

OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD

May 5, 2016

Present: Shriver, Stein, Dahle, Hanson, Arnold, Stonebarger, & Albertsen
Absent: MaGuire & Johnson
Also Present: Ken Bucholz, Jill Steiner, Shane Waterman, Luke Muller, Mark Meier, Pete Boyer,
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.

Stein motioned to approve the 4/21/2016 minutes, Stonebarger seconded, motion carried unanimously.

Public Hearing: Conditional Use Application No. 16676

Applicant seeks approval for *Bar or Tavern and Casino or Gambling Establishment in the C-1 Community Commercial District, pursuant to §21.2403(4)&(21) and conditional to Specific Rules Governing Individual Conditional Uses including but not limited to §21.0202(2b6a-h)*

Mike Lawrence seeks approval to continue the sale, serving & consumption of alcoholic beverages at Harry's Hair Cuts and Hot Towels located @ 16 & 18 W Kemp, and also requests to operate video lottery machines there. The Staff report was orated. The property consists of two (2) circa 1904 buildings totaling 14,550 sq ft: 4,850 sq ft main level (commercial uses), 4,850 sq ft 2nd level (residential units), and 4,850 sq ft basement (~1/3rd finished) with access via an outside stairway located in the alley. Floor Plans, showing the number and layout of video lottery machines, were not submitted. Lawrence was present; he explained that the previous business (Past Times) had operated for years under a valid Alcoholic Beverage License, but without the prerequisite "use approval" from this Board for *Bar/Tavern*. He verified that the Video Lottery License would allow him up to 10 VL machines. Highrise Apartments Mgr. - Mary Goldade voiced concerns regarding these uses operating directly next to their 60 unit elderly housing facility; hours of operation, noise, litter, & loitering were specified. Lawrence stated that he has a "beer only crowd" and close at midnight (weekdays by 10 pm). Finding compliance with §21.0202(2b6a-h) *SRGICU*, Stein motioned to approve, Dahle seconded, and motion carried unanimously.

Public Hearing: Appeal No. 16678

Applicant appeals the terms of Zoning Ordinance Sections 21.0302, 21.1001, & Chapter 21.60 to allow for the construction of a nonconforming structure in a PUD Planned Unit Development

Cathryn Benda submitted application requesting to construct a nonconforming 120 180 sq ft (10'x12'x18') deck onto a compliant Single Family Dwelling (SFD) located @ 1824 8th St NE; said structure proposed to be constructed ~0' from the side (south) property line, where a minimum 7' is required. The staff report was orated. Staff noted that the applicant made a late change to her originally submitted Site Plan (post public notice & agenda distribution), requesting a larger nonconforming 180 sq ft (10'x18') deck, than the existing nonconforming and unlawful 120 sq ft (10'x12') deck.

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Benda was present; she explained that the existing deck, which was there when she purchased the property, must be replaced, and she wants to have a larger more usable deck constructed. She stated that the adjacent (south) landowner supports her request. She also verified that her Blvd is now compliant with trees. Shriver noted that the original house plans showed a sliding door (but no deck). Stonebarger questioned the reasoning for granting variances for a *larger* deck, and confirmed with staff that only one (1) egress door to a SFD is required by Code (this SFD has a code compliant main entrance on the front (west) side). Stein motioned to approve; Dahle seconded; Shriver, Stein, Dahle, Hanson, Arnold & Albertsen in favor; Stonebarger opposed; motion carried.

Public Hearing: Appeal No. 16677

Applicants appeal the terms of Zoning Ordinance Sections 21.0302, 21.1001, 21.1002, & Chapter 21.60 to allow for the creation of a nonconformity in the R-3 Multi-Family Residential District

Property owners, Shirley Ness and Howard Buus, have a tentative purchase agreement with Laverne Dally, subject to the ability to construct a nonconforming 840 sq ft (28'x30') garage on the property located @ 1907 4th Ave SW; said structure proposed to be constructed:

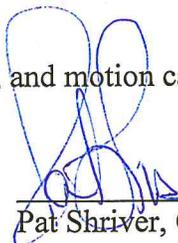
- 8' from the primary structure, which creates an "*attached*" garage;
- on a 7,500 sq ft lot where there is currently an existing *attached* garage (physically attached to the primary structure), and where only 1 *attached* garage is allowed; and
- 3.6' from the rear (north) property line, where a minimum 25' is required for *attached* garages (9' is required for unattached garages).

The staff report was orated. The Board discussed setbacks for attached vs detached garages. Sellers' realtor – Jim Smith was present for questions. Shriver noted that the gravel "drive-path" is not centered in the 20' alley right-of-way. Stein motioned to approve; Dahle seconded and motion carried unanimously.

Old Business:

Property owner - Shannon Moes would like to make changes to Building Permit (#16381), which was issued by the Board of Adjustment via public hearing, for the enlargement of his Single Family Dwelling, with variances granted based on the details reflected on the submitted Site Plan. Moes now wishes to adjust the placement of the house without full reapplication. Chairman Shriver affirmed adhering to policy, which requires such changes to be considered via new application.

Stein motioned to adjourn, Dahle seconded, and motion carried unanimously.



Pat Shriver, Chairman