

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
February 7, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Galen Hoogestraat, Eric Ottenbacher, and Vince Vidal. Richie Norton, Council Liaison was also present.

MEMBERS ABSENT: Curt Huus, Mike Quasney, Justin Vangraefschepe

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

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

1. Approval of January 24, 2019 Zoning Board of Adjustment Meeting Minutes.

Hoogestraat moved, Caesar seconded and the Zoning Board of Adjustment approved that the January 24, 2019 Zoning Board of Adjustment Meeting Minutes be approved.

2. No. 18VA017 - Schamber Subdivision

A request by KTM Design Solutions, Inc for Triple R Corporation to consider an application for a **Variance of Lot 1AR to reduce the front yard setback for a Single Family Residence 25 feet to 5.5 feet; to reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet; to reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet; for Lot 2AR to reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet** for Lot 1 and 2 and the east 45 feet of Lot 3 of Block 6 of Schamber Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Twin Elms Drive and Schamber Street.

Green presented the application and reviewed the associate slides noting that this application was continued at the January 24, 2019 Zoning Board of Adjustment meeting to allow the applicant to revise their Variance request and provide a revised site plan with information reflecting the changes discussed during that meeting. Green noted that after discussion between staff and the Fire Department, the stipulation for fire sprinkler protection was modified to state that in addition to requiring fire sprinkler protection for the proposed duplex on Lot 3AR, any renovation or alteration of the existing duplex on Lot 2AR shall require fire sprinkler protection. Green stated that staff recommends approval of the Variance with the stipulation noted in the Project Report based on Criteria #2, reasonable use of the property and #4, the request is in harmony with the general purposes and intent of the zoning ordinances and not injurious to the neighborhood.

In response to question from Bulman regarding the lot line between 1AR and

3AR, Green noted the lot line had not been moved. Bulman stated that that the removal of the structures is an improvement but that she would have liked to have seen the lot line moved.

In response to a question from Ottenbacher, Green reviewed the parking requirements and stated that the proposed plan shows they are meeting the required parking.

Jean Katus, 3729 Schamber Street, stated that her concern is the additional vehicles that the addition of a second duplex would create in an already tight area.

Mary Noble, property owner of 2021 and 2023, spoke to her concerns regarding the high number of vehicles parking along the road, which is only 20 feet wide. Nobel stated that she has had discussions with Code Enforcement, the Police Department and Ken Young, the Director of the Department of Community Development, regarding this and other issues including ADA accessibility. Noble stated that all have commented that they are unable to enforce the parking requirements. Noble noted that as a handicapped person herself, she is unable to walk in her neighborhood. Noble stated that she feels that the letter that is sent to the property owners should be identified as being from the City rather than from the applicant or agent because the recipients may not open the letters thinking it is junk mail. She spoke to the effort behind the Canyon Lake Overlay District stating that controlling the over development of the area was one of the reasons for the overlay district and that she feels this request falls within that qualification. Noble again discussed the width of the street and the high density of rental units in the area and hopes that the request is denied.

Connie Thomas, 2115 38th Street, asked about the proposed duplex such as how large it would be and where it would be located on the property. She stated that she was also involved in the creation of the Canyon Lake Overlay District, which was intended to maintain the residential nature of the neighborhood. Thomas agreed that the neighborhood is quirky, but that the Variances need to be taken seriously in regards to the effects they will have on the neighborhood overall.

Jamie Fisher, 2012 Twin Elms Drive, spoke to the congestion on the roads and the parking congestion. He wondered why the lot sized needed to be made so small. He believes that the area is being over developed, creating too many rental properties.

In response to a question from Bulman regarding the lot line, Green indicated that that had not been proposed by the applicant during discussions. Bulman stated that moving the lot line would make the request cleaner and allow the existing properties more room.

Fisher spoke to the lot sizes and that the replatting as shown allows for access to the existing garage located to the back of the lot and construction of the

duplex without cutting off the garage. Fisher indicated that the new construction will provide the required off street parking, that sidewalks will be required with replatting and an ADA ramp will be constructed at the corner of the block at the applicant's expense.

Caesar stated that the Zoning Board of Adjustment is restricted as to what they can consider in reviewing Variances and although she feels the concerns are valid she believes that the compromises on this request are good.

Bulman requested the applicant to address the reason for the lot line placement and the parking.

Kevin Andreson, Triple R Corporation, stated the removal of structures and the placement of the lot line are to ensure there is room on the lot to allow access to and construction of a two car garage as well as the duplex structure. He states that the neighborhood has been mostly rentals for about ten years although not his rentals. He responded to the concerns that had been stated regarding parking and sidewalk access and noted that he would review his leases and include the requirement to care for sidewalks and parking.

Discussion followed regarding the existing and proposed garages.

Fisher noted that the applicant should be aware that should the proposed garage be over the accumulative total of 1500 square feet or 30 percent of the gross floor area of the residence, a Conditional Use Permit to allow an oversized garage area would be required.

Hoogestraat stated that based on the criteria for reviewing Variances he does not support the Variance stating that reasonable use is already allowed and that he feels it would be injurious to the neighborhood and he cannot support the request.

Ottenbacher stated that he has too many questions on the proposed development and feels that a cleaner more concise plan should be provided.

Vidal moved, Caesar seconded that the Variance request to Lot 1AR to reduce the front yard setback for a Single Family Residence from 25 feet to 5.5 feet; To reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet.; To reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet; for Lot 2AR To reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet be approved with stipulations; based on Criteria # 2 and #4,

- 1. Prior to approval of a Final Plat application, the applicant shall coordinate with the Rapid City Fire Department to provide fire sprinkler protection for the proposed duplex on Lot 3AR. Additionally, any renovation or alteration of the existing duplex on Lot 2AR shall require fire sprinkler protection. Motion failed (3 to 5 with Braun, Gollither, and Vidal voting yes and Bulman, Caesar, Herr, Hoogestraat, Ottenbacher voting no)**

3. Discussion Items
None
4. Staff Items
None
5. Zoning Board of Adjustment Items
None

There being no further business, Gollither moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (8 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Hoogestraat, Ottenbacher and Vidal voting yes and none voting no)