

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
January 10, 2019

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

MEMBERS ABSENT: Curt Huus and Eric Ottenbacher

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Kelly Brennan, 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 November 8, 2018 Zoning Board of Adjustment Meeting Minutes.

Quasney moved, Hoogestraat seconded and the Zoning Board of Adjustment unanimously carried to approve the November 8, 2018 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

2. No. 18VA014 - Robbinsdale Addtion No. 9

A request by Sandra Arnold to consider an application for a **Variance to reduce the side yard set back that abuts a street from 25 feet to 15.9 feet** for Lot 61 of Block 1 of Robbinsdale Addition No. 9, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3308 Locust Street.

Lacock presented the application and reviewed the associated slides. Lacock reviewed the required 100 foot right-of-way required for a minor arterial street and the 25 foot side yard setback that abuts a street, noting that the proposed garage would encroach 9.1 feet into that setback. Lacock stated that staff's position is that reasonable use of the property exists. Lacock noted that that there is sufficient room to enlarge the garage to the back rather than to the side without exceeding setbacks. Based on these findings staff recommends that the Variance to reduce the side yard set back that abuts a street from 25 feet to 15.9 feet be denied.

In response to a question from Quasney whether this would make the garage oversized, Lacock stated that it would not, it's just the Variance to the setback that is at issue.

Sandra Arnold, 3308 Locust Street, noted that she had moved to this location to help care for her mother and that the additional stall would allow interior parking for all of their vehicles. She stated that there appears to be adequate space between the proposed garage and the road with the wide boulevard. She

acknowledges the possibility of building to the back but spoke to the inconvenience this option creates as it would require parking in tandem.

Bulman spoke to her thoughts on the request for the Variance stating that she understands the inconvenience of moving cars, but that the Variances are usually granted for when there are restrictions to land use such as sloping and other topographical restrictions so she did not think this request qualified.

Bulman moved, Golliher seconded and the Zoning Board of Adjustment unanimously carried that the Variance request to reduce the side yard setback that abuts a street from 25 feet to 15.9 feet be denied based on Criteria that reasonable use of the property exists. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

3. No. 18VA015 - Gateway Addition

A request by FMG Engineering for M Hill Business Plaza LLC to consider an application for a **Variance to reduce front yard setback from 25 feet to 2.9 feet** for a parcel 147 square feet in the SE corner and 3 feet X 147 feet vacated Omaha Street, abutting on the north side; and Lots 1 thru 5 and adjacent vacated alleys less a 20 feet X 35 feet tract in the NW corner of said Lot 1, all located in Block 18 of Gateway Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 West Omaha Street.

Lacock presented the application and reviewed the slides stating that the South Dakota Department of Transportation is acquiring additional right-of-way along West Omaha Street to make public improvements. This will create a new lot line for the property. Lacock noted that there is an existing building on the property that is currently non-conforming. A portion of the building will be removed and will actually increase the setback from the existing zero feet to 2.9 feet. Lacock stated that this Variance benefits the public good and staff recommends that the Variance be approved for the existing structure only and any redevelopment of the property or damage over 50 percent of the structures value would require that the new structure comply with the minimum required setbacks.

Bulman moved, Caesar seconded and the Zoning Board of Adjustment unanimously carried to approve the Variance request to reduce the front yard setback from 25 feet to 2.9 feet be approved for the existing structure only based on Criteria is in line for the public good. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefschepe and Vidal voting yes and none voting no)

4. Discussion Items

None

5. Staff Items

None

6. Zoning Board of Adjustment Items
None

There being no further business, Caesar moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:16 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Herr, Hoogestraat, Quasney, Vangraefscupe and Vidal voting yes and none voting no)