required; 5' from the rear (west) property line, where a minimum 10' is required; and on a 12,382.5 sq ft parcel, where a minimum 20,000 sq ft is required. The nonconforming 1,400 sq ft (28'x50') addition is proposed to be constructed: 14' from the side (north) property line, where a minimum 20' setback is required. The staff report was orated. Staff research revealed that in 2002 Building Permit #9728 was administratively issued to Robert Graf for a 1,008 sq ft (28'x36') accessory (storage) structure to the primary structure on this commercially zoned property. The structure was permitted to be constructed: 14' from the side (north) property line, where a minimum 20' was required; and 10' from the rear (west) property line, where a minimum 10' was required. For reasons unknown and not noted on the permit, the structure was constructed: 5' from the rear (west) property line – nonconforming for both side and rear setbacks. There was no discussion. MaGuire motioned to approve, Stonebarger seconded, and motion carried unanimously.

Public Hearing: Appeal No. 17002
Applicants appeal the terms of Section 21.1002, and Chapters 21.03 & 21.60 to allow for the construction of a nonconforming unattached garage in the R-2a Single Family Attached Residential District

Justin & Shawntel Harte submitted application to construct a nonconforming 864 sq ft (24'x36') unattached garage on a 7,200 sq ft parcel @ 720 1st St NW; said structure proposed to be constructed: 18' from the front (north) property line, where a minimum 25' setback is required. The staff report was orated. An 18' front (north) setback is proposed, where parking space is also at issue. A minimum standard parking length of 18.5' - 20' is needed in front of garage doors so as to avoid parking over the property line and encroaching into public right-of-way (in this case, unimproved pedestrian walkway). Justin Harte was present for questions. Dahle motioned to approve with Waiver of Right to Protest sidewalk; Hanson seconded, and motion carried unanimously.

Public Hearing: Conditional Use Request and Appeal No. 17003
Applicants seek approval to repostion and enlarge a Boat House located in the R-1 Single Family Residential District, contingent upon compliance with §21.1002(5d1-5) and §21.0202(2)b(6a-h); and concurrently appealing the terms of Section 21.1002 and Chapters 21.03 & 21.60

Craig & Cindy Christianson submitted application to reposition an existing 510 sq ft (15x34') Boat House, and construct a larger 1,190 sq ft (35'x34') lower level/foundation (with balconies/decks) on a 19,930 sq ft parcel bordering the shore of Lake Kampeska @ 430 S Lake Dr. The staff report was orated. Architect Dave Todd explained that the existing c.1940 boathouse would be moved inland six ft (6'), and the lowest floor of the new lower level/foundation will be raised to comply with the minimum elevation (Ordinary High Water Mark) causing the old boathouse structure to be raised up about nine ft (9'). Adjacent landowners Jason & Stephanie Lenards (to the west) opposed the request citing obstruction of view and privacy as their main reasons for opposing the change in height; they do not oppose the repair, restoration, and preservation of the vintage structure (it is not on the Historical Register). Terra Jacobsen & Mike Alama spoke in support of the request. Craig & Cindy Christianson were present, showing photos and renderings of the existing and the proposed. MaGuire motioned to approve conditional to being placed not closer than eight ft (8') from the west (side) property line, and installation of a natural screen; Stonebarger seconded, and motion carried unanimously.

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

Pat Shriver, Chairman

OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD **September 22, 2016**

Present: Shriver, Stonebarger, Stein, MaGuire, Hanson, Dahle, Arnold, & Albertsen
Absent: Johnson
Also Present: Ken Bucholz, Jill Steiner, Justin Goetz, Shane Waterman, Luke Muller, Brandi Hanten, Mark Meier, Ray Tesh, Sarah Caron, Chip Premus, 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 9/8/2016 minutes, MaGuire seconded, and motion carried unanimously.

Public Hearing: Appeal No. 16977
Applicant appeals the terms of Section 21.0302 to allow for the enlargement of an existing nonconforming industrial building located in the I-2 Heavy Industrial District

This hearing was tabled on 9/8/2016 due to lack of Quorum. Mark Stein recused himself from the vote (Stein is board member & owner/applicant). ESCO Manufacturing, Inc submitted application to construct a compliant 96 sq ft (8'x12') addition onto an existing 12,549+ sq ft nonconforming industrial building located @ 2020 4th Ave SW; said nonconforming primary structure sets as close as: 47'- 6 1/8" from the front (west) property line, where a minimum 75' is required. The addition is proposed to be constructed: 83'- 9 13/16" from the front (west) property line, where a minimum 75' setback is required. The staff report was orated. This 96 sq ft (8'x12') addition is proposed to be constructed to allow for more equipment storage area for an industrial manufacturing facility. There was no discussion. Arnold motioned to approve, MaGuire seconded, and motion carried unanimously.

Public Hearing: Appeal No. 16355
Applicants appeal the terms of Sections 21.6101(1) and 21.0302 to allow for the construction of a nonconforming fence in the R-3 Multi Family Residential District

Building Permit #16355 was issued to Scott & Marjorie Schamens on 9/10/2015 for a wood privacy fence to be constructed @ 205 3rd Ave NW, along the west 150 linear foot property line of the residential property, with specific *written* instruction stating that said fence shall be constructed not closer than one foot (1') to the front (south) property line (public sidewalk); and not to exceed seven (7') feet in height. In August 2016, prior to the expiration date of BP #16355, staff observed that the fence was constructed @ up to ten (10') feet in height. NOTICE and ORDER was sent via certified mailing on 8/11/2016, to correct or abate the structure by the expiration date of the permit on 9/10/2016, or make application for appeal. The staff report was orated. Scott Schamens explained that extra panels were added to the fence due to issues with the adjacent neighbors, and under advisement of their attorney. He now requests to re-construct a ten ft (10') high by eighty ft (80') linear portion of the privacy fence. Mayor Thorson stated that the WPD recommends allowing the request. Stonebarger motioned to approve, Dahle seconded, and motion carried unanimously.

Public Hearing: Appeal No. 17001
Applicant appeals the terms of Section 21.1002 and Chapters 21.03 & 21.60 to allow for the enlargement of an existing nonconforming commercial accessory building located in the C-3 Highway Commercial District

Robert Graf submitted application to enlarge a 1,008 sq ft (28'x36') nonconforming pole building which exists on a substandard parcel located @ 707 S Broadway; said existing nonconforming structure currently sets as close as: 14' from the side (north) property line, where a minimum 20' is