



# Board of Adjustment Agenda Item

**Subject:** Board Consideration of a Variance Request to the Zoning Ordinance requirements from the 15' side yard setback requirement in the I-1 Light Industrial District allowing a 12.6' side yard setback for an addition at 416 Cessna Street

**Meeting:** Board of Adjustment - Jan 09 2025

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

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## **BACKGROUND INFORMATION:**

**Owner/Applicant:** Store Master Funding XVII, LLC/Colin Dejong

**Property Address:** 416 Cessna Street, Watertown, SD 57201

**Legal Description:** Lot 2 Palm 2nd Subdivision to the Municipality of Watertown, in the County of Codington, South Dakota

## **Variance Request:**

On behalf of the property owner, Store Master Funding XVII, LLC, Colin DeJong, Aason Engineering Company, Inc., has submitted an application appealing the terms of the Zoning Ordinance, seeking a variance from the 15' side yard setback requirement in the I-1 Light Industrial District pursuant to §21.1003 to construct a ~20,000 SF addition to their existing building with a 12.6' side yard setback.

On December 22, 2005, Application No. 11133 by Angus-Palm & Dennis Holien was approved a variance to allow for 12.5' side yard setbacks once the property was subdivided into two lots, separating the existing 30,000 SF manufacturing building, currently owned by Store Master Funding XVII, LLC, and office building that once were located on the same property. The property was replatted as Palm Second Subdivision. Lot 1 is 52,272 SF and is currently owned by R&R Holdings LLC. Lot 2 is 174,240 SF and is the property that is requesting a variance to add onto the existing manufacturing building to the northeast by 151.5' in length and 130' in width. Garage doors are proposed to be on the northeast end and southeast side of the building. The proposed addition is requesting a variance to remain in-line with the current structure requiring a minimum 2.3' variance from the required 15' side yard setback in the I-1 District. The site plan shows the proposed addition is to be situated between 12.7' to 12.9' off of the northwest property line.

The existing structure has a fire suppression system. All building and fire code requirements will be reviewed at the time plans are submitted by a design professional.

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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 from the 15' side yard setback requirement in the I-1 Light Industrial District allowing a 12.6' side yard setback for an addition at 416 Cessna Street.

***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):**

[Vicinity Map](#)

[Application](#)

[Preliminary Civil Plan](#)

[Crenlo Approval Letter](#)

[2005 Variance Application](#)

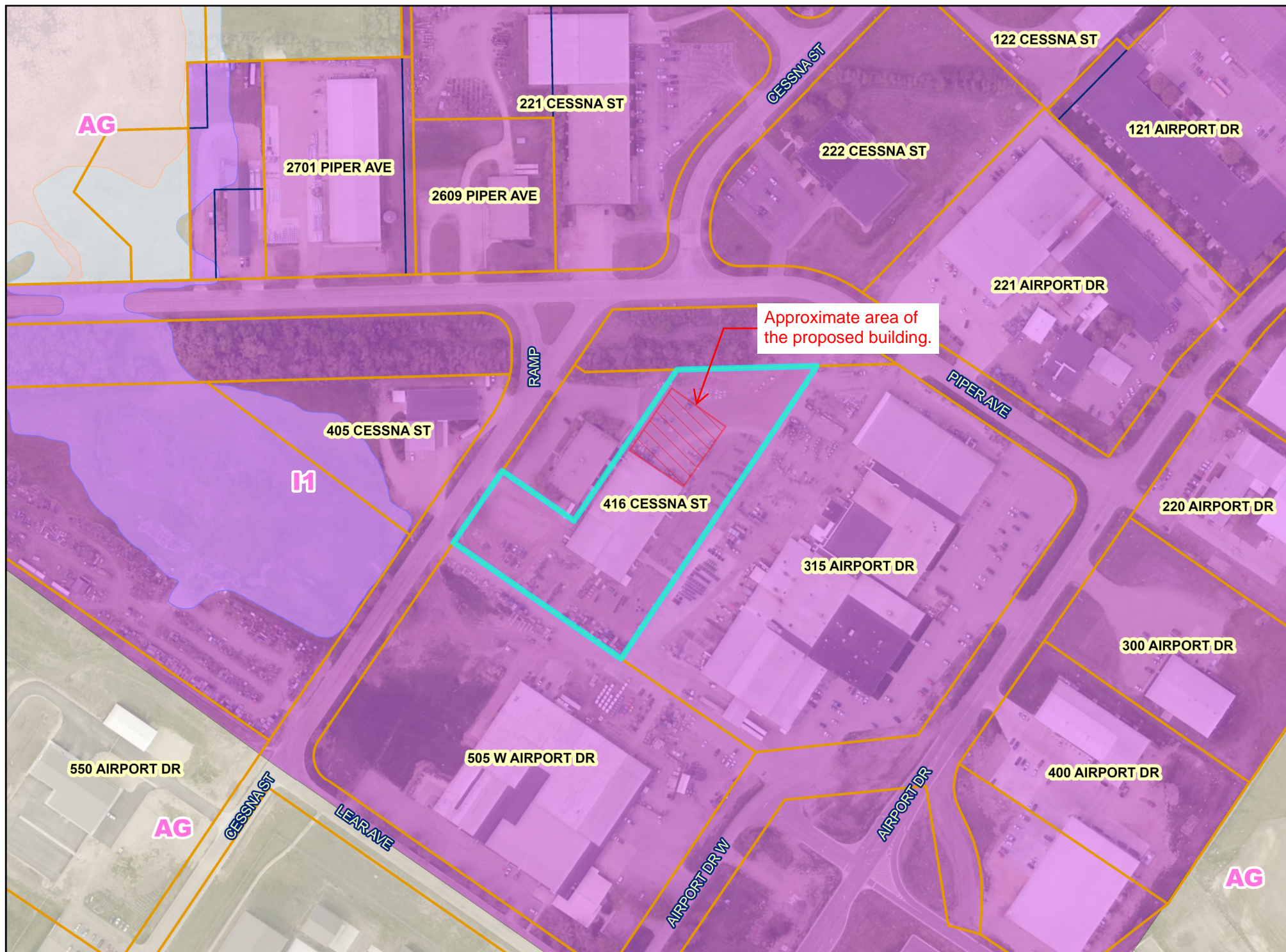
[Plat of Palm Second Subdivision](#)





# Vicinity Map

0 90 180 360 Feet





## Variance Application

# C-24-24

Submitted On: Dec 13, 2024

## Applicant

 Colin DeJong  
 605-882-2371  
 @ colindejong@iw.net

## Primary Location

Point Location: 44.9263, -97.1601

## Applicant Information

### Applicant is...

Agent

### Main Contact Information

Responsible party for all correspondence throughout the project.

### Main Contact Name

Colin Dejong

### Main Contact Email

colindejong@iw.net

### Main Contact Phone Number

605-882-2371

### Main Contact Address

1022 6th St SE, Watertown, SD 57201

## Property Information

### Address of Variance Request

416 Cessna Ave

### Property Owner Name(s)

Store Master Funding XVII LLC

### Legal Description of Property

Lot 2 Palm 2nd Subdivision

## Requested Variances

### Description

Requesting a 12.6' Side Yard setback.

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

### Addresses of other sites

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### Ordinance Section and Requirement

21.1003 - 20' Side Yard Setback

## 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 building is 12.9' from the property line, and after squaring the proposed addition off of the existing building the northwest corner of the proposed addition is 12.6' from the property line.

**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 west wall of the proposed addition would not line up with the west wall of the existing building causing structural and roof line issues. It would also create a jog on the interior footprint making it difficult to set up each work station within the new manufacturing building layout.

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

Date

12/13/2024




December 6, 2024

Kristen Bobzien  
Acting City Manager, City of Watertown  
23 2<sup>nd</sup> St. NE  
Watertown, SD 57201

Dear Ms. Bobzien,

Colin DeJong, Aason Engineering Company Inc., is authorized to serve as an agent acting on behalf of Store Master Funding XVII, LLC for the purpose of submitting for a variance for a 12.6' side yard setback on a proposed addition to Crenlo Engineered Cabs manufacturing building.

Sincerely,

  
Brandon Sween, Manufacturing engineer.  
Acting Agent  
Store Master Funding XVII, LLC



<b>FOUNDATION</b>			
Concrete Slab			
Concrete Block Walls			
Concrete Walls			
Wood Walls			
<b>BASEMENT AREA</b>			
N	P	F	
<b>EXTERIOR WALLS</b>			
Siding on Sheathing			
Single Siding			
Double Wall			
Steel Building			
Column Building			
Concrete Block			
Face Brick Veneer			
Face Brick on C.B.			
Hardboard Siding			
Vinyl Siding			
Steel Siding			
Wood Siding			
Wall Insulation			
Roof Insulation			
<b>ROOF TYPE</b>			
Hip		Gable	
Mansard		Flat	
<b>ROOFING</b>			
Asphalt Shingle			
Wood Shingle			
Membrane Roof			
Concrete			
Steel			
Pitch and Gravel			
<b>FLOORS</b>			
	B	1st	2nd
Concrete			
Earth			
Gravel			
Plyscore			
<b>INTERIOR FINISH</b>			
	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			
Type X Sheetrock			
Painted			
Paneling			
Unfinished Int.			
<b>HEATING</b>			
Solar			
Heat Pump			
Hot Water			
Electric			
Gas Furnace			
Oil Furnace			
Geothermal			
Air Conditioning			
Fireplace			
Wood Stove			
No Heating System			
<b>PLUMBING</b>			
	B	1st	2nd
Rough In			
Bath Rooms			
Kitchen			
Laundry			
No Plumbing			
<b>LANDSCAPING</b>			
Grass Blvd/Trees			

# APPLICATION FOR BUILDING PERMIT 11133

Zone I-1 Date 12/13/05, 20\_\_  
Proposed Construction Variance only  
Size \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Height \_\_\_\_\_  
Address 400 Cessna St. Lot Area \_\_\_\_\_  
Lot A Palm Subd Block \_\_\_\_\_ Addition Industrial  
Estimated Cost 0 Fee 0 Plans Filed \_\_\_\_\_  
Details not mentioned above: Requests Variance from \$21,200  
Height + Placement Reg's

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**BUILDING PERMIT SHALL BE GOOD FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE. PROJECTS WHICH ARE NOT COMPLETED WITHIN ONE YEAR MUST BE RENEWED.**

IT IS HEREBY AGREED between the undersigned, as owner, his agent or servant, and the City of Watertown, that for and in consideration of the premises and the permit to construct, erect, alter or install and the occupancy of building as above described, to be issued and granted by the Building Official, that the work thereon will be done in accordance with the descriptions herein set forth in this statement, and as more fully described in the specifications and plans herewith filed; and it is further agreed to construct, erect, alter or install and occupy in strict compliance with the ordinances of the City of Watertown; and to obey any and all lawful orders of the City Engineer of the City of Watertown and all State Laws relating to the construction, alteration, repairs, removal, and safety of buildings and other structures and permanent building equipment.

Owner Angus Palm + Dennis Holien Address \_\_\_\_\_  
By [Signature] \_\_\_\_\_  
Dated 12/28/05, 20\_\_ Contractor \_\_\_\_\_

## PERMIT APPROVAL

Authorized by:

Members of Board of Adjustment

\_\_\_\_\_  
Building Official

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
City Engineer

[Signature]  
[Signature]  
[Signature]  
[Signature]

December 1, 2005

To: The Watertown Board of Adjustments

Subject: Request for Variance

Due to our customer product demand it is necessary that we secure additional manufacturing space immediately. The best option that offers the least operating expense is to acquire the former OEM building located directly behind our current facility. This property offers a 30,000 sqft building that could be converted very quickly into manufacturing space and since it is current empty we could occupy it immediately. This property also has a 12,000 sqft office building that is of no good use to us. We have successfully negotiated and have made an offer to purchase this property with the contingency that the two buildings could be separated and a variance granted to split the property to allow us to sell the 12,000 sqft office building.

The two buildings are attached by two hallways that could be removed which would make these buildings completely separated with a 25 foot space between them. We are requesting that we be granted a variance on setback from 30 feet to 12.5 feet in the back of the 12,000 sqft office building and 50 feet to 12.5 feet on the front of the 30,000 sqft manufacturing building. The properties would be divided as shown on the attached site plan. We request that this variance be granted in advance of our closing on the property and allow any upgrades required to meet code to be completed at the time Angus sells the 12,000 sqft office building and property.

This additional manufacturing space will enable us to increase our workforce by approximately 25 people initially and offer additional open capacity for the future.



Gary Stone

Vice President Angus-Palm Watertown Manufacturing Operations  
[gstone@angus-palm.com](mailto:gstone@angus-palm.com)  
605-884-1450

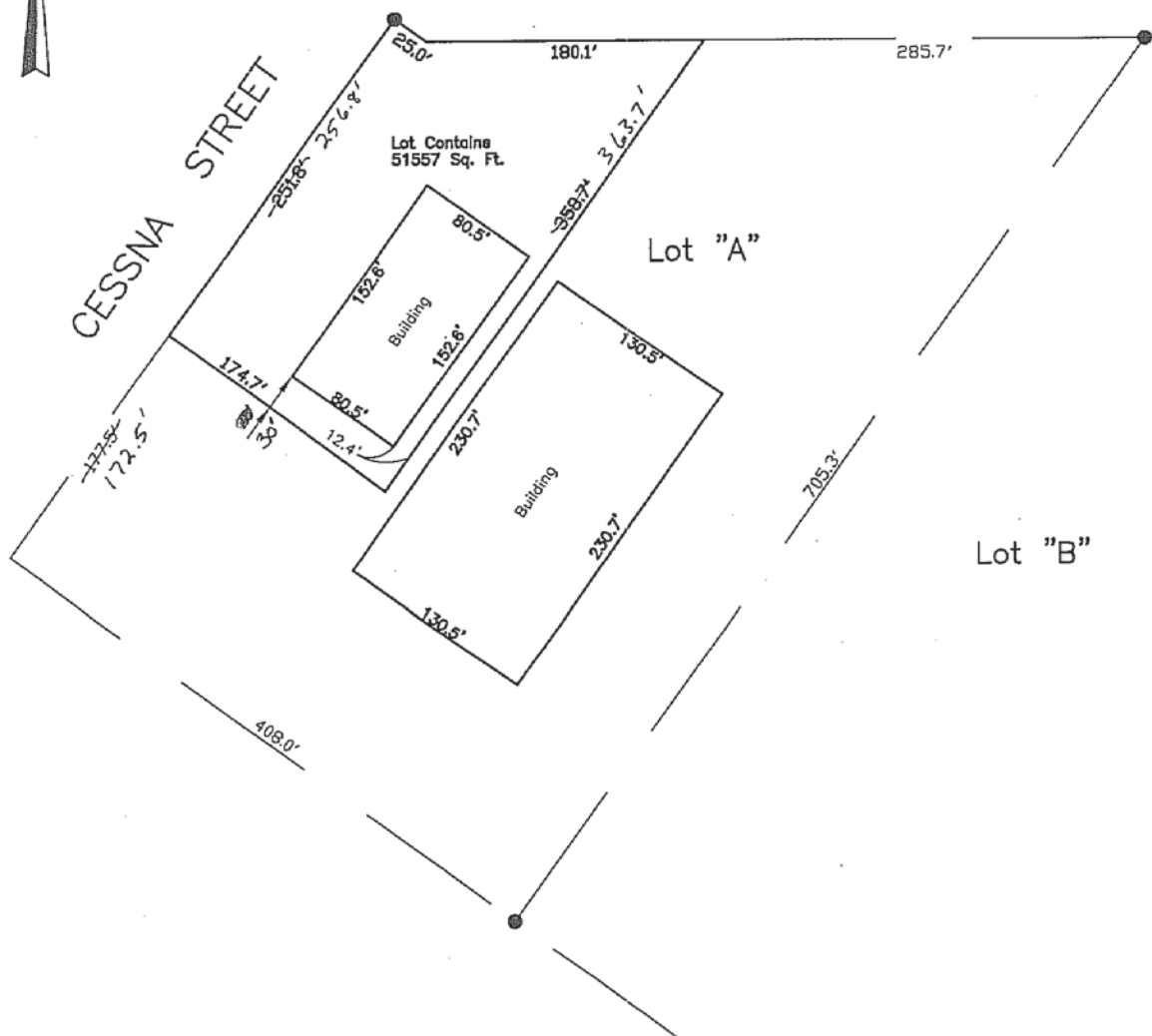
Survey of  
A portion of Lot "A" of the plat entitled "Palm  
Subdivision to the City of Watertown," Codington  
County, South Dakota.



Dec. 2, 2005  
Scale: 1"=100'

● Property Pin Rec.

PIPER AVENUE

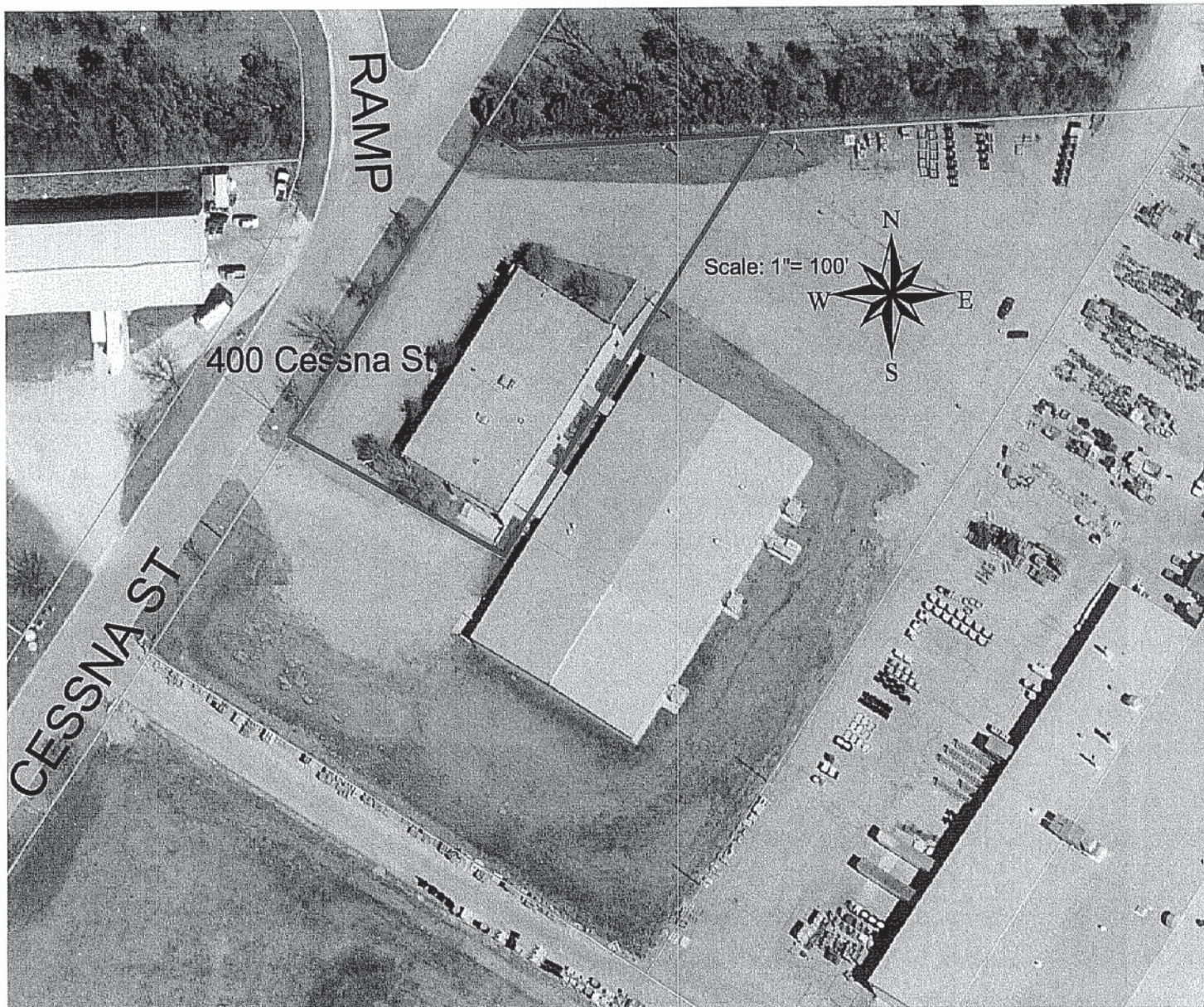


Subject to Easements and Encroachments  
not Found of Record



*Marty W. Mack*  
Registered Land Surveyor





RAMP

Scale: 1"= 100'



400 Cessna St

CESSNA ST



## NOTICE TO ADJACENT LAND OWNERS

In compliance with Section 21.23 of the revised Ordinances of the City of Watertown, you are hereby notified that a variance request was submitted for the subdivision of an I-1 zoned parcel which will create two nonconforming buildings; one building with a proposed 12.5' rear setback vs the required 30', and one building with a proposed 12.5' front setback vs the required 50' on the property located at:

**400 Cessna St,  
Lot A, Palm Subd, Industrial Addition**

Type of Variance(s): **variance from §21.2001 Height & Placement Regulations**

There will be an open meeting of the Board of Adjustment to hear and rule on this request on Thursday, December 22, 2005, at 12:15 PM at City Hall Council Chambers, 23 Second St. NE. All interested persons may appear at this meeting to support or oppose this application.

If you have any questions or comments regarding this notice, either contact the undersigned, the City Building Official at 882-6201 ext. 24, or the Building Services Specialist at ext. 47.

Dated this                      day of December, 2005.

Name:                      Angus-Palm & Dennis Holien

Address:                      Watertown, SD 57201

Signature \_\_\_\_\_

Phone \_\_\_\_\_

INSTRUCTIONS TO APPLICANT: This Notice *must* be sent by **certified** mail to all adjacent landowners. Proof of certified mailing is required by the Board of Adjustment. Please deliver the returned cards & receipts to the Building Official's office before the above referenced meeting date.

# FOUNDATION

Concrete Slab  
Concrete Block Walls  
Concrete Walls  
Wood Walls

# BASEMENT AREA

N P F

# EXTERIOR WALLS

Siding on Sheathing  
Single Siding  
Double Wall  
Steel Building  
Column Building  
Concrete Block  
Face Brick Veneer  
Face Brick on C.B.  
Hardboard Siding  
Vinyl Siding  
Steel Siding  
Wood Siding  
Wall Insulation  
Roof Insulation

# ROOF TYPE

Hip Gable  
Mansard Flat

# ROOFING

Asphalt Shingle  
Wood Shingle  
Membrane Roof  
Concrete  
Steel  
Pitch and Gravel

# FLOORS

	B	1st	2nd
Concrete			
Earth			
Gravel			
Plyscore			

# INTERIOR FINISH

	B	1st	2nd
Wood			
Concrete Block			
Steel			
Sheet Rock			
Type X Sheetrock			
Painted			
Paneling			
Unfinished Int.			

# HEATING

Solar  
Heat Pump  
Hot Water  
Electric  
Gas Furnace  
Oil Furnace  
Geothermal  
Air Conditioning  
Fireplace  
Wood Stove  
No Heating System

# PLUMBING

	B	1st	2nd
Rough In			
Bath Rooms			
Kitchen			
Laundry			
No Plumbing			

# LANDSCAPING

Grass Blvd/Trees

# APPLICATION FOR BUILDING PERMIT

11133

Zone I-1 Date 12/13/05, 20\_\_\_\_  
Proposed Construction Variance only  
Size \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ Height \_\_\_\_\_  
Address 400 Cessna St. Lot Area \_\_\_\_\_  
Lot A Palm Subd Block \_\_\_\_\_ Addition Industrial  
Estimated Cost 0 Fee 0 Plans Filed \_\_\_\_\_  
Details not mentioned above: Requests Variance from \$21,200  
Height + Placement Reg's

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PROJECTS WHICH ARE NOT COMPLETED WITHIN ONE YEAR MUST BE RENEWED.

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Owner Angus Palm + Dennis Holien Address \_\_\_\_\_

By [Signature] \_\_\_\_\_

Dated 12/28/05, 20\_\_\_\_ Contractor \_\_\_\_\_

# PERMIT APPROVAL

Authorized by:

Members of Board of Adjustment

\_\_\_\_\_  
Building Official

\_\_\_\_\_  
Fire Chief

\_\_\_\_\_  
City Engineer



**WATERTOWN**

Notice of Hearing  
 Board of Appeals  
 Variance from City Ordinance  
 requested by  
 NAME: Annalee Palm &  
 Dennis Holton  
 ADDRESS: 200 Chestnut St  
 EGAN: 02122  
 PAINT: 0001  
 VARIANCE: 0001  
 REQUESTED: 0001  
 TELEPHONE: 0001  
 PUBLIC HEARING: 0001  
 FOR ADJUDICATION: 0001  
 BOARD: 0001  
 HEAR: 0001  
 SIGN: 0001  
 THURSDAY: 0001  
 2005-11-10  
 END: 0001

**Watertown Public Opinion**  
**AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA

COUNTY OF CODINGTON } ss

Monica K. Saathoff, being duly sworn says: That Watertown Public Opinion is, and during all the times hereafter mentioned was, a daily legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4, as amended, published at Watertown, Codington County, South Dakota, by Watertown Public Opinion; that affiant is and during all of said times was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper upon:

Saturday, the 10th day of December 2005,

that the full amount of the fee charged for publishing the same, including a \$5.00 affidavit fee, to-wit, the sum of \$14.86 insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Monica K Saathoff

Subscribed and sworn to before me this 10th day of December, A.D. 2005.

(Seal) Loni S Anderson

Notary Public, South Dakota

My commission expires May 10, 2008

**WATERTOWN**

**Notice of Hearing**

**Board of Adjustment**

Variance from City Ordinance  
is requested by:

NAME: Angus-Palm &  
Dennis Hollen

ADDRESS: 400 Cassina St

LEGAL DESCRIPTION: Lot A,  
Palm Subd, Industrial Addition

**Type of Variance(s)**

Request variance from  
§21.2001 Height &

**Placement Regulations**

A public meeting of the Board  
of Adjustment will be held, to  
consider said request, at City  
Hall Council Chambers, 23 2nd  
St. NE, Watertown, SD on  
Thursday, December 22,  
2005, at 12:15 PM.  
(December 10, 2005)

14.86

# Plat of Palm Second Subdivision to the Municipality of Watertown in the County of Codington, South Dakota.

Palm Second Subdivision is a replat of a portion of  
Lot "A" of Palm Subdivision to the City of  
Watertown, Recorded in Book "L" of Plats, Page  
836. The area occupied by this replat shall vacate  
that area of the previous plat as listed above.



Jan.17, 2006  
Scale: 1"=100'

- Property Pin Rec.
  - Property Pin Set
- Bearings are based  
on assumed Datum

PIPER AVENUE



329.94'

Lot 7 Industrial Addition

25.25'  
S54°11'27"E

180.1'

N90°00'00"E

285.7'

CESSNA STREET

N35°48'33"E

256.8'

Lot 1  
1.2 Acres

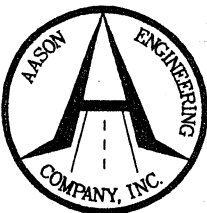
363.7'  
S35°16'36"W

Palm Second Subdivision

Lot 2  
4.0 Acres

705.3'  
S35°23'55"W

Lot "B"  
Palm Subdivision



Prepared By  
AASON ENGINEERING COMPANY, INC.

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

Subject to Easements and Encroachments  
not Found of Record

*Marty W. Mack*  
Registered Land Surveyor