

RECEIVED
JUL 31 2019
RAPID CITY DEPARTMENT OF
COMMUNITY DEVELOPMENT

July 29, 2019

Mayor Allender, Council Members, Zoning Board Members and Staff,

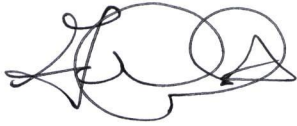
I write to express my concern and disappointment after having attended a variance hearing on July 25, 2019 initiated by Larry Wright whom I do not know nor have I ever met. Mr. Wright presumably applied for a variance to build a garage closer to the property line at his residence at 2109 6th Ave. than the general setbacks of the City require, 5' rather than 8'. The variance was apparently denied by City staff and he appealed to the board. During the hearing, the only objective of the committee members, save one, seemed to be offering suggestions on how Mr. Wright could meet the required setback. There was no discussion of the reason for the 8' general setback, save a vague reference to the purpose of the 8' setback was for fire safety, and it was clear the committee believed their job was to help Mr. Wright figure out how to re-position his proposed garage to meet the 8' setback rather than determine if the variance was granted, would the City's legitimate concerns for the community be met. This is unreasonable. The purpose of a variance is to determine if City health and safety concerns can be met while allowing a building in the proposed location. No one addresses this reality.

Because I believed Mr. Wright was not treated fairly, I drove past the house on 6th Ave. and noted that of 4 homes on the street that have garages, three have garages with a setback from the property line of about 2' and the remaining garage appeared to be 5 or 6 feet from the property line. The board did not address that the proposed garage was to be placed on what was once a carport, a structure, so replacement of a structure on that locations would not add any burden to the health or safety of the area. The committee appeared to be responding to guidelines or policies that do not assist homeowners who would want to establish that they can meet the City's concerns for health and safety in any way other than building 8' from the property line.

Mr. Wright presented a clear argument as to why the proposed location was desire-able, he showed that the adjacent lot was very large and the home on that lot was 22' from the property line such that there was no fire issue, he addressed the reason the garage on that location was practical and most desire-able and would not cause harm to the area but the committee was not receptive. What a disappointment at a lack of practical thought in favor of a homeowner over an arbitrary regulation which is no doubt, valid in many areas, but for which exceptions should be genuinely and independently evaluated.

I recommend the counsel look into the process and practices of the variance board and give directions to work with homeowners to allow variances to local codes if legitimate concerns of the city for health and safety can be met in ways other than blind allegiance to general

regulations. Mr. Wright has been denied the opportunity to use his parcel of land as he wishes and for which no legitimate reason for a denial was presented or explained.

A handwritten signature in black ink, appearing to read 'George O'Rafferty', with a stylized, cursive script.

George O'Rafferty

1342 Edinborough Dr

Rapid City, SD 57702

951-206-9477