

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
October 25, 2018

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Justin Vangraefschepe and Vince Vidal. Richie Nordstrom, sitting in as Council Liaison was also present.

MEMBERS ABSENT: John Herr, Mike Quasney,

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

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

1. Approval of October 4, 2018 Zoning Board of Adjustment Meeting Minutes.

Bulman moved Caesar seconded and the Zoning Board of Adjustment approved the October 4, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

2. No. 18VA010 - Section 6, T1N, R8E

A request by FMG Engineering for Goldenview Properties, LLC to consider an application for a **Variance to reduce the minimum required front setback from 35 feet to 5 feet for an above ground water meter enclosure** for , Lot 2 of the W1/2 of the SE1/4; Lot 3 of the W1/2 of the SE1/4; vacated St. Andrew Street adjacent to said Lots 2 and 3; the W1/2 of vacated Cherry Avenue adjacent to said Lot 2 located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1010 E. Saint Patrick Street.

Green presented the application and reviewed the associated slides. Green noted that the request is to replace the existing underground water meter vault with an above ground meter facility. Green noted that the sight triangle exhibits presented by the applicant show the proposed vault does not create sight triangle issues. Green presented staff's recommendation that the Variance to reduce the minimum required front setback from 35 feet to 5 feet for an above ground water meter enclosure be granted based on the public good.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the Variance to reduce the minimum required front setback from 35 feet to 5 feet for an above ground water meter enclosure based on Criteria #4. That the variance being in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, or detrimental to the public welfare. (9 to 0 with Braun, Bulman, Caesar, Gollhofer, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)

3. No. 18VA011 - West Boulevard Addition

A request by Tim Aylward to consider an application for a **Variance to reduce front yard setback abutting a street from 20 feet to 8 feet and to reduce a side yard setback from 12 feet to 6 feet for the existing residence; and to reduce the front yard setback for a proposed deck from 14 feet to 4 feet** for the north 83 feet of the W1/2 of Lot 14 and the the north 83 feet of Lot 15 of Block 2 of West Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 831 Saint James Street.

Green presented the application identifying that the request is for three separate variance requests on the property, stating that two of the three Variances are to correct errors to Variances that were granted in 1999. Green explained that an inaccurate site plan submitted with the 1999 Variance request did not show actual setbacks of the structure This created the need for the additional Variances in order to bring the existing structure into compliance and staff recommends that the Variance to reduce front yard setback abutting a street from 20 feet to 8 feet and to reduce a side yard setback from 12 feet to 6 feet for the existing residence variances be approved.

Green addressed the third Variance request separately, noting that this request is for a variance in addition to the Variance that was previously granted in 1999, for a 10 foot front yard setback. Green noted that the deck which was built without the required building permit encroaches 2 feet into that 10 foot setback and the stairs encroach to 4 feet off the lot line. Green noted that the property is located in the West Boulevard Historic District and will have to be reviewed by that Committee also. Green stated that the deck replaces a previous landing and stairs which was failing, but indicated that staff has identified that the deck could be reduced by two feet and fall within the existing setback and as such staff recommends that the Variance to reduce the front yard setback for a proposed deck from 14 feet to 4 feet be denied.

Fisher noted that the two variances which are corrections to meet the actual dimensions should be addressed separately citing that the existing structure and the original Variance.

Hoogestraat moved, and Caesar seconded to approve the Variance to reduce front yard setback abutting a street from 20 feet to 8 feet and to reduce a side yard setback from 12 feet to 6 feet for the existing residence based on the intent of the Variance granted in 1999. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Ottenbacher, Vangraefschep and Vidal voting yes and none voting no)

Tim Aylward, 831 St. James Street, spoke to their reasons for building the deck including the need to replace the deteriorated landing and stairs that were previously used as access. Aylward also noted that due to the lack of space on the lot they planned to use the enclosed deck area as a safe area for their children to play, noting that the traffic in the area.

In response to a question from Caesar whether the stairs could be angled to reduce the encroachment discussion followed regarding the restrictions created by both the lot and the construction of the actual structure including the egress windows located to the front of the house underneath the deck.

In response to a question from Huus regarding the current size of the deck, staff confirmed that the removal of 2 feet of the deck would place the deck within allotted setbacks and that such would have been identified had a building permit been acquired prior to starting construction of the deck.

Fisher clarified that the West Boulevard Historic District has already identified that the materials used for the deck would not meet standards.

Bulman stated that she had driven by the property to get an idea of the overall project and she noted that the actual structure looks out of place and that the stairs come out well into setback almost to the sidewalk. She asked if there was any way to modify the deck and stairs.

Discussion followed regarding the constraints of the property in regards to building access, deck or stairs.

Vangraefschepe stated that due to the unique design of the house and the lot layout the options are limited.

In response to Braun's questions Fisher reviewed the possibilities to remodel the deck and stairs.

Braun requested roll call vote.

Richie Nordstrom, spoke as a liaison for the Historic Preservation Committee stating that the restructured Historical District Preservation Committee will work with the property owners.

In response to a question from Bulman regarding staff's recommendation to reduce the deck by two feet and adjust the stair design, Fisher stated that if the applicant had applied for the required building permit the current design would not be before the Zoning Board Of Adjustment, but as the applicant did not it has thus created the issue and this Variance will enable them to complete their deck.

Hoogestraat moved, Vangraefschepe seconded and the Zoning Board of Adjustment approved the Variance request to reduce a front yard setback from 14 feet to 4 feet, solely for the construction the deck based on Criteria #2 that there are special circumstances or conditions not generally in the district (exception narrowness). (6 to 3 with Braun, Caesar, Gollither, Hoogestraat, Vangraefschepe and Vidal voting yes and Bulman, Huus and Ottenbacher voting no)

- 4 Discussion Items
None

5. Staff Items
 None

6. Zoning Board of Adjustment Items
 None

There being no further business, Huus moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:43 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Hoogestraat, Huus, Ottenbacher, Vangraefschepe and Vidal voting yes and none voting no)