

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

Thursday February 9, 2017

4:15 PM

Call to Order

Roll Call

1. Approval of January 19, 2017 Minutes
2. Applicants **Watertown School Dist 14-4 dba Lake Area Technical Institute (LATI)** and **SD Health & Educational Facilities** seek Conditional Use approval to construct a building in the R-3 Multi-Family Residential District @ 1008 Gilbert Ave, to be utilized for school training/lab purposes pursuant to §21.2003(1), §21.1403(3), 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. Applicants **Larry & Barbara Rehfeld** appeal the Building Official's decision regarding nonconforming and unlawful improvements to an R-1 Single Family Residential District property located @ 698 N Lake Dr, pursuant to §21.0202(2)d: *Right to Appeal* concerning interpretation or administration of the ordinance and decision of the Building Official.
 - 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
---	---	---	---	---

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	X
WORTP	

FLOOD HAZARD

Floodway	
1% (100 yr.)	
Out	(Bldg) X
Req'd Elev.	
Proposed Elev.	
Elev. Cert Req'd	
Flood Proof/Non Sub	
DFIRM Date	

APPLICATION FOR BUILDING PERMIT

17184

Zone R-3 Co. Rcd# 19640 ⁶³⁸⁵ Date _____

Proposed Construction School Building (training / Lab space)

Size 65' x 120' x 160' Sq. Ft. 7800 ~~10,400~~ Height 20'

Address 1008 Gilbert Ave Lot Area ± 3.89 Acres

Lot 1=8 / 8 / 0Ls A+B / 0L3

Block 2/1/-/- Addition Gilberts / " / " / Auditors Plat / 0Ls

Estimated Value _____ Fee _____ BOA Fee Plans

Details App seeks CU approval for "school" Use in an R-3 zone

per §21. 2003(1) + §21. 1403(3)N and contingent upon compliance with SRGICUs including but not limited to §21. 0202(2)(6a-b)

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 LATI & SD Health & Ed ^{LATI:} Address PO Box 730, WTN
Fact. Files

By _____

Dated _____ Contractor _____

PERMIT APPROVAL

Authorized by:

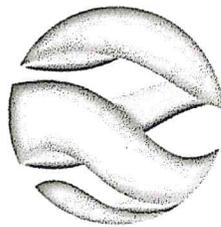
_____ Building Official

_____ Fire Chief

_____ City Engineer

2/9/17
Members of Board of Adjustment

1201 Arrow Ave
P. O. Box 730
Watertown, SD 57201



LAKE AREA TECHNICAL INSTITUTE

It's your world.

(605) 882-5284
1-800-657-4344
FAX (605) 882-6299
www.lakeareatech.edu

January 20, 2017

TO: Members of the Watertown Board of Adjustment

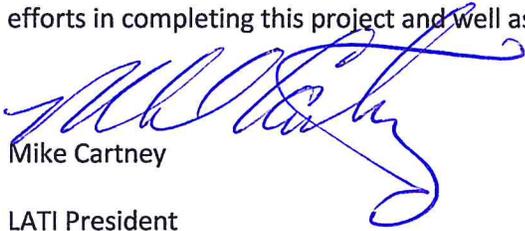
Chairperson

Lake Area Technical Institute (LATI) is requesting that the Board of Adjustment grant a special exception use for a school in a R3 zoning district. The special exception would allow LATI to construct a Flex Space building on the Southwest side of the campus as shown in attachment 1. The building will conform to current city ordinances.

LATI has worked in cooperation with city personnel to address ordinances including, but not limited to, ingress and egress to property, parking, utilities, signage and other open space in addition to general compatibility. The building will be 65'X120' with an alternate option that would include an additional 40'X65' as depicted in the site plan provided with this document.

The new facility will be used as flexible training space for any program in need of lab space. LATI will use the facility from 7:00 am to 9:00 pm. The building will require sanitary sewer, water, gas and a sprinkler system. Traffic to and from the building will be very moderate and will occur throughout the day. The building will have signage and parking as depicted in the attached site plan provided with this document. The building will be in the proximity of other buildings of similar appearance.

Lake Area Technical Institute and the Watertown School District would like to thank city personnel for their efforts in completing this project and well as the Board of Adjustment for your consideration.



Mike Cartney

LATI President

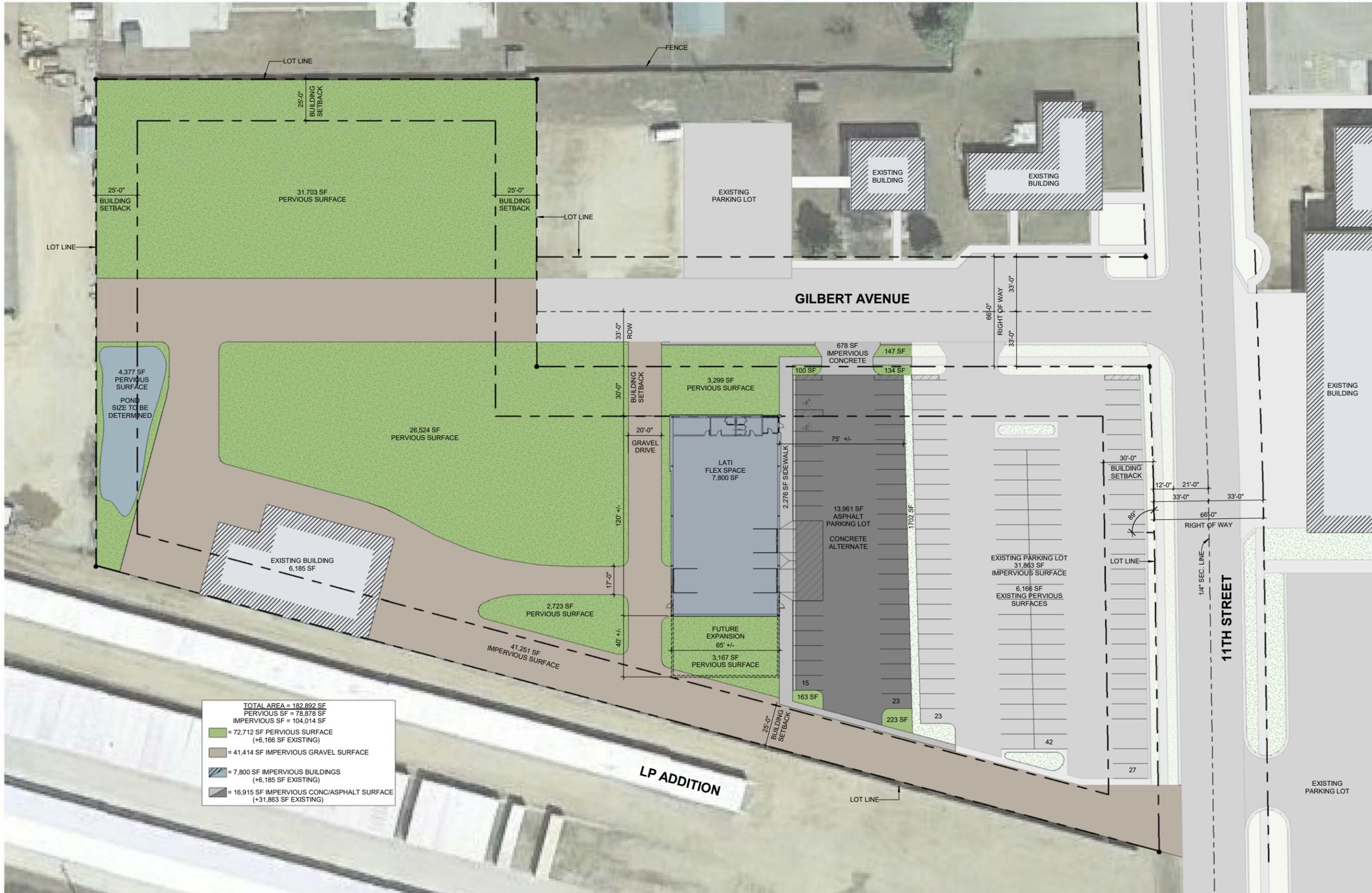


Shane Ortmeier

Project Coordinator

Attch:

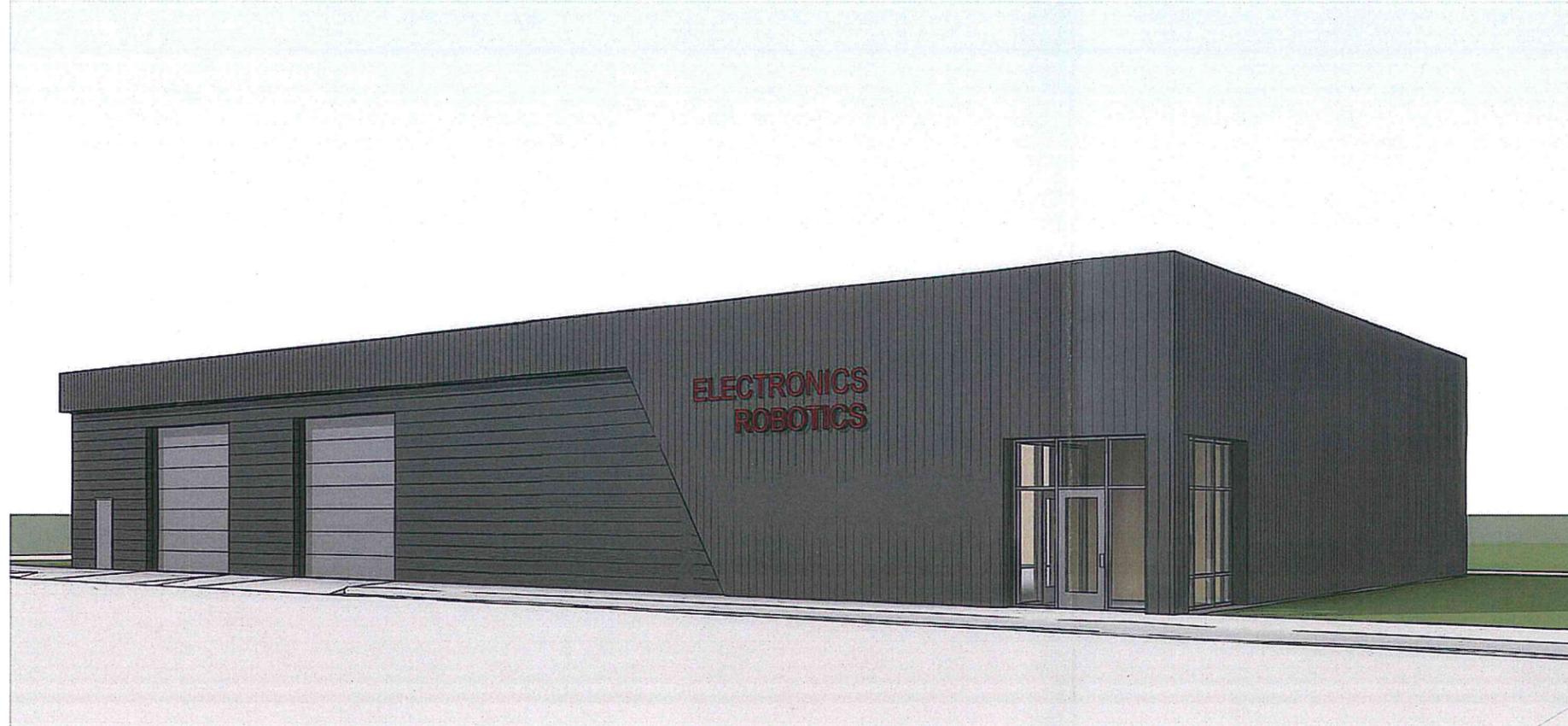
- 1) Flex Space Site Plan
- 2) Flex Space elevation view
- 3) Interior view



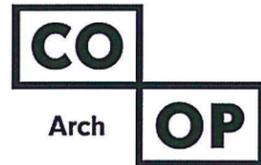
ELECTRONICS ROBOTICS

LAKE AREA TECHNICAL INSTITUTE
WATERTOWN, SOUTH DAKOTA

DRAWING SHEET INDEX:



ARCHITECT:



205 6th Ave. SE 301
Aberdeen, SD 57401
Phone: 605-725-4852

300 N. Phillips Ave. 120
Sioux Falls, SD 57104
Phone: 605-334-9999

www.co-oparch.com

CIVIL ENGINEER:

Address
City, State, Zip
Phone: 000-000-000
Email

STRUCTURAL ENGINEER:

Address
City, State, Zip
Phone: 000-000-000
Email

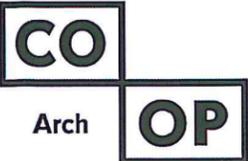
MECHANICAL & ELECTRICAL ENGINEER:

Address
City, State, Zip
Phone: 000-000-000
Email

**PRELIMINARY
NOT FOR
CONSTRUCTION**

SCHEMATIC DESIGN

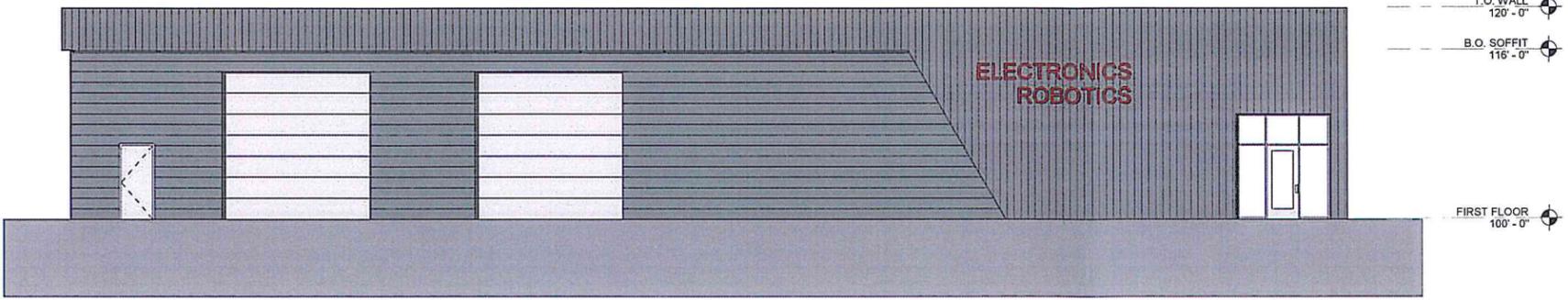
1.20.2017



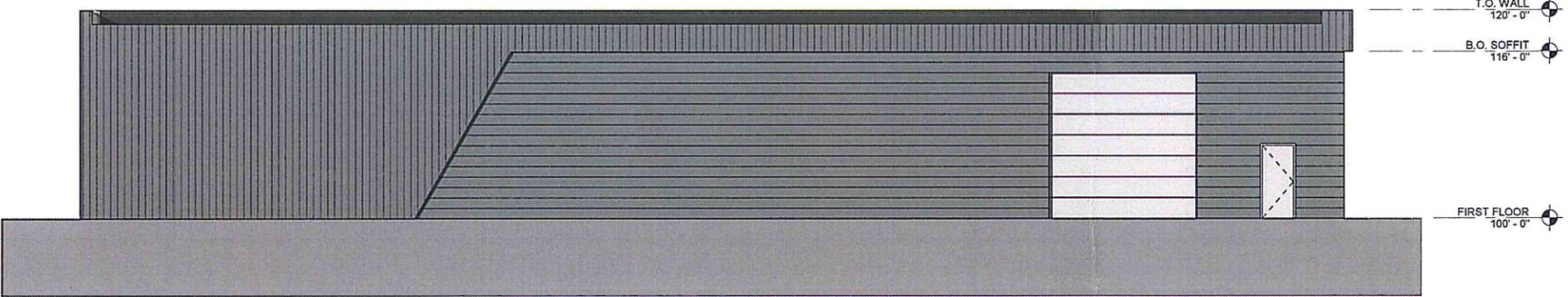
1108 S. Main St. 102
Aberdeen, SD 57401
Phone: 605-725-4852

300 N. Phillips Ave. 120
Sioux Falls, SD 57104
Phone: 605-334-9999

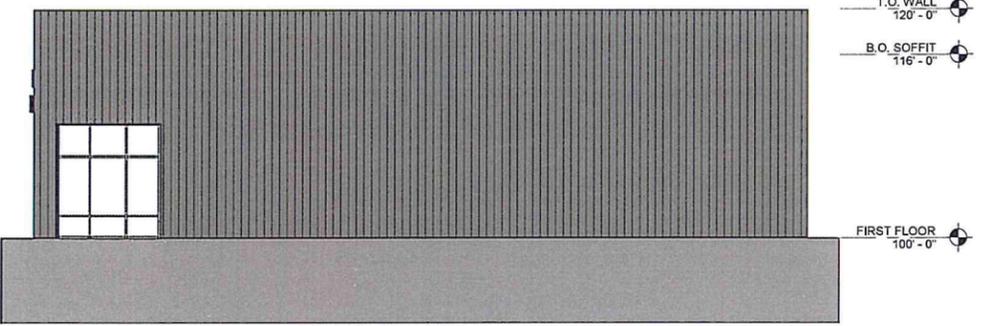
co-oparch.com



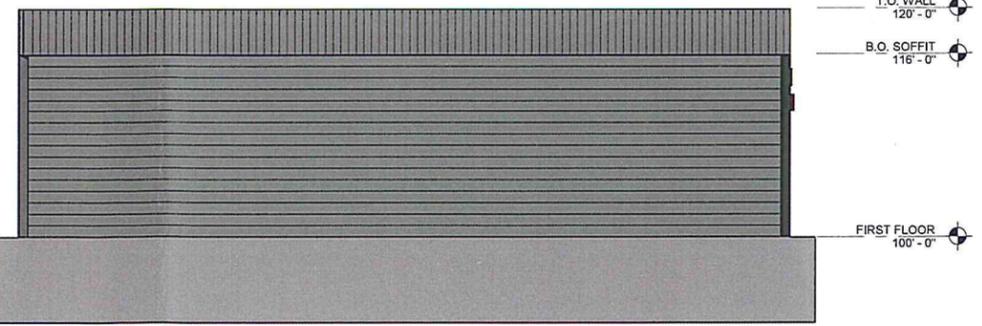
1 EAST ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"



3 NORTH ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"

CO-OP PROJECT NO: 1643

PRELIMINARY
NOT FOR
CONSTRUCTION

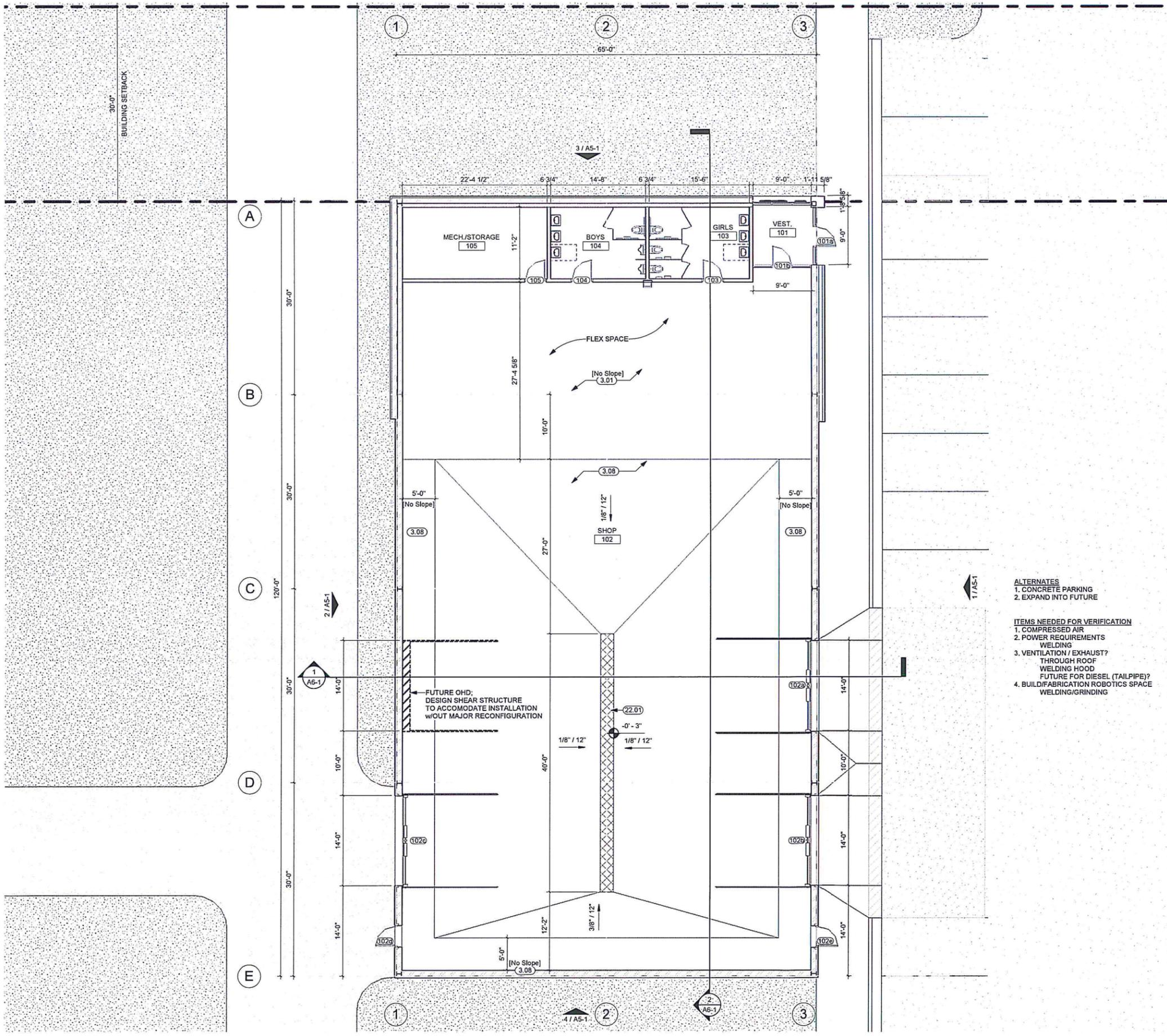
ISSUE:
1.20.2017 SCHEMATIC DESIGN

REVISION SCHEDULE:
REV. # REV. DSC. REV. DATE

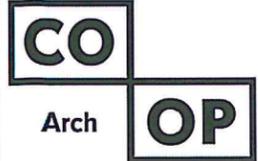
PROJECT:
ELECTRONICS ROBOTICS
LAKE AREA TECHNICAL INSTITU'
WATERTOWN, SOUTH DAKOTA

SHEET TITLE:
EXTERIOR ELEVATIONS

A5-1



KEYNOTE SCHEDULE	
3.01	4" CONC. FLOOR SLAB ON GRADE (SEE STRUCT. FOR REINF.) w/ 10 MIL VAPOR BARRIER BELOW
3.08	6" CONC. FLOOR SLAB ON GRADE (SEE STRUCT. FOR REINF.) w/ 10 MIL VAPOR BARRIER BELOW
22.01	TRENCH DRAIN



1108 S. Main St. 102
Aberdeen, SD 57401
Phone: 605-725-4852

300 N. Phillips Ave. 120
Sioux Falls, SD 57104
Phone: 605-334-9999

co-oparch.com

CO-OP PROJECT NO: 1643

**PRELIMINARY
NOT FOR
CONSTRUCTION**

ISSUE:
1.20.2017 SCHEMATIC DESIGN

REVISION SCHEDULE:
REV. # REV. DSC. REV. DATE

PROJECT:
ELECTRONICS ROBOTICS
LAKE AREA TECHNICAL INSTITUT
WATERTOWN, SOUTH DAKOTA

SHEET TITLE:
FIRST FLOOR PLAN

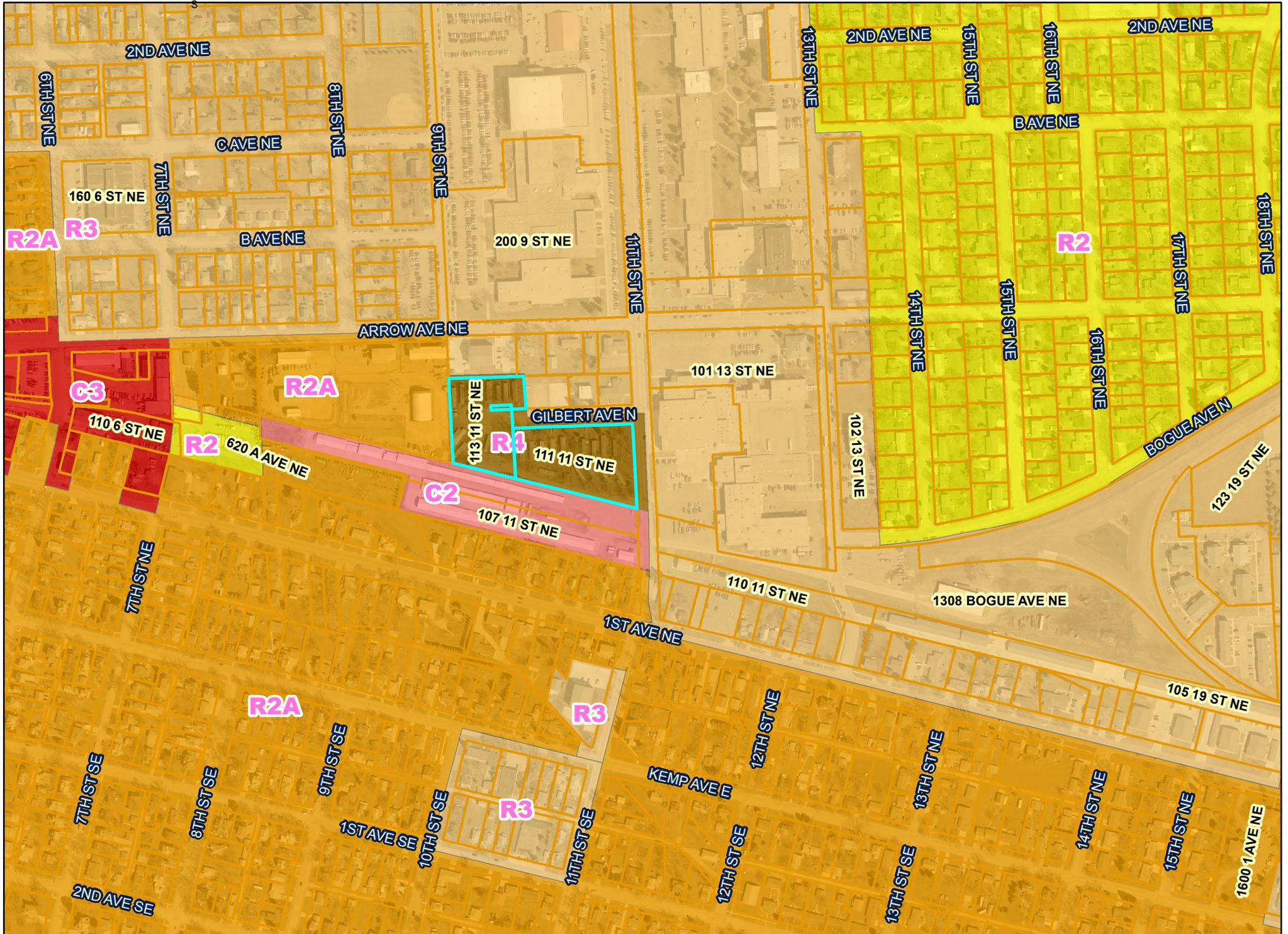
FIRST FLOOR
1/8" = 1'-0"

- ALTERNATES**
1. CONCRETE PARKING
 2. EXPAND INTO FUTURE
- ITEMS NEEDED FOR VERIFICATION**
1. COMPRESSED AIR
 2. POWER REQUIREMENTS
WELDING
 3. VENTILATION / EXHAUST?
THROUGH ROOF
WELDING HOOD
FUTURE FOR DIESEL (TAILPIPE)?
 4. BUILD/FABRICATION ROBOTICS SPACE
WELDING/GRINDING

A1-1



LATI 1008 Gilbert Ave



STAFF REPORT
Conditional Use Application #17184

Owners/Applicants: Watertown School Dist 14-4 dba **Lake Area Technical Institute (LATI)** and **SD Health & Educational Facilities**
 Property Address: **1008 Gilbert Ave**
 Legal Description: Lots 1-8 of Blk 2, Lot 8 of Blk 1, and OLs "A"&"B", in Gilberts Addn; and OL "3" of Auditors Plat of OLs in 32-117-52

Conditional Use Request:

Applicants seek approval to construct a ***10,400 sq ft (65'x160')** building in the R-3 Multi-Family Residential District, **to be utilized as flexible training space for any (school) program in need of lab space**, pursuant to §21.2003(1), §21.1403(3), and contingent upon compliance with:

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

*7,800 sq ft building (65'x120') and 2,600 sq ft (65'x40') future expansion

	<u>R-3 District Regulations:</u>	<u>Subject Parcel:</u>
Minimum Lot Area:	7,500 sq ft	±3.89 Acres
Minimum Lot Width:	75'	>75'
Front/side/rear SBs:	30'/9'/25'	30'/>9'/65'
Blvd Rqts (21.73):	15' grass blvd w/*14 blvd trees	6 exist / will comply
Infra Rqts (Titles 5, 18, 21 & 24):	4' sidewalk/trl, c/g	some shown / will comply
Min. Off-St Pkg (21.63):	29 spaces	38 proposed/new
Min. Pkg Lot Rqts (21.73):	**5 int. trees	3 exist / will comply
*1 tree/50' of boulevard		
**1 interior tree/25 spaces		

This is a redevelopment project; formerly a mobile home court, re-zoning is currently in progress: from an R-4 Manufactured Home Residential District (within which *school* is neither a listed Permitted *nor* Conditional Use) to R-3 Multi-Family Residential District.

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

- School** is a listed Conditional Use for the R-3 Multi-Family Residential District per §21.2003(1), §21.1403(3):
 - **Definition: School:** there is no definition in Zoning Ordinance.

The following requirements and regulations of the Ordinance are to be considered for approval; applicant submitted the **attached Written Request, Site Plan, & Floor Plan(s)**, which reflect compliance (or noncompliance) with:

- §21.0202(2)b(6a-h) Specific Rules Governing Individual Conditional Uses:** (*ingress/egress, OSP/loading, screening/buffering, signage, exterior lighting, req'd yds/open space, & general compatibility*):
 - All signage will comply with the Sign Ordinance. As shown on page A5-1.
- Chapter 21.63 Off-Street Parking and Loading Requirements and Engineering Design Standards:**
 - See Site Plan.
- Chapter 21.65 Outside Storage and Display Requirements for Specific Uses:**
 - Was not addressed.
- Chapter 21.73 Landscape and Lighting Standards:**
 - Lighting, and required Screening of parking lot from adjacent residentially used property is not addressed. There are 2 residentially used parcels directly north of this parking lot.
 - Any parking area exceeding 50 spaces shall have 1 equally spaced "interior" tree per 25 spaces. According to their Site Plan, there are currently 92 spaces in the existing (east) LATI parking lot, 38 more are proposed, for a total of 130 parking spaces. ****No interior trees are shown.**
 - All outside dumpsters or other garbage receptacles on the site shall be screened by an opaque fence or wall, this was not addressed.
- Titles 5, 18, 21 & 24 sidewalk/trail, curb & gutter, and Subdivision of Land:**
 - The proposed redevelopment is a legally described parcel meeting R-3 minimum area & width requirements, but lacking basic infrastructure for new development (curb, sidewalk/trail) for which the applicant is not seeking variances.
 - Applicant has agreed to Development Lot Agreement conditional to re-zoning.

This Board must determine if satisfactory provision and arrangement has been made concerning **Section 21.0202(2)b(6a-h), Chapters 21.63, 21.65, & 21.73, and Title 24** for a school facility to be operated at this location. Specific conditions of approval may be imposed (e.g.: Bldg Permit good for ? years, so as to include future 2,600 sq ft compliant expansion as specified on Site Plan). (Conditional Use approval is reliant upon City Council approval of the Re-zoning.)

STAFF REPORT
Appeal #17185

Owner/Applicant: **Larry & Barbara Rehfeld**
Property Address: **698 N Lake Dr**
Legal: **Lot 22, Belks West Shore Addition**

Applicants appeal the Building Official's Order to remove a nonconforming porch, that was unlawfully constructed and attached to a single family dwelling located in the R-1 Single Family Dwelling District, pursuant to §§ 21.0202(2a) and 21.0202(2d): Right to Appeal concerning interpretation or administration of the ordinance and decision of the Building Official.

HISTORY: (see attached documents)

07/8/2009: application was submitted and BP #12957 issued for a compliant single family dwelling with attached garage (submitted Site Plan showed no screened porch or patio/deck)

07/02/2014: NOTICE & ORDER to remove noncompliant & unlawful improvements (screened porch atop a retaining wall and patio/deck) **by 7/31/14;**

07/15/2014: staff meeting with Rehfelds (offered to purchase part of the public access);

08/03/2014: City Council: offer to purchase encroached land – DENIED;

08/08/2014: NOTICE & ORDER to remove unlawful structures/encroachments **by 11/1/2014;**

11/28/2016: NOTICE & ORDER to remove the unlawful structures/encroachments **by 2/13/2017;**

12/06/2016: formal clarification of NOTICE & ORDER

01/03/2017: Notice of Appeal from Larry and Barb Rehfeld

01/25/2017: Letter

STAFF FINDINGS:

(all public notice requirements have been met)

Building Official Ken Bucholz has withdrawn in part, as indicated in his 01/25/2017 letter, his Notice and Order dated 11/28/2016 (which was then clarified by letter dated 12/06/2016). Specifically, Mr. Bucholz has determined that the retaining wall and patio on Lot 22 does not violate zoning ordinance, and so he withdraws that portion of his original Order.

What remains for consideration on appeal is whether the covered porch is nonconforming because:

- (1) it was erected without a required building permit, per § 21.0206; and
- (2) it encroaches into the nine (9) foot side yard setback requirement for the R-1 Single Family Dwelling zoning district, per § 21.1001(1).

See attached

Written Request and Exhibits, aerial photo, Staff letters, BP#12957

Mtg date: Feb 9, 2016

Rehfeld Request & Exhibits

STAFF REPORT

Appeal #17185

21.0202: BOARD OF ADJUSTMENT

1. Establishment and Procedure. . . .

. . . .

- c. Hearings; Appeals; Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any decision of the Building Official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice in the official newspaper and not less than ten (10) days prior to such hearing, and provide written notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- d. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Official from whom the appeal is taken and on due cause shown. (98-6)

2. Powers and Duties.

- a. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this ordinance.

. . . .

- d. Board has Powers of Building Official on Appeals; Reversing Decision of Building Official. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.
- e. The concurring vote of at least two-thirds (2/3) of the members of the Board shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance, or to reverse any order, requirement, decision or determination of the Building Official. (Ord 06-29; Rev 02-08-07)
- f. When granting a conditional use or variance, the Board of Adjustment may, as part of its official action, set an amount, not to exceed twenty five dollars (\$25) per day, to be charged in the event that the terms of the conditional use or variance are violated or the project not completed in the time set by the Board of Adjustment. (E-546-1)

See attached

Written Request and Exhibits, aerial photo, Staff letters, BP#12957

Mtg date: Feb 9, 2016



600 South Main Ave, Ste 102 | PO Box 964 | Sioux Falls, SD 57101-0964
Phone 605 | 334 | 0005 Fax 605 | 334 | 4814

E-Mail: tom@hwalaw.com

December 29, 2016

Watertown Board of Adjustment
c/o Jill Steiner, Building Services Specialist
23 Second Street NE
Watertown, SD 57201-0910

**Re: Appeal of Larry and Barbara Rehfeld
698 N. Lake Drive
Watertown, SD 57201
Lot 22, Belk's West Shore Addition**

This appeal involves 698 N. Lake Drive, Watertown, South Dakota 57201, for which the legal description is:

Lot 22 of the plat of "Lots 11 through 24" of Belks West Shore Addition to Gov't Lots 1 and 2 of Section Eighteen (18), Township One Hundred Seventeen North (117N), Range Fifty-three (53) West of the 5th P.M., Codington County, South Dakota.

A check in the amount of \$140.00 for processing and publication fees is enclosed. The form acknowledging the receipt of information regarding Chapter 21.02 signed by Mr. Rehfeld is also enclosed. A survey showing the boundaries and measurements is enclosed as Exhibit G.

This appeal by Larry and Barbara Rehfeld is from the November 28, 2016 Order, Decision and Determination by the Watertown Building Official, Ken Bucholz, stating that the retaining wall, deck and screened porch on the Rehfeld home was in violation of the ordinance requirement for a side yard setback. A copy of the Building Official's November 28, 2016 letter is attached as Exhibit A, and incorporated by reference as though set out in full. The screened porch referred to in Ex. A was removed in September, 2016.

The basis for this appeal is that the determination that a violation of the side yard setback of 9' exists is in error. By a Quitclaim Deed dated May 27, 2015, Mr. and Mrs. Rehfeld received a conveyance from Dr. and Mrs. Bernie P. Hanson for a tract of property to the north of the Rehfeld property (Lot 22) which extends the Rehfeld property an additional 20' to the north. Attached as Exhibit B is a copy of the Quitclaim Deed signed by Bernie H. P. Hanson and Margaret E. Hanson. As shown by that Deed, the Rehfelds were conveyed a portion of Lot 23 of Belks West Shore

Addition to the north of the Rehfelds' Lot 22. Therefore, the 9' side yard setback requirement of Ord. 21-1001 is not being violated by the Rehfeld dwelling.

There has been a dispute about the ownership of Lot 23; it is anticipated the City will argue that the May 27, 2015 Quitclaim Deed (Ex. B) was ineffectual because the Hansons could not convey what they did not own. The City's position is based upon an August 31, 1973 "Instrument of Dedication," a copy of which is attached as Exhibit C. That instrument does not, and did not purport to, convey title to the City. It was intended to allow public access to Lake Kampeska.

This is verified by a March 19, 2015 title report by First Dakota Title –Watertown, a copy of which is attached as Exhibit D. This title report states:

We have reviewed the records for the above described property and as of 3/11/2015, we find the owner to be **Bernie H. P. Hanson**.

(emphasis in original) This title opinion acknowledges the existence of the "Instrument of Dedication dated August 31, 1973" (Ex. D, p. 2), but the title experts nevertheless concluded that fee title remained with the Hansons.

Another title report was issued by First Dakota Title-Watertown on November 18, 2016 regarding the property specifically included in the May 27, 2015 Quit Claim Deed (Ex. B). That title opinion concluded:

We have reviewed the records for the above described property and as of 11/3/2016, we find the owners to be Larry E. Rehfeld and Barbara L. Rehfeld, husband and wife.

Exhibit E, attached hereto. This report also acknowledges the existence of the "Instrument of Dedication."

The land in question which encompasses the deck and retaining wall referred to in Ex. A consists of but a small part of the conveyance by the May 27, 2015 Quitclaim Deed (Ex. B) and a miniscule fraction of the public access given by the "Instrument of Dedication" (Ex. C) was believed by the Rehfelds to be part of their lot, due to the existence of a fence which had been in existence for many years prior to the Rehfelds' acquisition of Lot 22. This formed a triangular piece of land six hundred square feet in size (150' x 9' x 0') from a lot of over seventeen thousand square feet. This land that has never been used or even claimed by the City since the City was given access to the landing area over thirty-five years ago. This land was continuously maintained by the various owners of Lot 22.

When the Rehfelds constructed the home in question, a retaining wall was necessary at the northeast corner of the house, due to the lot sloping toward the lake. Specifically, it is important that:

- City required three to five feet of fill per flood plain regulations.
- The retaining wall is part of the overall landscaping.
- The retaining wall is from 12 inches to 44 inches high, well below the height requiring a building permit.
- The retaining wall passed final City inspection in 2010.

Attached as Exhibit F are two photographs showing that the public access to the lake is not obstructed by the retaining wall. Trees just north of the retaining wall are a natural obstruction. The open area to the north of the trees is approximately 85 feet wide. This is confirmed by the survey of the area enclosed by the boundaries of Lots 21 and 24, prepared by Brinkman Land Surveying, and attached as Ex. G. Additional photographs and an enlarged Brinkman exhibit will be presented at the hearing.

The two previous notices, dated July 2, 2014 and August 8, 2014, should also be dismissed, for the same reasons set forth above. These notices also have been rendered moot by the substitution of the November 28, 2016 decision (Ex. A). The Rehfelds request that this appeal be heard at the February 9, 2017 meeting of the Board of Adjustment.

Respectfully submitted,

HAGEN, WILKA & ARCHER, LLP



Thomas K. Wilka
Attorney for Larry and Barbara Rehfeld

TKW:ch

Enclosures

cc: Justin Goetz
Larry and Barbara Rehfeld

Minimum Information Required for Board of Adjustment

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

Letter to the Board:

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

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

Nonrefundable fees:

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

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

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

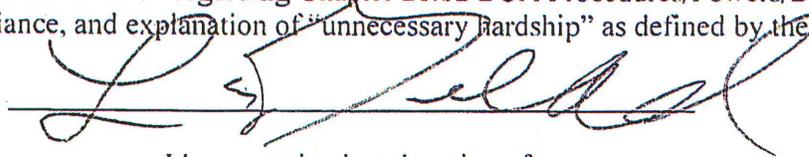
Questions?

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

Next deadline:

for meeting date:

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



I have received explanation of:

Development Lot Agreement (DLA) 30.00 filing fee

Waiver of Right to Protest (WRTP) 30.00 filing fee

CR
CR

BRINKMAN LAND SURVEYING

& BRINKMAN SPECIALTIES

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

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

ASBUILT
10/21/09 REV.

6/28/09 REV.

PROJECT LARRY & BARB REHFELD 698 NORTH LAKE DRIVE DATE 6/05/06

LOT 22 BELKS
WEST SHORE ADD.
WATERTOWN, SD

LAKE KAMPESKA

RIP RAP
H.W.L.

TOP CONC.
1721.64

CONC. 30"
SEAWALL

ASBUILT SURVEYED BY:



Darwin D. Brinkman
REGISTERED LAND SURVEYOR

NOTE: SLAB CONSTRUCTION-
TOP OF SLAB & GARAGE
FLOOR ELEV. 1726.00

PUBLIC LAKE ACCESS
AREA & PARKING LOT 23

SCALE 1" = 20'

GRADING PLAN

LEGEND

1722.0 EXISTING ELEVATIONS
(1725.3) PROPOSED ELEVATIONS
E.A. EDGE OF ASPHALT

OVERHEAD
POWERLINE

EXISTING PARKING

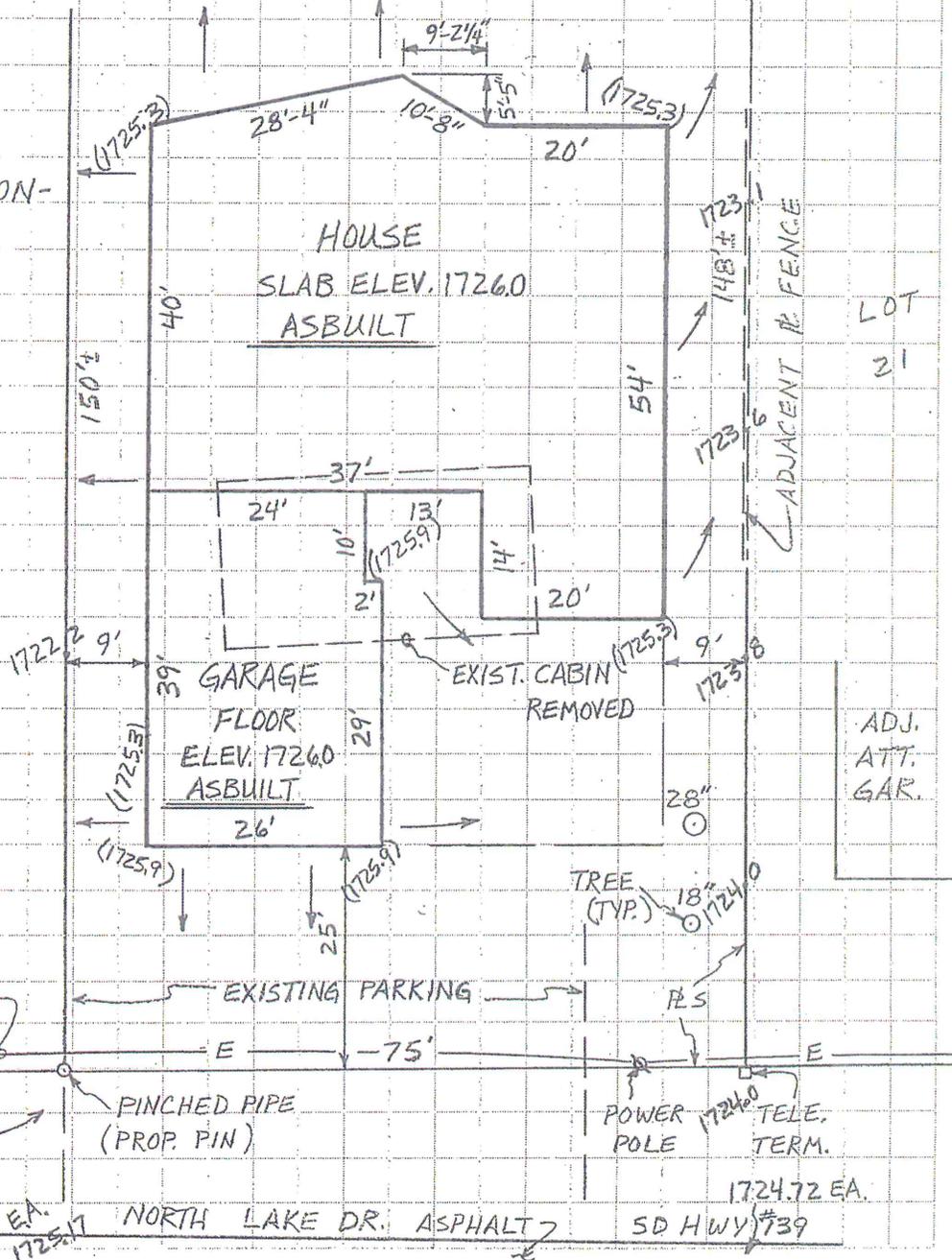
BM (BENCHMARK) TOP OF
STAKE ELEV. 1723.44
BY SCOTT ENGINEERING

PINCHED PIPE
(PROP. PIN)

POWER POLE
TELE. TERM.

E.A. 1725.17 NORTH LAKE DR. ASPHALT

1724.72 EA.
SD HWY #739





CITY OF
WATERTOWN

NOTICE and ORDER
CERTIFIED MAIL AND GENERAL DELIVERY

28 Second St. NE
P.O. Box 910

November 28, 2016

Water town, SD 57201-0910
www.watertownsd.us
Larry and Barb Rehfeld
210 S. Philips Ave.
Sioux Falls, SD 57104

- Mayor
605-882-6200
Fax: 605-882-5214
- Regional Airport
605-882-6209
Fax: 605-882-5285
- Building Services
605-882-6201
Fax: 605-882-5264
- Mt. Hope Cemetery
605-882-6208
- City Attorney
605-882-6200
Fax: 605-882-5214
- Engineering & Planning
605-882-5202
Fax: 605-882-5264
- Finance Office
605-882-6203
FAX 605-882-6216
- Fire Department
605-882-5030
FAX 605-882-5041
- Library
605-882-6220
FAX 605-882-6221
- Park, Rec & Forestry Dept.
605-882-6260
FAX 605-882-5204
- Police Dept.
605-882-6210
FAX 605-882-6216
- Solid Waste Dept.
605-882-6219
Fax: 605-882-6375
- Street Dept.
605-882-6207
- Watertown Community Recreation Center
605-882-6250
FAX 605-882-6254
- Wastewater Treatment Facility
605-882-6243
FAX 605-882-6242

Re: property located at:
698 N. Lake Drive
Watertown, SD 57201
Lot 22, Belk's West Shore Addition

Mr. and Mrs. Rehfeld,

As noted in my previous letter, sent July 2, 2014, noncompliant and unlawful improvements remain on the above property, i.e.: a screened porch atop a retaining wall and patio/deck, and placement of said structures as encroachments into your required side yard setback. These particular improvements constitute violations of City of Watertown zoning ordinance, including §§ 21.0206(1), (2) & 21.1001.

You are again ordered to remove the unlawful structures previously described, bringing the property to compliance by Monday, February 13, 2016.

You have the right to appeal this decision to the Board of Adjustment within sixty (60) days of the date this letter was served upon you. Otherwise, please contact the Building Services Department by 5:00 p.m. on Monday, January 21, 2016, stating your intentions for returning the premises to compliant condition.

If you fail to comply with this Notice of Violation and Order, or if your appeal, if any, is rejected, the City is authorized to restrain, correct, or abate these violations of City ordinance and any such action shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Respectfully,

Ken Bucholz
Building Official
605-882-6201 ext. 3506

cc: Mayor Steve Thorson (by e-mail)
Justin Goetz, City Attorney (by e-mail)
John Wiles

EXHIBIT A



DOCUMENT PREPARED BY:
 WILES & RYLANCE
 P. O. Box 227
 Watertown, SD 57201-0227
 (605) 886-5881

INSTRUMENT NO. 201502299 Pages: 2
 BOOK: 423 QUIT CLAIM
 PAGE: 9218
 TRANSFER FEE: 0.50 EXEMPT #:
 6/2/2015 1:45:00 PM

ANN RASMUSSEN, REGISTER OF DEEDS
 CODINGTON COUNTY, SOUTH DAKOTA

Recording Fee: 30.50
 Return To: WILES & RYLANCE LLP

QUIT CLAIM DEED

BERNIE H. P. HANSON and MARGARET E. HANSON, husband and wife, GRANTORS, of Codington County, South Dakota, for and in consideration of One Dollar and other good and valuable consideration, convey and quit claim to LARRY E. REHFELD and BARBARA L. REHFELD, husband and wife, the GRANTEEES, of 688-N. Lake Drive, Watertown, SD 57201, all of their right, title and interest, including after acquired title, in the following described real estate in the County of Codington, State of South Dakota:

All of that portion of Lot 23 of Belks West Shore Addition lying Southwesterly of a line drawn from the property corner between Lots 22 and 23 at North Lake Drive to a point 10 Feet Northeasterly of the property line between said Lots 22 and 23 at the high water line of Lake Kampeska, Codington County, South Dakota

all as shown on the survey attached.

Dated this 27th day of May, 2015.

Bernie H. P. Hanson
 Bernie H. P. Hanson

Margaret E. Hanson
 Margaret E. Hanson

STATE OF SOUTH DAKOTA)
) : SS
 COUNTY OF CODINGTON)

On this the 27th day of May, 2015 J.W., before me, the undersigned officer, personally appeared BERNIE H. P. HANSON and MARGARET E. HANSON, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal:

My Commission Expires: 8/29/20
 (SEAL)

J. Douglas Austin
 J. Douglas Austin, Notary Public
 State of South Dakota

EXHIBIT B

INSTRUMENT OF DEDICATION

This is to certify that Bernie H. P. Hanson and Margaret Hanson, his wife, owners of the following described premises, to-wit:

Lot 23 of the Plat of Lots 11 through 24 of Belk's West Shore Addition in Gov't. Lots 1 & 2 of Sec. 18 T117N R53W of the 5th P.M., Codington County, South Dakota, and that portion of Lot 24 of the Plat of Lots 11 through 24 of Belk's West Shore Addition in Gov't. Lots 1 & 2 of Sec. 18 T117N R53W of the 5th P.M., Codington County, South Dakota, lying between the boundary between Lots 23 and 24 on the one hand and a line parallel with and 40 feet distant northeasterly therefrom on the other

hereby dedicate to the public, forever, all of the above described premises for use as a public highway.

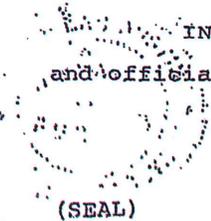
Dated at Watertown, South Dakota, this 31st day of August, 1973.

Bernie H. P. Hanson
Margaret E. Hanson

STATE OF SOUTH DAKOTA COUNTY OF CODINGTON-SS.
FILED THIS 26th DAY OF October 1973 AT 8:00 O'CLOCK A.M. BOOK 44
PAGE 472 Elizabeth M. Larson
REMAINDER OF PAGE

On this, the 31st day of August, 1973, before me, J. Douglas Austin, the undersigned officer, personally appeared Bernie H. P. Hanson and Margaret Hanson known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



J. Douglas Austin
Notary Public, South Dakota
My Commission Expires: 9/14/78

EXHIBIT C



First Dakota Title - Watertown
168 North Broadway
Watertown, SD 57201

March 19, 2015

Wiles & Rylance
PO Box 227
Watertown, SD 57201

Attn: John Wiles

SD1535835

RE: Lot 23 and the Southwesterly 40 Feet of Lot 24 of the Plat of "Lots 11 through 24 of Belk's West Shore Addition in Government Lots 1 and 2 of Section 18, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota", according to the recorded plat thereof.

We have reviewed the records for the above described property and as of 3/11/2015, we find the owner to be **Bernie H. P. Hanson**.

Subject to the following:

1. No judgments found of public record.
2. No open mortgages found of public record.
3. Petition, dated March 30, 1964, and Resolution to Vacate Roadway dated September 21, 1964, executed by Ralph E. Hanten, Harry M. Haywood, Joseph T. Sokoll, Irene Dorothy Sokoll, Warden E. Mickelson, M.A. Lauer, Louise Lauer, Waldo L. Scott, Mildred L. Scott, Constance T. Austin, Alan L. Austin, Keith Stoke Snyder, Ruth C. Snyder, Phillip Stokes Snyder, Helen R. Snyder, Vernon H. Belk, Harold E. Belk, Lyle V. Belk, Phyllis Irma Belk, Helen V. Peterson, Ruth Shenk, James E. Hensley, Katherine C. Hensley, Peter H. Cloos, Ada Cloos, Glen Tilly, Millicent A. Tilly, and John Lyle Barrett to Whom It May Concern, filed on November 9, 1964 and recorded in Book KK of Miscellaneous on page 514.
4. Petition for Vacation of Section Line Highway and Resolution dated April 6, 1973, executed by Bernie P. Hanson, Vernon H. Belk, Philip Stokes Snyder, Helen R. Snyder, Keith Stoke Snyder, Ruth C. Snyder, Alan L. Austin, Constance T. Austin, Richard L.

EXHIBIT D

Lillard, and Mary Lou Lillard to City of Watertown, filed on May 1, 1973 and recorded in Book TT of Miscellaneous on page 587.

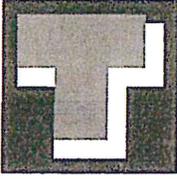
5. Instrument of Dedication dated August 31, 1973, executed by Bernie H.P. Hanson and Margaret E. Hanson, husband and wife, to Whom It May Concern, filed on October 26, 1973 and recorded in Book UU of Miscellaneous on page 472.
6. Right-Of-Way Easement dated May 8, 1974, executed by Bernie Hanson, MD to City of Watertown, filed on February 18, 1975 and recorded in Book WW of Miscellaneous on page 558.
7. Said parcel of land is classified as non-taxable property and therefore is not taxed. Tax ID #5480.

This report is not a title insurance policy. It is not to be used for sale or mortgage purposes, but for informational purposes only. First Dakota Title - Watertown disclaims any liability with respect to this information report except to the extent of the cost hereof, \$210.00.

First Dakota Title - Watertown



Karla Siegfried



First Dakota Title - Watertown
168 North Broadway
Watertown, SD 57201

November 18, 2016

Larry Rehfeld

Attn:

SD16129940

RE: All that portion of Lot 23 of Belks West Shore Addition lying Southwesterly of a line drawn from the property corner between Lots 22 and 23 at North Lake Drive to a point 10 feet northeasterly of the property line between said Lots 22 and 23 at the high water line of Lake Kampeska, Codington County, South Dakota, and the Southwesterly 20 feet of Lot 23, measured parallel to and equal distance from the line between lots 22 and 23 of Belks West Shore Addition, Codington County, South Dakota, according to the recorded plat thereof.

Address: 1 Tbd, Watertown, SD 57201

Dear Larry Rehfeld:

We have reviewed the records for the above described property and as of 11/3/2016, we find the owners to be Larry E. Rehfeld and Barbara L. Rehfeld, husband and wife.

Subject to the following:

1. No judgments found of public record.
2. Said parcel of land is classified as non-taxable property and therefore is not taxed. Tax ID #5480. (Parent- Lot 23 and S40' Lot 24)
3. No open mortgages found of public record.
4. Instrument of Dedication dated August 31, 1973, executed by Bernie H.P. Hanson and Margaret E. Hanson, husband and wife, to Whom It May Concern, filed on October 26, 1973 and recorded in Book UU of Miscellaneous on page 472.

EXHIBIT E

This report is not a title insurance policy. It is not to be used for sale or mortgage purposes, but for informational purposes only. First Dakota Title - Watertown disclaims any liability with respect to this information report except to the extent of the cost hereof, \$100.00.

First Dakota Title - Watertown

A handwritten signature in cursive script that reads "Lauren Evans".

Lauren Evans



EXHIBIT E



LAKE KAMPESKA

SITE PLAN

OWNER: LARRY AND BARB REHFELD
ADDRESS: 698 NORTH LAKE DRIVE, WATERTOWN, SD 57201
LEGAL DESCRIPTION: LOT 22 AND THE SOUTHWESTERLY 20'
OF LOT 23 OF BELKS WEST SHORE ADDITION
CODINGTON COUNTY, SOUTH DAKOTA

LOT 24

LOT 23

LOT 22

LOT 21

PUBLIC LAKE ACCESS
AREA & PARKING

EXHIBIT
9

SCALE 1"=20'
DECEMBER 20, 2016

NORTH LAKE DRIVE
ASPHALT

BRINKMAN
LAND SURVEYING
1415 Harmony Lane
Watertown, S.D. 57201
Ph. (605) 896-4007 Cell (605) 861-7299
Fax (605) 878-0079

Project Number: 16-201

30" DIA.
DECID.
TREE

9' +/-

RIP RAP

SOUTHWESTERLY 20' OF LOT 23

CABLE ACCESS
CONTROL FROM
2006

TOP NORTHERLY EDGE
OF LANDSCAPING BLOCK
RETAINING WALL

LANDSCAPE
STEPS

25' +/-

PINCHED
PIPE

20'

HOUSE

GARAGE

9' +/-

75'

95'

33'

City Correspondence

CITY OF
WATERTOWN

CERTIFIED MAIL AND GENERAL DELIVERY

23 Second St. NE
P.O. Box 910
Watertown, SD 57201-0910
www.watertownsd.us

January 25, 2017

Larry and Barb Rehfeld
698 N. Lake Drive
Watertown, SD 57201

RE: property located at:
698 N. Lake Drive
Watertown, SD 57201
Lot 22, Belk's West Shore Addition

Mr. and Mrs. Rehfeld:

In my previous letter, dated November 28, 2016, I ordered the removal of noncompliant and unpermitted improvements on the above property, i.e.: a screened porch atop a retaining wall and patio/deck, and placement of said structures as encroachments into your required side yard setback. You have since appealed that order to the Board and that appeal is scheduled for hearing on February 9, 2017.

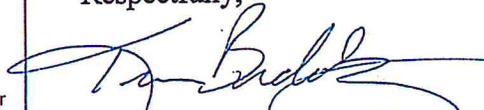
After additional review and upon recent discovery of the removal of the screened porch, I interpret zoning ordinance to indicate that no improvements made unlawful by lack of permit and no side yard encroachments, currently exist on your property.

Accordingly, so long as the screened porch is not restored at any time in the future and any future screened porch receives the proper permit, I am willing to rescind my previous Notice and Order letters regarding the unpermitted work and side yard encroachments. In turn, that rescission should obviate the appeal.

To memorialize this agreement, I ask that you both place your notarized signatures upon and date the attached statement, in which you promise to (1) not re-erect the screened porch in violation of Watertown zoning ordinance, (2) remove all pictures depicting the screened porch on realty websites, and (3) provide a copy of this letter to the next owner of the above property.

Please note that my findings and this offer do not regard the continuing encroachment of your retaining wall and patio onto Lot 23 of Belk's West Shore Addition. That matter is not contained in the appeal before the Board of Adjustment and the City reserves all of its rights under law to remedy that encroachment.

Respectfully,



Ken Bucholz Building Official
605-882-6201 ext. 3506

cc: Mayor Steve Thorson (by e-mail)
Justin Goetz, City Attorney (by e-mail)
Thomas Wilka

Mayor
605-882-6200
Fax: 605-882-5214

Regional Airport
605-882-6209
Fax: 605-882-5285

Building Services
605-882-6201
Fax: 605-882-5264

Mt. Hope Cemetery
605-882-6208

City Attorney
605-882-6200
Fax: 605-882-5214

Engineering
& Planning
605-882-6202
Fax: 605-882-5264

Finance Office
605-882-6203
FAX 605-882-6218

Fire Department
605-882-5030
FAX 605-882-5041

Library
605-882-6220
FAX 605-882-6221

Park, Rec &
Forestry Dept.
605-882-6260
FAX 605-882-5204

Police Dept.
605-882-6210
FAX 605-882-6216

Solid Waste Dept.
605-882-6219
Fax: 605-882-6375

Street Dept.
605-882-6207

Watertown
Community
Recreation Center
605-882-6250
FAX 605-882-6254

Wastewater
Treatment Facility
605-882-6243
FAX 605-882-6242

CITY OF
WATERTOWN

23 Second St. NE
P.O. Box 910
Watertown, SD 57201-0910
www.watertownsd.us

Mayor
605-882-6200
Fax: 605-882-5214

Regional Airport
605-882-6209
Fax: 605-882-5285

Building Services
605-882-6201
Fax: 605-882-5264

Mt. Hope Cemetery
605-882-6208

City Attorney
605-882-6200
Fax: 605-882-5214

Engineering
& Planning
605-882-6202
Fax: 605-882-5264

Finance Office
605-882-6203
FAX 605-882-6218

Fire Department
605-882-5030
FAX 605-882-5041

Library
605-882-6220
FAX 605-882-6221

Park, Rec &
Forestry Dept.
605-882-6260
FAX 605-882-5204

Police Dept.
605-882-6210
FAX 605-882-6216

Solid Waste Dept.
605-882-6219
Fax: 605-882-6375

Street Dept.
605-882-6207

Watertown
Community
Recreation Center
605-882-6250
FAX 605-882-6254

Wastewater
Treatment Facility
605-882-6243
FAX 605-882-6242

December 6, 2016

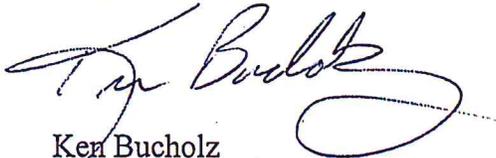
Larry Rehfeld
698 N. Lake Drive
Watertown, SD 57201

Re: property located at:
698 N. Lake Drive
Watertown, SD 57201
Lot 22, Belk's West Shore Addition

Mr. Rehfeld,

This letter is in response to your request for formal clarification of the nature of the Notice and Order sent from my office, dated November 28, 2016. That Notice and Order letter regarded the continuing violations noted in the prior Notice and Order letters (dated July 2 and August 8, 2014) sent from this office to you regarding the abovementioned property. It did not reference or regard any additional, new violations. Please also note, in this same dated letter, the correct dates should read in turn as Monday, February 13, 2017 and Monday, January 21, 2017.

Respectfully,



Ken Bucholz
Building Official
605-882-6201 ext. 3506

cc: Justin Goetz, City Attorney (by e-mail)

CITY OF
WATERTOWN

23 Second St. NE
PO Box 910
Watertown, SD 57201-0910
www.watertownsd.us

NOTICE and ORDER
CERTIFIED MAIL AND GENERAL DELIVERY

November 28, 2016

Larry and Barb Rehfeld
210 S. Philips Ave.
Sioux Falls, SD 57104

Re: property located at:
698 N. Lake Drive
Watertown, SD 57201
Lot 22, Belk's West Shore Addition

Mr. and Mrs. Rehfeld,

As noted in my previous letter, sent July 2, 2014, noncompliant and unlawful improvements remain on the above property, i.e.: a screened porch atop a retaining wall and patio/deck, and placement of said structures as encroachments into your required side yard setback. These particular improvements constitute violations of City of Watertown zoning ordinance, including §§ 21.0206(1), (2) & 21.1001.

You are again **ordered** to remove the unlawful structures previously described, bringing the property to compliance by Monday, February 13, 2016.

You have the right to appeal this decision to the Board of Adjustment within sixty (60) days of the date this letter was served upon you. Otherwise, please contact the Building Services Department by **5:00 p.m. on Monday, January 21, 2016**, stating your intentions for returning the premises to compliant condition.

If you fail to comply with this Notice of Violation and Order, or if your appeal, if any, is rejected, the City is authorized to restrain, correct, or abate these violations of City ordinance and any such action shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Respectfully,



Ken Bucholz
Building Official
605-882-6201 ext. 3506

cc: Mayor Steve Thorson (by e-mail)
Justin Goetz, City Attorney (by e-mail)
John Wiles

Mayor

605-882-6200
Fax: 605-882-5214

Regional Airport

605-882-6209
Fax: 605-882-5285

Building Services

605-882-6201
Fax: 605-882-5264

Mt. Hope

Cemetery
605-882-6208

City Attorney

605-882-6200
Fax: 605-882-5214

Engineering &
Planning

605-882-6202
Fax: 605-882-5264

Finance Office

605-882-6203
Fax: 605-882-6218

Fire Department

605-882-5030
Fax: 605-882-5042

Library

605-882-6220
Fax: 605-882-6221

Park, Rec. &
Forestry Dept.

605-882-6260
Fax: 605-882-5204

Police Dept.

605-882-6210
Fax: 605-882-6216

Solid Waste Dept.

605-882-6219
Fax: 605-882-6375

Street Dept.

605-882-6207

Watertown
Community
Recreation Center

605-882-6250
Fax: 605-882-6254

Wastewater
Treatment Facility

605-882-6243
Fax: 605-882-6242

CITY OF
WATERTOWN

23 Second St. NE
P.O. Box 910
Watertown, SD 57201-0910
www.watertownsd.us

**Via Certified and First-Class Mail
Return Receipt Requested**

August 8, 2014

NOTICE AND ORDER

Mr. & Mrs. Larry and Barb Rehfeld
698 N Lake Drive
Watertown, SD 57201

Re: 698 N. Lake Dr—Encroachment onto City Property

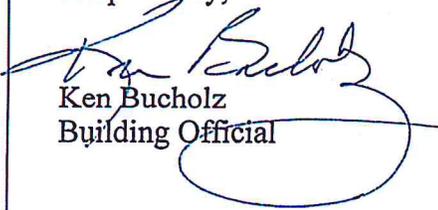
Dear Mr. & Mrs. Rehfeld:

As promised during our meeting on July 15, 2014, we took your offer to purchase the encroached land to the City Council at their August 3, 2014 meeting. After much discussion, the City Council decided to retain ownership of the encroached property and not allow its purchase.

Given that decision, I have been directed to order you to remove the encroaching portions of your retaining wall, screened porch and concrete patio on or before **November 1, 2014**. If removal is not complete on or before November 1st, the City may take appropriate action to remove the encroachment and assess the costs against your property. While our codes do not require a building permit for a retaining wall less than 4'; a seasonal screened porch is subject to setbacks and is required to be permitted. Construction is never allowed to encroach on city-owned property.

Please contact me if you have any questions prior to removal; if not, please let me know when removal has been completed. I can be reached at (605) 882-6200 extension 24. Thank you for your anticipated cooperation in resolving this matter.

Respectfully,


Ken Bucholz
Building Official

cc: Mayor Steve Thorson

Mayor
605-882-6200
Fax: 605-882-5214

Regional Airport
605-882-6209
Fax: 605-882-5285

Building Services
605-882-6201
Fax: 605-882-5264

Mt. Hope Cemetery
605-882-6208

City Attorney
605-882-6200
Fax: 605-882-5214

Engineering
& Planning
605-882-6202
Fax: 605-882-5264

Finance Office
605-882-6203
FAX 605-882-6218

Fire Department
605-882-5030
FAX 605-882-5041

Library
605-882-6220
FAX 605-882-6221

Park, Rec &
Forestry Dept.
605-882-6260
FAX 605-882-5204

Police Dept.
605-882-6210
FAX 605-882-6216

Solid Waste Dept.
605-882-6219
Fax: 605-882-6375

Street Dept.
605-882-6207

Watertown
Community
Recreation Center
605-882-6250
FAX 605-882-6254

Wastewater
Treatment Facility
605-882-6243
FAX 605-882-6242

CITY OF
WATERTOWN

23 Second St. NE
P.O. Box 910
Watertown, SD 57201-0910
www.watertownsd.us

NOTICE and ORDER
CERTIFIED MAIL AND GENERAL DELIVERY

July 2, 2014

Mayor
605-882-6200
Fax: 605-882-5214

Regional Airport
605-882-6209
Fax: 605-882-5285

Building Services
605-882-6201
Fax: 605-882-5264

Mt. Hope Cemetery
605-882-6208

City Attorney
605-882-6200
Fax: 605-882-5214

Engineering
& Planning
605-882-6202
Fax: 605-882-5264

Finance Office
605-882-6203
FAX 605-882-6218

Fire Department
605-882-5030
FAX 605-882-5041

Library
605-882-6220
FAX 605-882-6221

Park, Rec &
Forestry Dept.
605-882-6260
FAX 605-882-5204

Police Dept.
605-882-6210
FAX 605-882-6216

Solid Waste Dept.
605-882-6219
Fax: 605-882-6375

Street Dept.
605-882-6207

Watertown
Community
Recreation Center
605-882-6250
FAX 605-882-6254

Wastewater
Treatment Facility
605-882-6243
FAX 605-882-6242

Larry and Barb Rehfeld
210 S Philips Ave
Sioux Falls, SD 57104

Re: property located at:
698 N Lake Dr
Watertown, SD 57201
Lot 22, Belks West Shore Addition

Mr. and Mrs. Rehfeld,

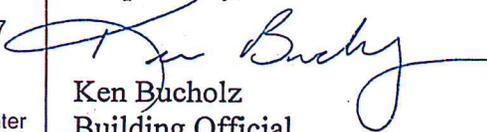
Building Permit for a compliant single family dwelling was issued to you in July of 2009. Since then, noncompliant and unlawful improvements have been made to the property, i.e.: a screened porch atop a retaining wall and patio/deck, all of which required Building Permits prior to construction. Furthermore, the placement of said structures is in violation of *Placement Regulations*, encroaching into your Required Side Yard (setback) and onto the adjacent property, which is public right-of-way owned by the City of Watertown.

You are now **ordered** to remove the unlawful structures previously described, returning the properties to compliance by July 31, 2014 per Chapter 21.99 of the Zoning Ordinance:

...when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner.

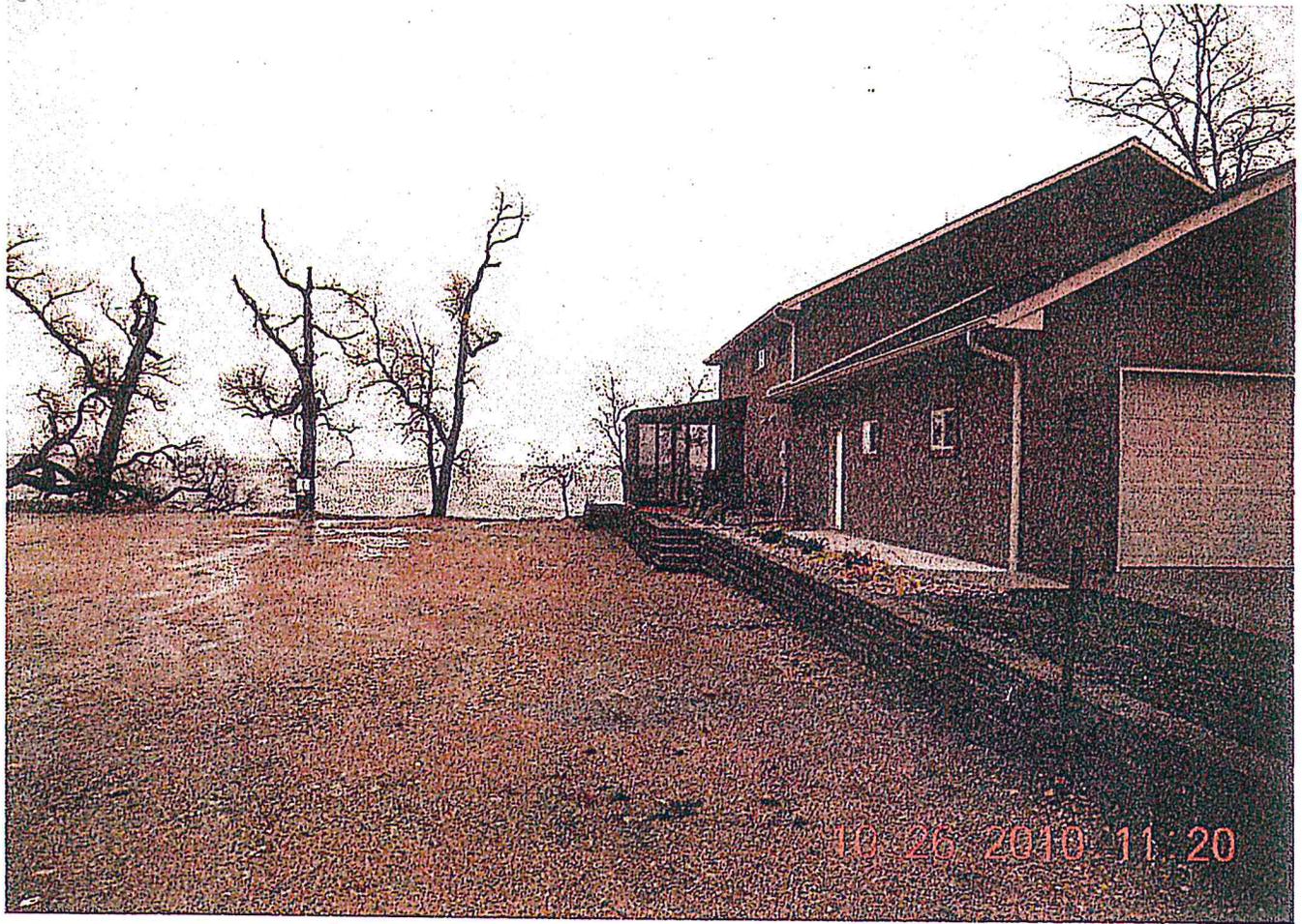
In order to suspend further action, please contact the Building Services Department, by **5:00 p.m. Friday July 11, 2014**, stating your intentions for returning the premises to compliant condition.

Respectfully,



Ken Bucholz
Building Official
City of Watertown, SD
605-882-6201 ext 24

Cc: Mayor Steve Thorson
Enc: Chapter 21.99
photos



Chapter 21.99
PUNISHMENT

21.9901: PUNISHMENT

Any person violating any of the provisions of this title shall, upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted.

Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200). In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. (E-299-2), (E-679)

**House with Attached Garage
Building Permit #12957**

FOUNDATION

Concrete Slab

Concrete Block Walls

Concrete Walls

Wood Walls

BASEMENT AREA

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

INTERIOR FINISH

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

HEATING

Solar

Heat Pump

Hot Water

Electric

Gas Furnace

Geothermal

Air Conditioning

Fireplace/Stove

No Heating System

PLUMBING

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

SITE REQUIREMENTS

Grass Blvd/Trees

Sidewalks

ESC > 1 acre

FLOOD HAZARD

Floodway

1% (100 yr.)

.2% (500 yr.)

Out

Req'd Elev. 1725.8

Elev. Cert. Req'd

Flood Proofed

DFIRM Date 1-16-09

APPLICATION FOR BUILDING PERMIT 12957

Zone R-1 Date 7-8, 20 09

Proposed Construction House w/ ATT GARAGE

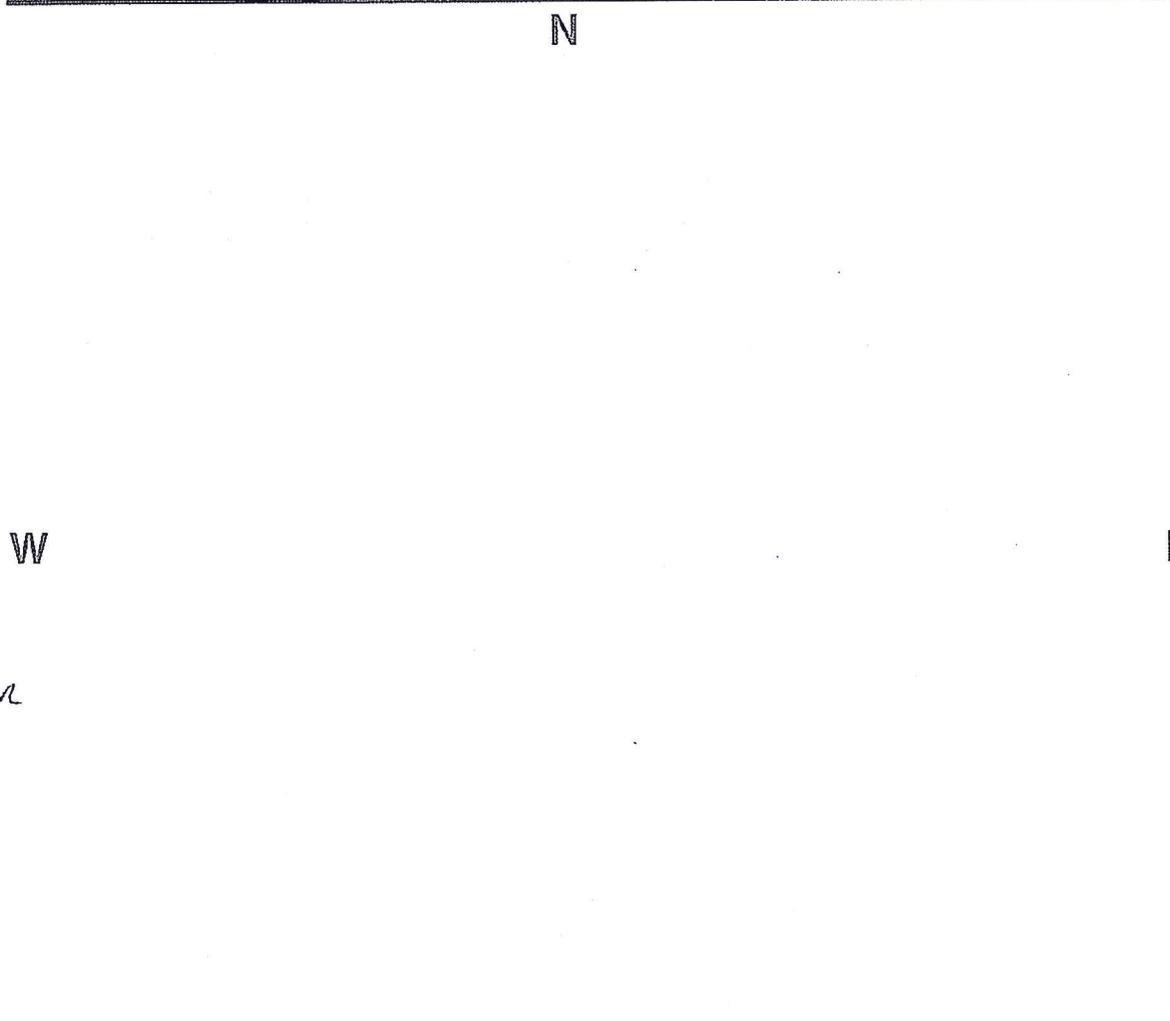
Size 4-2660 2nd-787 Sq. Ft. 6th-994 Height _____

Address 698 N. C. D. Lot Area _____

Lot 22 Block _____ Addition BECKS WEST SIDE

Estimated Cost \$ 231,694 Fee 763 Plans Filed _____

Details not mentioned above: Existing Cabin to be removed
WOLFP



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 a in consideration of the premises and the permit to construct, erect, alter or install and the occupancy of building as ab described, to be issued and granted by the Building Official, that the work thereon will be done in accordance with descriptions herein set forth in this statement, and as more fully described in the specifications and plans herewith fil and it is further agreed to construct, erect, alter or install and occupy in strict compliance with the ordinances of the C of Watertown; and to obey any and all lawful orders of the City Engineer of the City of Watertown and all State Laws re ing to the construction, alteration, repairs, removal, and safety of buildings and other structures and permanent build equipment.

Owner MARCY & BARBARA RUTENLOD Address 514

By [Signature]

Dated 7/8/0, 20 09 Contractor ULTIMATE Const
CHARLEWINE 237-2

PERMIT APPROVAL

Authorized by: _____ Members of Board of Adjustment

[Signature] Building Official

_____ Fire Chief

_____ City Engineer

RECEIVED

JUL 08 2009

BRINKMAN LAND SURVEYING

& BRINKMAN SPECIALTIES

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

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

Planning & Zoning Dept.
City of Watertown

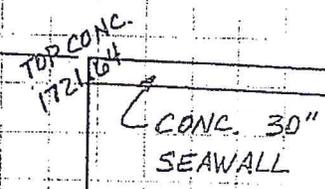
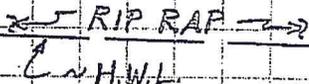
PROJECT LARRY & BARB REHFELD 698 NORTH LAKE DRIVE DATE 6/05/06

1 ft. above
bottom of siding

6/28/09 REV.

LOT 22 BELKS
WEST SHORE ADD.
WATERTOWN, SD

LAKE KAMPESKA



ELEVATIONS

PUBLIC
LAKE ACCESS
AREA &
PARKING

NOTE: SLAB CONSTRUCTION-
TOP OF SLAB & GARAGE
FLOOR ELEV. 1726.00

LOT 23

HOUSE
SLAB ELEV. 1726.00

ADJACENT FENCE

LOT 21

ADJ. ATT. GAR.

SCALE 1" = 20'

GRADING PLAN

LEGEND

- 1722.0 EXISTING ELEVATIONS
- 1725.3 PROPOSED ELEVATIONS
- EA: EDGE OF ASPHALT

OVERHEAD POWERLINE

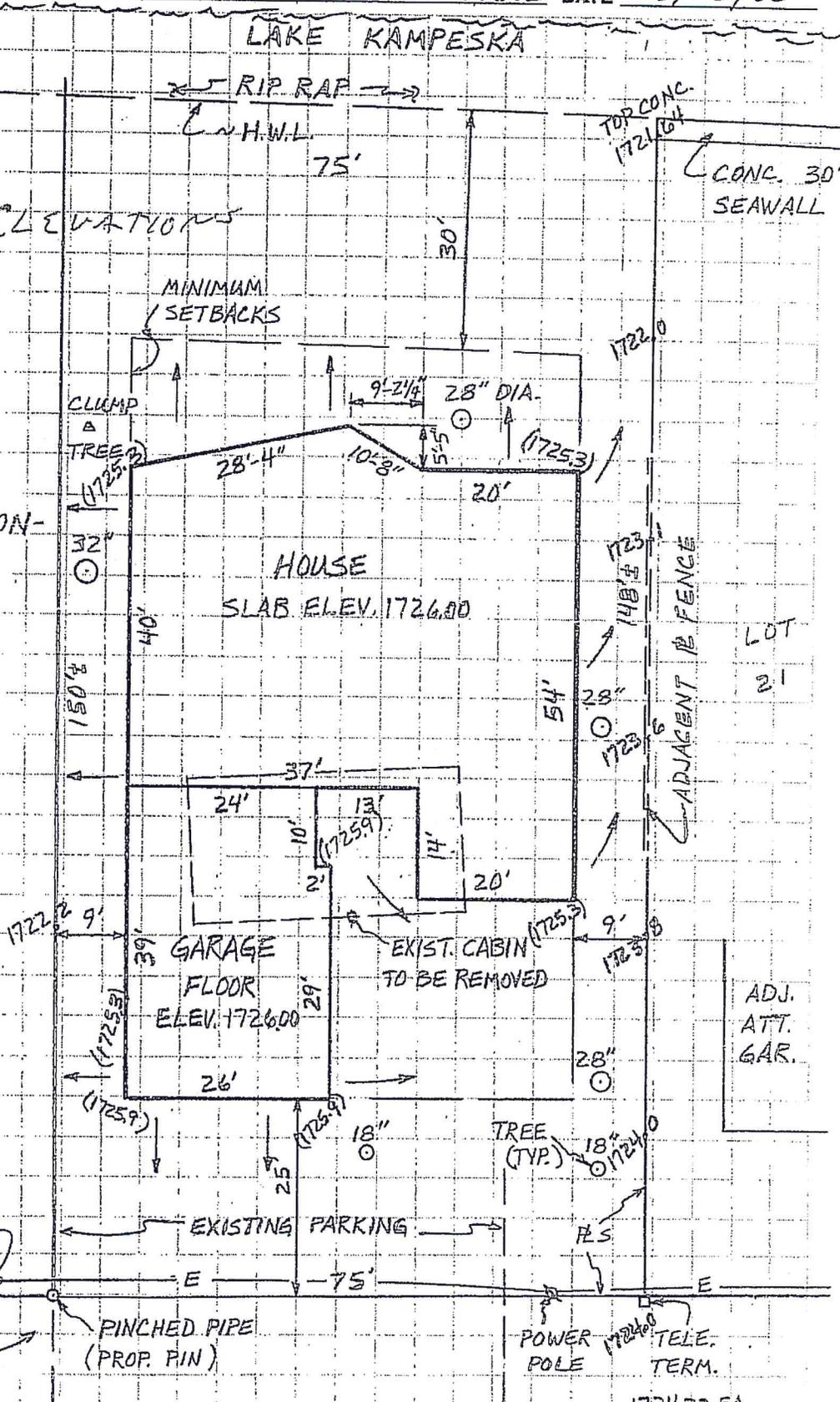
EXISTING PARKING

BM (BENCHMARK) TOP OF
STAKE ELEV. 1723.44
BY SCOTT ENGINEERING

PINCHED PIPE
(PROP. PIN)

POWER POLE TELE. TERM.

EA. 1725.17 NORTH LAKE DR. ASPHALT SD HWY 1739 1724.72 EA.



BRINKMAN LAND SURVEYING & BRINKMAN SPECIALTIES

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

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

6/28/09 REV.

PROJECT LARRY & BARB REHFELD 698 NORTH LAKE DRIVE DATE 6/05/06

LOT 22 BELKS
WEST SHORE ADD.
WATERTOWN, SD

LAKE KAMPESKA

PUBLIC
LAKE ACCESS
AREA &
PARKING

← RIP RAP →
H.W.L.

75'

30'

CONC. 30"
SEAWALL

MINIMUM
SETBACKS

CLUMP
B
TREE

9'-2 1/4" 28" DIA.

28'-4" 10'-8" 5'-5"

20'

HOUSE

LOT 23

RETAINING WALL

32"

40'

150'

148'

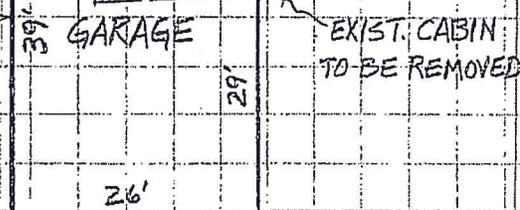
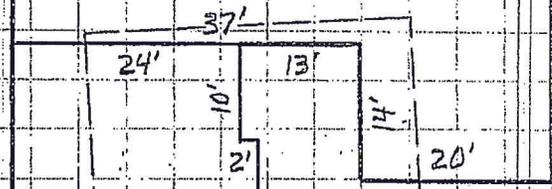
ADJACENT FENCE

LOT 21

54'

28"

SITE PLAN



ADJ.
ATT.
GAR.

OVERHEAD
POWERLINE

EXISTING PARKING

TREE
(TYP.)

18"

18"

P.S.

E

75'

E

PINCHED PIPE
(PROP. PIN)

POWER
POLE

TELE.
TERM.

SCALE 1"=20'

NORTH LAKE DR. ASPHALT

SD HWY #739

RECEIVED

JUL 08 2009

Planning & Zoning Dept.
City of Watertown

CITY OF WATERTOWN

23 Second St NE ♦♦♦ P.O. Box 910 ♦♦♦ Watertown, South Dakota 57201-0910

Website: www.watertownsd.us, Phone: 605-882-6200 x10

REV. 5-20-2009

Residential Building Permit Application Form Check Sheet

FAILURE TO HAVING PERMIT PRIOR TO CONSTRUCTION WILL RESULT IN DOUBLE PERMIT FEE

Owner/Applicant: LARRY & BARBARA REHFELD LAKE 886-6803
Address: 698 N. LAKE DRIVE, WATERTOWN, SD
Contact info Phone No. : 605. 336. 9737 e-mail: larry@rehfeldsonline.com
605. 201. 5598 C.U.

Proposed Construction: SINGLE FAMILY RESIDENTIAL
Property Address: 698 N. LAKE DRIVE
Legal Description:
Lot 22
Block _____
Addition BELKS WEST SHORE ADDITION
Lot area: 157x75 Sq Ft, or 11,775 SQ FT Acre(s)

Responsible party for Erosion control: LARRY REHFELD
Contact info Phone No. : 605. 336. 9737 e-mail: larry@rehfeldsonline.com

Principal erosion control responsibilities:

- In the event sediment or other construction materials are discharged from the site, ASAP but no later than the end of the work day in which the discharge occurred, the discharged materials shall be recovered, the affected properties shall be returned to the condition prior to discharge, and the affected streets swept or broomed.
- Designate an area of the site for concrete washout & concrete equipment cleaning with the objective of preventing the discharge of concrete washout water & concrete equipment wash water off-site to adjacent properties and streets.
- Install stabilized construction site entrance/exit point(s), and direct traffic to the stabilized construction entrance/exit point(s), prior to the delivery of any construction equipment or building materials
- Preserve or establish permanent or temporary vegetation of the boulevard area of the public right-of-way.
- Install access barriers and down-gradient perimeter erosion and sediment controls prior to the delivery of any construction equipment or building materials to protect vegetated boulevard areas and to direct construction traffic to the stabilized construction site entrance/exit.

Required information:

* **Site Plan:** a scaled drawing (1' = 30' preferred) showing location of proposed structure on the lot with dimensions of setbacks from all property lines (front, sides and rear). The distances must be dimensioned perpendicular from the property line to the closest point of the structure. The exterior or footprint of the structure must be dimensioned. Show the driveway and sidewalk location and dimensions. Include on a *separate duplicate drawing* the direction of drainage on the lot and foundations/floor elevations.

* **Floor Plan:** a scaled drawing naming the rooms with dimensions & square footage for each floor. Include size and location of any decks. Show the square footage of finished and unfinished areas on each floor included square footage of garages and entries.

1 st Floor (main).....Sq Ft	<u>2660</u>	Yes	<u>159,600</u>
Foyer (If on separate level)...Sq Ft	_____	(omit in main floor footage)	<u>760</u> <u>47220</u>
2 nd Floor.....Sq Ft	<u>787</u>		
Basement (total)..... Sq Ft	_____	Finished? Yes No	
GarageSq Ft	<u>994</u>	Finished? <u>Yes</u> No	<u>721</u> <u>20874</u>
Deck(s)..... Sq Ft	_____ Sq Ft _____ Sq Ft _____ Sq Ft		
Other items, fireplace, fence sheds, etc	<u>RETAINING WALLS FIREPLACE</u>		<u>74,000</u>

231,694¹

Exterior Elevations: a scaled drawing showing the four exterior views of the structure including the proposed finished grade line around the structure and the bottom of the footing line, with dimensions showing wall height at each level and overall height at front elevation.

Typical Wall Section: a scaled detailed drawing showing sizes and materials of the typical exterior wall from footing to shingles. Wood foundations must show their own specific detail! List joists, beams and bearing wall sizes and spaces. Show ceiling and wall insulation for type and R-value. (or complete attached sample).

Egress Window: list rescue window locations and size.

Drain Waste Plumbing: schematic showing connection of all plumbing, including garage drains and connection and location to main sanitary sewer (show sanitary sewer in ROW)

Miscellaneous: show the location of all smoke detectors. Provide stair detail(s) showing rise, run, railings and headroom. List type and size of air-conditioning and heating, list voltage and amp service. Make sure plans are correct.

Heating Type GEO THERMAL
Air Conditioning "
Fireplaces number and location ONE (SEE-THRU)

Name	Contact Information - Phone No., e-mail address, mailing address
General Contractor -	<u>ULTIMATE CONSTRUCTION, CHAD FLEMMING 605.237.2453</u>

Framing - JAME T

Concrete - BROOKS CONSTRUCTION SERV. RAY BROOKS 605.368.5447 SIOUX FALLS SD

Excavation - ALBIN STRDMSETH CONST. 886.3893 OR 886.3130

S & W Installation -

Plumbing - SCHAFERS PLUMBING ERIK SCHAFER 605.628.2550

Electrical - ENGELSTAD ELECTRIC, JOE KRANZ 886.5508

HVAC - AFFORDABLE GEOTHERMAL, EDWIN WALDMER, 605.630.3131, ALEXANDRIA SD

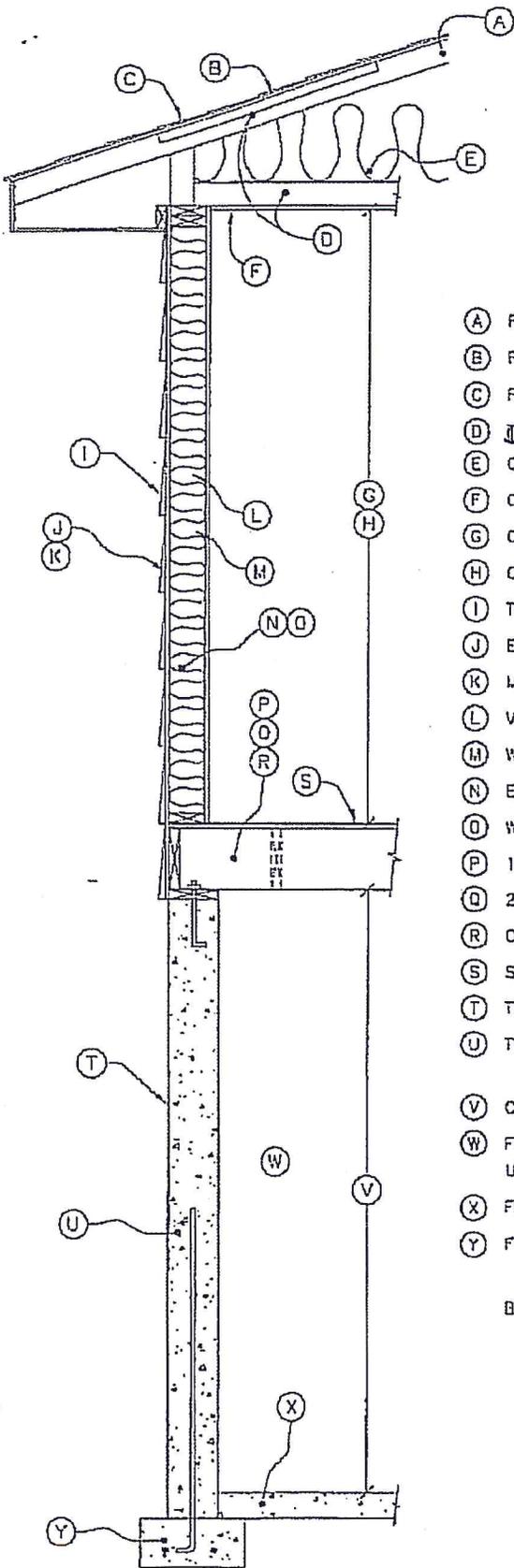
Estimated Total Cost \$ ~~355,000~~ ^A 335,000 (less cost of lot & finish landscaping)

- Cardboard Building Permit to be clearly posted prior to any construction or excavation.
- Any changes are required to be submitted in writing prior to inspection.
- Any construction not included in original permit will require an additional permit i.e., finishing of garage or basement, decks, fences....

Development Lot Agreement Required - YES NO

Waver of Right to Protest - Curb & Gutter, Sidewalk/Recreational Trail - YES NO

WALL. dwg
06-22-05
1/2" = 1'



TYPICAL WALL SECTION

- (A) ROOF STYLE: HIP _____ GABLE X
- (B) ROOF SHEATHING: TYPE WEATHER SHEATH THICKNESS 2.0
- (C) ROOFING MATERIAL: SHINGLES - ASPHALT 30 YR
- (D) ~~TRUSS~~ OR ROOF JOIST: _____" X _____" @ 19" O.C.
- (E) CEILING INSULATION: TYPE BLOW IN THICK OR R-VALUE 40
- (F) CEILING SHT ROCK THICK: 5/8
- (G) CEILING HT. 1st FLOOR: 9' - _____"
- (H) CEILING HT. 2nd FLOOR: 9' - _____"
- (I) TYPE OF SIDING: CONCRETE
- (J) EXT. WALL SHEATHING: TYPE CONCRETE THICKNESS 4"
- (K) MOISTURE BARRIER: INCLUDES T
- (L) VAPOR BARRIER: _____"
- (M) WALL SHT ROCK THICK: 1/2"
- (N) EXT. WALL STUDDING: _____" X _____" @ _____" O.C. 11" CONCRETE, INSULATION, CONCRETE
- (O) WALL INSULATION: TYPE SOLID FIBER THICK OR R-VALUE 2 1/2"
- (P) 1ST FLOOR JOIST: _____" X _____" @ _____" O.C. TYPE: _____ NA
- (Q) 2ND FLOOR JOIST: 18" X _____" @ 19" O.C. TYPE: _____
- (R) OTHER FLOOR JOIST: _____" X _____" @ _____" O.C. TYPE: _____
- (S) SUBFLOOR MATERIAL: TYPE CONCRETE THICKNESS 4"
- (T) TYPE OF DAMPPROOF: 6 MIL POLY
- (U) TYPE OF FOUNDATION: POURED X WIDTH _____" BLOCK _____" WIDTH _____"
- (V) CEILING HT. BASEMENT: _____' - _____" NA
- (W) FINISHED BASEMENT: SQ. FT. _____ NA UNFINISHED BASEMENT: SQ. FT. _____ NA
- (X) FLOOR MATERIAL: NA TYPE _____ THICKNESS _____"
- (Y) FOOTING SIZES: 24" X 8"
16" X 8"

BEARING WALLS & BEAM SIZES: _____

- For information and technical assistance regarding urban best management practices, log onto Natural Resources Conservation Service (NRCS) Watershed Science Institute's web site at <http://www.wsi.nrcs.usda.gov/products/UrbanBMPs/>

I, the undersigned applicant in the matter of Building Permit # 12957, acknowledge having received a copy of *City of Watertown Revised Ordinances: Title 23.03: CONSTRUCTION SITE RUNOFF EROSION AND SEDIMENT CONTROL* and summary information pertaining to the *Federal Storm Water Phase 2 Program*, and have been provided guidance and information by the City of Watertown's Planning & Zoning Department and/or Engineering Department as to how each may apply to the improvements contemplated in the above referenced permit.

X Signed this 8 day of July, 2009.

X [Signature] X LARRY REHFELD
 Applicant Signature Applicant printed name

Signature acknowledges applicant has read and understands all above permitting requirements. Which includes completion of hard surface parking, sidewalks, soil stabilization and blvd trees planted to complete project. PLEASE ALLOW 1 TO 2 WEEKS PROCESSING FOR NEW RESIDENTIAL CONSTRUCTION.

FOR OFFICE USE

Zone R-1 Min zone requirements: Area _____ sf, Lot Width _____
 Setbacks: Front _____, Side _____ Rear _____, Max. Height _____

Are there Special Assessments? Yes – no, If Yes what? _____ Cost _____
 Is this in a protected: **Wetland**? Yes – no, **Airspace**? Yes – no, **Aquifer**? Yes – no

FLOODPLAIN DEVELOPMENT PERMIT & APPLICATION

Is property in flood hazard area? (Yes) No (if yes complete below)

(Circle all that apply) New Building, Addition, Lateral Expansion, Remodel, M/Home, Substantial, Non- substantial (documentation req'd to determine Sub. Or Non- Sub), existing market value structure _____ addition-remodel cost _____ = percentage _____ ≥ 50%; Yes No

Name of stream/water body at location of activity: (circle applicable)
Lake Kampeska, Sioux River, Roby Creek, Lake Pelican, Willow Creek

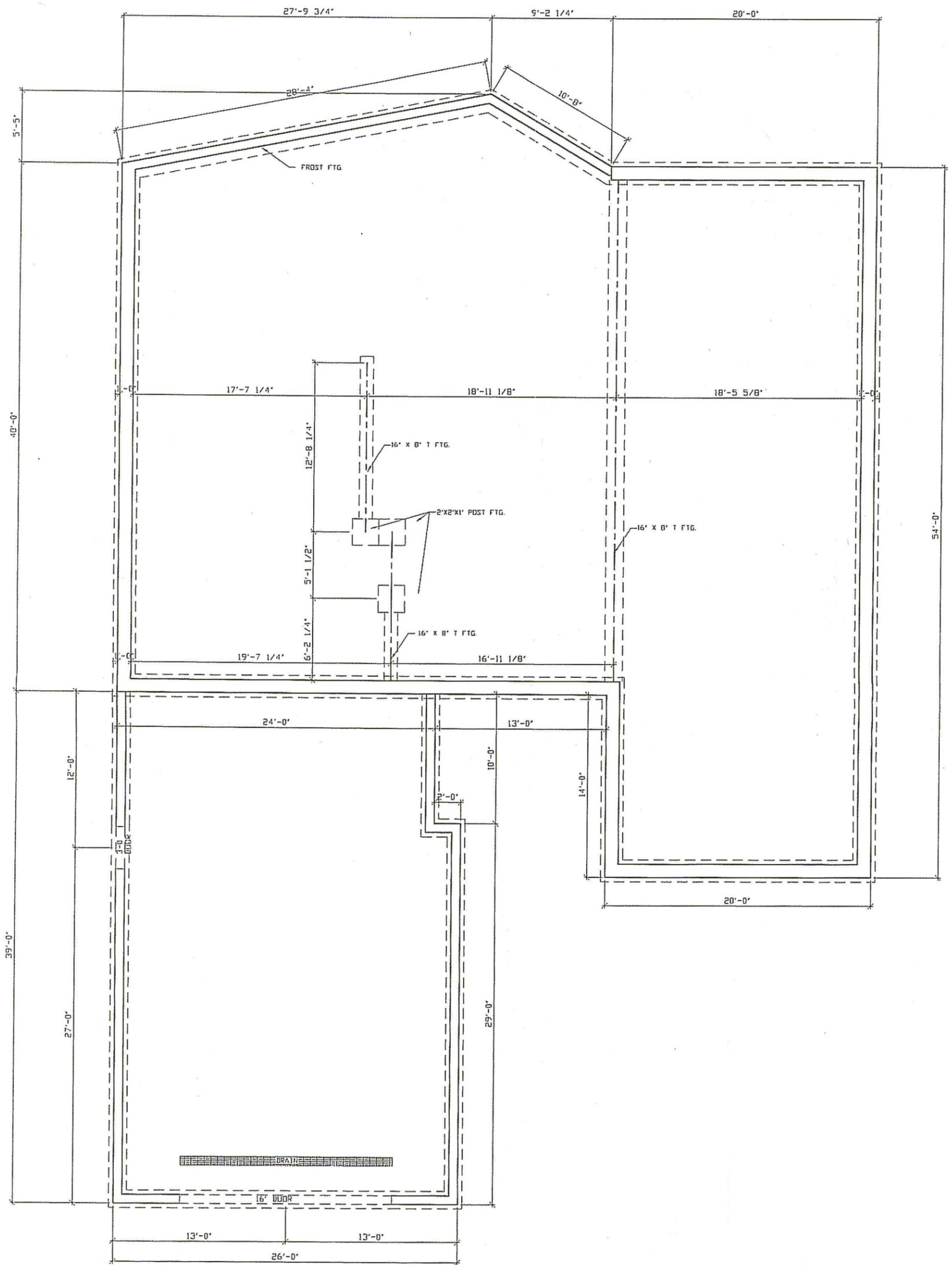
The proposed development is in the: (circle applicable) DFIRM Date: 1-16-09
 Floodway, Special Flood Hazard Area (Zones A, AE A1-A30, AH or AO)

Req'd Elev. 1725.8, Proposed Elev. 1726.00, Optional Construction _____

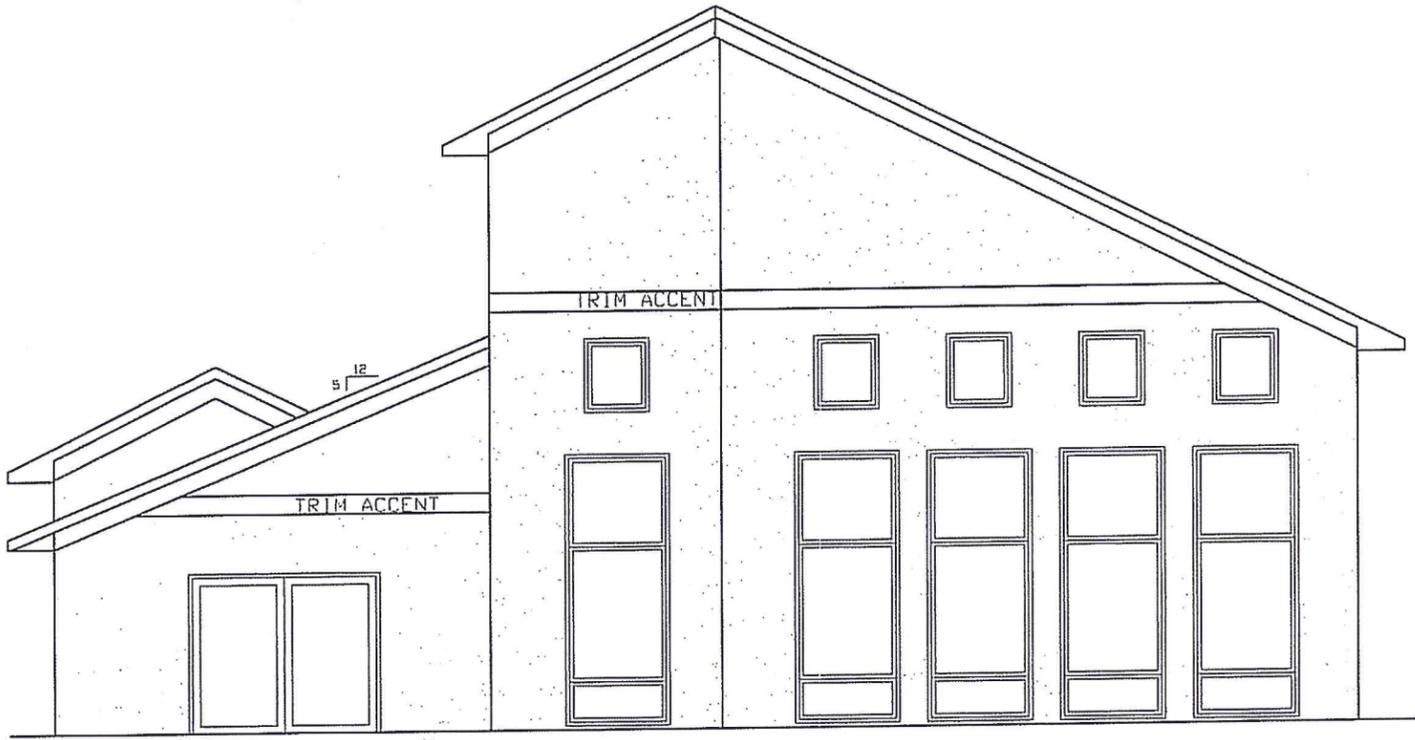
X *Elevation Certificate by registered DS required at completion of lowest floor, to be attached to building permit in P & Z office before final inspection.*

Acknowledged Owner [Signature] Date 7-8-09

Permit Approved: (YES) NO By [Signature]

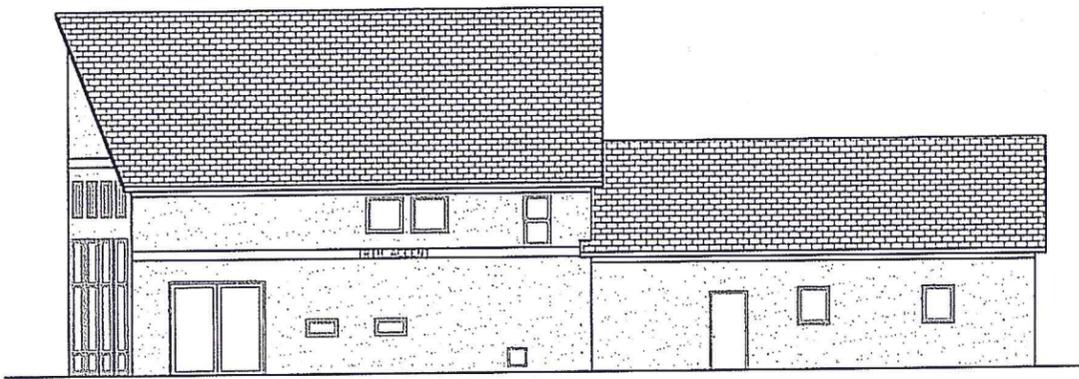


REHFELD RESIDENCE /		
2 STORY 284 B	DATE 6-3-2009	
SCALE 1/4" = 1'-0"	3654 SQ.FT.	<i>Char's Drafting Service</i>
FOUNDATION PLAN		FOR A CUSTOM PLAN CALL 335-5903 Copyright © 2009. All rights reserved.



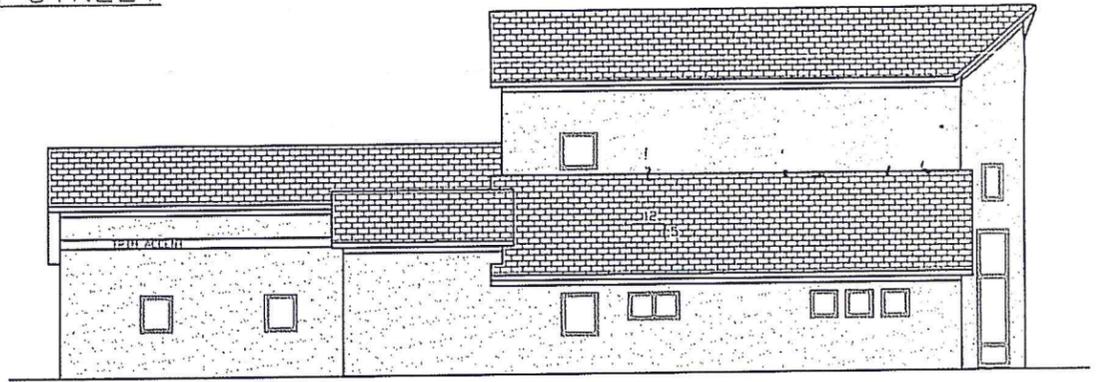
LAKE FRONT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION FROM STREET

SCALE: 1/8" = 1'-0"



REAR ELEVATION FROM STREET

SCALE: 1/8" = 1'-0"

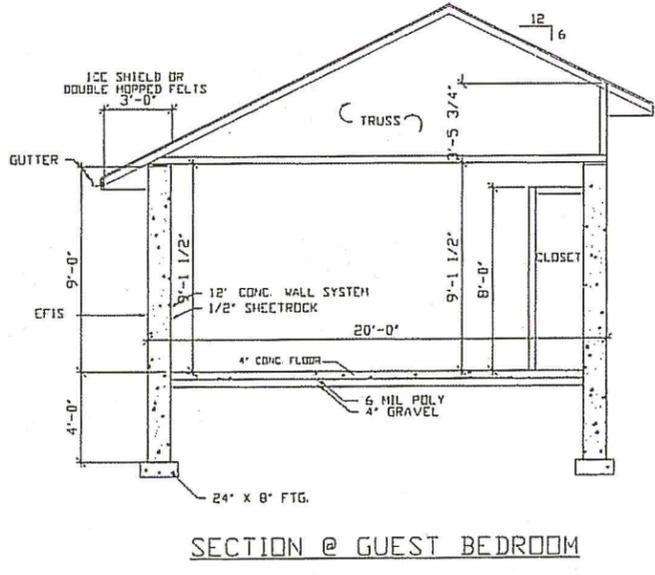
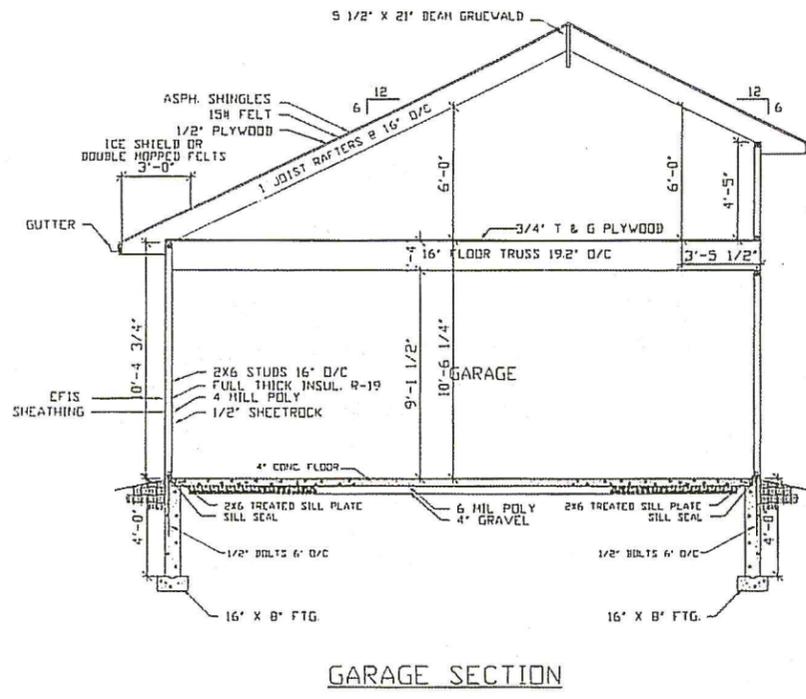
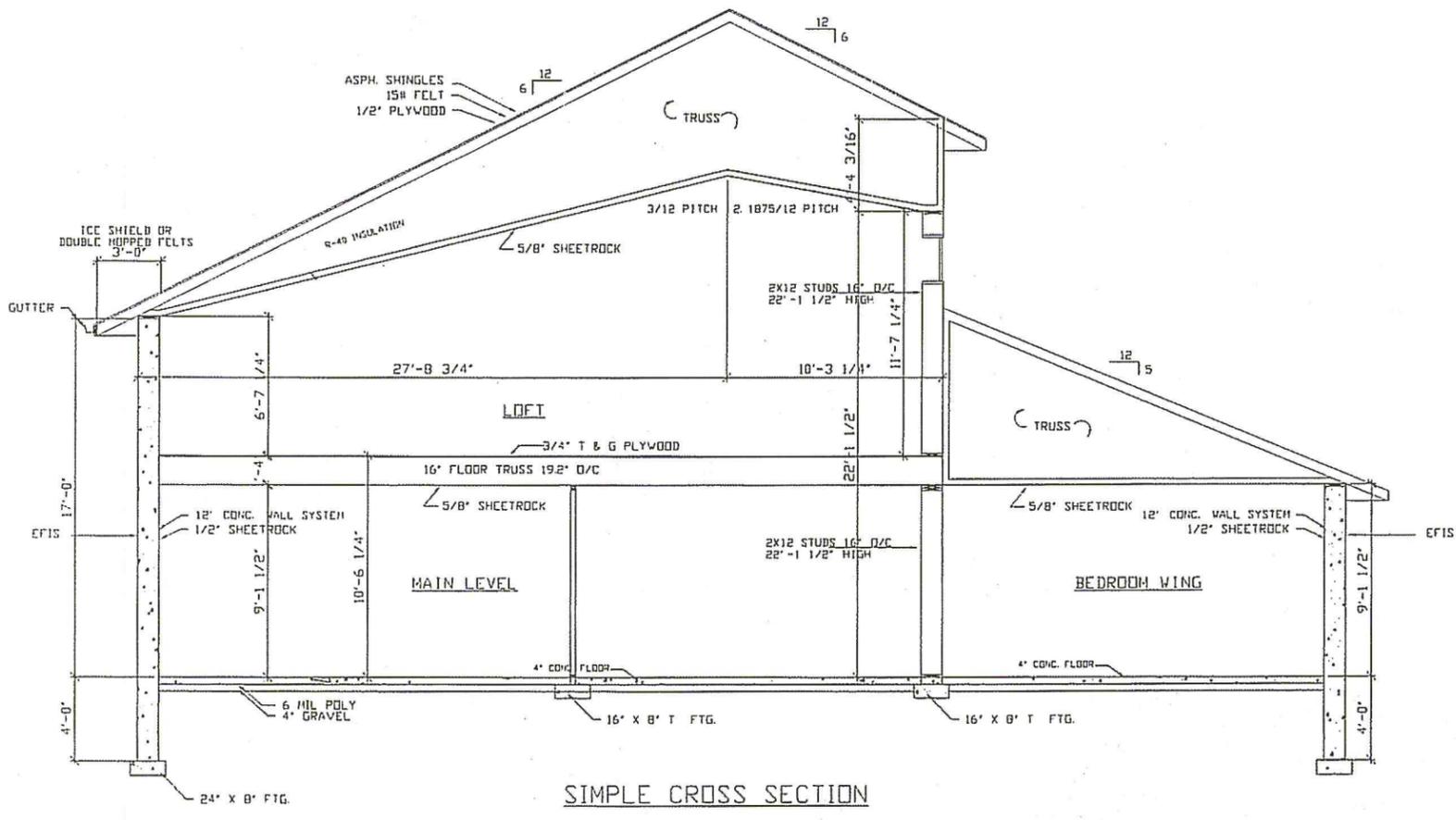


STREET ELEVATION

SCALE: 1/4" = 1'-0"

ALL ROOF PITCHES ARE 6/12
UNLESS NOTED

REHFELD RESIDENCE / 11		PROJECT NO.
2 STORY 284 B	DATE 6-3-2009	
SCALE VARIES	3447 SQ. FT.	
ELEVATIONS		
		<i>Char's Drafting Service</i> FOR A CUSTOM PLAN CALL 335-5903 Copyright © 2009. All rights reserved.



REHFELD RESIDENCE /	
2 STORY 284 B	DATE 6-3-2009
Char's Drafting Service	
FOR A CUSTOM PLAN CALL 335-5903	
Copyright © 2009. All rights reserved.	

BRINKMAN LAND SURVEYING & BRINKMAN SPECIALTIES

Darwin D. Brinkman, L.S. - Registered Land Surveyor
1415 Harmony Lane • Watertown, SD 57201-1285 • Phone: 605/886-4007 • Cell: 605/881-7259

ASBUILT
10/21/09 REV.
6/28/09 REV.

PROJECT LARRY & BARB REHFELD 698 NORTH LAKE DRIVE DATE 6/05/06

LOT 22 BELKS
WEST SHORE ADD.
WATERTOWN, SD

LAKE KAMPESKA

← RIP RAP →
← H.W.L. →

TOP CONC. 1721.04
← CONC. 30" SEAWALL →

ASBUILT SURVEYED BY: 75'
Darwin D. Brinkman
REGISTERED LAND SURVEYOR



NOTE: SLAB CONSTRUCTION -
TOP OF SLAB & GARAGE
FLOOR ELEV. 1726.00

PUBLIC LAKE ACCESS
AREA & PARKING LOT 23

SCALE 1" = 20'

GRADING PLAN

LEGEND

- 1722.0 EXISTING ELEVATIONS
- (1725.3) PROPOSED ELEVATIONS
- E.A. EDGE OF ASPHALT

OVERHEAD POWERLINE

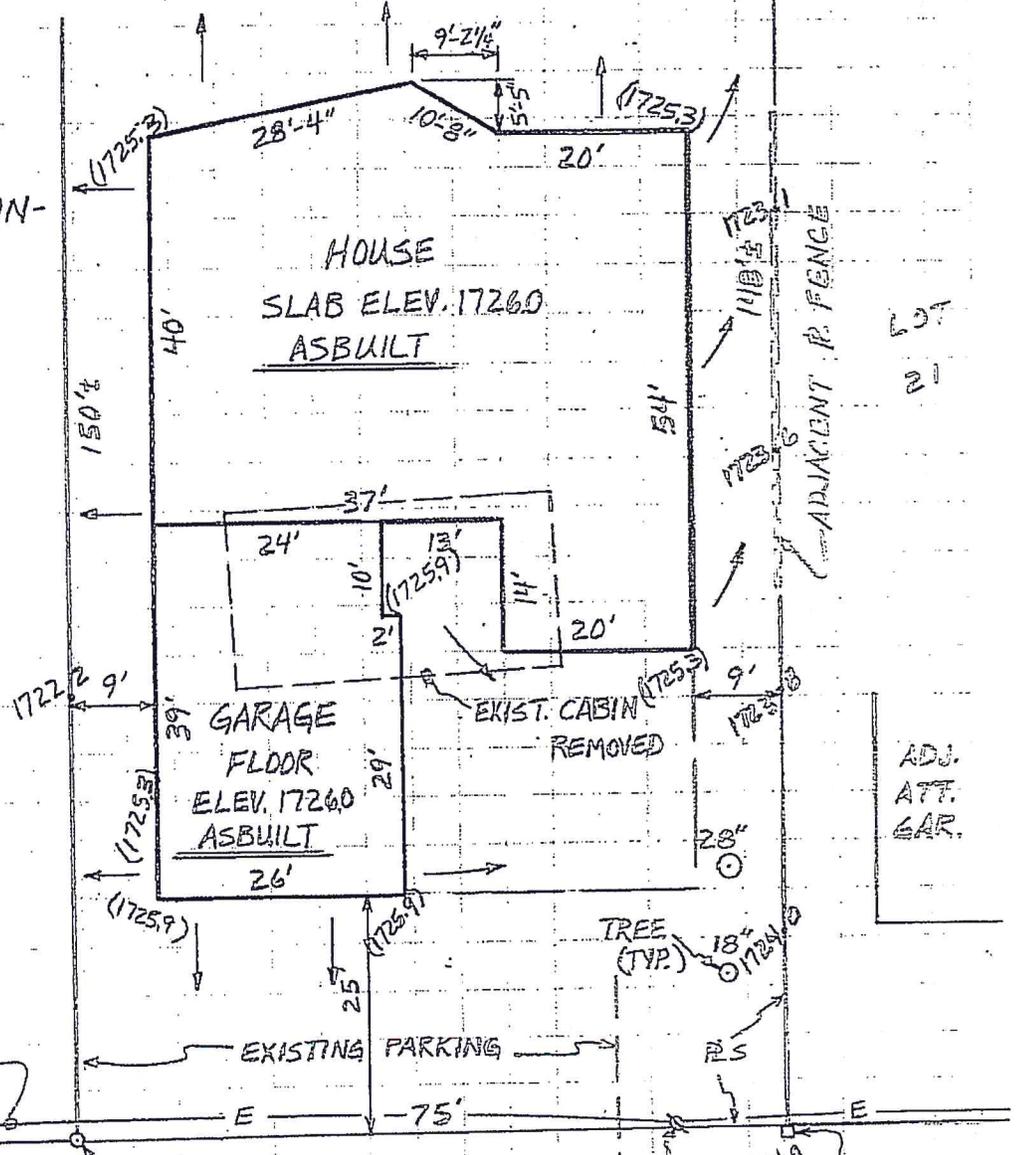
EXISTING PARKING

BM (BENCHMARK) TOP OF
STAKE ELEV. 1723.44
BY SCOTT ENGINEERING

PINCHED PIPE
(PROP. PIN)

POWER POLE TELE. TERM.

E.A. NORTH LAKE DR. ASPHALT SD HWY 1739



Aerial Photo



Rehfeld 698 N Lake Dr

