

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 24, 2017

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

MEMBERS ABSENT: Mike Gollither, Eric Ottenbacher, Justin Vangraefschepe

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, Ted Johnson, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of May 10, 2018 Zoning Board of Adjustment Meeting Minutes.

Huus moved, Hoogestraat seconded and the Zoning Board of Adjustment approved the May 10, 2018 Zoning Board of Adjustment Meeting Minutes. (8 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney 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 Lot 14 of Block 1 of Knowllwood Heights Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1502 Racine Street.

Fisher explained that staff had visited with the mortgage lender and learned that there has been no new law, but that the requirement for documentation showing ability to rebuild at the same size or larger is an additional requirement needed for loans financed generally by Fanny Mae or HUD. Fisher stated that staff was able to provide a Zoning Letter of Compliance to the lender meeting this requirement. Fisher further stated that staff will work with lenders going forward to avoid future Variance requests of this kind. Fisher stated that staff recommends that the Zoning Board of Adjustment acknowledge the applicant's withdrawal of the application.

Hoogestraat moved, Bulman seconded and the Zoning Board of Adjustment acknowledged the applicant's withdrawal of the Variance application.

3. No. 18VA006 - Rand Addition

A request by KTM Design Solutions, Inc for Quinn Holdings, LLC to consider an application for a **Variance request to waive pavement requirement** for Lot 6 of Tract K of Rand Addition, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

south of 1891 Rand Road.

Lacock reviewed the application and associated slides. Lacock indicated that the applicant is looking to obtain the Variance to waive the requirement to pave the circulation aisle for two years and are proposing to use clean rock or asphalt millings. Lacock noted that property is located in a corridor of the City where the air quality emissions are high and unpaved areas contribute to stormwater drainage issues and due to these considerations staff is recommending the request be denied.

Fisher noted that the applicant could post surety to defer the paving requirement for one year as part of a building permit but with the request to defer for two years and the desire not to pay the surety staff is unable to support the Variance.

In response to a question regarding drainage for the proposed area, Mike Towey of KTM Design Solutions Inc., reviewed the stormwater drainage plan. Towey reviewed the Variance request stating that they would prefer to avoid the requirement to hard surface the area at all, stating that the movement of large equipment damages hard surfacing at a high rate and repair is time-consuming and costly, whereas use of asphalt millings or rock would allow the applicant to do repairs themselves.

Tanner Quinn, 6395 Sun Ridge Road, Quinn Holdings, discussed the drainage on the site including managing runoff and on site drainage, the manageability of the milled asphalt surface they want versus pavement and the cost of the later versus the millings and plans for potential expansion.

In response from to a question from Huus whether there is a precedence for granting the Variance to Waive the paving requirement, Fisher stated that historically millings or rock have not been shown to hold up as desired. Fisher suggested that Engineering staff review pros and cons of proposed surfacing and further noted that cost is not a criterion for granting a Variance.

Johnson stated that staff does not support the use of milling or rocks for heavy equipment noting that there is no actual gradation of millings so it's effect on air quality cannot be verified.

Hoogestraat spoke to his thoughts that the drainage and landscaping are a good solution for improving this area.

In response to a question from Braun to clarify exactly what is being requested with the Variance, Towey and Quinn clarified that they are requesting waiving the requirement to pave the yard area at all and if that is not possible then they would request to delay the requirement for a period of time.

Vidal inquired where the millings would come from as the quality of the millings is based on the original product. Quinn note that they intend to purchase from Iron Horse Construction.

In response to Vidal's request Quinn reviewed his business plan.

Fisher clarified the Zoning Board of Adjustment's options to approve Variance with cited criteria, denying the Variance or approve the Variance to defer pavement for specific time and waive the posting of surety.

Bulman discussed her feelings stating that this is a great project, but that she does not see criteria to allow the Variance.

Herr inquired to the use of mag water regiment to which Quinn stated they have that slated for future use.

Hoogestraat stated he believes that criteria number 4 could be cited for approval.

In response to Hoogestraat's question whether a Planned Development would be a viable alternative, Fisher clarified that the use of the Planned Development in this instance would be using the Planned Development as a Variance so staff feels this is the correct application.

Hoogestraat moved to approve the Variance to waive the pavement requirement for the circulation aisle, citing criteria 4, Caesar seconded the motion.

Quasney requested stipulations and maintenance requirements be included as a part of the approval. Fisher deferred to Nyberg who stated that attaching such language would create an issue that would not be enforceable so advises against.

Caesar offered to amend the motion on the floor to grant a delay of pavement for two years.

Nyberg called out procedure stating that Caesar can offer a substitute motion rather than amending or modifying the motion on the floor.

Caesar made a substitute motion to grant a Variance to allow a 2-year delay of the pavement with no surety posted, Herr seconded.

Discussion followed.

Fisher clarified that upon the two year period the applicant could bring forward an application to seek a separate Variance or would have to meet the paving requirements.

Caesar clarified that the motion of approval is based on the criteria 2 and 4.

Caesar moved, Herr seconded and the Zoning Board of Adjustment approved a 2-year delay of the pavement requirement with no surety posted. (7 to 0 with Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and Braun voting no)

5. Staff Items

6. Zoning Board of Adjustment Items

There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:56 a.m. (8 to 0 with Braun, Bulman, Caesar, Herr, Hoogestraat, Huus, Quasney and Vidal voting yes and none voting no)