
Air Conditioning	<input checked="" type="checkbox"/>
Fireplace	<input type="checkbox"/>
Wood Stove	<input type="checkbox"/>
No Heating System	<input type="checkbox"/>

PLUMBING			
	B	1st	2nd
Rough In			
Bath Rooms		<input checked="" type="checkbox"/>	
Kitchen		<input checked="" type="checkbox"/>	
Laundry		<input checked="" type="checkbox"/>	
No Plumbing			

Zone R2 Date November 16, 1994  
 Proposed Construction assisted living facility (14 bed)  
 Size see sketch Sq. Ft. 4641 + 1382<sup>sq</sup> Height \_\_\_\_\_  
 Address 420 9th Street SE Lot Area \_\_\_\_\_  
 Lot s 7-14 Block 16 Addition Blocks Rearrangement  
 Estimated Cost \$180,000.00 + 45,000.00 Fee \$337.50 + 25.00 Plans Filed of Lot 2  
 Details not mentioned above: for special exception see permit #6421 dated May 11, 1994, and permit #6574 dated Aug 23, 1994



← 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. →

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Owner New West Senior Housing, Inc Address P.O. Box 804  
 By Margaret Seine  
 Dated November 16, 1994 Contractor Ward Const

## PERMIT APPROVAL

Authorized by: [Signature] Building Official  
 Members of Board of Adjustment  
 \_\_\_\_\_  
 \_\_\_\_\_ Fire Chief  
 \_\_\_\_\_ City Engineer

EVI Prairie Crossings, LLC 420 & 424 9th St SE



409 9th St SE

9th St SE

R2A

420 9th St SE

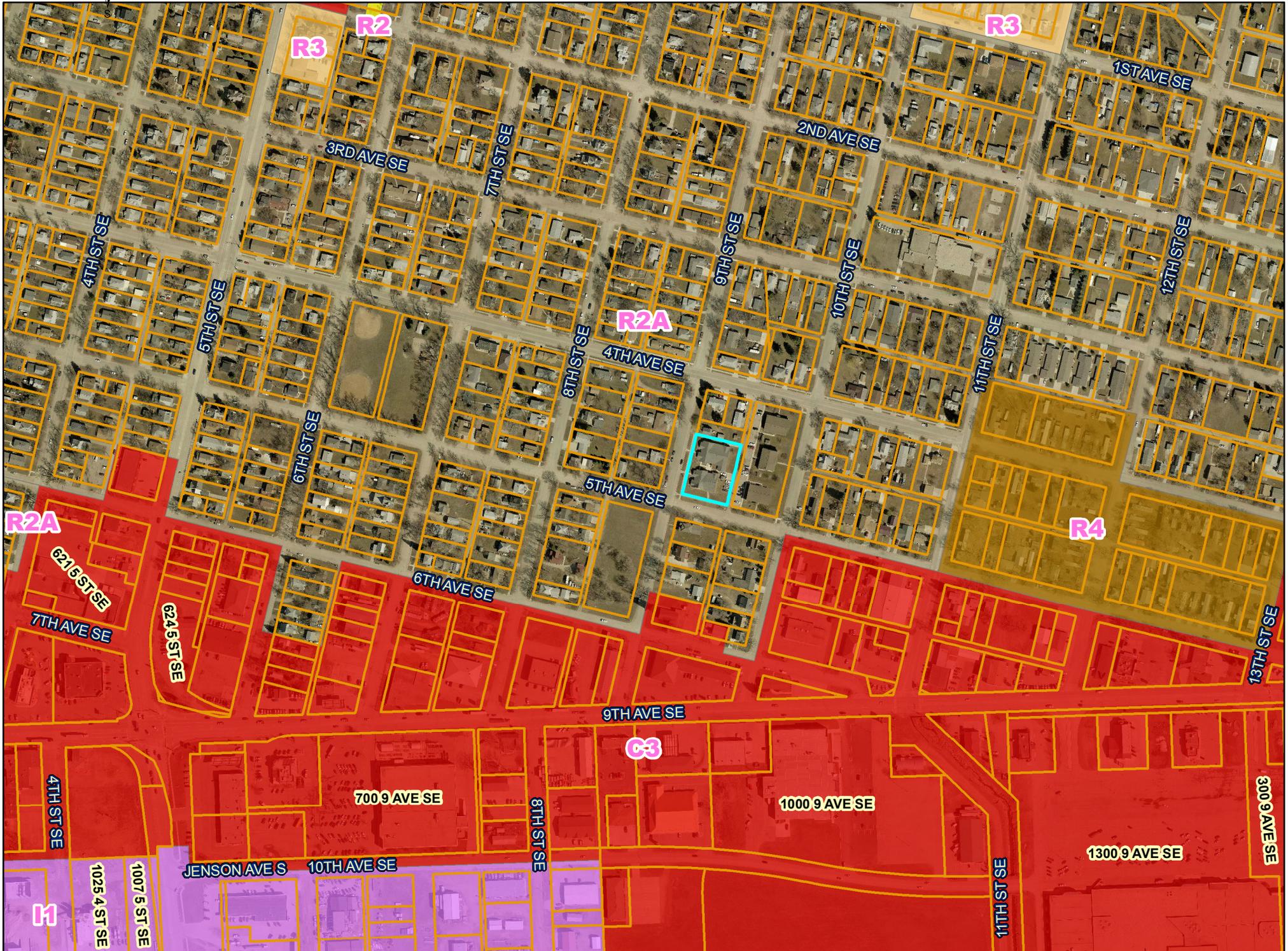
410 9th St SE

904 4th Ave SE

915 5th Ave SE - 916 4th Ave SE

5th Ave SE

EVI Prairie Crossings, LLC 420 & 424 9th St SE



# STAFF REPORT

## Appeal #17110

Owner/Applicant: **EVI Prairie Crossings, LLC**

Property Address: **420 & 424 9th St SE**

Legal: Lots 7-14, Blk 16, Brock's Addition

1. **Application was submitted** requesting to **enlarge/expand an existing 10,719 sq ft nonconforming Assisted Living facility** which exists on a large parcel located in the R-2A Single Family Attached Residential District; said nonconforming structures currently set as close as:

- **22'** from the front (west) property line, where a minimum **30'** setback is required; **the nonconforming 1,597 sq ft addition** (connecting two (2) existing nonconforming buildings) **is proposed to be constructed:**
- **22'** from the front (west) property line (“in-line”), where a minimum **30'** setback is required.

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

- §21.0302 prohibits the alteration, modification &/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...;
- §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; and
- ~~Title 5 Floodplain Regulations on residential elevation requirements in the AO zone.~~ (no longer an issue)

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

	<u>Min R-2A Regs:</u>	<u>Existing/Proposed:</u>	<u>Meets Req'ts?:</u>
Minimum Lot Area:	7,500 sq ft	30,000 sq ft	X
Minimum Lot Width:	75'	150'	X
<b>Front SB:</b>	30'	W: 22.04' / <b>22.08'</b>	<b>NO / NO</b>
<b>Front SB:</b>	30'	S: 30' / <b>NA</b>	X / <b>NO</b>
<b>Side SBs:</b>	9'	N: 11.71' & E: 32.74' / <b>NA</b>	X / <b>NO</b>
<b>Blvd Rqts (21.73):</b>	15' grass blvd w/7 trees	2 blvd trees / <b>6 (front yd) shown</b>	<b>no</b>
<b>Infr Rqts (Titles 5, 18, 21 &amp; 24):</b>	4' sw/trl, c&g	compliant	X
<b>Min Off-St Pkg (OSP) (21.63):</b>	14	5 / <b>16</b>	*X

\*based on Nursing & board care homes @ 1/4 beds, plus 1/2 employee, and 1/staff doctor

### BP HISTORY:

1994	#6421	New West Senior Hsg, Inc	420 & 424 9 <sup>th</sup> St SE	Special Exception (see attached mins)
1994	#6574 & #6653	“ “	420 & 424 9 <sup>th</sup> St SE	14 bed Assisted Living facility (x 2)
1999	no BP found	“ “	420 & 424 9 <sup>th</sup> St SE	unlawful 168 sq ft shed
2016	#16841	EVI Prairie Crossings, LLC	420 & 424 9 <sup>th</sup> St SE	partial DEMO

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

- In 1994 Special Exception #6421 was granted to this property to allow for two (2) compliant, one-story buildings to be used as an Assisted Living facility / licensed residential treatment in the R-2 zone. Each Building would house fourteen (14) beds.
- Subsequently, Building Permits #6574 & #6653 were issued by the Building Official, to New West Senior Hsg, Inc, for two (2) *noncompliant* buildings. For reasons unknown and not noted on the permits, the structures were permitted to be constructed 22' from the front (west) property line, thus creating two (2) legal nonconforming buildings.
- However, there is 17,871 sq ft of legal/compliant buildable area on this 30,000 sq ft parcel of which 5,555 sq ft is still available to develop without variances from setback requirements.
- This parcel lacks standard Blvd requirements (Blvd trees). 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 & Floor Plans, Aerial Maps, BPs & BOA mins

Mtg date: Nov 10, 2016