

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

Thursday December 8, 2016

4:15 PM

Call to Order

Roll Call

1. Approval of 11/10/16 Minutes
2. Applicants Michael & Angela Bevers (#17137) appeal the terms of the Zoning Ordinance, seeking variance relief from the requirements of Chapters 21.03, 21.60 & Section 21.1002, to allow for the construction of a nonconforming unattached garage in the R-1 Single Family Residential District @ 1101 Skyline Dr.
 - A. Public hearing
 - B. Board of Adjustment action
3. Applicant Edward Spies for Spies Corporation (#17138) appeals the terms of the Zoning Ordinance, seeking variance relief from the requirements of Chapters 21.03, 21.60, 21.73 & Section 21.1003, to allow for the construction of a nonconforming commercial building in the C-3 Highway Commercial District @ 920 3rd St SE; concurrently, applicant seeks Conditional Use approval to allow for Storage Units in that structure per §21.2803(12), and contingent upon compliance with Specific Rules Governing Individual Conditional Uses including but not limited to §21.0202(2)b(6a-h).
 - A. Public hearing
 - B. Board of Adjustment action

Old Business:

Motion to adjourn

Dear Board of Directors:

We would appreciate a variance on set back of our property line so we can construct an outbuilding. The legal description of the property discussed is: Lot 1, Block 4, Suttor's Sunset Heights also referred to as 1101 Skyline Drive.

We feel that granting of the building permit will not be contrary to the public interest. In fact, we feel it is in the public interest to grant the building permit. Granting of this permit will help keep the public space (curb side) free of obstacles (vehicles, boat, ect.). Granting of the building permit will not alter the essential character of the locality.

We believe granting of the variance would be beneficial not only to our neighborhood but also our city. This property is located across the street from Holy Name Catholic Church. We would like to keep our side street and driveway free from as much "clutter" as possible. The reason for this is Holy Name Catholic Church attracts many out of town guest for various celebrations and special masses.

The area of the proposed building site would not affect the flow of traffic, obstruct the view of traffic, or affect the view from our neighbor's home. The proposed site is on the garage side of our neighbor's home. They also have a retaining wall that runs the property line which varies in height from 9+ feet to 4 feet depending on the elevation change along the property line. We have spoke with our neighbors and they have no issue with the variance of the set back of the property line or the construction of an outbuilding.

The outbuilding will be constructed with quality materials, done in a professional manner, have proper landscaping, and match the existing home and garage in color and appearance.

We would appreciate the opportunity to help keep our neighborhood and our city beautiful for our many visitors. Please contact us with any questions or concerns you may have.

Thank You,



Michael & Angela Bevers

11/7/2016

PLOT PLAN

OWNERS: MICHAEL & ANGELA BEVERS

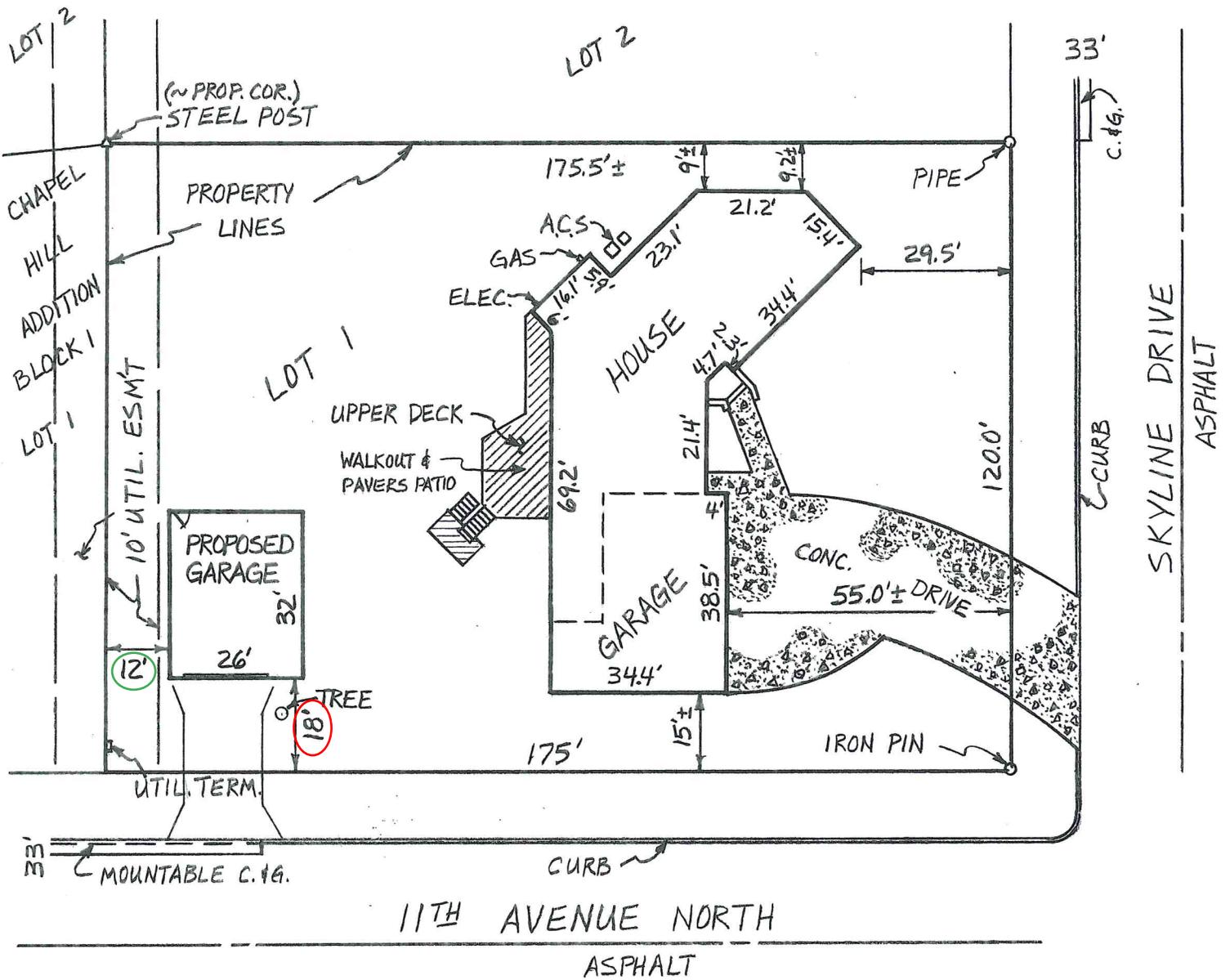
ADDRESS: 1101 SKYLINE DRIVE WATERTOWN, SD 57201

LEGAL DESCRIPTION: LOT 1, BLOCK 4, SUTTOR'S SUNSET HEIGHTS
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



NOVEMBER 1, 2011
UPDATED MAR. 18, '14 DDB
SEPTEMBER 18, 2016

SCALE 1" = 30'

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	<input checked="" type="checkbox"/>
Mansard	Flat	

ROOFING

Asphalt Shingle	<input checked="" type="checkbox"/>
Membrane Roof	
Steel	
Other	

FLOORS

	B	1st	2nd
Concrete			<input checked="" type="checkbox"/>
Gravel/Earth			
Plyscore			

INTERIOR FINISH

	B	1st	2nd
Sheet Rock			
Type X Sheetrock			
Other			
Unfinished			<input checked="" type="checkbox"/>

HEATING

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

PLUMBING

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

SITE REQUIREMENTS

Grass Blvd/Trees	6
Stairways	S.S.
ESC > 1 acre	<input checked="" type="checkbox"/>
DLA	
WORTP	

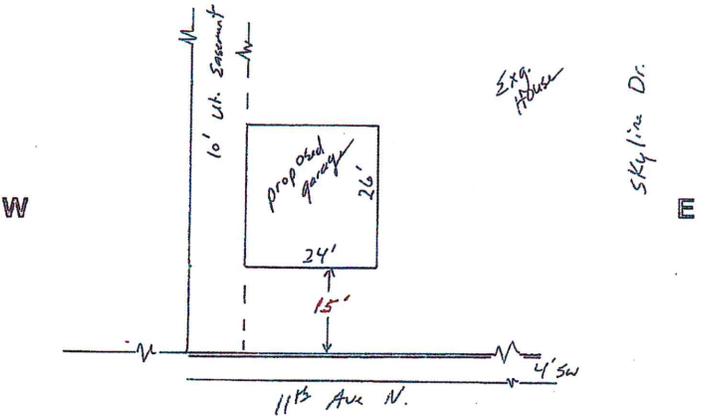
FLOOD HAZARD

Floodway	
1% (100 yr.)	
2% (500 yr.)	
Out	<input checked="" type="checkbox"/>
Req'd Elev.	
Proposed Elev.	
Elev. Cont Req'd	
Flood Proof/Non Sub	
DPRM Date	

APPLICATION FOR BUILDING PERMIT 15454

Zone R-1 Date _____
 Proposed Construction unattached garage
 Size 24'x26' Sq. Ft. 624 Height ≤ 18' x 10' s/s
 Address 1101 Skyline Dr. Lot Area 21,030
 Lot 1 Block 4 33 Addition South's Sunset
 Estimated Value _____ Fee +100 Plans Filed X

Details not mentioned above: App appeals the requirements of § 21.0302
creation of non conforming; § 21.1002 H&P Regs for accessory structures
§ 21.6001 All Reg'd yds shall be open unoccupied space w/NO
obstructions whatsoever; and § 21.6002 No Reg'd yd shall be reduced
in dimension below the min. Reg'd.



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(9) 2006 IBC Section 106.3.1 Approval of construction documents, is hereby amended to read as follows: 106.3.5 Applicant's Responsibility for Compliance. Examination and review of 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 Michael Bevers Address Owner Occupied
 By _____
 Dated _____ Contractor _____

PERMIT APPROVAL 4/24/14

Authorized by: _____ Members of Board of Adjustment

_____ Building Official

_____ Fire Chief

_____ City Engineer

Public Hearing: Appeal No. 15454
Michael & Angela Bevers appeal the terms of the Zoning Ordinance as it applies to their property located at 1101 Skyline Dr
 Application was submitted requesting to construct a nonconforming 24'x26' (624 sq ft) unattached garage on a 21,030 sq ft parcel; said structure proposed to be constructed 15' from the front (south) property line, where a minimum 25' setback is required. The Staff Report was orated. Mr. Bevers spoke in support of his application, citing neighbors' support and his desire for more storage as reasons to grant variances from the ordinance requirements. Stonebarger and Oletzke stated that there is sufficient buildable area to construct without variances. Oletzke motioned to approve; Lawrence seconded; Arnold, Lawrence, & MaGuire in favor; Stonebarger, Shriver, Oletzke, & Dahle opposed; motion failed.

APPLICATION FOR PERMIT #15454
Staff Report on Applicant's Appeal of the Zoning Ordinance Requirements

Applicant: **Michael & Angela Bevers**
 Address: 1101 Skyline Dr
 Legal: Lot 1, Blk 4, Section "B" of Suttor's Sunset Heights Addn

	R-1 min Req's	Proposed	Meets Req's:
Area	10,000 sq ft	21,030 sq ft	X
Width	85'	120'	X
Front	25'	S: 15'	NO
Front	25'	E: N/A	N/A
Side	9'	N: 79'	X
Side	9 ² (10' easement)	W: 10'	X
Bldv Rqts	15' grass blvd / 6 trees	exists / 0 blvd trees	no*
Infr Rqts	sw/trl / c&g	no sw / exists	no**
Off-St Pkg	2/sfd	6+	X

*0 Blvd trees: lot has "front yard" trees to the south, nothing to the east.
 **sidewalk was specifically required as stated on the original BP (#1270).
 (Neither this applicant nor any prior owner have sought variance relief from the Blvd trees or sidewalk requirements.)

1. **Application was submitted** requesting to construct a **nonconforming 24'x26' (624 sq ft) unattached garage** on a 21,030 sq ft parcel; said structure proposed to be constructed:
 - **15'** from the front (south) property line, where a minimum of **25'** is required.
2. **Application was denied** based on the following ordinance regulations:
 - §21.0302 prohibiting the design and creation of nonconforming structures;
 - §21.1002 Height & Placement Regulations for Accessory Structures;
 - §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 requirements of the current Zoning Ordinance.

HISTORY: (see attached permits and BOA minutes)

- 1979 #1270 (Applicant: Munson) **house w/attached garage**
- A 30' front (south) setback was required; variance was granted for 28'.
- 2011 #14064 (Applicant: Russell & Bevers) **noncompliant 463.5 sf (13.5'x34') garage addition**
- A 25' front (south) setback was required; variance was granted for 14'.

STAFF REVIEW: (all public notice requirements have been met)

- There is sufficient buildable area on this lot to construct a compliant garage of equal area, without variance.
- **15'** is not sufficient off-street parking length in front of the proposed garage, as any vehicle parked there will encroach into the public Right-of-Way and over the pedestrian (sidewalk) ROW. According to the Engineering Design Standards currently used by the City, **18.5'** is the minimum parking space length for a 90° parking space off of a driving aisle/ROW; per Ordinance §21.1002(3a), **20'** is the minimum parking space length required in front of garage doors opening onto a Right-of-Way.
- If application is endorsed, the board may consider fulfillment of the sidewalk and Blvd tree requirements as condition of approval.

Staff Notes That it Appears:

the applicant failed to justify grounds under which variance could be granted, as instructed and outlined in §21.2302(3)(B)1-4 & (C)1-4 *Requirements for the granting of a Variance*; and that it appears that the applicant failed to demonstrate that literal enforcement of the ordinance would result in "unnecessary hardship" that is substantial and of compelling force as set forth under SDCL 11-4-17, and that denial would not deprive the applicant of any reasonable/beneficial use of the land.

mtg: 4/24/14

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Public Hearing: Application No. 14064 by Sherrylynn Leddy & William Russell at 1101 Skyline Dr; request variances from §21.0302 prohibiting the design & creation of nonconforming structures; §21.2001 Height & Placement Regulations; §21.2102 Restrictions Governing the Allocation & Disposition of Required Yards & Open Space; §21.2104 No adjacent open space shall be used to satisfy any required yard (setback) for any other structure, and owner's obligation to maintain required yards

(This application was originally heard on 9/7/2011, and was denied; however, the applicants have been allowed to return, due to a technicality that City Attorney Fox has advised warrants reconsideration: Board Member DeBoer left that meeting after the Leddy/Russel hearing was opened, but prior to the vote.)

Application was submitted requesting to enlarge a conforming single family dwelling with a nonconforming (13'6"x34'4") 463.5 sq ft (attached) garage addition, proposed to be constructed 14' from the front (south) property line where a minimum of 25' is required by ordinance. Staff noted that this is currently a completely compliant structure setting on a conforming corner lot, approval of this request will create a nonconforming structure where currently none exists, and there is sufficient buildable area on this parcel to construct without variance (either attached or detached).

Applicants' realtor, Jason Maguire, stated that strict application of the ordinance would deprive the applicant of any reasonable use of the land, as its only current use is outside storage which creates a cluttered appearance and poor curb appeal, thus the land cannot yeild a reasonable return; additionally, he asserted that the property is unsuitable for a detached garage in the backyard (as was discussed at the 9/7/2011 hearing) due to obstruction of views, an unattractive tall foundation wall, and it would not be cost effective. Gary Munson spoke again in support of the request. Sherrylynn Leddy was present to support her written request, but made no comment. Stonebarger questioned the aesthetic difference between a tall foundation wall for the proposed attached structure in the front yard vs. an "unattractive" tall foundation wall for a detached structure constructed on the same slope in the backyard. Russell acknowledged that there would be a 6'-8' cement block wall in either situation. Mike Bievers (who has made an offer on the property contingent upon the approval of these variances) stated that if approved as requested, he would extend the siding down and construct retaining walls so that there would not be 6'-7' of exposed block wall. Oletzke motioned to approve, DeBoer seconded, motion carried unanimously.

OLD BUSINESS:

Todd Leininger submitted written request to this Board for the construction of a nonconforming garage (permit #14062), and was denied variances at his BOA hearing on September 7, 2011. Leininger now requests reconsideration, as he feels that not all facts were presented. The Board agreed to allow Mr. Leininger to resubmit his original request, with his additional information, via the usual application/public notice process (but waiving the one year wait requirement).

Motion by Arnold to adjourn, seconded by DeBoer, motion carried unanimously.



Pat Shriver, Chairman

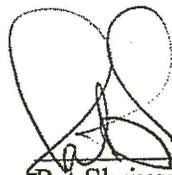
OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD

September 7, 2011

Public Hearing: Application No. 14064 by Sherrylynn Leddy & William Russell at 1101 Skyline Dr; request variances from §21.0302 prohibiting the design & creation of nonconforming structures; §21.2001 Height & Placement Regulations; §21.2102 Restrictions Governing the Allocation & Disposition of Required Yards & Open Space; and §21.2104 No adjacent open space shall be used to satisfy any required yard (setback) for any other structure, and owner's obligation to maintain required yards

Application was submitted requesting to enlarge a conforming single family dwelling with a nonconforming (13'6"x34'4") 463.5 sq ft garage addition, proposed to be constructed 14' from the front (south) property line where a minimum of 25' is required by ordinance. Staff noted that this is currently a completely compliant structure setting on a conforming corner lot, approval of this request will create a nonconforming structure where currently none exists, and there is sufficient buildable area on this parcel to construct without variance (either attached or detached). Albertsen questioned why construction cannot take place within the substantial buildable area; realtor Jason Maguire replied that they would lose the view. Oletzke noted that the proposed addition would encroach farther toward the street than any other structures in the area, and commented that there is room for enlargement to the east and west of the existing garage. Maguire confirmed that this request is for the sale of the property; the potential buyer does not want to do detached, or additions to the existing garage east or west, he wants only to go to the south. Don Fox (adjacent landowner to the NW) previously had concerns but spoke in support, as other placement options would also diminish his views, and he didn't think another curb cut on 11th Ave would be good. Gary Munson, who built the house in 1979, mentioned that he did not think the slope of the property was very conducive to a detached garage in the back. Solum and Shriver thought that topography might be a factor for approval. Sherrylynn Leddy was present to support her written request, but made no comment. DeBoer left during the public hearing. Solum motioned to approve, Oletzke seconded, 4 in favor, 1 opposed, motion failed.

Solum motioned to adjourn, Stonebarger seconded, and motion carried unanimously.



Pat Shriver, Chairman

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 Siding

Steel Siding

Wood 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		<input checked="" type="checkbox"/>	
Gravel/Earth			
Plyscore			

INTERIOR FINISH

	B	1st	2nd
Sheet Rock		<input checked="" type="checkbox"/>	
Type X Sheetrock			
Other		<input checked="" type="checkbox"/>	
Unfinished			

HEATING

Solar/Geothermal

Heat Pump/Hot Water

Electric

Gas Furnace

Air Conditioning

Fireplace/Stove

No Heating System

PLUMBING

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

SITE REQUIREMENTS

Grass Blvd/Trees

Sidewalks

ESC > 1 acre (N)

DLA

WORPT

FLOOD HAZARD

Floodway

1% (100 yr.)

.2% (500 yr.)

Out

Req'd Elev.

Elev. Cert. Req'd

Flood Proofed

DFIRM Date

APPLICATION FOR BUILDING PERMIT 14064

Zone R-1 Date 8/25/11, 2011

Proposed Construction garage addn.

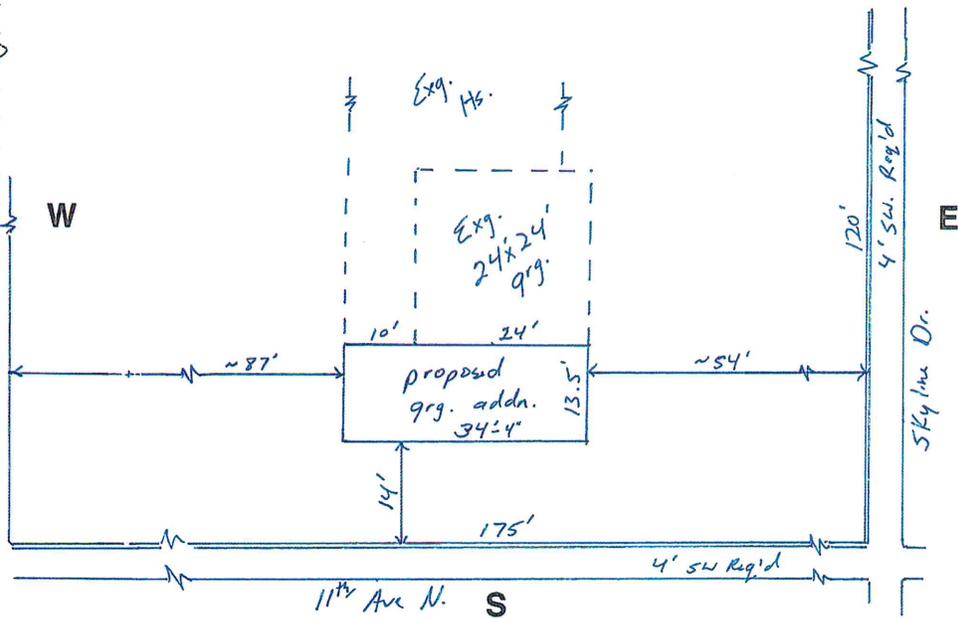
Size 13.5' x 34' Sq. Ft. 463.5^{sq}' Height

Address 1101 Skyline Dr. Lot Area

Lot 1 Section "B" Block 4 Addition Sutton's Sunset Hts

Estimated Cost 10,196 Fee \$250 + 100^{sq} sq ft Plans Filed

Details not mentioned above: Request Variance for: §21.0302 prob. zoning
the design & creation of nonconforming structures; §21.2001 H&P Regs;
§21.2102 Restrictions gov. g Reg'd yds to open space; and §21.2104
No adjacent open space shall be used to satisfy and setback for any other bldg.



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 William Russell + Sherry Lynn Laddy Address SAA (owner occupied)

By William Russell

Dated 10/14/11, 2011 Contractor

PERMIT APPROVAL 9/7/11 - Denied
9/22/11

Authorized by: Building Official

Members of Board of Adjustment:

 Fire Chief

 City Engineer

Staff Report
APPLICATION FOR BUILDING PERMIT # 14064

Applicant: **Sherrylynn Leddy & William Russell**
 Address: 1101 Skyline Dr Adj zones: all R1
 Legal: Lot 1, Blk 4, Section "B" of Suttor's Sunset Heights Addn

	R1 min Req's	Existing & Proposed	Meets Req's:
Area	10,000 sq ft	21,000 sq ft	X
Width	85'	120'	X
Front	25'	E: 29'6" & S: 27'6" / 14'	NO
Side	9'	N: 9'1"	X
Rear	25'	W: ~87' / ~87'	X
Blvd Rqts	15' grass blvd / 6 trees	exists / 0 blvd trees*	no
Infr Rqts	sw/trl, c&g	no sw** / exists	no
Off-St Pkg	2/sfd	2 / 3	X

*0 Blvd trees; have "front yard" trees to the south, nothing to the east.

**sidewalk was specifically required as stated on the original BP (#1270).

REQUEST:

Variances from:

- §21.0302 prohibiting the design & creation of nonconforming structures;
- §21.2001 Height & Placement Regulations;
- §21.2102 Restrictions Governing the Allocation & Disposition of Required Yards & Open Space;
- §21.2104 No adjacent open space shall be used to satisfy any required yard (setback) for any other structure, and owner's obligation to maintain required yards.

STAFF REVIEW:

- Application was submitted requesting to enlarge a conforming single family dwelling with a nonconforming (13'6"x34'4") 463.5 sq ft garage addition, proposed to be constructed 14' from the front (south) property line where a minimum of 25' is required by ordinance.
- This is a completely compliant structure setting on a conforming corner lot. Approval of this request will create a nonconforming structure where currently none exists, contrary to ordinance §21.0302.
- There is sufficient buildable area on this parcel to construct without variance (either attached or detached).
- Per §21.2302(C): No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- BP #1270 was issued for the original house and garage in 1979, with variance from front (south) setback requirement (the required front yard setback was 30' at that time, it is now 25'). "Sidewalk required" was specified on that permit, but it was never installed (see attached BP #1270).
- If endorsed, this Board may consider approval conditional to fulfillment of boulevard (trees) & infrastructure requirements (installation of sidewalk as originally required).

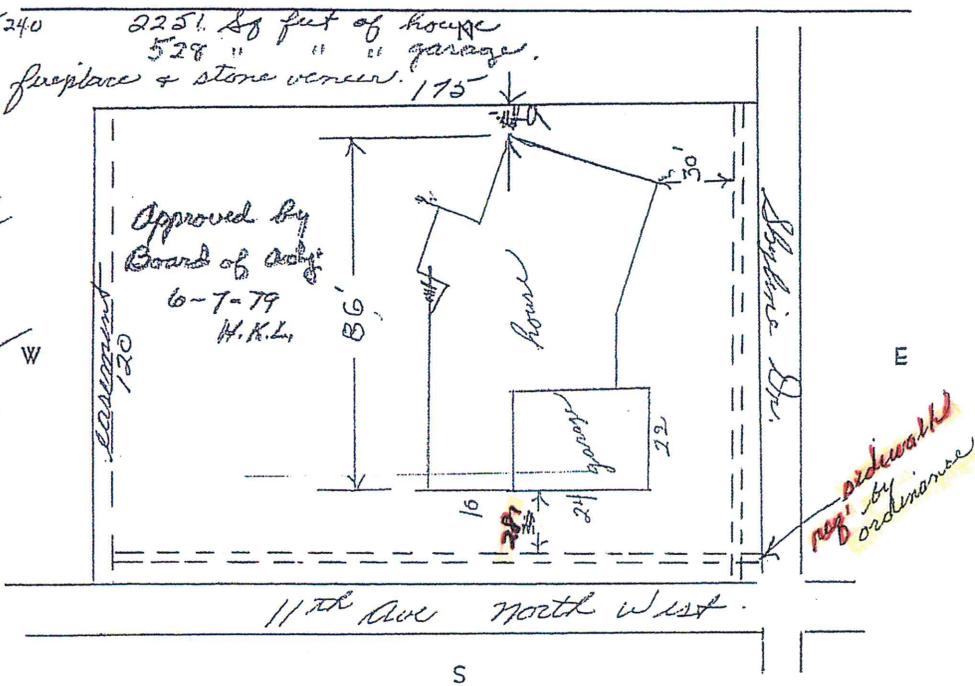
Staff notes that it appears the applicant failed to justify grounds under which variance could be granted, as instructed and outlined in §21.2302(3)(B)1-4 & (C)1-4 *Requirements for the granting of a Variance*; and that it appears the applicant failed to demonstrate that literal enforcement of the ordinance would result in "unnecessary hardship" that is substantial and of compelling force as set forth under SDCL 11-4-17, and that denial would not deprive the applicant of any reasonable/beneficial use of the land.

APPLICATION FOR BUILDING PERMIT No 1270

GOOD FOR ONE YEAR ONLY

FOUNDATION				
Tile Walls				
Cement Block Walls	<input checked="" type="checkbox"/>			
Concrete Walls				
Brick Walls				
BASEMENT AREA				
N	P	F		
EXTERIOR WALLS				
Siding on Sheathing	<input checked="" type="checkbox"/>			
Single Siding				
Wood or Comp. Shingles				
Pole Building				
Stucco on Frame				
Stucco on Tile or C.B.				
Face Brick Veneer	<input checked="" type="checkbox"/>			
Face Brick on Tile or C.B.				
Common Brick Veneer				
Com. Brick on Tile or C.B.				
Asbestos 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				
Asbestos Shingle				
Slate				
Steel				
Pitch and Gravel				
FLOORS				
	B	1st	2nd	3rd
Cement	<input checked="" type="checkbox"/>			
Earth				
Pine				
Hardwood				
Plyscore				
INTERIOR FINISH				
	1st	2nd	3rd	
Pine				
Hardwood				
Plaster				
Sheet Rock	<input checked="" type="checkbox"/>			
Wall Board				
Painted	<input checked="" type="checkbox"/>			
Paneling				
Unfinished Int.				
HEATING				
Propane Units				
Steam or Vapor Units				
Hot Water				
Electric				
Gas, Furnace	<input checked="" type="checkbox"/>			
Oil Furnace				
Space Heater				
Air Conditioning				
Coal Stoker				
Gas Conversion				
No Heating System				
PLUMBING				
Bath Rooms	<input checked="" type="checkbox"/>			
St. Shower Bath Room				
Stall Shower Extra				
Toilet Rooms				
Water Closet Extra				
Lavatory Extra				
Septic Tank or Cess Pool				
Water Only				
No Plumbing				

Zone R-2 Date June 1, 1979
 Proposed Construction House & attached garage
 Size See attached map Height _____ Lot Area 120 X 175
 House No. 1101 Skyline Drive
 Description: Lot 1 Block 4th plat Addition Section B Southern Sunset
 Estimated Cost 66,934.90 Fee 172.00 Plans Filed _____
 Details not mentioned above: Variance - side yard



NO PART OF STRUCTURE WILL BE NEARER THAN THE ESTABLISHED HOUSE LINE IN THE BLOCK. PROJECT MUST BE STARTED WITHIN ONE YEAR OR THIS PERMIT WILL EXPIRE.

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 Inspector, 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's Name Gerhard Munson Address 1317 - 2nd St NW
 By Richard Munson
 Dated _____, 19____ Approved by: _____
 Authorized by: _____
 _____ Building Inspector _____
 _____ Fire Chief _____ Members of Board of Adjustment

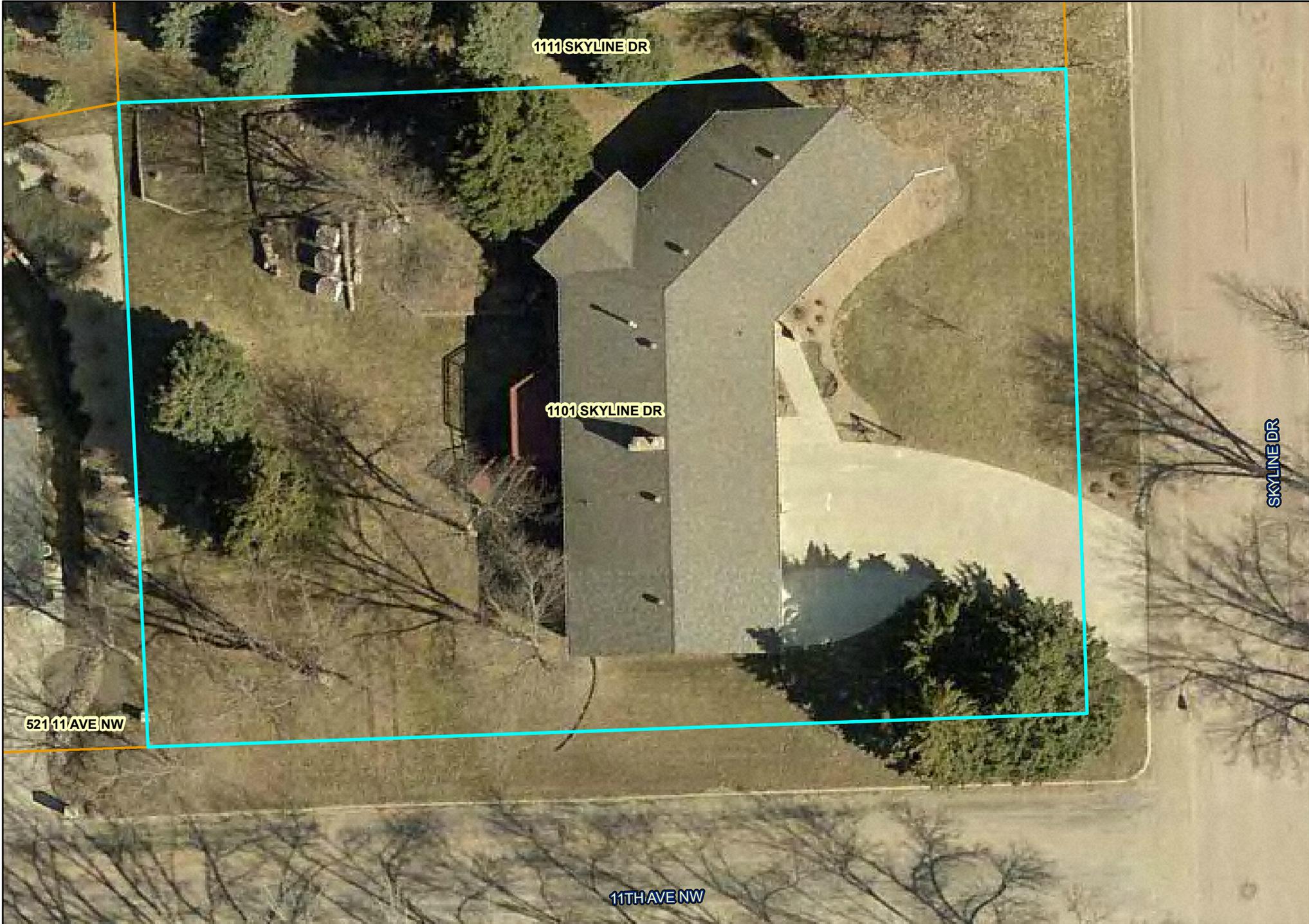
OFFICIAL PROCEEDINGS
 BOARD OF ADJUSTMENT
 June 8, 1979

The Board of adjustment convened at 9:00A. M. in the Council Chambers, City Hall, 23 Second S.T. N. E. Chairman Solum presiding. Present: Westerman, Jensen, Engelstad, Beebe, Solum. Also Present: Alderman Cave and Howard Lebert, Bldg. Inspector. Absent: Hemme. Appl. #1267 by Darrell Johnson, for util. bldg. & fence at 625 8th St. N. E. was presented. Variance-rear yard, with petition of consent by adjoining property owner. Motion was made by Engelstad, seconded by Jensen, to approve the application, which motion prevailed. Appl. # 1270 by Gerhard Munson, for house and attached garage at 1101 Skyline Drive was presented. Variance-side yard. changed plans to allow 7' rather than 4' as presented on application. Board proposed that the applicant take 2' from the South and place the house thereby meeting code on the North. Motion was made by Westerman, seconded by Jensen, to approve the application with 9' on the North and 28' on the South, which motion prevailed. Appl. # 1236, by Larry Olson for garage which was previously brought before the Board and approved at 22' garage within 6' from lot line was presented. Engineers checked the lot and a 22' garage would place the garage 4' from the lot line. The Board proposed that he build a 20' garage which would bring the same within 6' from lot line as originally proposed by the Board. The Ordinance was checked to see what date the new requirements for lot size and side yard requirements was passed which was Dec. 1976. Motion was made by Westerman, seconded by Jensen, to approve the application with a garage within 6' from the lot line which would allow a 20' garage, which motion prevailed. Appl. # 1276 by Calvin Sievers, for attached garage at 930 9th Ave. N. E. was presented. Variance-Side Yard. No petition of consent was filed by adjoining property owners. Motion was made by Engelstad, seconded by Beebe, to approve the application subject to the applicant securing the signatures, which motion prevailed.

Tametta Hoff Finance Officer
Burdette Solum Chairman



Bevers 1101 Skyline Dr



1111 SKYLINE DR

1101 SKYLINE DR

5211 AVE NW

11TH AVE NW

SKYLINE DR

STAFF REPORT

Appeal #17137

Applicant: **Michael & Angela Bevers**
 Address: 1101 Skyline Dr
 Legal: Lot 1, Blk 4, Section "B" of Suttor's Sunset Heights Addn

1. **Application was submitted** requesting to construct a **nonconforming 832 sq ft (26'x32')** **unattached garage** on a 21,030 sq ft parcel located in the R-1 Single Family Residential District; said structure proposed to be constructed:
 - **18'** from the front (south) property line, where a minimum **25'** setback is required.
2. **Application was denied** based on the following ordinance regulations:
 - §21.0302 prohibits the design and creation of nonconforming structures;
 - §21.1002 Height & Placement Regulations for Accessory Structures;
 - §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.

	R-1 min Req's	Existing / Proposed	Meets Req's:
Area	10,000 sq ft	21,030 sq ft	X
Width	85'	120'	X
Front	25'	S: 18'	NO
Front	25'	E: N/A	N/A
Side	9'(10' easement)	W: 12'	X
Side	9'	N: 70'	X
Bldg Rqts	15' grass blvd / 6 trees	exists / 0 blvd trees	no*
Infr Rqts	sw/trl / c&g	no sw / exists	no**
Off-St Pkg	2/sfd	4 / 6	X

***0 Blvd** trees: lot has *front yard* trees to the south, nothing to the east. (conifers / evergreen trees are prohibited)

**sidewalk was *specifically* called out as a requirement of the original house BP (#1270). (Neither this applicant nor any prior owner have sought variance relief from the Blvd trees or sidewalk requirements.)

PERMIT HISTORY: (see attached permits and BOA minutes)

- 1979 **#1270** (Applicant: Munson) **noncompliant house w/attached garage**
 ➤ A 28' front (south) setback was requested where 30' was required; variance was **granted**.
- 2011 **#14064** (Applicant: Russell & Bevers) **noncompliant 463.5 sf (13.5'x34') garage addition**
 ➤ 9/7: A 14' front (south) setback was requested where 25' was required; variance was **denied**.
 ➤ 9/22: reconsideration of #14064; variance was **granted**.
- 2014 **#15454** (Applicant: Bevers) **noncompliant 624 sq ft (24'x26') unattached garage**
 ➤ A 15' front (south) setback was requested where 25' was required; variance was **denied**.
- 2015 – 2016 **#16002 & #17065** (Applicant: Bevers) egress window and bedroom finish.

STAFF REVIEW: (all public notice requirements have been met)

- There is sufficient buildable area on this 21,030 sq ft lot to construct a compliant garage of equal or greater area, without variance.
- In addition to noncompliant setback, eighteen ft (**18'**) is also not sufficient off-street parking length in front of the proposed garage, as any vehicle parked there will encroach into the public Right-of-Way and over the pedestrian walkway (required to be improved with a 4' wide concrete sidewalk). Note: twenty ft (**20'**) is the minimum parking space length required in front of garage doors opening onto an alley ROW or onto Lake Drive ROW per Ordinance §21.1002(3). According to Engineering Design Standards, eighteen and one-half ft (**18.5'**) is the minimum parking space length for a 90° parking space off of a driving aisle/ROW.
- If application is endorsed, this Board has the authority to require fulfillment of any or all lacking boulevard / infrastructure requirements (i.e. trees & sidewalk) 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.)	X
Out	
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

17138

Zone C3 Co. Rcd# 9948 Date _____
 Proposed Construction Commercial Bldg w/ Storage Units (24)
 Size 60' x 200' Sq. Ft. 12,000' Height _____
 Address 920 3rd St SE Lot Area 62,700'
 Lot 8-14 + 1/2 vac alley
 Block 2 Addition Parkson's
 Estimated Value _____ Fee _____ BOA Fee Plans

Details Applicant appeals the terms of: §21.0302 prohibiting the Design + construction of nonconformities; §21.1003 H&P Regs; Chapter 21.60 All Req'd Yds (SBs) shall be open unoccupied space ... and ... No Yard (SB) shall be reduced below the minimum Req'd set for that District; and Chapter 21.73 Landscape (Blvd) Requirements (ie. trees + grass).

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 Spies Corp. Address _____
 By _____
 Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

 Building Official

 Fire Chief

 City Engineer

12/8/16
 Members of Board of Adjustment

SPIES CORPORATION
P.O. BOX 90
WATERTOWN SD 57201

November 8, 2016

Board of Adjustment
City of Watertown
23 2nd St Ne
Watertown, SD 57201

Dear Board of Adjustment:

Spies Corporation is planning to build a 60' x 200' storage building on its property located in Poulson's Addition, Block 2, Lots 8,9,10,11 & 12 east of 3rd Street East and north of 10th Avenue South. It will be a cold storage facility. There will be no commercial shops and no outside parking. The building would face west with units available on west and east side. We are requesting a variance for a zero set back from 3rd Street. The right of way is 80 feet wide with five other buildings placed at zero setback, so the proposed building would conform with the current pattern. The setback variance would allow us to place the building for the best use of the property, keep good traffic pattern on the property and reduce cost of construction.

*and
vacated
10th Ave S.
EI*

Thank you for your consideration.

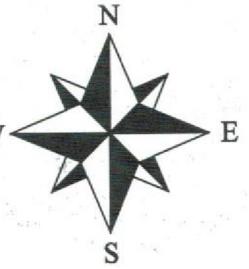
Sincerely
Spies Corporation



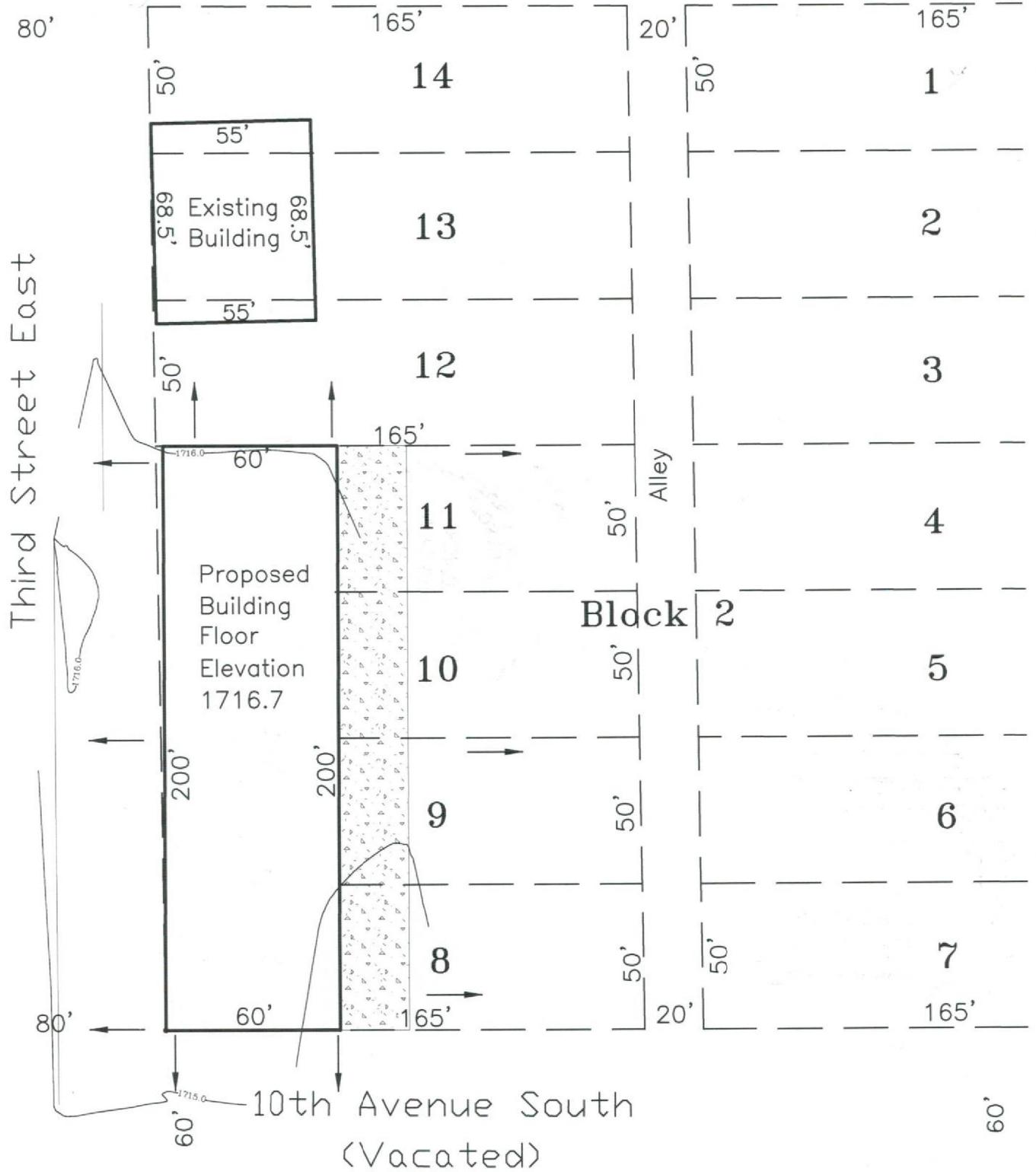
Edward Spies
Secretary-Treasurer

Site Plan of Block 2 of the plat of Poulson's Addition to Watertown and that portion of Vacated 10th Avenue South adjacent to Block 2.

September 15, 2016
Scale: 1"=50'



Highway 212



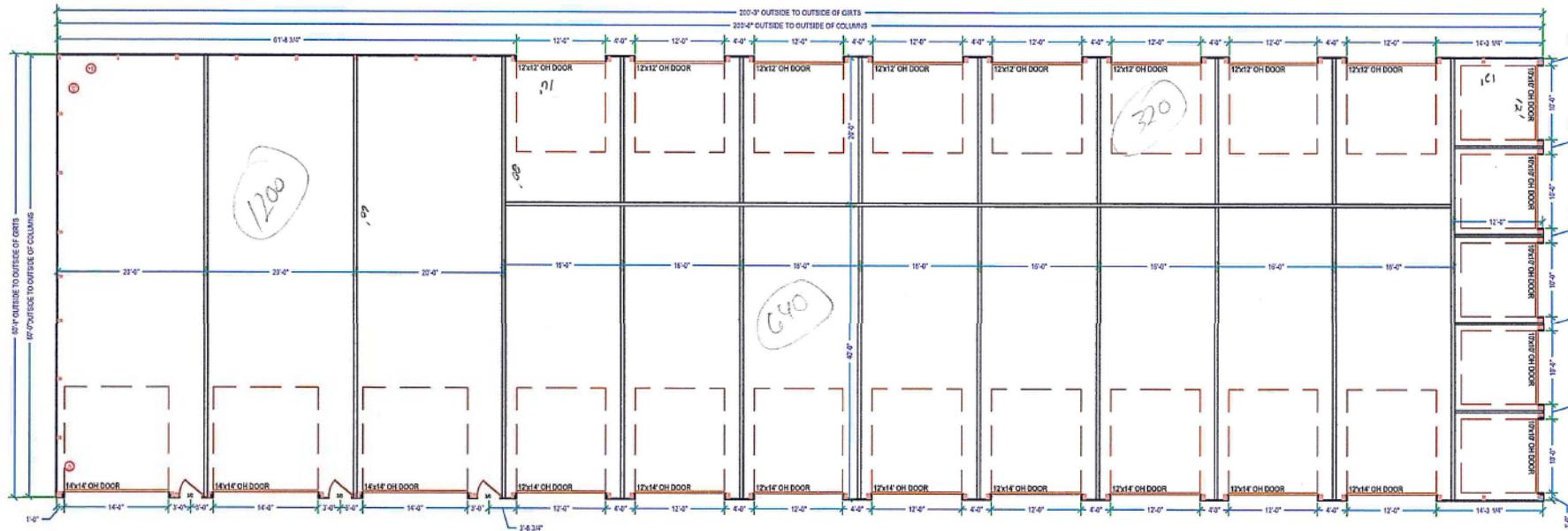
MACK
Land Surveying LLC

Marty Mack
Registered Land Surveyor
Certified Federal Surveyor

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

REGISTERED LAND SURVEYOR
REG. NO.
6973
MARTY W
MACK
SOUTH DAKOTA

Marty W Mack
Registered Land Surveyor



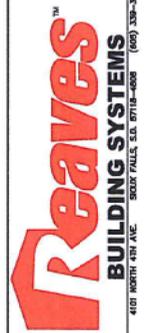
REVISION: 0

PRELIMINARY
NOT FOR CONSTRUCTION

VERIFY ALL SERVICE DOOR
AND WINDOW LOCATIONS WITH OWNER

- NOTES:
- ① = BRACED PANELS
 - COLUMNS ARE MEASURED FROM FACE OF COLUMNS TO CENTERLINE OF COLUMN (U.N.O.)

These drawings are the property of Reaves Building Systems. Any unauthorized use of the ideas and designs presented here is strictly prohibited

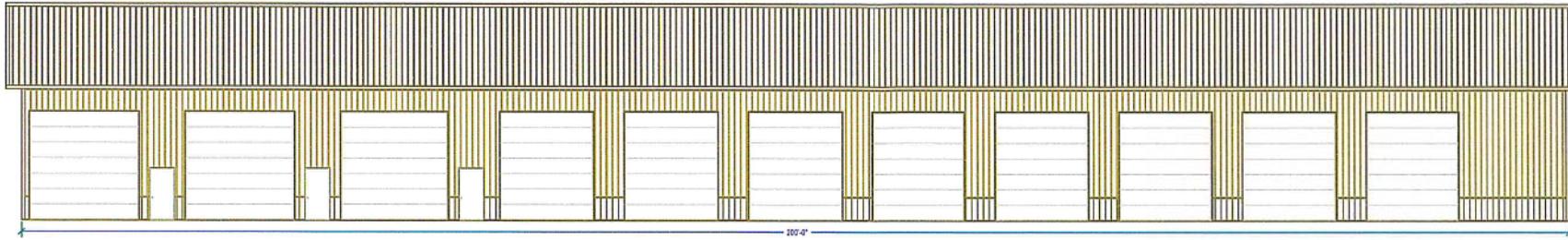


DRAWN BY:
LANCE GARBERS
PROJECT NUMBER:
84806
DATE:
9/30/16
JOB No.:

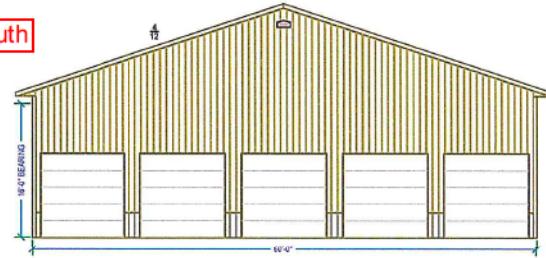
2 OF 2

Spies 60x200x16
Building Layout

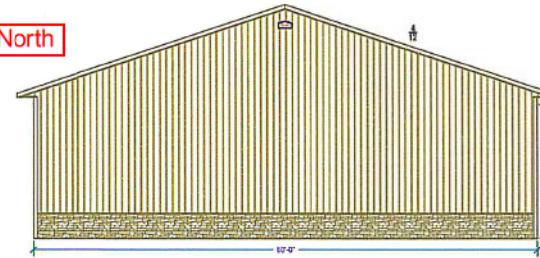
West



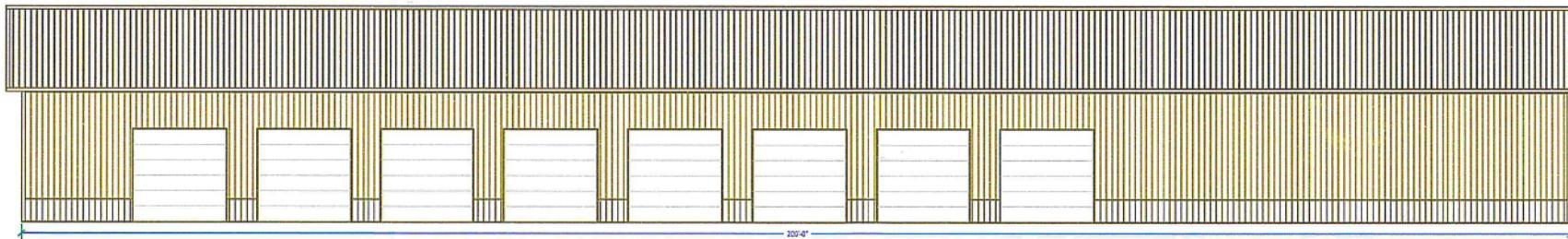
South



North



East



Spies 60x200x16 Building Elevations



REVISION: 0

**PRELIMINARY
NOT FOR CONSTRUCTION**

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* THIS SET OF PLANS ARE INTENDED TO BE USED BY CONTRACTORS WITH BUILDING CONSTRUCTION KNOWLEDGE. REAVES BUILDINGS CAN NOT BE HELD RESPONSIBLE FOR THE MISUSE OR MISINTERPRETATION OF INFORMATION INCLUDED IN THESE DRAWINGS, OR USE OF THIS SET OF PLANS BY PEOPLE WITHOUT CONSTRUCTION KNOWLEDGE. RESPONSIBILITY OF THIS SET OF PLANS IS LIMITED TO THE BUILDING DESIGN SHOWN ON THE DRAWINGS. BUILDING DESIGN IS BASED ON NUMBER, SIZE, AND LOCATION OF OPENINGS SHOWN ON THE DRAWINGS. NO RESPONSIBILITY IS ASSIGNED FOR ADDITIONAL OPENINGS NOT SHOWN OR CHANGES IN SIZE OR LOCATION OF OPENINGS.

* ALL DOOR AND WINDOW OPENINGS SHOWN ON THIS SET OF PLANS ARE THE ACTUAL SIZE OF THE OPENINGS PROVIDED. IT IS THE GENERAL CONTRACTOR'S (IF APPLICABLE) RESPONSIBILITY TO VERIFY ALL LOCATIONS AND SIZES OF OPENINGS PRIOR TO CONSTRUCTION.

* THIS BUILDING IS DESIGNED USING THE ROOF AS A DIAPHRAGM TO TRANSFER SIDEWALL AND ROOF WIND LOADS TO THE END WALL SHEAR WALLS AS SHOWN. STEEL PANELS ARE AN INTEGRAL PART OF THE BUILDING STRUCTURE AND ANY FUTURE FIELD MODIFICATIONS MADE MAY BE DETRIMENTAL TO THE BUILDING'S STRUCTURAL PERFORMANCE.

* THIS IS A STRUCTURAL FRAMING DRAWING AND IS TO BE USED FOR THAT PURPOSE ONLY. CODES REGARDING FIRE SAFETY, PERSONAL SAFETY & INJURY ARE NOT ADDRESSED IN THIS DRAWING AND ARE THE RESPONSIBILITY OF THE OWNER.

* THE ATTIC OF THIS STRUCTURE MUST BE PROPERLY VENTILATED. CONSULT AN HVAC ENGINEER FOR PROPER SIZING OF FAVE INLETS, RIDGE OPENINGS, END WALL LOUVERS, OR MECHANICAL SYSTEMS. FAILURE TO PROPERLY VENTILATE THE ATTIC MAY CAUSE PARTITION TO SEPARATE AT ROOFCEILING, CONDENSATION ON ROOF MATERIALS, LARGER AIR CONDITIONING LOAD, MOLD OR MILDEW, CORROSION OF TRUSS PLATES, PREMATURE DEGRADATION OF STRUCTURAL BUILDING COMPONENTS.

* THE CEILING SYSTEM PROVIDED HAS NOT BEEN DESIGNED FOR HUMAN TRAFFIC. CONTRACTORS, IT IS YOUR RESPONSIBILITY TO WARN OTHER TRADES.

* ACCORDING TO SECTION 711.4 OF THE 2009 INTERNATIONAL BUILDING CODE DRAFT STOPS ARE NORMALLY REQUIRED EVERY 3000 SQUARE FEET. THIS STRUCTURE AS ORDERED AND SPECIFIED BY REAVES BUILDINGS AND/OR OWNER DOES NOT MEET THIS SPECIFICATION. IT IS THE RESPONSIBILITY OF THE OWNER/GENERAL CONTRACTOR TO ENSURE THAT EITHER THE BUILDING MEETS THE EXCEPTIONS NOTED IN THIS SECTION OF THE CODE OR THEY PUT MORE DRAFT STOPS IN THE STRUCTURE. THEY MUST FIRST ENSURE THE EXTRA WEIGHT DOES NOT EFFECT THE STRUCTURAL INTEGRITY OF THE BUILDING.

* IF STEEL PACKAGE IS NOT TO BE USED IMMEDIATELY, STORE IN DRY AREA. MOISTURE FROM RAIN OR CONDENSATION TRAPPED BETWEEN SHEETS MAY CAUSE "WATER STAINS". IF MATERIAL MUST BE STORED OUTSIDE, PROTECT WITH CANVAS OR WATERPROOF PAPER. IF PLASTIC IS USED, DO NOT COVER AIR TIGHT. SHOULD PANELS BECOME WET, SEPARATE THEM BY PUTTING DIVIDERS BETWEEN EACH SHEET AND EVALUATE ONE END 9' OR STAIR SHEETS ON END AGAINST WALL AND FAN THEM OUT TO ALLOW AIR CIRCULATION. AVOID STORING NEAR ALKALINE METALS SUCH AS FERTILIZERS, CEMENT, LIME, SALT, ETC. THESE INSTRUCTIONS APPLY TO ALUM. OR STEEL WHETHER PAINTED OR UNPAINTED.

* CAUTION - THE ENVIRONMENT IN WHICH THE ROOF STEEL BEING USED IS A CORROSIVE ENVIRONMENT. THERE IS NO WARRANTY ON EITHER THE PAINT SYSTEM OF THE ROOF STEEL. DUE TO THIS CORROSIVE ENVIRONMENT, THE MATERIAL USED FOR THE ROOF STEEL IS A FRAME 29 GA. OR 26 GA. STEEL, GRADE S.

* IF THE ENVIRONMENT THE ENGINEERED WOOD TRUSSES ARE TO BE PLACED WITHIN THIS STRUCTURE HAS THE POTENTIAL TO BE HIGH MOISTURE AND CORROSIVE ATMOSPHERE IT IS HIGHLY RECOMMENDED TO USE ADDITIONAL PROTECTION FOR THE TRUSS GUSSET PLATES, PLEASE REFER TO SECTION 9.2.2.3 OF AIA/SIPA-1995 FOR DETAILS OF ADDITIONAL PROTECTION. IN ADDITION THE STRUCTURAL WOOD MEMBERS SHOULD NOT BE SUBJECT TO AIR MOISTURE LEVELS SUCH THAT THE MOISTURE CONTENT OF THE WOOD MEMBERS EXCEEDS 19%.

BUILDING SIZE:	60x200
CEILING HEIGHT:	16
SERVICE DOOR:	3'0x6'8
WINDOW SIZE:	N/A
ROOF PITCH:	4/12
TRIM COLOR:	BURNISHED SLATE
ROOF COLOR:	BURNISHED SLATE
WAINSCOT COLOR:	BURNISHED SLATE
WALL COLOR:	CLAY MIST

(COLORS SHOWN ON PLANS MAY VARY SLIGHTLY FROM COLORS RECEIVED)

DRAWN BY:
LANCE GARBERS
PROJECT NUMBER:
84806
DATE:
9/30/16
JOB No.:

Vacation of a Portion of
10th Ave S between Lot 8, Block 2 Poulson's Addition,
and Lot 20, Block 2 South Side Addition



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

August 18, 2016

Members Present: Shriver, Hanson, Maguire, Stein

Absent: Dahle, Stonebarger, Johnson, Arnold

Also Present: Shane Waterman, Brandi Hanten, Jill Steiner, Luke Muller, Pete Boyle, Mark Meier, Ken Bucholz, Dan Albertsen, Justin Goetz, Terra Jacobsen, John Wiles, Danielle Lentz, & Chip Premus

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 Hanson and seconded by Maguire to approve the minutes from the August 4, 2016 meeting. Motion carried unanimously.

Vacation of a portion of Tenth Avenue South between Lot 1 Block 2, South Side Addition and Lot 7 Block 2, Poulson's Addition

Brandi Hanten, Urban Planner, explained that Terra Jacobsen and John Wiles are petitioning to vacate the East portion of 10th Ave S between Block 2 of South Side Addition and Block 2 of Poulson's Addition, withholding a utility easement through the entirety. With that, Pat Shriver, Chairman, opened up the public hearing. John Wiles, petitioner, came forward and explained the utility easement is no issue and that he has no intent to develop it but would like the City to take care of maintenance if a vacation is not granted. Wiles and Jacobsen were catalyzed to vacate when the East portion of 10th Ave S was petitioned to be vacated previously. Wiles expressed the current state of 10th Ave S is impassable. Wiles wanted clarity of the discussion on the sale of public Right of Way that took place at the City Council Meeting on August 15th. Shane Waterman, City Engineer, explained that currently 10th Ave S looks as if it cannot be developed into a street, but could be. Waterman stated that in the future, the petitioners would be the parties responsible to pay for the improvements of the street if the vacation is not granted. Waterman then addressed the sale of public Right of Way, explaining if one were to purchase land; it can be resold, but if its land dedicated through a public process; it cannot be resold. City Attorney, Justin Goetz confirmed Shane's statement on the sale of public Right of Way. Albertsen, Ward E Alderperson, expressed that 10th Ave S could be used as a connector route for N-S roads. With that comment, Shriver wanted clarity why the City Council's action was to table the previous vacation of the West portion of 10th Ave S at the August 15th Meeting. Waterman explained the City Council's concern of property owners selling vacated property that was given to them for a substantial price. With that, Shriver closed the public hearing; Motion was made by Stein and seconded by Hanson to recommend approval of Resolution No. 2016-26, vacating a portion of Tenth Avenue South while maintaining a utility easement through the entirety. Waterman recommended the Plan Commission approve the vacation request based upon their previous recommendation of vacating the West portion of 10th Ave S and let the City Council take action on both sections of 10th Ave S petitioned to be vacated together at the September 6th Meeting. Motion carried unanimously.

Plat of Meadows Sevenths Addition

Hanten introduced that John Mills with Mills Development, petitioner, is the current owner of the existing Lot A Block 3, Dakota Commons Addition. The property is a conforming lot in the PUD and that the lot is 12,383 sq. ft. and will be divided into twin homes which adhere to the preliminary plan proposed for the PUD. Meadows Seventh Addition is consistent with the master plan of Dakota Commons, accepted in 2002. Shriver opened the public hearing and asked for clarity on lot lines and was wondering if a particular piece of land was park dedication. Ken Bucholz, Building Official, explained the area is the PUD's common area that is consistent with the master plan. Waterman explained the PUD's development agreement being the association owns the green space and individual owners own what is within the walls

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

August 4, 2016

Members Present: Dahle, Shriver, Hanson, Stonebarger, Arnold
Absent: Stein, Maguire, Goetz, Albertsen
Also Present: Shane Waterman, Brandi Hanten, Luke Muller, Pete Boyle, Mark Meier, Ken Bucholtz, Ed Spies, and John Wiles

Approval of Agenda:

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

Approval of Minutes:

Motion was made by Dahle and seconded by Stonebarger to approve the minutes from the July 21, 2016 meeting. Motion carried unanimously.

Vacation of a portion of Tenth Avenue South between Lot 8 Block 2, Poulson's Addition, and Lot 20 Block 2, South Side Addition

Brandi Hanten, Urban Planner, explained that Spies Corporation is petitioning to vacate the West portion of 10th Ave S between Block 2 of Poulson's Addition and Block 2 of South Side Addition. With that, Pat Shriver, Chairman, opened up the public hearing. John Wiles came forward and gave history of the site and the wetlands in the area. Ed Spies, petitioner, confirmed that the area South is wetland and unusable. City Engineer, Shane Waterman, gave details on the history of Poulson's Addition and provided information concerning the viability and route of 10th Ave S. On behalf of City staff, Waterman deemed 10th Ave S as dysfunctional with previous vacations that disconnect it from adjacent roadways. Utilities and cables run throughout the right-of-way making a utility easement necessary to be maintained throughout the entirety of 10th Ave S. Mark Meier, with Watertown Municipal Utilities, confirmed water and gas main exist currently throughout 10th Ave S. Motion was made by Stonebarger and seconded by Arnold to recommend approval of Resolution No. 2016-25, vacating a portion of Tenth Avenue South while maintaining a utility easement. Motion carried unanimously. Waterman added City Staff has received petition to vacate the East portion of Tenth Avenue South which will be considered at the next Plan Commission Meeting, August 18, 2016.

Old Business:

None

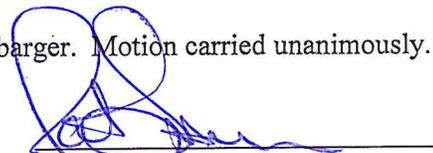
New Business:

Ken Bucholtz, Building Official, asked the Plan Commission for clarification for the zoning of the Public Opinion. Being up for sale, it has been in question if the building is non-conforming to the setbacks and uses of the current I-1: Light Industrial District. The Plan Commission confirmed unanimously that they have no issue with the zoning of the Public Opinion.

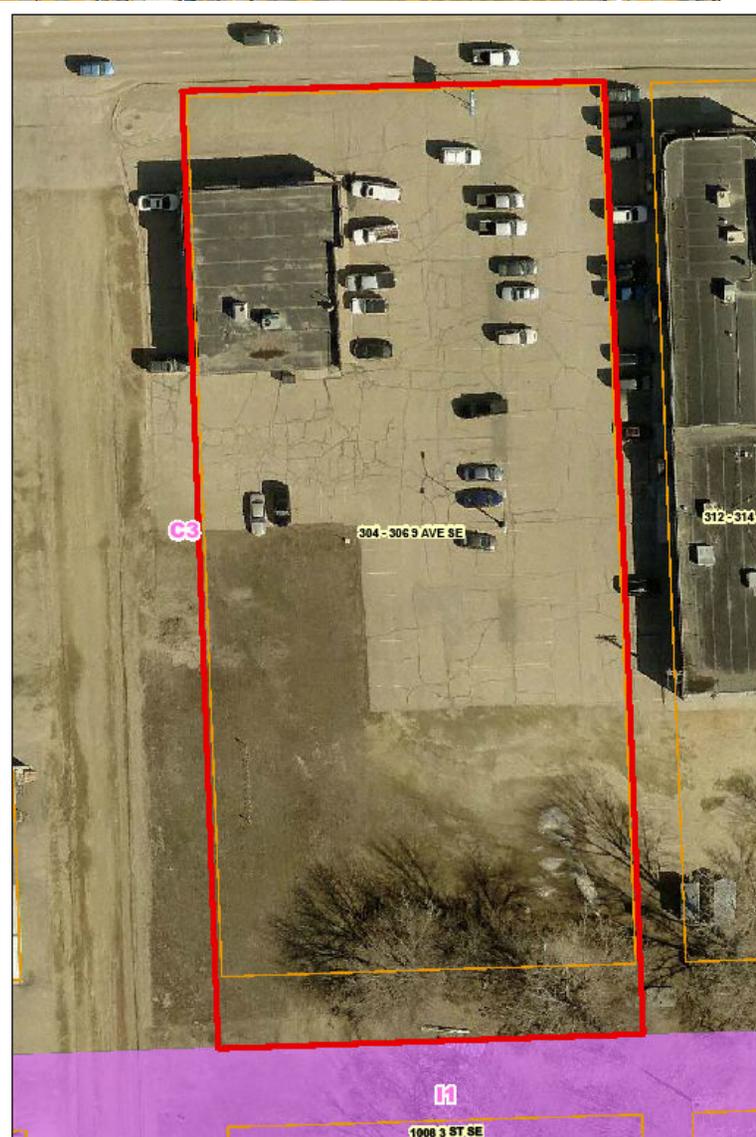
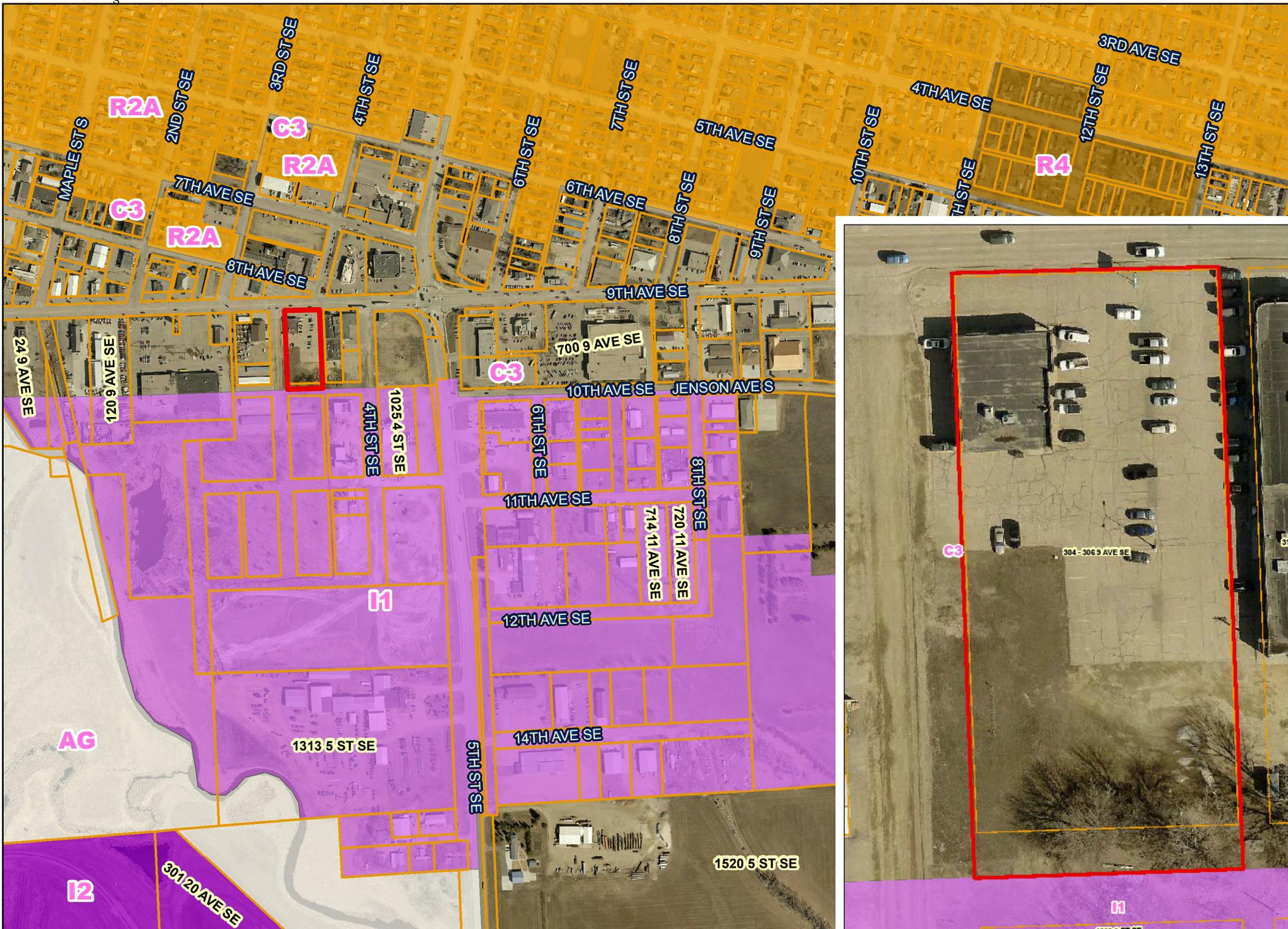
Executive Session:

Not held

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


Pat Shriver, Chairman

Spies 920 3rd St SE



STAFF REPORT

Conditional Use Application #17138

Owner/Applicant: **Edward Spies for Spies Corporation**
 Property Address: **920 3rd St SE** Legal: Lots 8-14 & 1/2 vac st (10th Ave S), Blk 2, Poulson's Addn

CONDITIONAL USE REQUEST:

Applicant seeks approval, per §21.2803(12), to allow for **twenty-four (24) Storage Units** in a nonconforming 12,000 sq ft (60'x200') commercial building to be located on a 62,700 sq ft parcel in the C-3 Highway Commercial District; contingent upon compliance with:

- *Specific Rules Governing Individual Conditional Uses* including but not limited to §21.0202(2)b(6a-h).

	C-3 Min Req'ts:	Existing / Proposed	Meets Req's:
Lot Area:	20,000 sq ft	*62,700 sq ft	X
Lot Width:	100'	165'	X
Blvd Rqts (21.73):	15' grass blvd w/11 trees	currently undeveloped /	none NO
Infr Rqts (Titles 5, 18, 21 & 24):	4' sw/trl, c&g	currently undeveloped /	none NO
Off-street pkg (OSP) (21.63):	**12 OSPS	pkg/ldg apron shown on E side	?

*7 platted lots (57,750 sq ft) with north 1/2 of vacated street (4,950) = 62,700 sq ft parcel

**Warehousing: 1/1000 sq. ft. gross floor area (sufficient area exists)

PROPERTY HISTORY:

(see attached permits and minutes)

1959	pre-BPs		office bldg.
1982-87	#2085 & #3863	Spies Corp	interior remodeling permits
2016	Res 16-26	Spies Corp	PC/CC vacated the west portion of the 10 th Ave S ROW

adjacent to this property (land reclaimed back to adj property owner: Spies Corp)

STAFF REVIEW: (all public notice requirements have been met)

Storage Units is a listed Conditional Use for the C-3 Highway Commercial District per §21.2803(12):

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 Written Request 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:

- this Board must find that the application shows satisfactory provision and arrangement has been made concerning: **ingress/egress (auto & pedestrian safety), OSP/loading, refuse/service areas, utilities, screening/buffering, signage, exterior lighting, Required Yds/open space, general compatibility w/adj properties.**

Chapter 21.63 Off-Street Parking and Loading Req'ts, and Engineering Design Standards:

- Sufficient area exists.

Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:

- outside storage was not indicated in the application. (§21.6502 would apply)

Chapter 21.73 Landscape and Lighting Standards:

- Site Plan does not show grassed Blvd w/trees (1 tree/50' of frontage) 11 total for lots 8-14 & vac street.
- Lighting and screened dumpsters were not addressed.

Titles 5, 18, 21 & 24 sidewalk/trail, curb & gutter, and Subdivision of Land:

- The proposed development is part of a platted Block which currently lacks all basic infrastructure for new development (curb/gutter, paved street, sidewalk/trail).

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, and Titles 5, 18, & 24.** This parcel lacks all Blvd and Infrastructure improvements (pavement, c/g, sw/trl, grass/trees,) required prior to &/or concurrent with construction. If application is endorsed, the Board may consider conditions of approval such as limiting outside loading/parking/storage, schedule for fulfillment of any/all lacking Blvd/Infra requirements, &/or any other conditions the Board deems necessary.

See attached

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

Mtg date: 12/8/2016

STAFF REPORT

Appeal #17138

Owner/Applicant: **Edward Spies for Spies Corporation**
 Property Address: **920 3rd St SE**
 Legal: **Lots 8-14 & 1/2 vac street (10th Ave S), Blk 2, Poulson's Addition**

1. **Application was submitted** requesting to construct a **nonconforming 12,000 sq ft (60'x200') commercial building** on a 62,700 sq ft parcel located in the C-3 Highway Commercial District; said structure proposed to be constructed:
 - **0'** from the front (west) property line, where a minimum **40'** setback is required; and
 - **without boulevard improvements**, where a minimum width **fifteen ft (15')** **grassed boulevard with one (1) tree per fifty ft (50')** of frontage is required.
2. **Application was denied** based on the following ordinance regulations:
 - §21.0302 prohibits the design and creation of nonconforming structures;
 - §21.1003 *Height & Placement Regulations* for Non-residential Structures;
 - §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
 - Chapter 21.73 *Landscape & Lighting Standards* re: Boulevard Requirements & Materials.
3. **Applicant appeals** the above (#2) requirements of the current Zoning Ordinance.

	C-3 Min Req'ts:	Existing / Proposed	Meets Req's:
Lot Area:	20,000 sq ft	*62,700 sq ft	X
Lot Width:	100'	165'	X
Front:	W: 40'	0'	NO
Front:	N: 40'	~40' (from N bldg)	X
Side:	E: 20'	105'	X
Side:	S: 20'	30' (1/2 vac street)	X
Blvd Rqts (21.73):	15' grass blvd w/11 trees	currently undeveloped /	none NO
Infr Rqts (Titles 5, 18, 21 & 24):	4' sw/trl, c&g	currently undeveloped /	none NO
Off-street pkg (OSP) (21.63):	**12 OSPS	pkg/ldg apron shown on E side	?

*7 platted lots (57,750 sq ft) with north 1/2 of vacated street (4,950) = 62,700 sq ft parcel
 **Warehousing: 1/1000 sq. ft. gross floor area (sufficient area exists)

PROPERTY HISTORY:

(see attached permits and minutes)

1959	pre-BPs		office bldg.
1982-87	#2085 & #3863	Spies Corp	interior remodeling permits
2016	Res 16-26	Spies Corp	PC/CC vacated the west portion of the 10 th Ave S ROW adjacent to this property (land reclaimed back to adj property owner: Spies Corp)

STAFF REVIEW: (all public notice requirements have been met)

- In August 2016, Spies Corp. successfully petitioned to vacate the west portion of the 10th Ave S public right-of-way that lies between Blk 2 of Poulson's Addn and Blk 2 of South Side Addn. These Spies Corp. properties gained 9,900 sq ft (60'x165') of buildable area with the vacation of that public right-of-way.
- Currently, a nonconforming 3,767 sq ft office building exists on the north side of this property; minus this structure, there is now approximately 29,372.5 sq ft (95'x320') of compliant buildable area available on this property (i.e. lots 8-14 & 1/2 vac street), within which to construct without variances.
- In addition to noncompliant setback, zero ft (0') is also not sufficient length in front of the eleven (11) proposed west-facing overhead garage doors, as any vehicle loading/parked there will encroach into the public Right-of-Way and obstruct the pedestrian walkway (required to be improved with a 4' wide concrete sidewalk). Furthermore, the applicant's utilization of two hundred ft (200') of the boulevard for their own (customers') loading/unloading/parking purposes, as reflected on the Site & Floor Plans, leaves no area for the fifteen ft (15') grassed boulevard and four (4) trees required to be installed & maintained there. Note: twenty ft (20') is the minimum parking space length required in front of garage doors opening onto an alley ROW or onto Lake Drive ROW per Ordinance §21.1002(3). According to Engineering Design Standards, eighteen and one-half ft (18.5') is the minimum parking space length for a 90° parking space off of a driving aisle/ROW.
- If application is endorsed, 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.

See attached

Mtg date: 12/8/2016