OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD **September 8, 2016**

Present: Shriver, Stonebarger, Stein, MaGuire, & Albertsen
Absent: Hanson, Dahle, Arnold, & Johnson
Also Present: Jill Steiner, Justin Goetz, Shane Waterman, Luke Muller, Brandi Hanten, Mark Meier, Pete Boyle, Rob Beynon, Mayor Thorson, & 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.

Stonebarger motioned to approve the 8/18/2016 minutes, Stein seconded, and motion carried unanimously.

Public Hearing: Conditional Use Application No. 16973
Applicant seeks approval for a *Day Care Home Occupation* in the R-1 Single Family Residential District per §21.1403(1)&(5); contingent upon compliance with Chapter 21.70 *Home Occupations* and *SRGICUs* including but not limited to §21.0202(2)b(6a-h)
Sarah Benson seeks to operate a Home Day Care business out of a single family dwelling (SFD) located @ 1008 N Maple. She proposes to regularly utilize the basement and main levels of the 2,236 sq ft SFD to care for 8 to12 children, including their own. The staff report was orated. The property surpasses the minimum square footage of interior floor area and fenced outdoor recreation space required for up to 12 children. The property currently has a maximum of 2 legal Off-Street Parking Spaces (OSPSs) for both primary (SFD) and secondary (home occupation) uses. Benson has acknowledged understanding and compliance with all City Ordinance regulations for Home Occupations; she plans to fence the yard this fall or spring. Benson is not registered with the state. The WPD and WFD have no concerns with this application. Finding that the application shows satisfactory provision and arrangement for the secondary use, Stein motioned to approve conditional to construction of the fence w/in 6-12 months; MaGuire seconded, and motion carried unanimously.

Public Hearing: Conditional Use Application No. 16974
Applicant seeks approval for a *Home Occupation* in the R-2 Single Family Attached Residential District per §21.1603(1) & §21.1403(5); contingent upon compliance with Chapter 21.70 *Home Occupations* and *SRGICUs* including but not limited to §21.0202(2)b(6a-h)
Shelly Pieper seeks to operate a home-based hair salon business from her future single family dwelling (SFD) to be located @ 1706 Washington Dr. The staff report was orated. Peiper has acknowledged understanding and compliance with all City Ordinance regulations for Home Occupations; she proposes to regularly utilize less than 25% (~ 434 sq ft) of her 2,778 sq ft house for the business, and no signage is proposed at this time. Dimensions were not provided on the submitted Site Plan, but it appears that the property currently has sufficient area for at least 3 legal Off-Street Parking Spaces (OSPSs) for both primary (SFD) and secondary (home occupation) uses. Finding that the application shows satisfactory provision and arrangement for the secondary use, Stein motioned to approve; Stonebarger seconded, and motion carried unanimously.

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Public Hearing: Appeal No. 16977
Applicant ESCO Manufacturing, Inc seeks variance relief from the requirements of §21.0302 to allow for the enlargement of an existing nonconforming industrial building located @ 2020 4th Ave SW in the I-2 Heavy Industrial District
Tabled to the next meeting due to lack of Quorum (Mark Stein is board member & applicant)

Public Hearing: Conditional Use Request and Appeal No. 16976
Applicant seeks approval for a *Day Care Facility (Non-residential)* per §21.2803(11) and Pre-school per §21.2803(19) *Other Uses*..., contingent upon compliance with §21.2801 the *Purpose* of the C-3 Highway Commercial District, and with *SRGICUs* including but not limited to §21.0202(2)b(6a-h); concurrently, applicant seeks variance relief from the terms of §21.0302
Inter-Lakes Community Action Partnership seeks to operate a Pre-school / Day Care Facility (Non-residential) for children ages 3-5 @ 1323 9th Ave SW. Concurrently, they are submitting to construct a compliant 2,045 sq ft addition onto the existing ~9,500 sq ft nonconforming commercial building; said addition proposed to be constructed ~71' from the front (west) property line, where a minimum 40' setback is required. The staff report was orated. Deputy Director Arleen Weerheim, was present for questions. The NW drive/access (one of four serving the property) is proposed to be removed and returned to boulevard condition, to make way for an outside fenced playground area. City Atty Goetz confirmed that the alcoholic beverage license restriction of Ordinance Section 2.0101 *Location* does not apply to this premises, as it is located in the C-3 Zone. Finding that the Pre-school Use fits the same general character as those uses enumerated in the C-3 District, Albertson motioned to approve the application; Stonebarger seconded, and motion carried unanimously.

Public Hearing: Appeal No. 16975
Applicant appeals the terms of Ordinance Section 21.1003 and Chapters 21.03, 21.60, & 21.63 to allow for the construction of a nonconforming primary structure in the C-3 Highway Commercial District
Edward Kangas seeks variance relief to raze an existing building (Ron's Saw Shop) and redevelop the substandard 15,000 sq ft C-3 zoned parcel with a new nonconforming commercial building @ 197 10th St NW. The 4,000 sq ft (50'x80') primary structure (with 847.5 sq ft upper level) is proposed to be constructed 10' from the side (north) property line, where a minimum 20' setback is required; furthermore, the off-street parking space/aisle layout does not meet ordinance regulations and minimum design standards as 11 parking spaces are proposed to be positioned 0' from the side (south) property line, where a minimum 5' setback is required. The staff report was orated. Kangas mentioned that he and the property owner to the north (Pizza Ranch) have also come to a private cooperative agreement to maximize the use of their adjoining parking lots. Stonebarger was assured that there will be compliance with the Sign Ordinance. Stonebarger motioned to approve a twelve month permit; Albertson seconded, and motion carried unanimously.

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

Pat Shriver, Chairman