

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

September 20, 2018

Present: Dahle, Dargatz-Johnson, Stein, Hanson, Culhane, Kays, & Ford
Absent: Olson & Oletzke
Also Present: Jill Steiner, Ken Bucholz, Heath Von Eye, Brandi Hanten, Matt Roby, Pete Boyle, Luke Muller, & others

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

Stein motioned to approve the August 23, 2018 minutes, Dargatz-Johnson seconded, motion carried unanimously.

Public Hearing Conditional Use Request No. 19237

Applicant seeks approval for the operation of a Bar or Tavern in the C-1 Community Commercial District pursuant to §21.2403(4); contingent upon compliance with §2.0102 Location, and §21.0202(2b7a-h)

SRGICUs:

Applicant Samantha Schwalm (present) for Schwalm Corp dba The Lounge seeks approval to continue the sale, serving & consumption of alcoholic beverages, and the operation of video lottery machines, @ 21 N Maple. The property has been previously operated as a bar/tavern but staff could not find site approval for the use. The Staff Report was orated. This property consists of a 7,170 sq ft, circa 1912 commercial building with a 3,585 sq ft footprint, located on a 3,585.53 sq ft parcel. The site is exempt from much of the Zoning Ordinance regulations normally reviewed. Finding that satisfactory provision and arrangement has been made concerning *Specific Rules Governing Individual Conditional Uses* §21.0202(2)b(7a-h), Kays motioned to approve conditional to compliant signage; Culhane seconded, and motion carried unanimously.


Public Hearing: Conditional Use Request & Appeal No. 19238

for the modification of the Site Plan of a previously approved Conditional Use (fka Special Exception) located in the R2-A Single Family Attached Residential District per §21.1804 & §21.1603(4); contingent upon compliance with §21.0202(2b7a-h) SRGICUs, and appeal from the terms of §21.0302 prohibiting the enlargement of nonconformities:

Applicants were not present. The staff report was orated. In 2016, Jeff & Sandra Stadheim sought approval of modifications to the Site Plan of their previously approved Conditional Use (Retail Establishment in the R2-A zone), to allow for the construction of a compliant ~840 sq ft addition onto the existing nonconforming retail building (House of Dreams boutique) located @ 312 (& 308) 5th St SE. Permit (#16797) was granted, conditional to securing legal permits for existing unlawful structures, no more accessory structures, and providing a mutually acceptable privacy fence (up to 9') screening the residential property to the north. Unfortunately, along with the approved modifications, an unapproved (therefore unlawful) 414 sq ft (18'x23') roofed porch addition and front yard fenced enclosure were also constructed, for which the Stadheims were directed by the Building Official to remove by NOTICE & ORDER dated 1/25/2018. On 2/22/2018 Stadheims appealed the determination of the Building Official (#17857) seeking relief from the Board of Adjustment to reverse his Order; appeal denied, to comply w/in 180 days. Stadheims come now with a new application (#19238) submitted for approval of modifications to the Site Plan of their previously approved Conditional Use to allow for an unlawful (albeit compliant) 414 sq ft roofed porch addition to be permitted, *after the fact*.

Adjacent land owner Mr. Lanning spoke in opposition of granting relief to the Stadheims in the form of approval of this application, due to the fact that the Stadheims have repeatedly abused or forgone the permitting process. The board voiced frustrations over the history of incidents associated with the property. Fines, fees, and litigation were discussed. Kays motioned to approve the roofed porch, conditional to: removal of the three (3) sheds currently located on the SE corner of the property, and removal of the fence in the NW corner (or compliance with no parking allowed on the concrete pad); failure to comply within fifteen (15) calendar days from this meeting date will instigate §21.0202(2f) and any and all other applicable fines. Dargatz-Johnson seconded, and motion passed unanimously.

Stein motioned to adjourn, Culhane seconded and motion passed.


Chairman Dahle