

**OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD**

February 9, 2017

Present: Shriver, MaGuire, Arnold, Hanson & Albertsen

Absent: Stein, Dahle & Stonebarger

Also Present: Ken Bucholz, Justin Goetz, Shane Waterman, Brandi Hanten, Mark Meier, Ray Tesch, Chip Premus, & others

The Board of Adjustment convened at approximately 4:15 PM, in the Council Chambers, City Hall, 23 2nd Street NE; Pat Shriver, Chairman, presiding.

MaGuire motioned to approve the January 19, 2017 minutes, Arnold seconded, motion carried unanimously.

Public Hearing: Conditional Use Application No. 17184

Applicant seeks approval to operate a school training/lab in the R-3 Multi-Family Residential District pursuant to §21.2003(1), §21.1403(3); contingent upon compliance with SRGICUs including but not limited to §21.0202(2)b(6a-h)

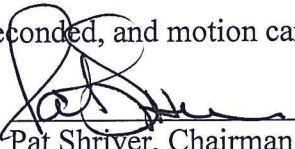
Watertown School Dist 14-4 dba Lake Area Technical Institute (LATI) and SD Health & Educational Facilities submitted application to construct a 10,400 sq ft (65'x160') building @ 1008 Gilbert Ave, to be utilized as flexible training space for any (school) program in need of lab space. The Staff Report was orated. Approval is contingent on successful re-zoning from R-4 Manufactured Home Residential District to R-3 Multi-Family Residential District. Applicant desires to construct only a 7,800 sq ft (65'x120') building now, but requests that this Board approve the entire 10,400 sq ft building, at this meeting, waiving the need for a future Conditional Use (change to Site Plan) process to issue Building Permit for the 2,600 sq ft (65'x40') expansion, providing all is constructed as shown on this Site Plan. Arnold motioned to approve; Hanson seconded, and motion carried unanimously.

Public Hearing: Appeal No. 17185

Larry & Barbara Rehfeld appeal the Building Official's Order to remove a nonconforming screened, enclosed porch, which was unlawfully placed and encroaches into the Required Side Yard (setback) of a single family dwelling located in the R-1 Single Family Dwelling District @ 698 N Lake Dr, 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.

The Staff Report was orated by Building Official Ken Bucholz, then Larry Rehfeld explained a history of ownership and easements of the public access property (Lot 23, Belk's West Shore Addn) lying directly adjacent and NErly to the subject property (Lot 22). Rehfeld also recapped a schedule of correspondence and meetings with City staff and boards. In conclusion, he questioned the targeting of his unlawful / nonconforming structure, which has been removed, in comparison to other (in his opinion) unlawful / nonconforming structures in Watertown. City Attorney Justin Goetz clarified that Mr. Rehfeld's argument regarding the ownership/easement of Lot 23 is not within this Board's jurisdiction. This Board's role is to determine whether the Building Official's interpretation of the zoning ordinance is correct, i.e.: should the porch structure have been permitted?; and does the structure encroach into the nine (9) foot side yard setback requirement for the R-1 District?. Goetz reminded all that property owners are bound by §21.6002 with a continuing obligation to keep their required yards free and unobstructed. Approval of the Building Official's decision would serve to enable the City to proceed directly to municipal court, should this violation reoccur. The Board questioned the Building Official on permitted obstructions in required yards (setbacks). Arnold motioned to uphold the Building Official's decision; MaGuire seconded, and motion carried unanimously.

MaGuire motioned to adjourn, Arnold seconded, and motion carried unanimously.


Pat Shriver, Chairman