



# Board of Adjustment Agenda Item

**Subject:** Board Consideration of Conditional Use Requests for Social Assistance, Religious Institutions, Apartments using the main and upper floors in the C-1 Community Commercial District.

**Meeting:** Board of Adjustment - Sep 05 2024

**From:** Heath VonEye, Public Works Director

---

## **BACKGROUND INFORMATION:**

**Owner:** Fallout Shelters Ministries/ Rich Ohm

**Property Address:** 10 2nd Street SE, Watertown, SD 57201

**Legal Description:** Lot 11 Less S40' & All Lot 12 Block 11 Original Plat to the Municipality of Watertown, in the County of Codington, South Dakota

## **Conditional Use Request:**

The applicant is seeking Conditional Use approvals pursuant to §21.2403 for 15. Social Assistance, 16. Religious Institutions, 26. Apartments (over 4 units) using the upper floor of a commercial building, and 27. Apartment(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear; contingent upon compliance with Specific Rules Governing Individual Conditional Uses §21.0202 under 2.b.7. a - h.

There is no building permit on file for when the structure was originally built in 1917. There are two building permits on file from 1994 and 1995 for a remodel in the basement and the conversion of the garage to a daycare facility. The property has an existing legal nonconforming apartment on the second floor that is assumed to have been built when the building was originally constructed. The main floor of the building had a chapel and an operating daycare prior to its current ownership.

At this time, the applicants are planning on adding an additional apartment to the main floor of the building. There is currently parking available on the east side of the property in the rear with access to the alley. The area designated as the chapel will have the floor leveled to allow for church services. They also plan on adding a bathroom for the guest rooms existing at the front of the building near the entrance and remodeling the bathroom in the basement.

Any projects will be subject to building and fire code review during the building permit application process. The property is located in the downtown overlay district but is not included within the State Historical Society boundary map of the downtown.

---

**Chapter 21.0202 2 b.7.(a-h) states:**

Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:

- (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (b) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
- (c) Refuse and service areas, with particular reference to the items in (a) and (b) above,
- (d) Utilities, with reference to locations, availability and compatibility.
- (e) Screening and buffering with reference to type, dimensions and character.
- (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.
- (g) Required yards and other open space.
- (h) General compatibility with adjacent properties and other property in the district.

---

**FINANCIAL CONSIDERATIONS:**

N/A

---

**OVERSIGHT / PROJECT RESPONSIBILITY:**

Brandi Hanten, Community Development Manager  
Carla Heuer, Planner

---

**STAFF RECOMMENDATION / SUGGESTED MOTION:**

Staff recommends approval of the Conditional Use through the following motion:

I move to approve the Conditional Use Requests for Social Assistance, Religious Institutions, and Apartments in the C-1 Community Commercial District.

---

**ATTACHMENT(S):**

[Vicinity Map](#)

[CU-24-17 Application](#)

[Floor Plan](#)



# Vicinity Map

0 25 50 100 Feet





### CU-24-17

Conditional Use

Application

Status: Active

Submitted On: 8/7/2024

### Primary Location

10 2ND ST SE  
WATERTOWN, SD 57201

### Owner

Fallout Shelter Ministries  
10 2 ST SE 10 2nd st SE  
Watertown, SD 57201

### Applicant

Beret Ohm  
 605-204-0294  
 falloutshletersd@gmail.com  
 10 2nd st SE  
Watertown, SD 57201

## Applicant Information

Applicant is...

Owner

### Main Contact Information

Responsible party for all correspondence throughout the project.

Main Contact Name

Rich Ohm

Main Contact Phone Number

605-868-0327

Main Contact Email

richohm@gmail.com

Main Contact Address

## Property Information

Address of Conditional Use Request\*

10 2nd St SE

Owner Name\*

Fallout Shelter Ministries

**Legal Description \* ?**

Lot 11 Less S40' & All Lot 12 Block 11 Original Plat

**Property Zoning District**

C-1 Community Commercial District

**Requested Conditional Use ?**

- 21.2403
- 15. Social Assistance
- 16. Religious Institutions,
- 26. Apartments (over 4 units) using the upper floors of commercial buildings
- 27. Apartment(s) located on the main level at the rear of a commercial building. Access and parking must be located in the rear.
- 29. Other uses which in the opinion of the Board of Adjustment are of the same general character.

Please reference Title 21 for applicable conditional uses in specific districts.

**Describe how the use will be established on the property\* ?**

This facility will be used to provide short-term emergency shelter for those in need, a gym open to local students, a community kitchen to feed free meals to those in need, and a residence for the directors of the nonprofit organization. There will also be church services held in this space.

**How many parking spaces are provided on site for the proposed use?\***

7

**What is the square footage of the structure the use will encompass?**

10,000

---

## Justification for Request

Before any conditional use shall be issued, the Board shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:

Please answer the below items (a-h) on how they are addressed on the property or how the requested conditional use will be accommodated for if approved. If an item(s) will not be affected, insert "NA" in that field(s).

**A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.\*** ?

Ingress and egress requirements will be met as public parking is available up front and behind the structure. Additionally, there are public parking lots to the south of the structure.

**B. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.\*** ?

Yes, they are provided.

**C. Refuse and service areas, with particular reference to the items in (a) and (b) above\* ?**

Dumpster is available for this commercial property and others behind the lot. The dumpsters do not hinder parking availability.

**D. Utilities, with reference to locations, availability and compatibility\* ?**

Have all utility services available.

**E. Screening and buffering with reference to type, dimensions and character\* ?**

Screening and buffering is adequate.

**F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.\* ?**

There are some signs up front in the balcony area and there are street lamps on the road.

**G. Required yards and other open space.\* ?**

Minimum side yard 0' to 30', Minimum rear yard n/a, No Minimum front yard

**H. General compatibility with adjacent properties and other property in the district\* ?**

Surrounding this property are parcels also zoned C1 and some C1 properties with apartment use too

**You can also upload any site plans, images, sketches, etc. in the attachment section later in the application if that helps to better explain your request.**

---

## Sign Posting

Provided by the City, a sign must be posted by the applicant on the property requesting a conditional use at least five (5) days before the time of hearing, per City Ordinance Ch. 21. 0202 2.B.3.

City staff will send notification when the sign is ready to be picked up via OpenGov. Please check the application or the email address provided for notification.

I acknowledge that I will be required to post the sign stating the requested conditional use for the above referenced property.

✓ Beret Ohm  
Aug 7, 2024

---

## 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.

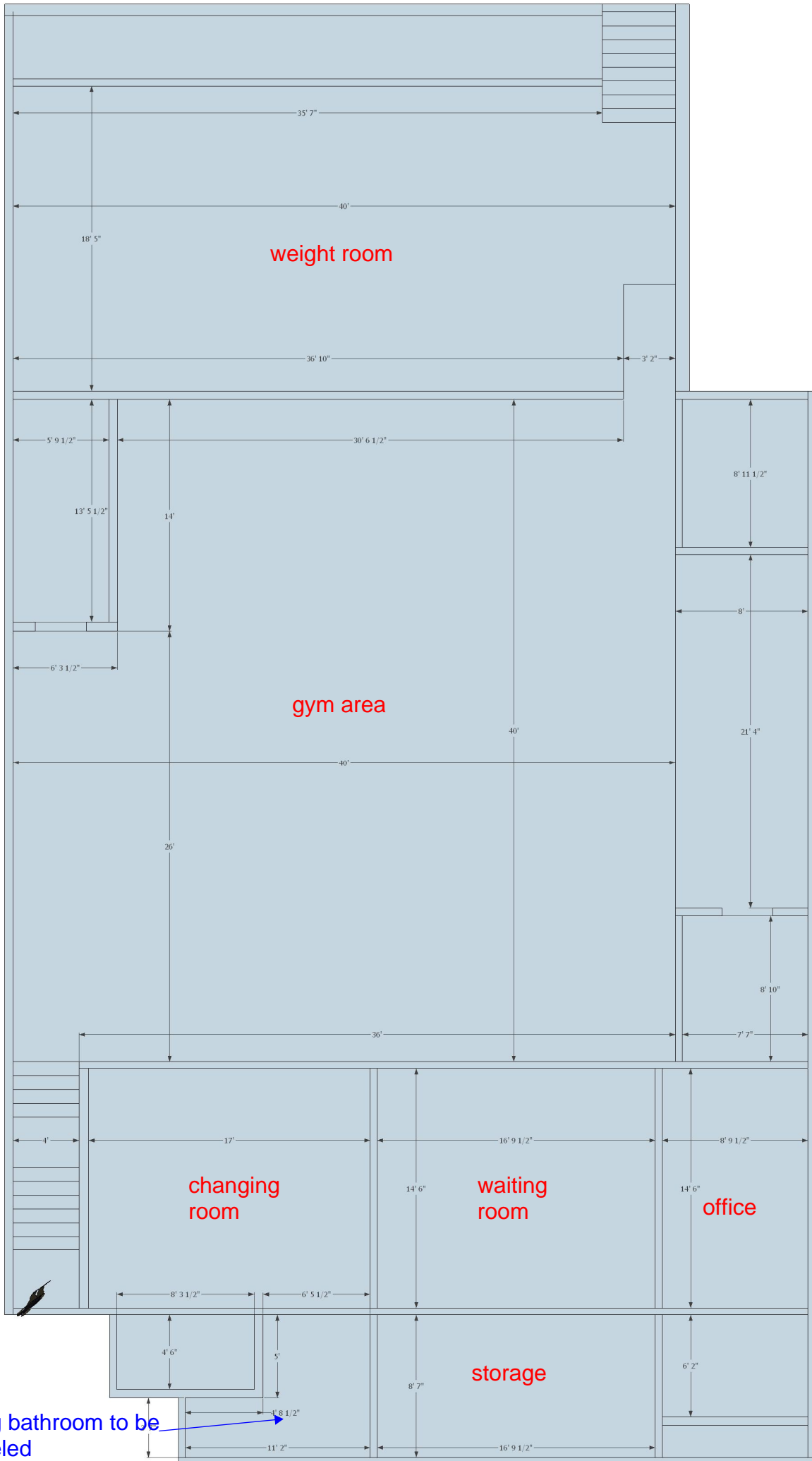
I am the...\*

Owner

✓ Beret Ohm  
Aug 7, 2024

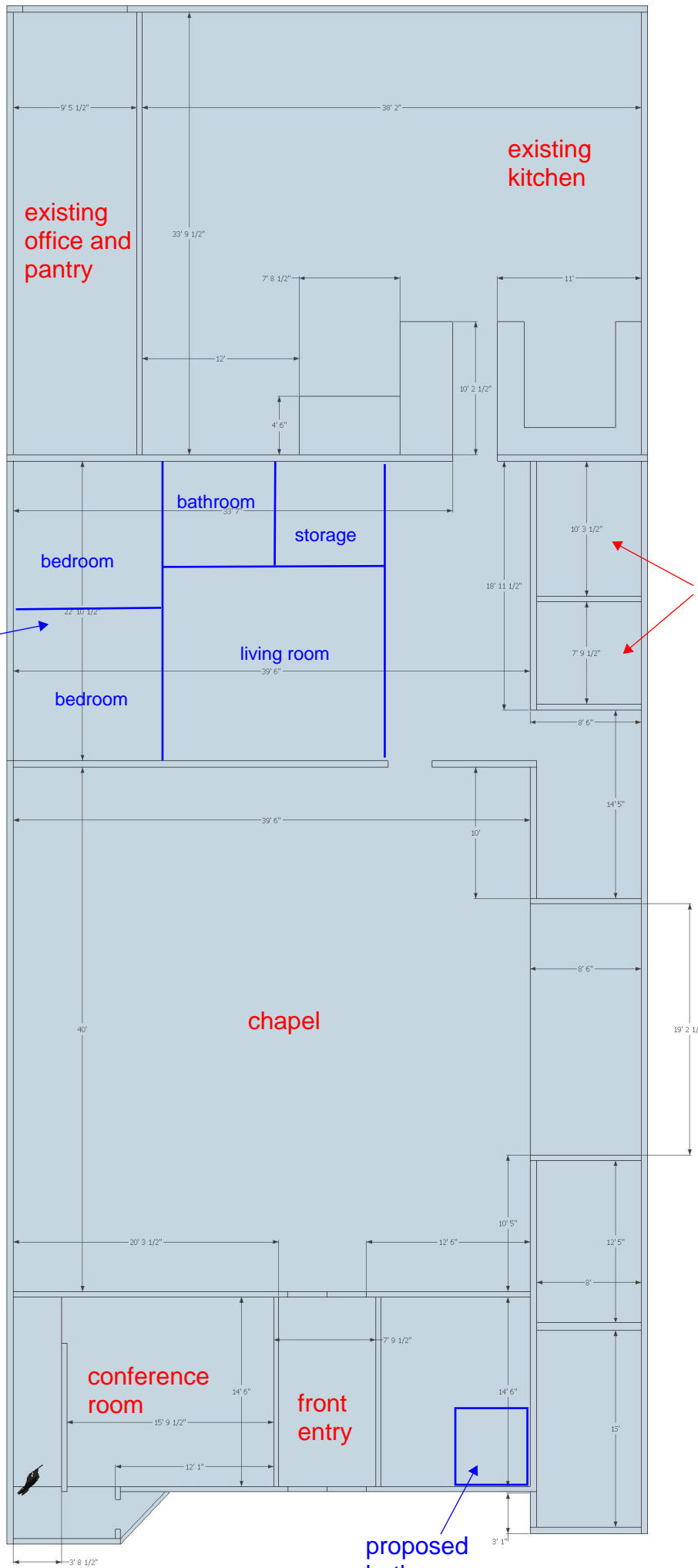
Date\*

08/07/2024



existing bathroom to be remodeled

proposed apartment



existing restrooms

Proposed changes are in blue.  
Existing rooms are in red.

proposed bathroom