



# Board of Adjustment Agenda Item

**Subject:** Board Consideration of a Variance Request to the Zoning Ordinance Requirements allowing a 16.6' front yard setback for an Attached Garage Opening Perpendicular to the Street at 378 N Lake Drive

**Meeting:** Board of Adjustment - May 22 2025

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

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## **BACKGROUND INFORMATION:**

**Owner/Applicant:** James & Denise Seurer

**Property Address:** 378 N Lake Drive, Watertown, SD 57201

**Legal Description:** Lots 3-4 Block 2 Lake Shore Addition to Yahota Addition to the Municipality of Watertown, Codington County, South Dakota

## **Variance Request:**

The property owners, Jim and Denise Seurer, have submitted an application appealing the terms of the Zoning Ordinance, seeking a variance from the setback requirements for an attached garage opening perpendicular to the street pursuant to §21.1001.2. c., in order to construct an addition and remodel their existing attached garage. The project will include an addition to both the house and attached garage and raising the height of the existing garage to match in with the addition. The project will also include the removal of an existing shed, permitted in 2016.

The existing house and garage were built in 1971 with a 16.6' setback and the proposed addition has a 17.4' setback off of the property line. This places the existing garage 3.4' and the proposed addition 2.6' short of the required 20' setback requirement for a garage opening to the street. In accordance with §21.0403: Nonconforming Lots of Record, the existing garage cannot be modified and retain its existing footprint due to the fact it does not meet the current setback requirement of §21.1001.2. c. The project meets the other setback, size, and height requirements for an attached garage and additional building code and site plan review will be done at the time a building permit is applied for.

The 20' setback from the right-of-way is a safety precaution in place to ensure vehicles have a clear line of sight before entering the right-of-way and to accommodate the length of standard vehicles when parked on the driveway so that sidewalks and the boulevard are not encroached upon. This section of North Lake Drive, informally known as Cutts Avenue, primarily serves as an access route for the abutting properties, experiences low traffic volumes, and is designated as a local street. Due to the unique nature of this block, two other properties along this portion of North Lake Drive, 358 N Lake Drive and 388 N Lake Drive, have previously been granted variances from the setback requirements. In 2014, 358 N Lake Drive was approved for a variance allowing the expansion of an existing garage. The variance allowed for a 6' side yard setback and a 5' setback for a garage opening to the street. The property at 388 N Lake Drive was granted a variance in 2020 to allow for a

detached garage to be built 14' off of the rear property line. In both cases a Waiver of Right to Protest was signed by the property owners for future right of way improvements.

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**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.

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**FINANCIAL CONSIDERATIONS:**

N/A

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**OVERSIGHT / PROJECT RESPONSIBILITY:**

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

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**STAFF RECOMMENDATION / SUGGESTED MOTION:**

I move to approve a variance request to the zoning ordinance requirements allowing a 16.6' front yard setback for an attached garage opening perpendicular to the street at 378 N Lake Drive.

***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.***

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**ATTACHMENT(S):**

[Application](#)

[Vicinity Map](#)

[Perspective View](#)

[Rendering](#)

[03/19/2020 BOA Minutes](#)




[10/23/2014 BOA Minutes](#)

Variance Application

C-25-4

Submitted On: May 6, 2025

Applicant

 Jim Seurer  
 605-695-3736  
 jaseurer@yahoo.com

Primary Location

378 N LAKE DR  
WATERTOWN, SD 57201

Applicant Information

Applicant is...

Owner

Main Contact Information

Responsible party for all correspondence throughout the project.

Main Contact Name

James A. Seurer

Main Contact Email

jaseurer@yahoo.com

Main Contact Phone Number

605-695-3736

Main Contact Address

378 N. Lake Dr.

Property Information

Address of Variance Request

378 N. Lake Dr.

Property Owner Name(s)

James A. & Denise M. Seurer

Legal Description of Property

Lots 3 & 4 in Block 2 of Lake Shore Addition to Yahota, Codington County, South Dakota

Requested Variances

Description

garage door setback (perpendicular to street)

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

Ordinance Section and Requirement

21.1001.2.c

Addresses of other sites

358 N Lake Dr

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 existing 2-stall garage which is 24x24 in size provides inadequate storage for 2 large automobiles (Ford Expedition 4x4 and Ram 1500 4x4) and the everyday requirements of today. Therefore, we desire to add a 3rd stall which would be approximately 16x30 in size. In order to do this most efficiently and effectively, we have determined that its in our best interest to completely remove the existing garage and start over with a garage that would be approximately 40 feet wide and 24 feet deep for the first 24 feet and 30 feet deep for the reminaing 16 feet for a total of approximately 1,056 square feet. This "tandom 3rd stall" design is not uncommon in new consruction and would allow for a clear span truss rafter across the entire garage which is a much more desireable design than adding to the existing roof.

Our other owned property down the street is 358 N. Lake Dr. It has a double garage that was constructed in approximately 2016 with a total distance from garage door to edge of street of 22 feet which is just enough to park a large full sized vehicle. The Board approved our request for a variance at that time. This request would continue to have appriximately 32 feet from the garage door to the edge of the street which provides an extra 10 feet of distance to the edge of the street from that variance approval.

It is our intent that the 12x20 foot storage shed, currently on the property (and shown on the survey), will be sold and moved prior to the initiation of construction of the 3rd stall on the garage.

**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:**

- 1) The value of this property could be significantly diminished if the depth of the existing 2 stalls are shortened from 24 feet to 20 feet to comply with the new (?) setbacks which seems to have been changed between the original garage construction date in 1970/1971 and now.
- 2) Homeowners would need to park a 3rd auto on the street or have guests park on the street which is currently only 18 feet wide. These options would further congest traffic and create unnecessary traffic hazards.

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**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.**

true

**I am the...**

Owner

**Date**

05/06/2025

# Vicinity Map



0 87.5 175 350 Feet





# Aerial Perspective



05/16/2023

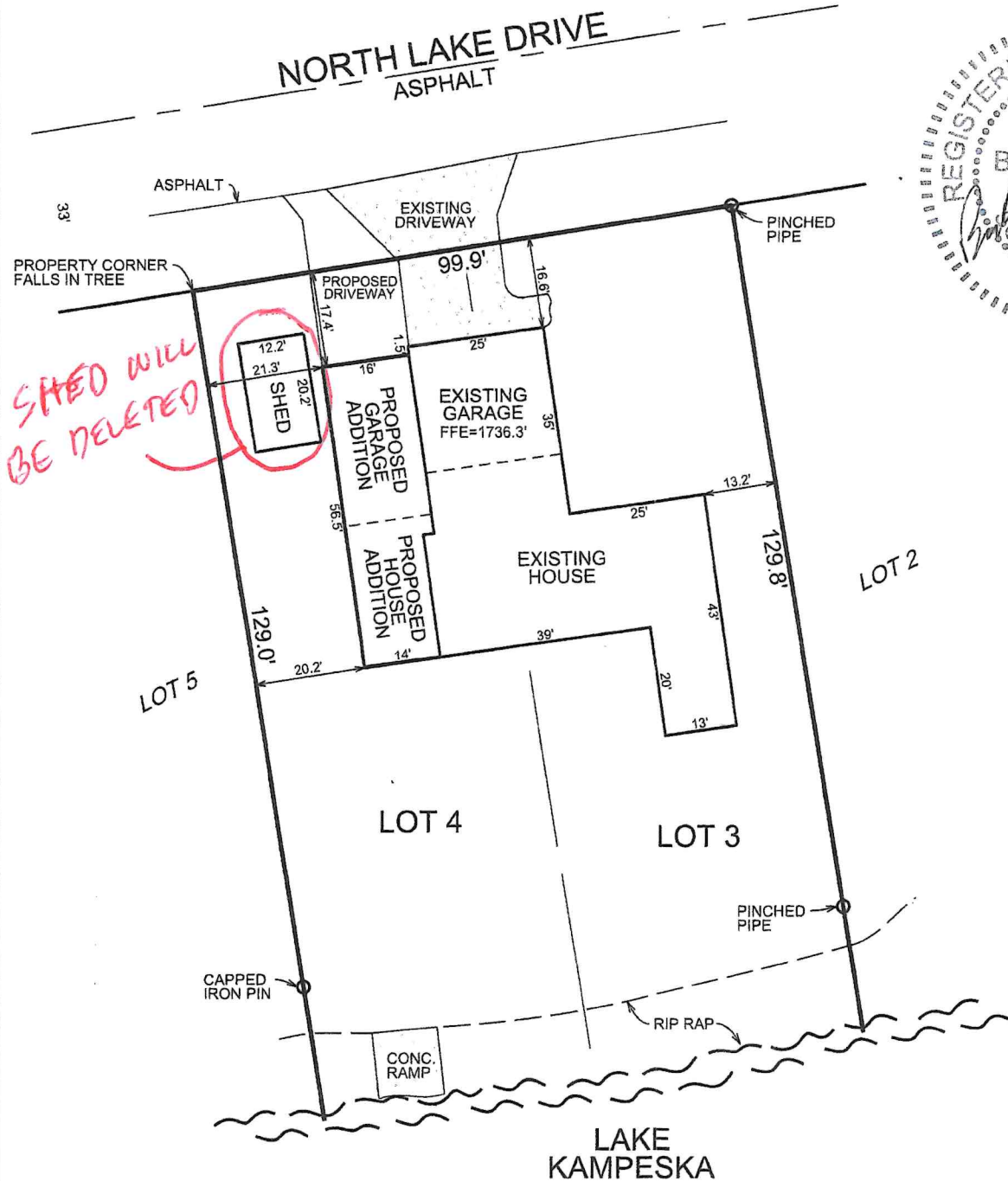


# SITE PLAN

FOR: JIM SEURER

ADDRESS: 378 NORTH LAKE DRIVE, WATERTOWN, SD 57201

LEGAL DESCRIPTION: LOTS 3 AND 4, BLOCK 2 OF LAKE SHORE ADDITION  
TO YAHOTA, CODINGTON COUNTY, SOUTH DAKOTA

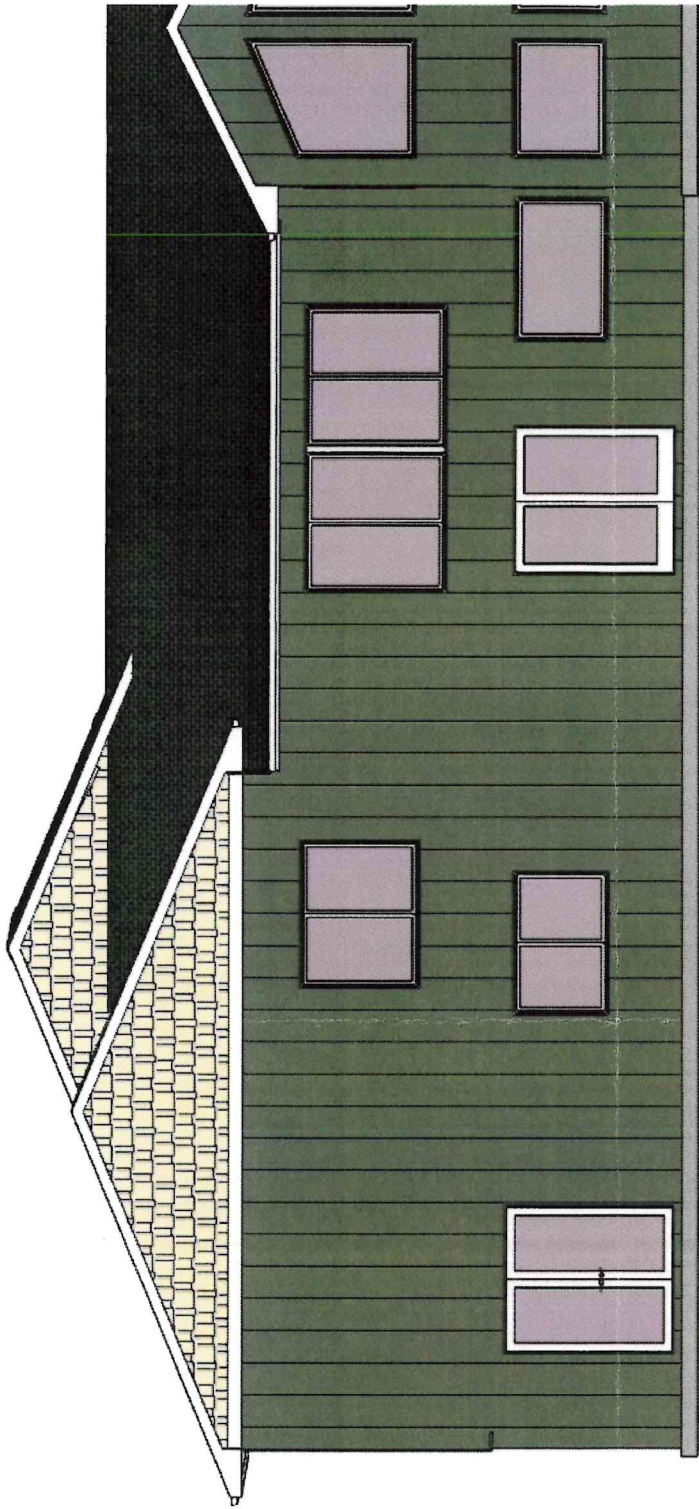


Scale 1"=30'  
April 23, 2025





LAKE FRONT (FACING SOUTH)

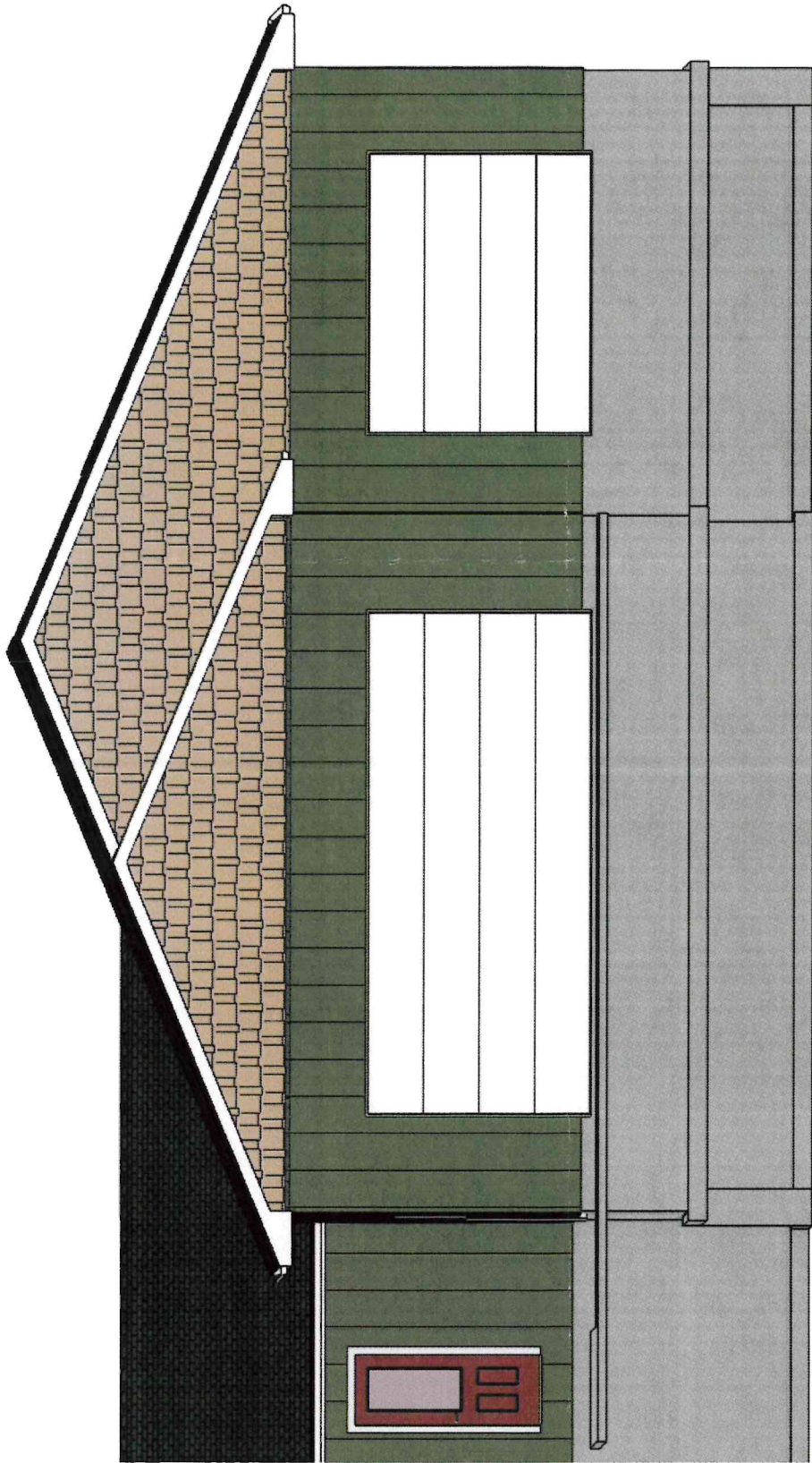


3015 153M  
WEST SIDE

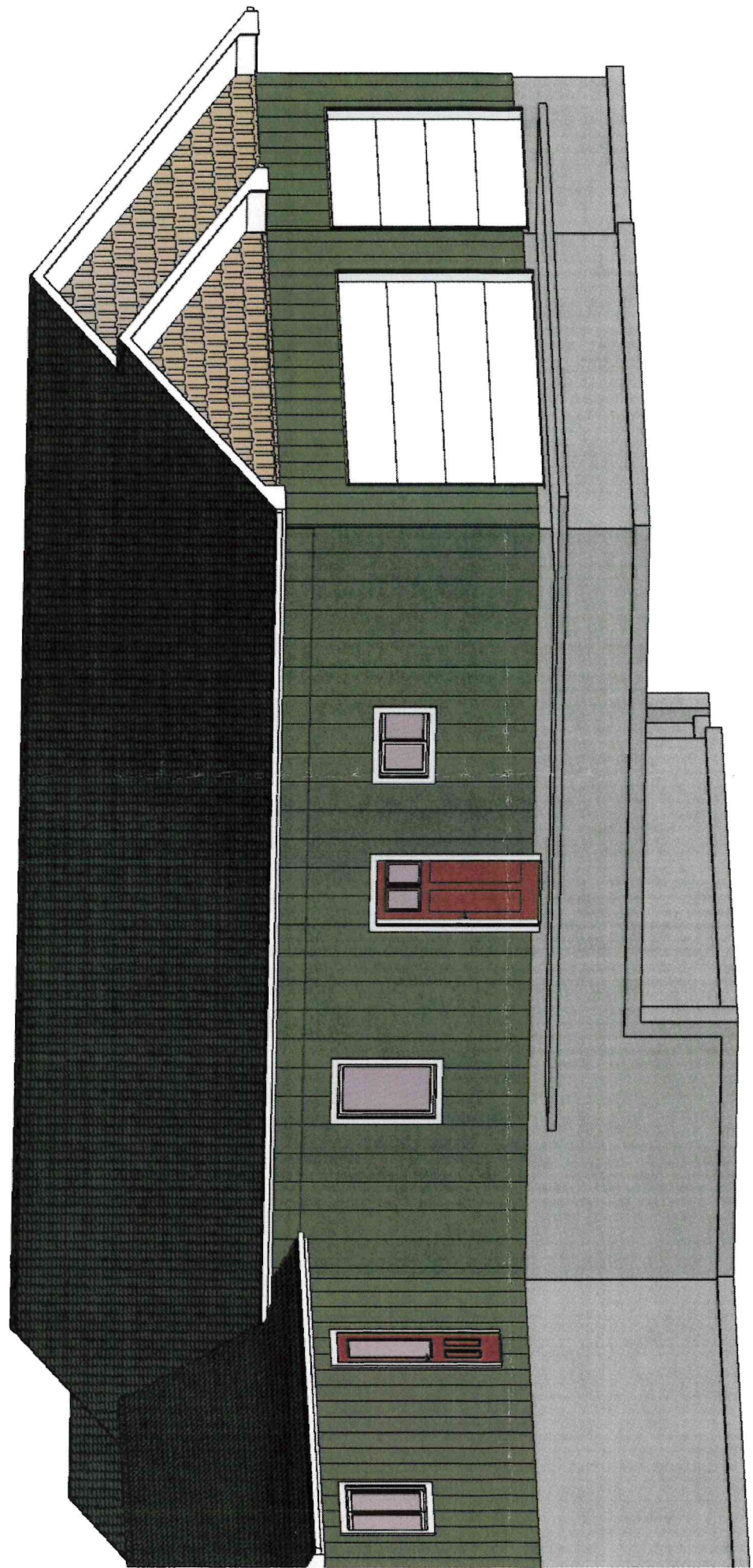




FACING NORTH (STREET VIEW)



EAST SIDE





**NEW ADDITION**

**LIVING AREA**  
2130 SQ FT

**GARAGE**  
40'-0" X 22'-11"

**Bedroom**  
13'-4" X 15'-9"

**Master Bath**  
13'-6" X 6'-5"

**Bedroom**  
13'-6" X 12'-4"

**Bath**  
9'-8" X 5'-11"

**Bath**  
5'-0" X 6'-2"

**Closet**  
9'-7" X 6'-6"

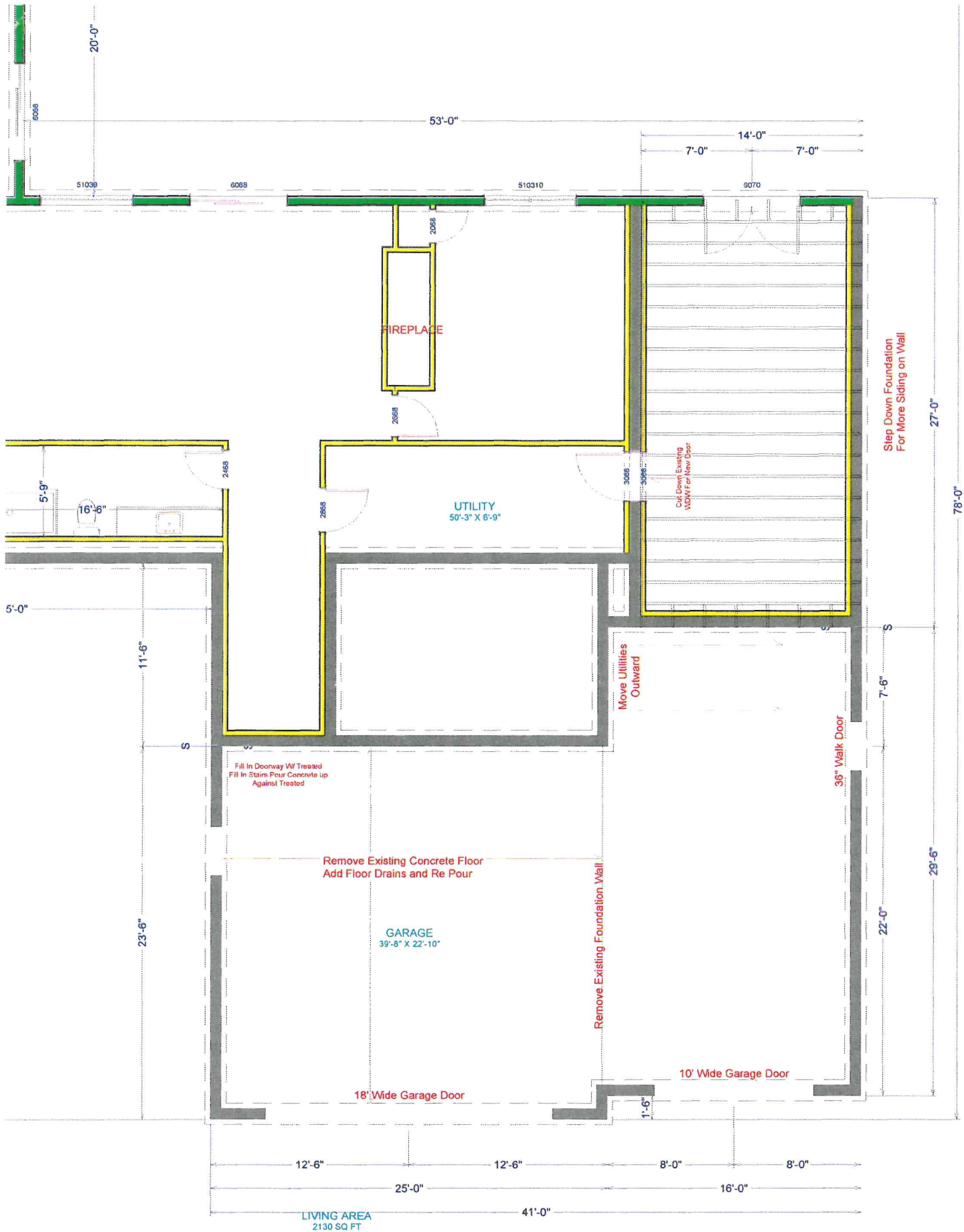
**Closet**  
5'-0" X 4'-7"

**Notes:**

- Remove Existing Closet
- Remove Door
- Mono Slope Trusses 11-7/8" LVL Notch in Back 18" Heel 14' Long
- At this wall need to Lift For Taller Ceiling in Garage
- New Roof Trusses New Walls
- Roof Line Will Be 18" Taller Than Existing Wall Increase is dependent on Existing Heel
- Reuse Existing Mow
- Reuse Existing Door
- Re Frame Wall for 18' Door 8' Tall

**Dimensions:**

- Overall Width: 58'-0"
- Overall Depth: 27'-0"
- Garage Depth: 22'-11"
- Bedroom Depth: 15'-9"
- Master Bath Depth: 6'-5"
- Bedroom Depth: 12'-4"
- Bath Depth: 5'-11"
- Closet Depth: 6'-6"
- Closet Depth: 4'-7"



5/12 Pitch Roof System  
24" O.H./some 36"  
Energy Heel Trusses  
7/16" OSB 2-Rows ice and Water  
Shingles Metal Soffit and Fascia

Main Level  
Sidewalls Studded 16" O.C.  
7/16" OSB Wall Sheating  
Barricade House Wrap  
LP Smartside Siding

9-1/2" I-Joist  
3/4" T&G Subfloor

8" Thick 96" Tall  
Concrete Foundation  
Partial Step In Foundation  
Garage Wall  
6"x48"  
Concrete Foundation

4" Thick Concrete Floor  
W/ Poly Under Floor

8"x16" Concrete Footing



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

**March 19, 2020**

Present: Dahle, Hanson, Kays, Stein, Dargatz-Johnson, Culhane & Oletzke  
Absent: Ford, Brink  
Also Present: Jill Steiner, Matt Roby, Brandi Hanten, Pete Boyle, & others

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

Approval of minutes was deferred.

**Conditional Use Request No. 20056**

**Applicant seeks approval to develop a four story building in the C-1 Community Commercial & DT Downtown Overlay Districts, pursuant to §21.2402 & §21.2403(4&24); contingent upon compliance with §21.2401 & Chapter 21.56, §2.0102 Location, and §21.0202(2b7a-h) SRGICUs:**

Jesse Craig (present) for Parkside Place, LLC seeks approval to develop a four story building to be utilized as apartments (36 units) over main floor parking and commercial uses (including alcoholic beverage sales) @ 14 2nd St NE. The Staff Report was orated. Craig & Jeff Gamber explained that the west commercial area will be off sale alcoholic beverage sales, and the east will be smoked meats/deli/concessions. Craig will be able to comply with all Ordinance requirements. Finding that the application shows satisfactory provision and arrangement, Culhane motioned to approve, Oletzke seconded, motion carried unanimously.

**Conditional Use Request No. 20057**

**Applicant seeks approval to develop a five story building in the C-1 Community Commercial & DT Downtown Overlay Districts, pursuant to §21.2402 & §21.2403(14 & 24); contingent upon compliance with §21.2401 & Chapter 21.56 Purpose and Intent and §21.0202(2b7a-h) SRGICUs:**

Jesse Craig (present) for Generations On 1st, LLC seeks approval to develop a five story building to be utilized as apartments (72 units leased to seniors) over main floor parking and commercial uses (including Senior Center / Meals on Wheels) @ 26 1st Ave SW. The Staff Report was orated. BOA member and adjacent landowner, Dargatz-Johnson, recused herself. Adjacent land owner Adam Konrady voiced concerns over parking and utilities. Craig will be able to comply with all Ordinance requirements. Finding that the application shows satisfactory provision and arrangement, Culhane motioned to approve, Oletzke seconded, motion carried unanimously.

**Appeal No. 20058**

**Applicant appeals the terms of the Zoning Ordinance, seeking variance relief from sections 21.0302 & 21.1003, and chapter 21.60, to allow for the construction of a nonconforming commercial building in the C-3 Highway Commercial District:**

Michael Lantsberger (present) for Eight Ten Properties, LLC submitted application to construct a nonconforming 1,800 sq ft (50'x36') commercial building on a substandard parcel @ 208 8th Ave SE. Said structure is proposed to be constructed: 14' from the front (north) property line, where a minimum 40' is required; on a 13,000 sq ft parcel, where a minimum 20,000 sq ft is required; and deficient in minimum off-street parking standards/requirements. The Staff Report was orated. Removal of the existing NE corner structure, green blvd, and sufficient off-street parking area, were discussed. Kays motioned to grant variances as requested from area & front setback requirements, compliance with sidewalk within greenspace along 8<sup>th</sup> Ave S (no new parking on blvd), and parking worked out to compliance w/staff; Culhane seconded, motion carried unanimously.



**Conditional Use Request No. 20059**

**Applicant seeks approval to relocate & expand the area used for Bar/Tavern, and the operation of video lottery machines, in the C-3 Highway Commercial District, per §21.2803(3); contingent upon compliance with §21.2801 Purpose of the District, §2.0102 Location, and §21.0202(2)b(7a-h) SRGICUs:**

and

**Appeal No. 20060**

**Applicant appeals the terms of the Zoning Ordinance, seeking variance relief from section 21.0302(5), and chapters 21.03, 21.63 & 21.73 to allow for the relocation and expansion of Conditional Uses on a substandard & noncompliant parcel located in the C-3 Highway Commercial District:**

Dan Jenson & Dale Even and Jason Goette (present) dba Fore Holdings, LLC for River Card Casino & Westside Laundry, seek to relocate and expand the 400 sq ft area used for the sale, serving, & consumption of alcoholic beverages and the operation of video lottery machines known as River Card Casino lounge (7 8th St SW), which is currently located in the SW corner of Westside Laundry laundromat (800-802 W Kemp), to a 1,056 sq ft area in the NE corner of the same building. The Staff Report was orated. In 2017, this site was approved for a small patron lounge (pitched as an accessory use to the primary use (laundromat)), with approval "limited to the 20'x20' Lounge area". Although expansion of the building is not requested, only interior renovations, the proposed expanded use would impact the substandard 9,375 sq ft C-3 zoned parcel's already insufficient parking situation. Mr. Goette spoke in support of his application. Ruth Swenson, representing the adjacent residential land owners, spoke in opposition to the request. There was discussion regarding further negative impact on what is already nonconforming (§21.0302(1,2,3&5)). Kays proposed to consider the appeal first, making the motion to grant variances from: area, width, off-street parking, Blvd/landscape & Infrastructure requirements; Culhane seconded. After further discussion Kays amended his motion to include the requirement to install 1 tree on the north blvd or lawn; Hanson seconded, Stein & Dargotz Johnson opposed, and motion carried. Kays motioned to approve the expansion of the Conditional Use: bar/tavern w/video lottery machines; Culhane seconded, all opposed, motion failed.

**Appeal No. 20061**

**Applicant appeals the terms of the Zoning Ordinance, seeking variance relief from sections 21.0302, §21.1001 &/or §21.1002, and chapter 21.60, to allow for the construction of a nonconforming garage in the R-1 Single Family Dwelling District:**

Casey (present) & Becky Schultz submitted application to construct a nonconforming 672 sq ft (24'x28') garage where a smaller nonconforming 384 sq ft accessory structure currently exists, on a 15,523 sq ft parcel located @ 388 N Lake Dr. Said garage is proposed to be constructed 4' from the primary structure (SFD), where a minimum 10' is required, resulting in the creation of 2 attached garages where only 1 attached garage is allowed, and 14' from the rear (north) property line, where a minimum 25' is required for attached garages. The Staff Report was orated. The 384 sq ft building is to be torn down. Bill Rieffenberger of Hometown Bldg Center spoke in support of the application. Casey wants a second driveway/access to the new building. There was discussion on driveways, green blvd, location of utilities, and neighbors view. Oletzke motioned to grant variances as requested with W RTP future curb/gutter; Culhane seconded, Hanson opposed, motion carried.



March 19, 2020

**Conditional Use Request No. 20062**

**Applicants seek approval to develop *Apartments over Office (Building)* in the C-3 Highway Commercial District, pursuant to §21.2803(9) & §21.2802(6), and contingent upon compliance with Chapter 21.2801 Purpose and §21.0202(2b7a-h) SRGICUs:**

**and**

**Appeal No. 20063**

**Applicant appeals the terms of the Zoning Ordinance, seeking variance relief from sections 21.0302 & 21.1003, and chapters 21.60, 21.63 & 21.73 to allow for the construction of a nonconforming mixed use building in the C-3 Highway Commercial District:**

Jim & Shelly Pieper (present) seek approval to combine and redevelop two (2) existing parcels (currently commercially zoned with residential (SFD) uses), to construct a building to be utilized as three (3) one-bedroom apartments over main floor commercial (office) uses, @ 600 5<sup>th</sup> St SE. They submitted application showing development of a substandard parcel:

- 11,250 sq ft in area and 75' in width, where a minimum 20,000 sq ft of area and 100' of width is the C-3 district minimum for development,
  - deficient in minimum off-street parking standards/requirements; and
  - deficient in Public ROW Boulevard/Infrastructure & Landscaping Requirements;
- with the construction of a nonconforming 5,440 sq ft (68'x40') two-story building proposed to be constructed:
- 10' from the front (north) property line, where a minimum 40' is required;
  - 25' from the front (west) property line, where a minimum 40' is required; and
  - 10' from the side (east) property line, where a minimum 20' is required.

The Staff Report was orated. Kays divulged prior conversations with this owner/applicant. Thirteen (13) off-street parking spaces are required for the uses; insufficient off-street parking (only seven (7) spaces) is available for such layout, so they propose to continue to utilize the 75' of adjacent public ROW (boulevard) for their parking to compensate; as a consequence the City would continue to forfeit the required public sidewalk within grassed blvd adjacent to 6<sup>th</sup> Ave S. Adjacent land owners Silliman and Raasch had alley, traffic, and water concerns about this request; Eric Scott spoke in support of it. Finding that the application shows satisfactory provision and arrangement, Oletzke motioned to approve the uses conditional to parking lot screening as required by ordinance, and WRTP their share of future alley improvements; Culhane seconded, and motion carried unanimously. Kays motioned to grant variances from area, width, setbacks, blvd/landscape, & parking requirements as requested, with WRTP future curb/gutter on 6<sup>th</sup> Ave S; Culhane seconded, and motion carried unanimously.

Having no public comment nor old business, Culhan motioned to adjourn, Hanson seconded, and motion passed unanimously.



Mark Stein, Vice Chairman



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

**October 23, 2014**

Present: Albertsen, Shriver, Dargatz Johnson, Arnold, MaGuire, Dahle, Stonebarger,  
& Lawrence  
Absent: Johnson  
Also Present: staff: Ken Bucholz, Jill Steiner, Sarah Caron, Jeff Brink, Stanton Fox, Mark Meier, Luke  
Muller & 12 others

The Board of Adjustment convened at approximately 4:15 PM, in the Council Chambers,  
City Hall, 23 2<sup>nd</sup> Street NE; Pat Shriver, Chairman, presiding.

Stonebarger motioned to approve the 10/08/2014 minutes, Dahle seconded, and motion carried  
unanimously.

**Public Hearing: Conditional Use and Appeal Application No. 15846**

**Applicant seeks approval to operate a Radio Station and construct a Telecommunications Tower in  
the C-1 Community Commercial District per §21.2403(29) Radio and Television Studios,  
Communication Transmitting and Receiving Towers; 21.77; & §21.0202(2b6a-h):**

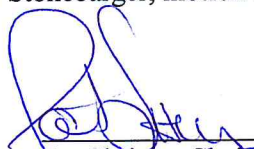
Harvest Baptist Church seeks Conditional Use approval to allow for the operation of a Radio Station out  
of the church located at 402 E Kemp, and the construction of a 64' triangle base non-illuminated  
Telecommunications Tower (+15' antenna) between the church and parsonage located at 408 E Kemp.  
The FCC licensed FM transmitter is proposed to be an accessory structure/use to the functions of the  
existing church, broadcasting religious content to the public. The primary use of the 408 E Kemp  
property will remain a parsonage (Single Family Dwelling), and the church will continue to operate as a  
church with operation of the radio station/tower transmitter taking place in the church basement. The  
staff report was orated; it was noted that after publication it was found that this application also includes a  
request for variance relief from the terms of Chapter 21.77 *Wireless Telecommunications Towers*, which  
requires a minimum 1500' between towers; this tower is proposed to be located closer than 1500' from  
the nearest existing towers. Pastor Lamar represented Harvest Baptist Church, explaining that the tower  
will be surrounded by trees & a fence, and will have regular FCC inspections. No one spoke in  
opposition. The applicant has agreed to sign a Development Lot Agreement to create one compliant  
parcel for development/use purposes. Arnold motioned to approve, Lawrence seconded, and motion  
carried unanimously.

**Public Hearing: Appeal No. 15847**

**James & Denise Seurer appeal the terms of the Zoning Ordinance (§21.0302, §21.1002, §21.6001,  
§21.6002, & §21.1002(3)) as it applies to their property located at 358 N Lake Dr:**

Application was submitted requesting to construct a nonconforming 896 sq ft (28'x32') unattached garage  
on a 10,000 sq ft sq ft R-1 Single Family Residential zoned lot. Said structure is proposed to be  
constructed 5' from the rear (north) property line, where a minimum 20' is required; furthermore, said  
structure is proposed to occupy 45% (560 sq ft) of the Required Rear Yard, where accessory structures  
may not occupy more than 30% (375 sq ft) maximum of the Required Rear Yard. The Staff report was  
orated. Jim Seurer cited his desire to get as many of his vehicles as possible off of the roadway, and  
improve the aesthetics of his property as justification for variances. When asked about minimizing the  
size of the structure &/or moving it away from the road and closer to the house, Seurer cited the aesthetics  
of the house and crowding of garage storage as reasons for the proposed placement and size. Seurer  
verified that the garage is proposed to have sewer/water, but will not be used for habitation. MaGuire  
motioned to approve, Dahle seconded, and motion carried unanimously.

Motion by Lawrence to adjourn, seconded by Stonebarger, motion carried unanimously.

  
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Pat Shriver, Chairman