

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
July 26, 2018

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

MEMBERS ABSENT: Galen Hoogestraat, Eric Ottenbacher

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Sarah Hanzel, Todd Peckosh, Ted Johnson, Wade Nyberg and Andrea Wolff.

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

1. Approval of May 24, 2018 and July 5, 2018 Zoning Board of Adjustment Meeting Minutes.

Huus moved, Golliher seconded and the Zoning Board of Adjustment unanimously approved the May 24, 2018 and July 5, 2018 Zoning Board of Adjustment Meeting Minutes.

2. No. 18VA007 - North Rapid Addition

A request by Gary Black to consider an application for a **Variance to reduce a side yard setback abutting a street from 35 feet to 15 feet** for Lots 31 and 32 of Block 4 of North Rapid Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 830 Lemmon Avenue.

Lacock presented the application and reviewed the associated slides noting that the special condition on the property is being located on a corner lot and being a 50 foot wide lot. Lacock stated that an existing legal non-conforming garage with a 15 foot setback was removed by the applicant and the need for a variance to the setback wasn't identified until they were applying for the building permit for the new garage. Lacock stated that anything less than a 20 foot setback does not allow sufficient parking without encroaching into the right-of-way. Lacock stated that staff recommends that a variance to allow a 20 foot side yard setback in lieu of 35 foot setback be approved.

Caesar moved to allow a minimum 20 foot side yard setback that abuts a street in lieu of 35 feet siting criteria that the unique lot width and corner location, Bulman seconded and unanimously carried to approve.

The applicant requested to speak to the item after action had been taken by the Zoning Board of Adjustment.

As action has already been taken, Vidal moved to reopen the item to allow it to be reconsidered.

Gary Black, 830 Lemmon Avenue, stated that he has had the gas line on the property buried recently and that the 20 foot setback would run over the newly buried gas line. Black stated he would be building on the existing foundation which had the 15 foot setback and with the placement of the gas line that he had moved, a 20 foot setback would reduce his garage depth from 24 feet to 19 feet.

In response to a question from Vangaefschepe's whether there was an easement for the gas line, Fisher stated that if it was a service line it would not require one.

In response to Vangraefschepe's question why the old garage was torn down, Black stated the previous garage was falling down.

Fisher noted that Rapid City Municipal Ordinance prohibits the blocking of right-of-way and or sidewalks. Fisher further stated that based on issues arising from instances where setbacks less than 20 feet were granted, staff now recommends that 20 feet be the minimum setback allowed.

Braun asked for a second on action to reconsider or whether they wanted to let their action stand.

John Roberts spoke to the difficulty associated with selling this property noting that numerous others had opted to not purchase due to the work it required and commended Mr. Black on the improvement to the property. Roberts spoke to the potential benefits to the neighborhood and feels that the property owner should not be penalized for wanting to improve the property.

Caesar spoke to her concerns regarding the safety issues with the reduced setbacks.

In response to question from Quasney regarding the gas line, the owner discussed where the line had been, where it had been moved and the options for replacement. Virginia McLeod, who is the second property owner, stated that MDU had informed them the only other option was to go past the driveway, under the garage, and back to the house.

In response to a question from Vangraefschepe if there is an option to move the gas line, Black stated that the cost could be prohibitive.

Black indicated that if he moved the garage back the requested five feet he would be below the required side yard setback. Fisher stated a review of the submitted site plan shows the eleven feet to the back of the garage, so an additional five feet would still allow six feet which is within the minimal setback.

Fisher clarified that when planning for the new garage and the demolition of the existing garage, including City staff before any action would have allowed these issues to be avoided. Fisher suggested that that if the Zoning Board of Adjustment was willing to revise the action, that they continue the item to allow the applicant to meet with the gas company to review their options now that they

are aware of the restrictions, and then come back before the Zoning Board of Adjustment with the results of those discussions.

Black stated that he will build the garage with or without approval. He does not feel he should be punished for improving the property.

Virginia McLeod, spoke to the dangers of the previous gas line and the placement of the new gas line.

Vidal stated that he understands the difficulty the applicant is in but requests that they consider moving the gas line.

Braun again asked for a motion to reopen for review the action.

Vangraefschep moved, Caesar seconded and the Zoning Board of Adjustment unanimously carried to approve that the item be reconsidered.

Vangraefschep moved, Quasney seconded and the Zoning Board of Adjustment unanimously carried to continue to the August 9, 2018 Zoning Board of Adjustment Meeting to allow the property owner to visit with the gas company and bring back information specific to relocating the gas line to meet the 20 foot setback.

3. Discussion Items
4. Staff Items
5. Zoning Board of Adjustment Items

There being no further business, Caesar moved, Huus seconded and unanimously carried to adjourn the meeting at 7:36 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Huus, Quasney, Vangraefschep and Vidal voting yes and none voting no)