

Board of Adjustment

Agenda Item

Subject: Board Consideration of Variance Request to the Zoning Ordinance Requirements in

the R-3 Multi Family Residential District for a 5,968.2 SF Attached Garage and the Number of Garage Doors/Stalls for one side Exceeding the Limit of Three at 1733 3rd

Avenue SW

Meeting: Board of Adjustment - Nov 21 2024

From: Heath VonEye, Assistant City Manager/Public Works Director

BACKGROUND INFORMATION:

Owner/Applicant: Travas & Sherrie Uthe/ John Knight

Property Address: 1733 3rd Avenue SW, Watertown, SD 57201

Legal Description: Uthe First Addition to the Municipality of Watertown, Codington County, South Dakota. Previously described as E97.8' Lot 11 Way's Subd OL 28 Way Case Addition to the

Municipality of Watertown, Codington County, South Dakota.

Variance Request:

The property owners, Travas & Sherrie Uthe, appeal the terms of the Zoning Ordinance seeking a variance from the maximum number of garage doors per side or frontage and the maximum allowable size for an attached garage in the R-3 Multi Family Residential District pursuant to Chapter 21.1002 3. c. (1) and 21.1002 3. c. (3). The proposed structure is to be built on the recently platted Lot 1 of Uthe First Addition. The lot is 37,337 SF in size which allows for a 2,352 SF attached garage and an 1,859 SF unattached garage. Per ordinance, an attached garage larger than the allowed maximum square footage is permitted to utilize the square footage allotted for an unattached garage. Combining the square footages would permit the Uthes to build a 4,219 SF attached garage and would prohibit an unattached garage from being located on the property. The Uthes are proposing to build a 5,968.2 SF attached garage which exceeds the total maximum allowable square footage of 4,220 SF by 1,767.2SF.

If the applicant were to use the adjacent properties to the east under their ownership to meet the lot area for an unattached garage to be allowed to be 3,616.2 SF to add to the attached garage allowable area of 2,352 SF, the lot size would need to be 120,540 SF or 2.77 Acres, an additional 83,203 SF added to Lot 1of Uthe First Addition, however, the maximum available lot area is 101,218 SF (blue hatched, maroon hatched, and green hatched areas on the attached *EXHIBIT B*) which would allow for a 3,037 SF detached garage. However, 21.1002 3.d.(e) "Over 87,120 square feet: Three percent (3%) of lot area or 3,485 square feet, whichever is greater" allows for the greater of the two areas, allowing for 3,485 SF for any lot less than 116,166 SF. This would allow for the attached garage to be 5,837 SF taking away the ability to have a detached garage on the property and would limit buildable area for the four lots to the east. The attached garage would still be 131.2 SF short of the proposed attached garage area.

To allow the four lots to the east to maximize available lot area, the minimum size the required for maximize the detached garage allowable area is for the lot to be 87,121 SF (blue and maroon hatched area on the attached *EXHIBIT B*) which would still allow for a 3,485 SF detached garage to be added to the attached garage, still being 5,837 SF or 131.2 SF short.

The attached garage portion of the single family residence proposes an 18' sidewall with an overall height to the peak of ~30'. The structure is allowed to have a maximum height of 35' in the R-3 District. The structure will be setback 10' from the west property line. There is an existing single family residence on the property to the west that is approximately 9' from the property line. The proposed structure will be setback 48.2' from the front property line, reducing blocked views for the neighboring property to the west which has a front yard setback of approximately 35'.

The applicant is proposing four garage doors/stalls facing east which exceeds the limit of three garage doors/stalls facing one side or front. The applicant owns the adjacent property to the east where the doors will be facing. The garage doors will be 14' in height and 12' in width. The standard residential single garage door height is 7-8' and a width of 8-9'. The attached garage is 99.47' in depth and 60' in width.

In review of the surrounding neighborhood and the R-3 zoning designation the proposed structure is compatible with apartments to the south and a concrete contractor operation with outdoor storage to the north in the R-3 District. The owners could redesign their structure as multi-family housing or request a conditional use for storage units that would allow them the square footage they are requesting. The property would allow for 28 one-bedroom units or 21 two-bedroom units with incidental garages that do not have a maximum allowable size. The Uthes own adjacent properties to the east of where the proposed structure will be built and could do additional platting or combining portions of adjacent lots to achieve slightly less than the desired square footage without requesting a variance, however, taking portions of back lots is not an ideal subdivision strategy to achieve the desired square footage for the attached garage.

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:

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:

The board may approve the following variance requests through the following motions:

I move to approve the Variance Requests to the Zoning Ordinance Requirements in the R-3 Multi Family Residential District for the property located at 1733 3rd Avenue SW:

- 1. To allow for a 5,968.2 SF Attached Garage
- 2. To allow for Four Garage Doors/Stalls on the East Side

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):

Application

Vicinity Map

Preliminary Construction Plans

Site Plan

Plat of Uthe First Addition

EXHIBIT A

EXHIBIT B



C-24-21

Variance Application

Status: Active

Submitted On: 10/23/2024

Primary Location

1733 3RD AVE SW WATERTOWN, SD 57201

Owner

TRAVAS UTHE 1631 3 AVE SW WATERTOWN, SD 57201-

Applicant

JOHN Knight 605-520-2113

john@grolawfirm.com816 S BROADWAY

Watertown, SD 57201

Applicant Information

Applicant is...

Agent

Main Contact Information

Responsible party for all correspondence throughout the project.

Main Contact Name Main Contact Phone Number

John Knight 605-520-2113

Main Contact Email Main Contact Address

john@grolawfirm.com 816 S. Broadway, Watertown, SD 57201

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:*

The neighborhood is somewhat unique in the mixture of residential, commercial or light industrial and multi-unit housing development. The lot is adjacent to other properties owned by the applicant and is adjacent to other properties and structures that are not used for residential purposes.

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:*

The applicant has replatted the property to increase the size of the lot to minimize the requested variance. The applicant owns multiple properties and could conceivably replat additional properties to allow for the building of the proposed structure without a variance. However, re-platting the additional lots will result in portions of multiple lots to become unusable and/obsolete for any other purposes.

Requested Variances

Requesting a variance from the maximum size of structure for size of the lot and requesting a 4th door facing the boundary of the lot.

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

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...*

Agent

John Knight
Oct 23, 2024

Date*

10/23/2024

GENERAL NOTES:

- PREPARATION:

 1) PRIOR TO CONSTRUCTION OF YOUR NEW ENERCEPT PROJECT, EMERCEPT INC. STRONGLY SUGGESTS THAT THE

- DRAWNES:

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 1) IN INSET OF CONCERNICTION AND BUSINESS STREETING.

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- 2) SHOULD OUESTIONS ARSE RECARDING THE USE OF THESE DRAWNINGS OR THE SUITABUILTY OF DETAILS FOR STIULATIONS DEMOCRATED, COUNTACT EMERGER FEFORE, PROCEEDING, DERECEPT COMMOT BE HELD RESPONSIBLE FOR MISNIFERENTIATION OF MUSICS OF INFORMATION HEREIN, OR USE OF THIS INFORMATION HEREIN, OR USE OF THIS INFORMATION HEREIN, OR USE OF THIS INFORMATION HIS PERSONS NOT KNOWLEDGE/BELE IN ITS DETAILSTAND IN PURCHASTIONAL OF

- 5) WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. PLEASE NOTIFY EMERCEPT OF ANY DISCREPANCES. CONSTRUCTION NOTES: WALLS & ROOFS

STRUCTURAL: 1) If is the responsebility of the owner/contractor to incorporate the derectapy panels into the overall design of the structure. All convections enters the bulding components and the expectify panels will be it the responsebility of the owner/contractor.

- DIERCEPT ACCEPTS NO RESPONSEMITY FOR THE DESIGN, SPECIFICATIONS, AND CONSTRUCTION OF INTERIOR WALLS, INTERIOR SUPPORT MALLS, COLLAMINS, OR POST. ALL MATERIALS FOR THE INTERIOR STRUCTURE AND SUPPORT TO BE SUPPLIED BY THE OWNER/CONTRACTOR, UNILESS OTHERWISE SPECIFIED.
- 3) THE OWNER/CONTRACTOR SHALL PROVIDE ALL NECESSARY TEMPORARY SUPPORTS AND BRACING FOR MALLS AND FLOORS PROR TO THE COMPLETION OF THE LATERAL AND VERTICAL LOAD SYSTEMS.
- 4) SUPPORT POINTS LOCATED WITHIN THE ENERCEPT PANEL WILL BE PROMISED BY ENERCEPT. SUPPORT POINTS AND HEADERS LOCATED ON INTERIOR WALLS TO BE DESIGNED AND SUPPLIED BY OTHERS, UNLESS NOTED OTHERWISE.
- 6) DIMENSIONAL LUMBER SHALL BE SPF #2 U.N.O.

- DOOR AND WINDOW OPENINGS:

 1) ALL OFFINING SIZES ON THE DRAWING ARE ROUGH OPENING SIZES, NOT UNIT SIZES. IT IS THE RESPONSIBILITY OF THE OWNERS/CONTRICCIOR TO VERSEY ALL DOOR AND WINDOW LOCATIONS, ROUGH OPENINGS, AND HEADER RECHTS, ALL SIZES ON DRAWINGS ARE AS FOLLOWS, WOTH A FEGURE.
- STANDARO HEADER HEIGHT FOR ALL DOOR AND WINDOW ROUGH OPENINGS IS 6"-11" FROM THE SUBFLOOR, UNLESS SPECIFED BY THE OBNICK/CONTRACTOR. HEADER HEIGHTS ARE ADJUSTED ACCORDING TO UNIT SPECIFICATIONS.

- 2) MAIL ALL PAVEL JOINTS USING BO MAILS ON 6" CENTERS ON BOTH THE MICROR AND EXTENDED SUBFACES. PAVELS MUST BE MAILED TO THE PALLY RECESSED FOR PLATE USING BO MAILS ON 6" CONTRIS". FALLY RECESSED TO P PLATE TO BE MAILED TO POSTS WITH TISO MAILS. SET TO THE DIFFICIENT CONTRIBUTION GAIDE FOR COMPILEE DEFINES.

- MISC.:

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 BE DESIGNED AND MATERIALS SUPPLIED BY OTHERS. PROPER
 VENTILATION IS REQUIRED FOR OVERFRANCO AREAS.
- 2) STAIR DESIGN AND LAYOUT WILL BE THE RESPONSIBILITY OF THE
- 4) ENERGEPT HOMES ARE DESIGNED TO BE VERY AR TIGHT, ENERGEPT HIGHLY RECOMMENDS THAT YOU MORK WITH A HAIC PROFESSIONA, TO DESIGN A VENTULATION SYSTEM THAT MILL INSURE MODOR ARE QUILLY MAD MOSTINE CONTROL. HA-TO-AIR HEAT EXCHANGERS/VENTULATORS ARE HIGHLY RECOMMENDED.

CONSTRUCTION NOTES: BASEMENTS & FOUNDATIONS

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- 2) ENERGEPT ACCEPTS NO RESPONSIBILITY FOR THE DESIGN, SPECIFICATIONS, AND CONSTRUCTION OF INTERIOR MALLS, INTERIOR SUPPORT MALLS, COLUMNS, OR POSTS. ALL MATERIALS FOR THE INTERIOR STRUCTURE AND SUPPORT TO BE SUPPUED BY THE OWNER/CONTRACTOR, UNLESS OTHERWISE SPECIFIED.
- 3) SUPPORT POINTS LOCATED WITHIN THE ENERCEPT PANEL WILL BE PROVIDED BY ENERGEPT. SUPPORT POINTS AND HEADERS LOCATED ON INTERIOR MULES TO BE DESIGNED AND SUPPLIED BY OTHERS, UNLESS NOTED OTHERWISE.
- Enercept Walkout Panels are not designed to support any Backfill. Backfill can only be placed against wall panels with treated material.
- MAXIMUM BACK FILL ON ENERCEPT BASEMENT WALL, UNLESS SPECIALLY ENGINEERED:

WALL THICKNESS:	WALL HEIGHT:	BACKFILL HEIGHT:
8" PANEL	8'-0"	8"-0" (FULL BACKFILL)
8" PANEL	9"-0"	7-3
8" PANEL	10"-0"	6'-9"
10" PANEL	8'-0"	8"-0" (FULL BACKFILL)
10" PANEL	9'-0"	8'-6"
10" DANEL	100-07	8'-0"

- DOOR AND WINDOW OPENINGS;

 1) STANDARD HEAGER RECRIF FOR ALL DOOR AND WINDOW ROUGH OPENINGS is 6"-10" FROM THE 10P OF 4" CONCRETE FLOOR, OR 7"-2" FROM BOTTOM OF PANEL, UNKESS SPECIFED BY THE OWNER/CONTROLICE FLOUR FEBRIS ARE ADJUSTED ACCORDING TO UNIS "SECURCIONIONS.
- UNLESS STRUCTURAL HEADERS ARE PROVIDED IN THE PANEL, DOUBLE THE EXTERIOR RIM JOST AND USE JOST HANGERS OVER DOOR NAD WINDOW OPENINGS TO SUPPORT THE FLOOR SYSTEM. LENTILS AND/OR TOP PLATES ARE NOT DESIGNED FOR FLOOR JOST SUPPORT.

- PANEL INSTALLATION:

 1) CHECK ALL TREATED PLATE MATERIAL TO MAKE SURE IT IS THE CORRECT WIDTH SETORE FASTEMING TO FOUNDATION. TREATED MATERIAL MY REED TO BE REPORTED TO THE CORRECT WIDTH DUE TO WARRING MOSTURE COMIENT.
- 2) MM. ALL BASSMENT PANEL EDGES USING 80 MALS ON 6° COUNTS ON 80°H HE WITTERD AND CUTTON SWAPPERS OF COUNTY OF COUNT
- 2) 3) NAL ALL FOUNDATION FRAIL EDGIS USING 80 NALS ON 6"
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 COMPILITY CORES.

- MISC: 1) STAIR DESIGN AND LAYOUT WILL BE THE RESPONSIBILITY OF THE OWNER/CONTRACTOR.
- 3) ENERCEPT FOUNDATION PANELS ENCLOSING MARITABLE OR USABLE SPACES LOCATED BELOW GRADE SMALL BE DAMPROOFED WITH A 6-ML POLYETHINER FLIM APPLIED TO THE EXTERIOR OF THE FOUNDATION MULL PROR TO BOOKFLLING. REFT TO SECTION R406.3.2 OF THE IRC FOR COMPLETE INFORMATION.

ROOF PANEL DESIGN CRITERIA DESIGNORITERIA ISBASED ON THE 2021 HIG S. PIC						
ROOF DEAD LOAD (LB / SQFT)	15					
GROUND SNOW LOAD (LB / SQFT)	50					

INDEPENDENT ENGINEERING RECOMMENDATIONS:
ALL NOISS SHOWN IN GREEN ARE RECOMMENDATIONS FROM AN INDEPENDENT
ENDANGERING REVEN, HILL ENERFOIT HAS PERFONNED. ALL ITEMS SHOWN IN GREEN
ARE PROVIDED BY OTHERS. THESE ITEMS WILL NOT BE INCLUDED WITH THE SP PICKAKE.

PANEL MUDTIS:

MANIMAM PRIAL WOTHS WILL WERP BISED ON NOVMOUAL PROJECT NEEDS.

YOUR PROJECT MAY ONLOUGH A COMBINATION OF 4-FOOT PANELS AND 8-FOOT

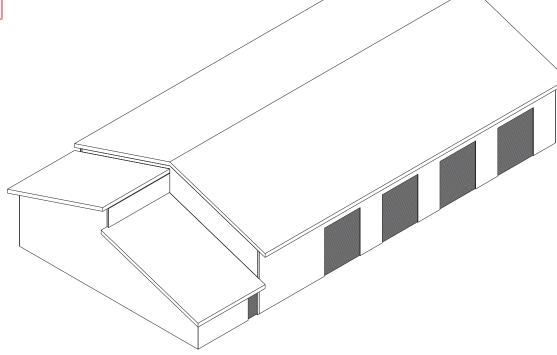
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DETRIMINE CAUSE. PACEMENT OF WINTERS PRINTINGS.

SIP SCREW SCHEDULE						
LOCATION	QTY PROVIDED	LENGTH	SPACING			
ROOF TO BEAMS	80	14	12° 0.C.			
ROOF TO STARWOODS	600	14	12° 0.C.			
ROOF TO GABLE WALL	150	14	12° 0.C.			
ROOF TO FAVE WALL	300	15	12° 0 C			



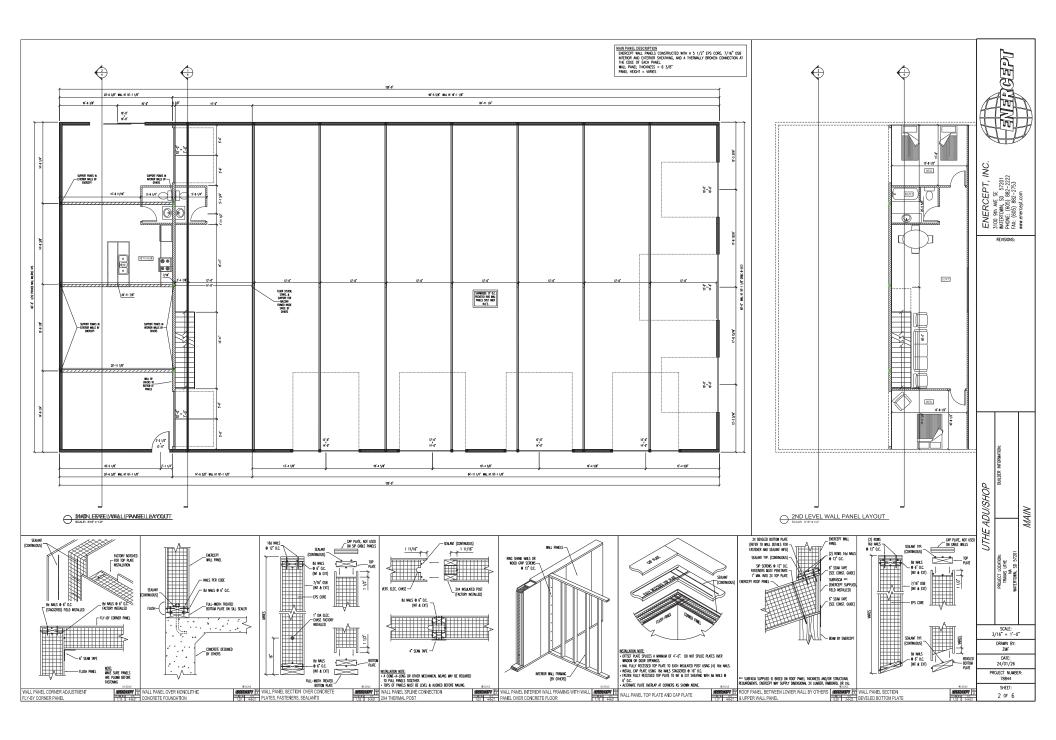
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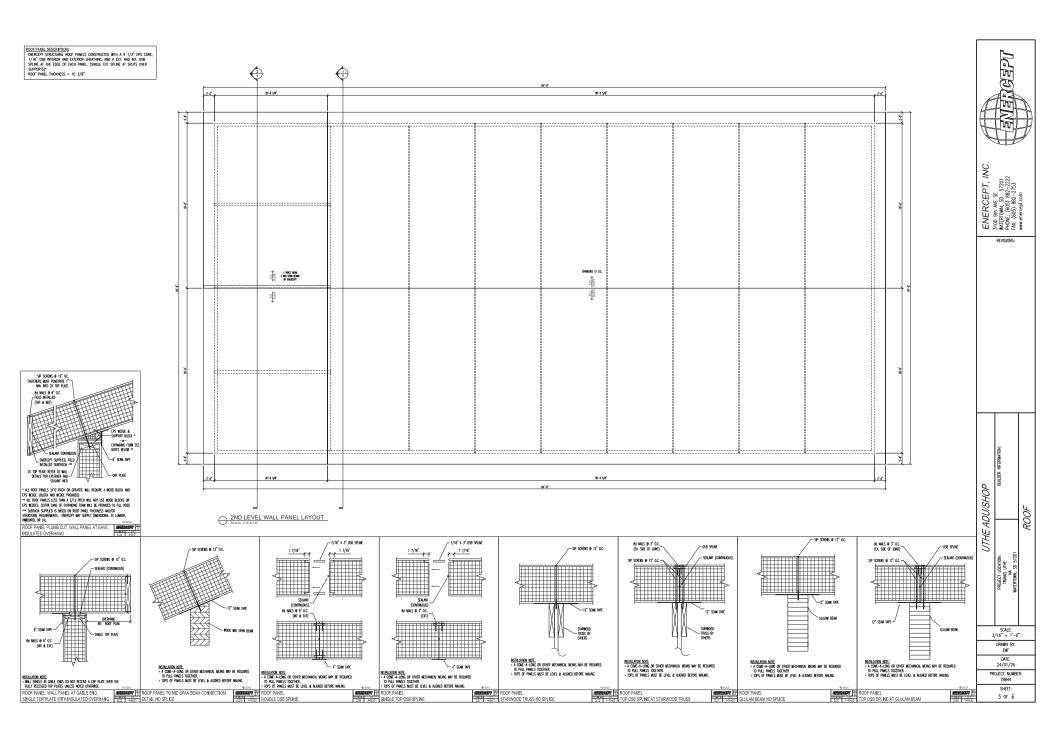
PRELIMINARY DRAWING - NOT FOR CONSTRUCTION -

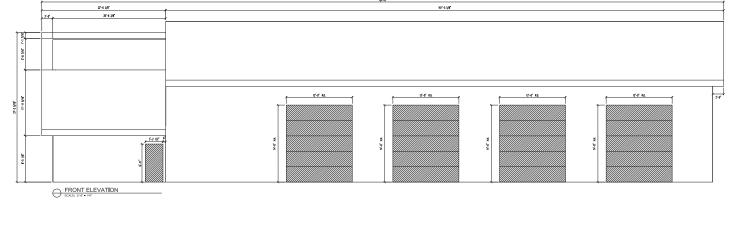
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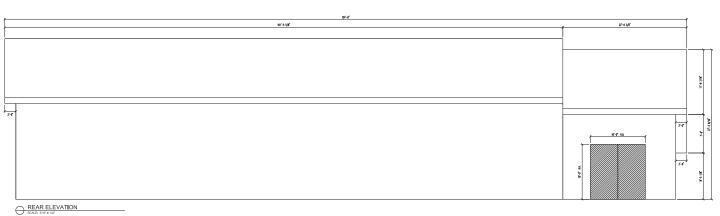
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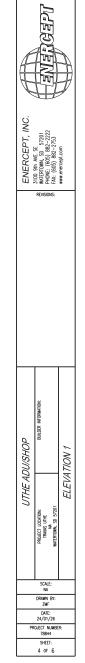
PROJECT NUMBER SHEET: 1 OF 6

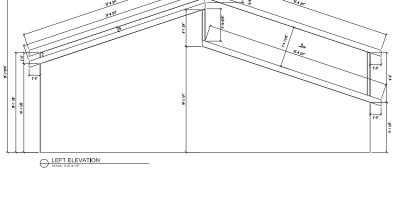


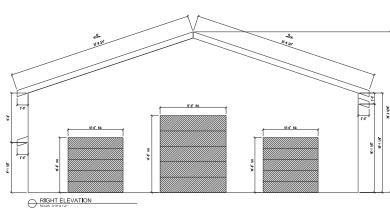


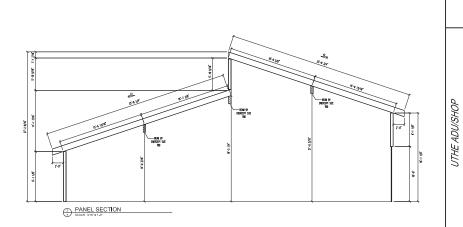


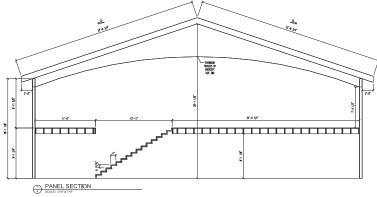


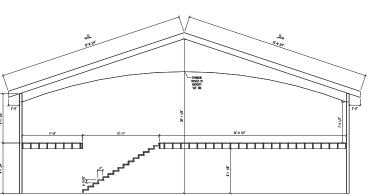










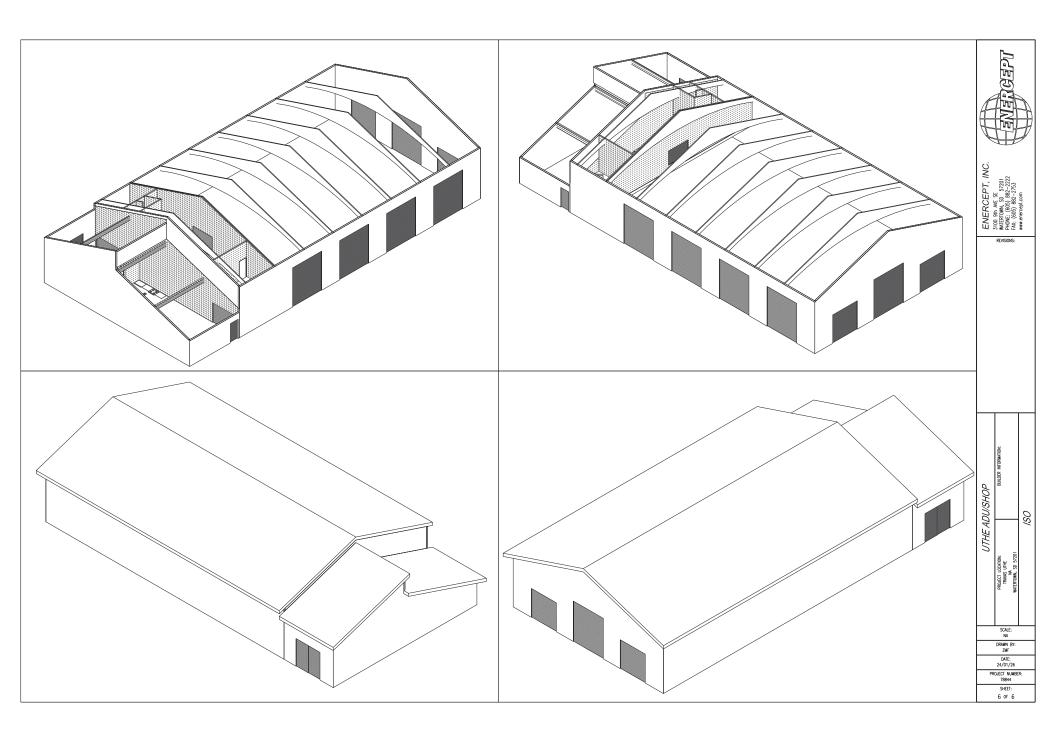


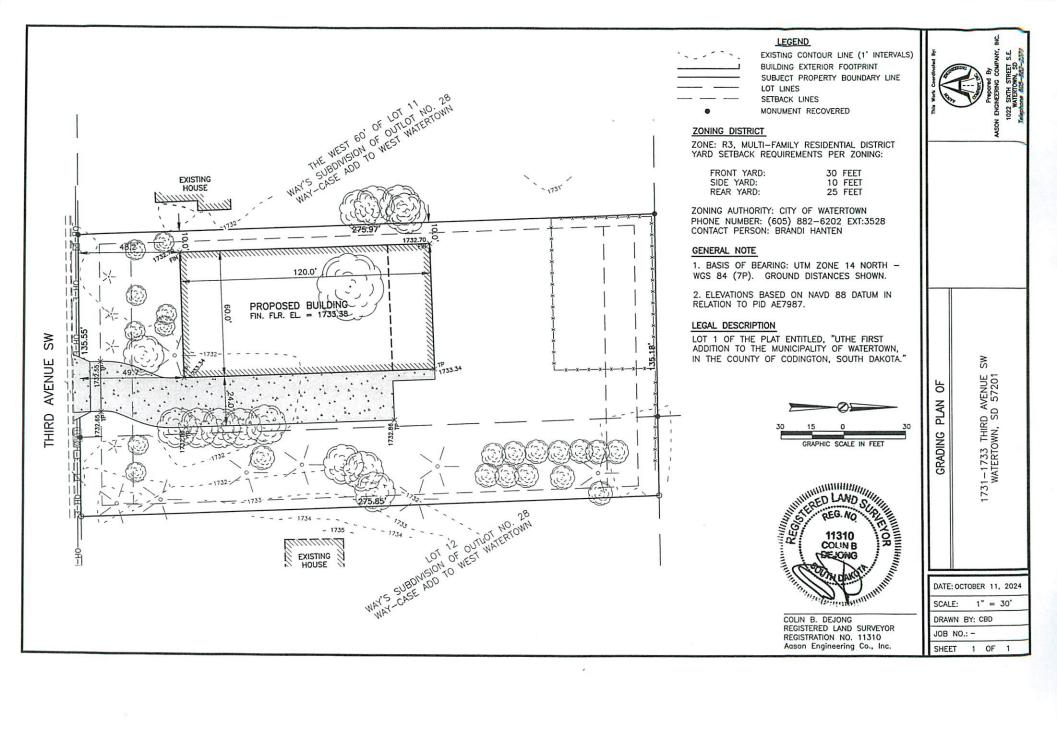


ELEVATION & SECTIONS

SCALE: 3/16" = 1'-0" DRAWN BY: ZMF

DATE: 24/01/26 PROJECT NUMBER: 78844 SHEET: 5 OF 6





PLAT OF UTHE FIRST ADDITION TO THE MUNICIPALITY OF WATERTOWN IN THE COUNTY OF CODINGTON, SOUTH DAKOTA.

NOTE: THIS PLAT IS A REPLAT OF AND SHALL VACATE THE EAST 97.8' OF LOT 11 AND THE WEST 38.2' OF LOT 12 OF THE PLAT ENTITLED, "WAY'S SUBDIVISION OF OUTLOT NO. 28 IN THE WAY—CASE ADDITION TO WEST WATERTOWN TO THE TOWN OF WATERTOWN," CODINGTON COUNTY, SOUTH DAKOTA. RECORDED IN BOOK "AP" OF PLATS ON PAGE 426.

10' WIDE REAR YARD UTILITY EASEMENTS OR 10' WIDE UTILITY EASEMENTS ABUTTING PUBLIC RIGHT OF WAYS UNLESS NOTED OTHERWISE.

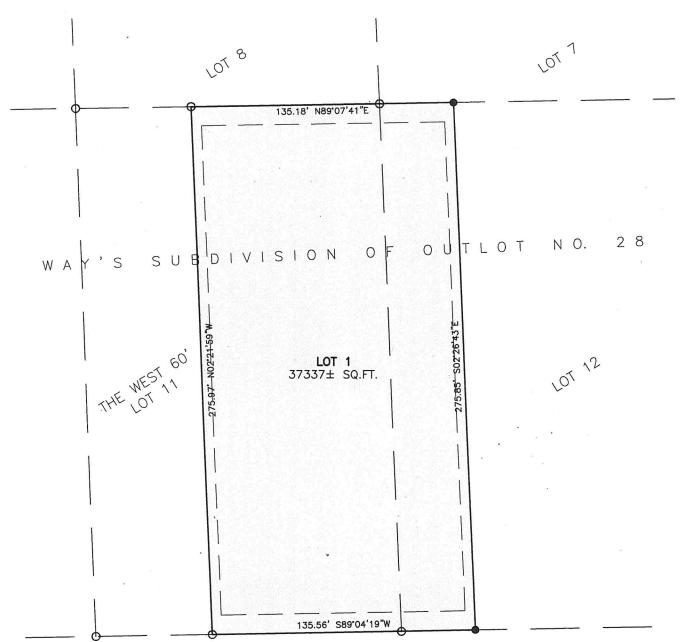
EASEMENT INFORMATION EASEMENT INFORMATION

October 10, 2024 Scale: 1"=100'

O Monument Recovered

● ½"x18" Rebar w/ Plastic Cap
Stamped #11310 Set

NOTE: Bearings are based on UTM Zone 14 North — NAD83 coordinate zone. Ground Distances shown.

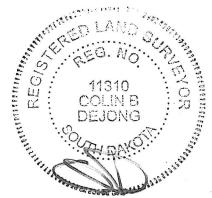


3RD AVENUE SW



Prepared By AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E. WATERTOWN, SD Telephone 605-882-2371 NOTE: This plat and the survey on which it is based was performed without the benefit of a title report and is subject to any encumbrances whether specified hereon or of record, if any.



Registered Land Surveyor

View looking toward the West



