

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
August 23 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, John Herr, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Salamun, Council Liaison was also present.

MEMBERS ABSENT: None

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

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

1. Approval of August 9, 2018 Zoning Board of Adjustment Meeting Minutes.

**Hoogestraat moved, Bulman seconded to approve the August 9, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**

2. No. 18VA003 - Boulevard Addition

A request by Jeff and Sharleen Schreter to consider an application for a **Variance to reduce a side yard setback abutting a street from 20 feet to 6 feet 2 inches** for the S1/2 of Lot 10; all of Lot 11 and 12; the 19 foot strip of vacated Fairview Street adjacent to Lot 12 of Block 31 of Boulevard Addition, all located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 12th Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that the previous structure that was on the property had been destroyed by fire and the applicant is looking to build a two-story dwelling with an attached garage on the property. Lacock stated that Fairview Street right-of-way runs along the south property line, but that the road does not continue through to the west, serving generally as a driveway to the property to the south. Lacock reviewed the site plan and indicated the section of the proposed garage that does not meet the 20 foot setback from a street, noting that if the garage was not abutting a road the side yard setback requirement would be 8 feet. Lacock further explained that the property, which is within the West Boulevard Historic District, had received Council approval of their Historic Preservation case at the August 20, 2018 City Council meeting. Lacock stated that as the applicant had the alternative to build a single car garage rather than the double car, staff does not support the request and recommends that the Variance to reduce a side yard setback abutting a street from 20 feet to 6 feet 2 inches be denied. Lacock did state that should the Zoning Board of Adjustment decide to approve the Variance that the stipulation that the Major Drainage Easement on the western portion of the property be recorded.

In response to a question from Herr, Peckosh stated that there are no plans to improve or connect Fairview Street through to the west.

In response to a question from Vangraefschep on the possibility of vacating the right-of-way, Fisher clarified that the road actually serves as access to the property to the south precluding vacating the right-of-way to avoid land locking that property.

Lacock reviewed that a prior Variance (Appeal No 5281) had been denied in 2003 but that a Vacation of Right-of-Way (03VA008) request had been approved.

Fisher reviewed setback requirements. She clarified that Fairview Street is identified as a residential street and the 20 foot setback is required for property abutting a street.

Sharleen and Jeff Schreter, 1215 12<sup>th</sup> Street, reviewed the property and the restrictions to the location of the garage on the property. Jeff Schreter reviewed the drainage area pointing out the swell that is located behind the proposed garage stating they propose to maintain the swell. Sharleen Schreter addressed the concern of future development of the land behind them on the hillside noting that due to previous mud slides, the hillside property owners are not keen on developing the area. She also discussed the work that has been done on the hillside to contain future damage and noted that they are proposing an improved retaining wall to assist with drainage and erosion control.

Hoogestraat moved to approve sighting Criteria No. 4, that the Variance is within the general intent of the Zoning Ordinance and not injurious to neighborhood; with the stipulation that the Major Drainage Easement be recorded, Gollihier seconded.

Fisher clarified that along with the cited criteria No. 4, that Criteria No. 2 should also be cited as it addresses the topography constraints that are unique to the property. Braun confirmed that both motion maker and seconder were in agreement with the revised motion. Both were in agreement.

**Hoogestraat moved, Gollihier seconded that the Variance request to reduce a side yard setback abutting a street from 20 feet to 6 feet 2 inches be approved sighting Criteria No. 4, that the request is within the general intent of the zoning ordinance and not injurious to neighborhood and Criteria No. 2 addressing the topography constraints that are unique to the property with the stipulation that the Major Drainage Easement be recorded. (9 to 0 with Braun, Bulman, Caesar, Gollihier, Herr, Hoogestraat, Huus, Quasney and Vangraefschep 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, Quasney seconded and unanimously carried to adjourn the meeting at 7:29 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**