



Board of Adjustment Agenda Item

Subject: Board Consideration of Variance Requests to the Zoning Ordinance requirements from the 20' side yard setbacks in the C-3 Highway Commercial District for the Property Located at 1311 5th Avenue SE

Meeting: Board of Adjustment - Jul 18 2024

From: Heath VonEye, Public Works Director

BACKGROUND INFORMATION:

Owner: Justin & Lehla Pietz

Property Address: 1311 5th Avenue SE, Watertown, SD 57201

Legal Description: Lots 21-26 Block 8 Gesley's 2nd Addition to the Municipality of Watertown, in the County of Codington, South Dakota

Variance Request:

Applicant appeals the terms of the Zoning Ordinance, seeking a variance from the 20' side yard setback on the north and east property lines to allow for a 15' side yard setback in the C-3 Highway Commercial District pursuant to §21.1003 to construct a new commercial structure for the existing Home Oasis business at 1311 5th Avenue SE. The retail establishment is a permitted use in the C-3 District and the lot size of 24,642 SF conforms to the 20,000 minimum lot size.

The existing building has a side yard setback of 11.6' from the east property line and a 12.4' from the north property line. the property has double frontage from the right-of-ways of 13th Street SE and 5th Avenue SE which creates two side yards instead of a rear yard. The property also has alley access on the north. The existing building will be removed and a new 8500 SF building will be constructed on the property. The building will conform to the 40' front yard setback requirements but cannot adjust further to the SW as the topography of the lot becomes very steep.

The off-street parking for the appliance retail sales requires 17 stalls and the office area requires 6 stalls for a total of 23. Currently there are 20 stalls shown on the proposed site plan, however, there is sufficient space for additional stalls and parallel parking. The off-street parking and other ordinance requirements will be reviewed at the time of building permit application.

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:

NA

OVERSIGHT / PROJECT RESPONSIBILITY:

Brandi Hanten, Community Development Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:

Variance request for the Property Located at 1311 5th Ave SE:

I move to approve the Variance Requests to the Zoning Ordinance requirements from the 20' side yard setbacks in the C-3 Highway Commercial District for the Property Located at 1311 5th 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):

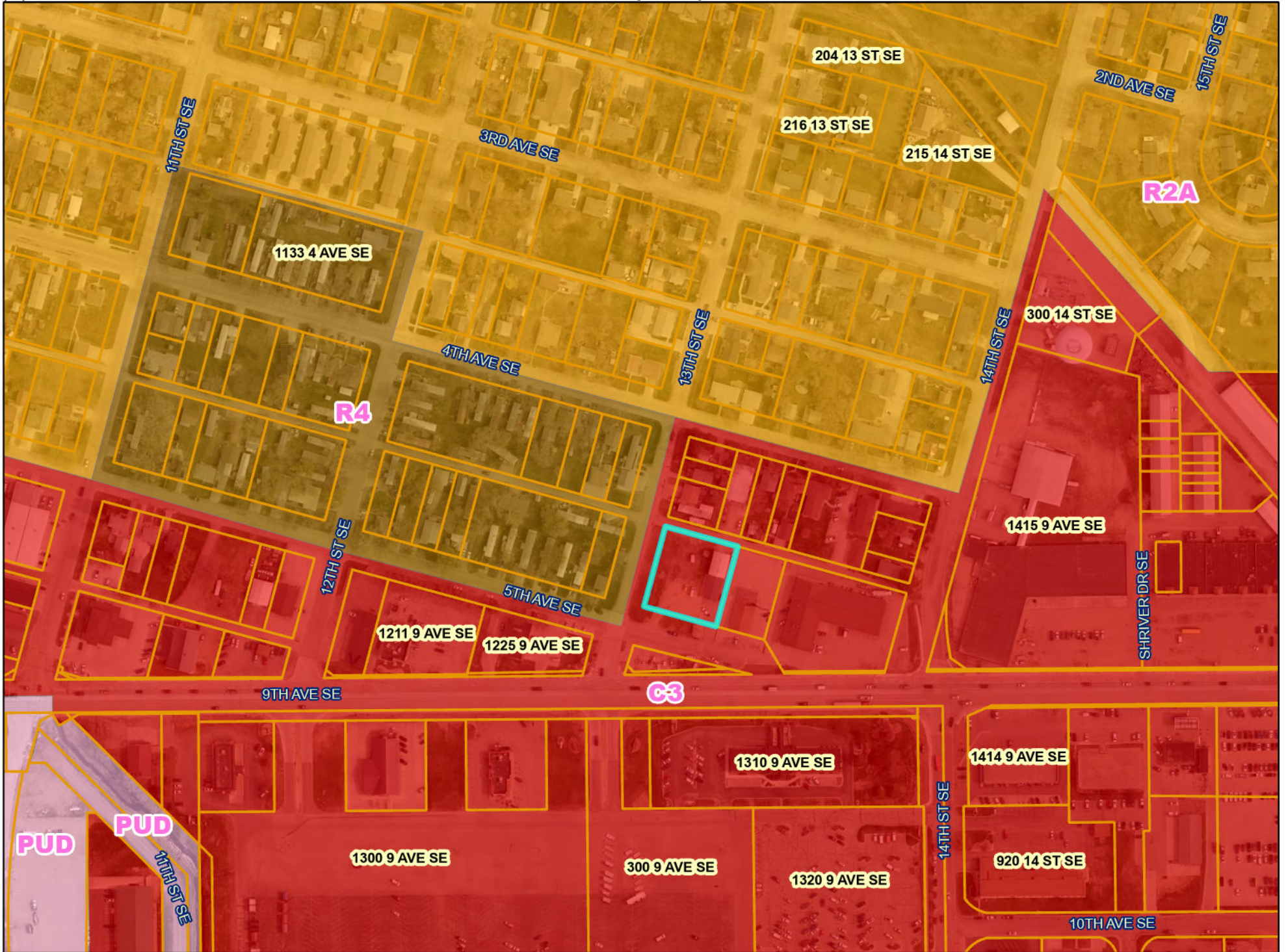
[Vicinity Map](#)

[Application](#)

[Site Plan](#)

[Exhibits](#)

Vicinity Map





C-24-10

Variance Application

Status: Active

Submitted On: 6/24/2024





Primary Location

1311 5TH AVE SE
WATERTOWN, SD 57201

Owner

JUSTIN & LEHLA PIETZ
335 42 ST NW WATERTOWN,
SD 57201-

Applicant

 Justin Pietz
 605-880-4145
 justin@homeoasiswatertown.com
 1313 5th Ave SE
Watertown, SD 57201

Applicant Information

Applicant is...

Owner

Main Contact Information

Responsible party for all correspondence throughout the project.

Main Contact Name

Justin Pietz

Main Contact Phone Number

605-880-4145

Main Contact Email

Justin.pietz@homeoasiswatertown.com

Main Contact Address

1311 5th Ave SE

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:*

We are removing the old building and building a new larger store. The old building sits outside the 20' setbacks on the north and east side, Approximately 15' off the property line. The old building is a post frame with a 4 season addition. We can not use the old walls with the new type of planned build. The land has a very deep slope. We cannot move the building any farther west or south an keep the required grade slope. There are other buildings and house within the setbacks. We own one lot and building to the north of the planed building. (1308 4th Ave SE). We are trying to maximize the building square footage. The north and east sides of the old building and new building will be in the same place.

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

Yes

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:*

I would be losing square footage. The old building is already within the 20' setback being about 15' from the property line. The elevations in front and on the opposite side are very steep, I cannot move the building any further south or west and keep the maximum allowed grade.

Requested Variances

Description* ?

Change set back on north and east side from 20' to 15'

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* ?

21.1003

Addresses of other sites ?

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.

✓ Justin Pietz

Jun 24, 2024

I am the...*

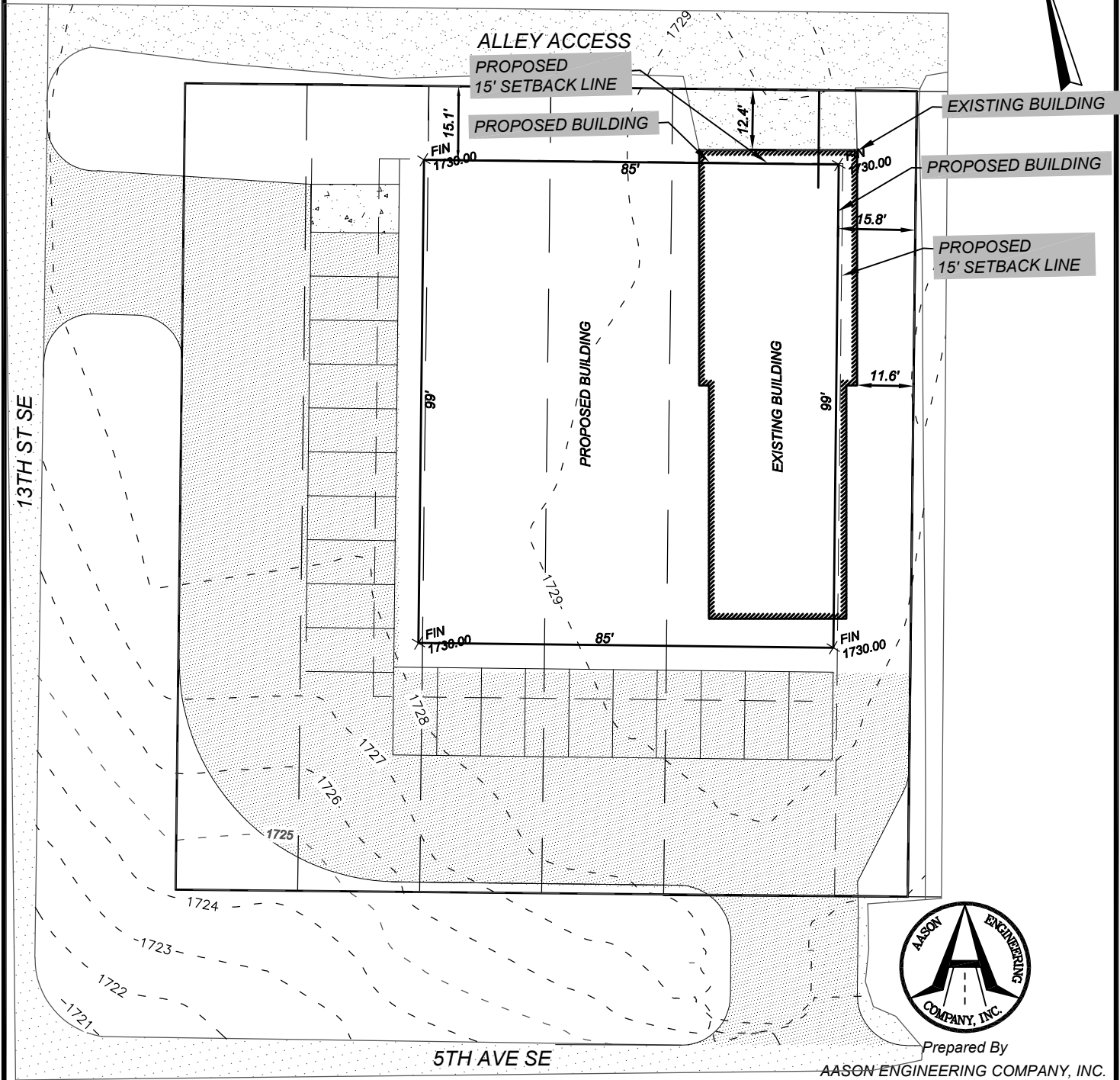
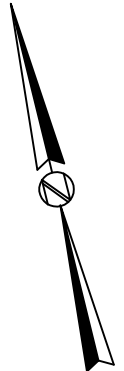
Owner

Date*

06/24/2024

Exhibit A

Lots 21-26 Block 8 Gesleys 2nd Addition to the Municipality of Watertown, Codington County, South Dakota. Subject parcel contains 8,415 +/- Sq. Ft.



Prepared By
AASON-ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.
WATERTOWN, SD
Telephone 605-882-2371



1 BUILDING EXTERIOR RENDERING: A

EX-2 SCALE: N/A



1 BUILDING EXTERIOR RENDERING: B

EX-2 SCALE: N/A



CRESTED CRANE INTERIORS **HOT TUBS • SALES & SERVICE • POOLS** SHEET DESCRIPTION:
DESIGN CONSULTANT INFORMATION: CLIENT INFORMATION: PROJECT LOCATION: BUILDING EXTERIOR RENDERING: A + B
ATTEN: EDITH BUKENYA PHONE: 1313 5TH AVE SE 605.882.0602
253.217.9074 ATTEN: JUSTIN PIETZ PHONE:
WATERTOWN, SD 57201
DATE ISSUED:
E-MAIL: E.BUKENYA@CRESTCRANEINTERIORS.COM
E-MAIL: JUSTIN@HOMEOASISWATERTOWN.COM 07.03.2024



1 BUILDING EXTERIOR RENDERING: C

SCALE: N/A

EX-1



1 BUILDING EXTERIOR RENDERING: D



EX-1 CRESTED CRANE INTERIORS



SCALE: N/A

SHEET DESCRIPTION:

BUILDING EXTERIOR RENDERING: C+D

DESIGN CONSULTANT INFORMATION: CLIENT INFORMATION: PROJECT LOCATION:

ATTEN: EDITH BUKENYA PHONE: 1313 5TH AVE SE 605.882.0602
253.217.9074 ATTEN: JUSTIN PIETZ PHONE:

WATERTOWN, SD 57201

DATE ISSUED:

E-MAIL: E.BUKENYA@CRESTCRANEINTERIORS.COM
E-MAIL: JUSTIN@HOMEOASISWATERTOWN.COM 07.03.2024