

OFFICIAL PROCEEDINGS
BOARD OF ADJUSTMENT
CITY OF WATERTOWN, SD

October 20, 2016

Present: Shriver, Stonebarger, Stein, MaGuire, Dahle, Arnold, & Albertsen
Absent: Hanson & Johnson
Also Present: Ken Bucholz, Jill Steiner, Justin Goetz, Shane Waterman, Brandi Hanten, Mark Meier, Ray Tesh, 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 9/22/2016, 10/6/16, & 10/13/16 minutes, Stonebarger seconded, and motion carried unanimously.

Public Hearing: Appeal No. 17052

Applicant appeals the terms of Section 21.1001, and Chapters 21.03 & 21.60 to allow for the construction of a nonconforming porch addition onto a nonconforming Single Family Dwelling located in the R-2a Single Family Attached Residential District

Justin Knight submitted application to remove an existing 149.73 sq ft (6.9'x21.7') front porch, and construct a new nonconforming 154 sq ft (7'x22') porch addition onto an existing single family dwelling located @ 205 Kampeska Blvd. Said structure is proposed to be constructed: 12.7' from the front (east) property line, where a minimum 25' setback is required. The staff report was orated. The "in-line" provision per section 21.1001(2e) cannot be applied by the Building Official, in this case, as the proposed addition projects beyond a straight line drawn between the front face/wall of the adjacent houses. Stein motioned to approve, MaGuire seconded, and motion carried unanimously.

Public Hearing: Appeal No. 17053

Applicant appeals the terms of Section 21.1002 and Chapter 21.03 to allow for the construction of a nonconforming unattached garage in the R-2a Single Family Attached Residential District

Tim Waba submitted application to construct a nonconforming 1,428 sq ft (34'x42') unattached garage on a 9,669.5 sq ft parcel located @ 19 15th St SE; said structure is proposed to be constructed on a parcel that allows for a maximum 1,257 sq ft unattached garage. The staff report was orated. Waba was present. He lives across the street from this parcel, and wants to store personal property such as his race car & trailer inside this proposed bldg. Shriver and MaGuire commented that the proposal seems to fit the neighborhood. If endorsed, staff advised Waiver of Right to Protest for street paving, sidewalk, and curb/gutter as this portion of 1st Ave S is unimproved. Stonebarger motioned to approve, Arnold seconded, and motion carried unanimously.

October 20, 2016

Public Hearing: Appeal No. 17055

Applicants appeal the terms of Section 21.1001, and Chapters 21.03 & 21.60 to allow for the construction of nonconforming carport addition onto a compliant Single Family Dwelling located in the R-1 Single Family Residential District

Dennis & Rosemary Mahaffy Murphy submitted application to construct a nonconforming 264 sq ft (11'x24') open-sided carport onto an existing compliant single family dwelling located @ 305 18th St NE; said structure is proposed to be constructed: 4.5' from the side (north) property line, where a minimum 9' setback is required. The staff report was orated. Five (5) neighbors called staff in support of this request. Murphy was questioned on an addition for which he failed to secure building permit in the past. Shriver noted that the request seems amenable with Chapter 21.65 the new *Outside Storage* Ordinance, and that a shed up to 200 sq ft could be placed there *without* Board approval, but he thought this was more aesthetically pleasing. Arnold motioned to approve, Albertsen seconded, and motion carried unanimously.

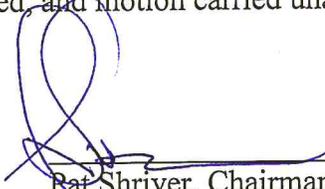
Public Hearing: Appeal No. 17054

Applicants appeal the terms of Section 21.1001, and Chapters 21.03 & 21.60 to allow for the construction of a nonconforming garage onto a nonconforming Single Family Dwelling located in the R-2a Single Family Attached Residential District

Kevin & Stacy Niemann dba KSN Properties, LLC submitted application to remove a 240 sq ft (12'x20') garage, and construct a new nonconforming 432 sq ft (18'x24') garage onto an existing nonconforming single family dwelling located @ 401 2nd St SE; said structure proposed to be constructed: 3.6' from the side (west) property line, where a minimum 6' setback is required; and 12' from the front (north) property line, where a minimum 25' setback is required. The staff report was orated. The plan, as proposed, provides insufficient parking length causing any vehicles parked outside (in front of the garage doors) to encroach into the blvd and over/onto the sidewalk, which is prohibited. The Building Official suggested the Board give consideration to offsetting the proposed structure further back (south) so as to provide a more compliant parking situation. Kevin Niemann was not amenable to the cost of the more complex roofline that would create. He also claimed that a basement stairwell located within the current garage space would prevent him from adjusting the structure as recommended by the Building Official. MaGuire motioned to approve, Arnold seconded, and motion carried unanimously.

Chairman Shriver directed staff to cancel research on "usage" changes as discussed at the October 6th meeting.

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


Pat Shriver, Chairman