

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 10, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Curt Huus, Kimberly Schmidt, Justin Vangraefschep and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Mike Quasney,

STAFF PRESENT: Ken Young, Vicki Fisher, Sarah Hanzel, Tim Behlings, Ted Johnson, Todd Peckosh, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

1. Approval of April 26, 2018 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Golliher seconded and the Zoning Board of Adjustment approved the April 26, 2018 Zoning Board of Adjustment Minutes. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Huus and Schmidt, Vangraefschep and Vidal voting yes and none voting no)

2. No. 18VA005 - Knollwood Heights Subdivision

A request by Felix Philip Young to consider an application for a **Variance to reduce the minimum required side yard setback from 8 feet to 5 feet for existing dwelling** for property generally described as being located at 1502 Racine Street.

Fisher presented the application and reviewed the associated slides. Fisher stated that the house had been built in 1972 which required a 5 foot setback at that time, Fisher noted that the ordinance has been amended and that an 8 foot side yard setback is now required. Subsequently, the structure is currently, legal non-conform. Fisher reviewed the criteria for granting a variance noting that the property does not meet any of the criteria and as such staff recommends the variance be denied.

Felix Philip Young, 1502 Racine Street, stated that he is asking for the variance to enable the sale of the house. Young said the insurance company has informed him that they will not insure it and that the bank will not provide financing based on new financing laws. Young stated he has lost two offers due to this issue.

In response to Braun's question whether this occurrence of finance issue is common, Fisher stated that staff receives requests for Zoning Letters to confirm authorized zoning and use. However, Fisher stated that to her knowledge, this was the first where a lender refused to finance a sale as a result. Fisher recommended that better communication between the City and banking facilities be initiated to address this issue.

Nyberg addressed the idea behind legal non-conforming stating that it is the allowance for property that exists within previous regulations to continue as it is, with the understanding that upon improvement or change, that property will be

required to meet current zoning requirements. He stated he would also like to hear from banks and lenders regarding this issue.

In response to a question from Hoogestraat, Fisher clarified that there are numerous other houses in the area with the 5 foot setback as that was the required setback at the time the houses in that area were built.

John Roberts, City Council Liaison, noted that the majority of houses of the area have these same setbacks and spoke to the possibilities of rebuilding houses with more than 50 percent damage. Roberts explained how a house does not have to be destroyed to be considered more than 50 percent damaged and said he would also like to discuss the issue with mortgage lenders and banks.

In response to a suggestion from Caesar to have the lender attend a meeting to discuss this issue, Fisher and Hoogestraat stated they would rather work among staff to reach an agreement.

Vangraefcshepe spoke to the reasoning behind the lenders request to retain the setback considering the cost of rebuilding on an existing foundation rather than move a foundation in addition to rebuilding which is substantial. Vangraefcshepe agreed that future discussions need to be held to address this issue between lenders and the City.

Further discussion including the possible need for an Ordinance Amendment regarding this portion of the Zoning Ordinance followed.

In response to a request from Huus's that the discussion on Ordinance Amendment be addressed in conjunction with the review, Fisher advised that the issues be handled separately to avoid delay on action for this application.

Hoogestraat moved, Caesar seconded and the Zoning Board of Adjustment continued the requested Variance to reduce the minimum required side yard setback from 8 feet to 5 feet for existing dwelling be to the May 24, 2018 Zoning Board of Adjustment meeting to allow staff to meet with mortgage lenders. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus and Schmidt, Vangraefcshepe and Vidal voting yes and none voting no)

3. Discussion Items

None

4. Staff Items

None

5. Zoning Board of Adjustment Items

None

There being no further business, Caesar moved, Hoogestraat seconded and unanimously carried to adjourn the meeting at 7:30 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus and Schmidt, Vangraefcshepe and Vidal voting yes and none voting no)