

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
September 6, 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: Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Kelly Brennan, Patsy Horton, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. Approval of August 23, 2018 Zoning Board of Adjustment Meeting Minutes.

**Hoogestraat moved, Bulman seconded and the Zoning Board of Adjustment unanimously approved the August 23, 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. 18VA008 - Canyon View Tract

A request by Terry Johnson for Agnes A. Jensen to consider an application for a **Variance to reduce side yard setback from 8 feet to 3 feet** for Lot 27 of Block 6 of Canyon View Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 913 Anamosa Street.

Lacock presented the application and reviewed the associated slides stating that the applicant is requesting to build a 24 foot by 16 foot garage and that the 3 foot setback is to narrow the angle of the garage to allow easier access for the homeowner, who is disabled. Lacock noted that the separation from the overhang and the garage has been identified as an issue regarding drainage and the lack of separation between structures is a concern for the Fire Department in regards to fire protection. Lacock stated that the disability status of the applicant could be considered as a reason for the Variance but staff believes that the property has room to accommodate the minimum setback and as such staff recommends that the Variance to allow a 3 foot setback be denied. However, Fisher further stated that should the Zoning Board of Adjustment find they could support a lesser Variance, staff would support a 5 foot setback with the stipulations that the garage roof overhang be no less than 3 feet from the property line.

In response to a question from Braun, Fisher clarified that the set back of a detached garage is 5 feet if the garage is 90 feet from the front property, but that is not possible on this property. However, Fisher stated that there is room for a 5

foot setback and staff believes this is a better option.

Hoogestraat stated that he feels the five foot setback is a feasible option. Bulman agreed.

Tim Behlings requested that a stipulation be added that the west wall of the structure be built with non-combustible materials.

In response to Quasney's question on drainage, Fisher reviewed that the stipulation that the roofline be at least 3 feet from the property line is to accommodate anticipated drainage between the structures.

**Quasney moved, Hoogestraat seconded and the Zoning Board of Adjustment approve the Variance to allow a 5 foot side yard setback, based on the Criteria 2 special circumstances exist due to the disability of the applicant and Criteria 1, granting of the Variance will not be contrary to the public interest, with the following stipulations;**

1. Upon submittal of a Building Permit, the applicant shall demonstrate that water from the garage roof will not drain onto the adjacent property. The roof overhang shall not be located closer than 3 feet to the property line; and,
2. Upon Submittal of a Building Permit the applicant shall demonstrate that the west wall of the structure be built with non-combustible materials.

3 Discussion Items

4. Staff Items

5. Zoning Board of Adjustment Items

**There being no further business, Caesar moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:14 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Huus, Quasney and Vangraefschepe voting yes and none voting no)**