



Board of Adjustment Agenda Item

Subject: Board Consideration of a Variance Request to the Zoning Ordinance requirements from the 30' front yard and 10' side yard setback requirement in the R-3 Multi-Family District to allow for a 20' front yard setback on the south property line and 5' side yard setback on the west property line in order to construct a new multi-family structure at 1031 1st Avenue SE

Meeting: Board of Adjustment - Feb 20 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Owner/Applicant: TNJ Properties, LLC/ Jesse Nygaard

Property Address: 1031 1st Avenue SE, Watertown, SD 57201

Legal Description: Lots 33-34 Block 2 Rice Brothers Addition to the Municipality of Watertown, Codington County, South Dakota

Variance Request:

On behalf of the property owner, TNJ Properties, LLC, Jesse Nygaard, has submitted an application appealing the terms of the Zoning Ordinance, seeking a variance from the 30' front yard and 10' side yard setback requirement in the R-3 Multi-Family Residential District pursuant to §21.1001 to construct a new multi-family structure. The lot is ~8,337 SF and 165' in depth and 50' in width. Being a corner lot, the property has two frontages off of the south and east property lines and two side yards off of the north and west property lines.

The applicant is proposing to demolish the existing structures on the lot and build a fourplex with attached garages. In order to achieve this, he is requesting to be granted a variance allowing him to have a 20' setback off of the south property line and a 5' setback off of the west property line. The east property line front yard setback is able to be permitted at the proposed 9' because it meets the criteria for in-line provision, §21.2101.2. e. The in-line provision allows for the setback of the proposed structure to be equal to that of other structures on the same side of the street. The structure on the property to the north has a 10' front yard setback and the property to the south has a 7' front yard setback which would allow this property to be approved for an 8.5' front yard setback without requiring a variance. The 20' setback on the north for a garage opening perpendicular to the alley is in conformance with ordinance requirements.

If the variance is approved, then the design would also be in compliance with the minimum lot coverage requirement with the project falling under the maximum lot coverage of 80% in an R-3 District; The total lot coverage is at 6,321 SF which is 75% lot coverage. Under current ordinance, this lot would allow up to six, one-bedroom units. The proposed building permit is submitted to be a two-

story fourplex with two bedrooms per unit. The off-street parking requirements of 8 stalls will be met as shown on the attached floor plan.

Sidewalk and ADA ramps along 11th Street SE and 1st Avenue SE will be required at the time of building permit issuance.

Required Setbacks in R-3	Proposed Setbacks
South and East (Front) - 30'	South - 20' East - 9'
North and West (Side) - 10'	North - 20' West - 5'

Adjacent Zoning Designations

- **North-** R-3 Multi-Family Residential District
- **South-** R-2A Single Family Attached Residential District
- **East-** R-2A Single Family Attached Residential District
- **West-** R-3 Multi-Family Residential District

This property is not located within the floodplain.

Chapter 21.0202.1. and 2. state:

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting), fully described in the finding of the Board, do not apply generally in the district;
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested;
3. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land;
4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land;
5. The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

Before the board shall have the authority to grant a variance, the person seeking the variance has the burden of showing:

1. That the granting of the building permit will not be contrary to the public interest;
2. That the literal enforcement of this title will result in unnecessary hardship;
3. That by granting the building permit contrary to the provisions of this title the spirit of this title will be observed;
4. That by granting the permit, substantial justice will be done.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve a Variance Request to the Zoning Ordinance requirements from the 30' front yard and 10' side yard setback requirement in the R-3 Multi-Family District to allow for a 20' front yard setback on the south property line and 5' side yard setback on the west property line in order to construct a new multi-family structure at 1031 1st Avenue SE

The Board of Adjustment shall make findings that the requirements of Section 21.0202(2)(c)(1) and (2), above have been met by the applicant for a variance.

ATTACHMENT(S):

[Vicinity Map](#)

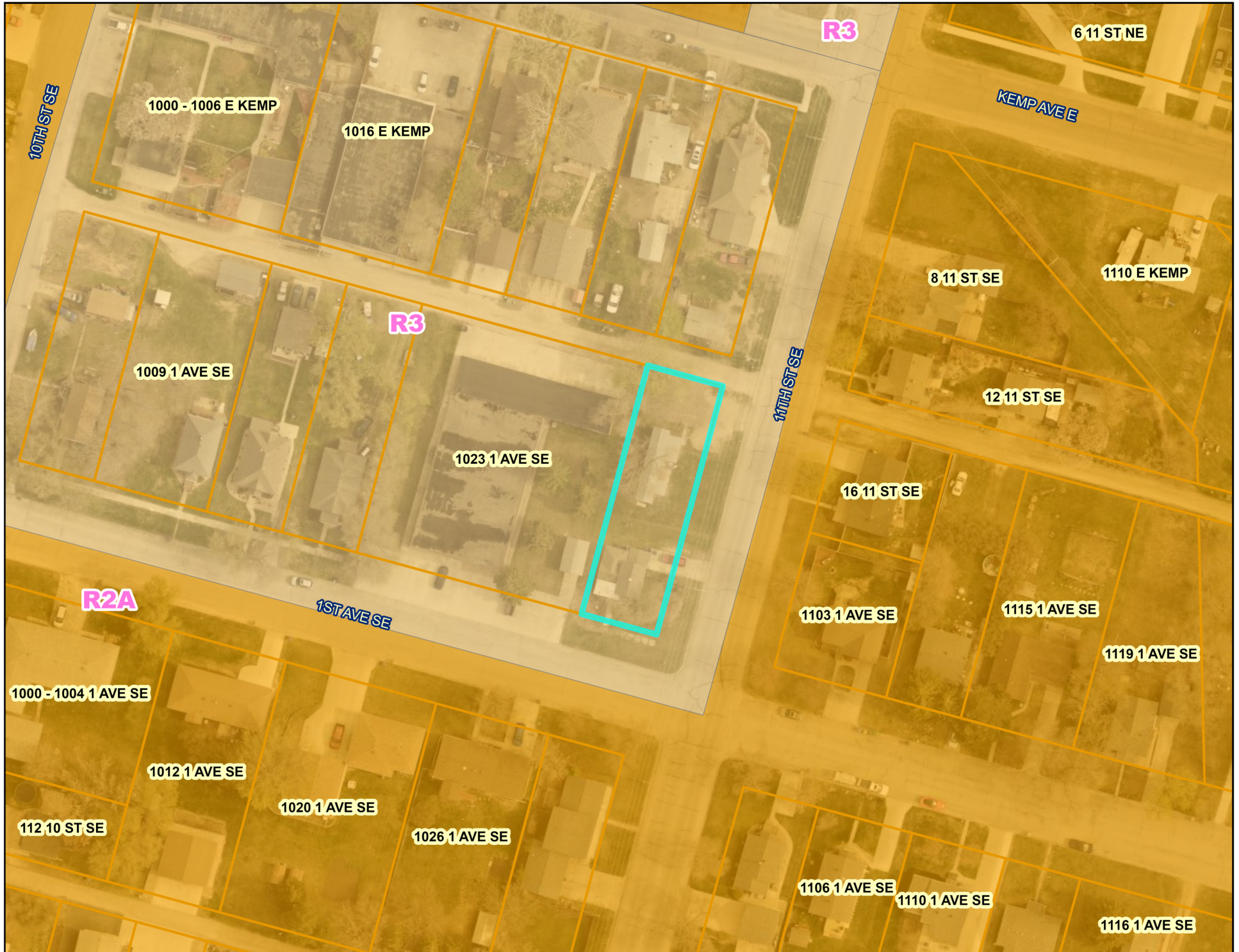
[Application](#)

[Exhibit](#)

Vicinity Map



0 30 60 120 Feet



**C-25-2**

Variance Application

Status: Active

Submitted On: 1/24/2025

Primary Location1031 1ST AVE SE
WATERTOWN, SD 57201**Owner**TJN Properties
129 5 ST NE WATERTOWN,
SD 57201-**Applicant**Jesse
Nygaard605-880-
4548

@nygaardsci@gmail.com

700 14th
Ave SE

Watertown, SD 57201

Applicant Information

Applicant is...

Owner

Main Contact Information

Responsible party for all correspondence throughout the project.

Main Contact Name

Jesse Nygaard

Main Contact Phone Number

605-880-4548

Main Contact Email

jessecvld@gmail.com

Main Contact Address

700 14th Ave SE

Property Information

Address of Variance Request*

1031 1st Ave SE

Property Owner Name(s)*

TJN Properties

Legal Description of Property*

LOTS 33-34 BLK 2 RICE BROS ADD

Requested Variances

Description* ?

Request to reduce the side yard setback on the west property line from 10' to 5' and the front yard setback on the east property line from 30' to 9' to build a new building. The current setbacks will only allow for a 15'6" wide building. We need a minimum 32' wide to build.

Please read through Section 21 of the Ordinance: [click here](#) and note which section and requirement is applicable in the box below.

Ordinance Section and Requirement* 

Addresses of other sites 

21.1001

Variance Request Information

Describe the special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district:*

This is a smaller lot directly south of LATC and it is on the corner. It does have Alley access on one side along with street access on 2 other sides. The current set backs will only allow for a 15'6" wide by 130' long building. We would need a minimum of 32' wide to build student housing on this lot. I am asking that the 10' West set back be reduced to 5' and the East set back be reduced to 10'. Our intention is to build a multi-unit facility on this lot. We need to know how much buildable space there could potential be, before we can work up plans. If the setbacks can be reduced even more, that would be great. You will see on the attachments, many houses are much closer than 25 feet. These images are all on the same block as 1031.

Do these special circumstances result from the actions of the applicant?*

No

Would granting the variances requested give the applicant any special privilege that is denied by this ordinance to other lands, structures or building in the same district?*

No

Unnecessary Hardship: A hardship that is substantial and of compelling force, not merely for reasons of convenience or profit must be identified by the Board when granting a variance. Unnecessary hardship is demonstrated when the land in question cannot yield a reasonable return without the variance, or the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood.

Describe the hardship that will result if variance is denied:*

There will be no chance to update this property with a new building which will provide much needed housing to LATC students. The trailer house was already removed and the house needs to go next. Our intent is to update and beautify this lot. Without getting a big enough area to build something, this can not happen.

Acknowledgement

I, the undersigned, do hereby affirm the above statements are true and correct and agree to comply with the provisions of the ordinances of the City of Watertown and the approved plans and specifications accompanying this application.

I am the...*

Owner

✓ Jesse J Nygaard

Jan 24, 2025

Date*

01/24/2025

