

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
April 25, 2019

MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat, Curt Huus, Eric Ottenbacher, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Erik Braun, John Herr, Justin Vangraefschepe and John Salamun, Council Liaison

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

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

1. No. 19VA001 - Boulevard Addition

A request by John and Mary Buchy to consider an application for a **Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet, and to increase the lot coverage from 30% to 41.2%**

for the east 78 feet of Lot 11 and 12 of Block 18 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 923 West Boulevard.

Lacock presented the application and reviewed the associated slides Lacock noted that the lot falls under small lot status and reviewed the individual Variance requests. Lacock reviewed the applicant's plan, which includes removing the raised slab patio located on the back of the house and building a deck and removing the deck currently on the front of the house and building a covered patio. Lacock indicated that the replacement structures will decrease the existing encroachment into the setbacks, but the plans to build a covered patio increase the overall lot coverage to 41.2%. Lacock stated that staff does not support the increasing of lot coverage and noted there are other options that would allow improvements as well as reasonable use of the property without the increase to the lot coverage. Lacock stated that staff recommends that the Variances to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet be approved contingent upon the concrete patio being removed and the Variance to increase the lot coverage from 30% to 41.2% be denied.

Fisher reviewed the staff recommendations, clarifying that staff supports the building of the deck on the rear of the property as long as the existing patio slab is removed but that staff is not in support of the covering of the front porch.

Murl Woods, PO Box 1500, speaking on behalf of the owners stated that the proposed design is in line with the style of the house and has received approval

by the Historical Preservation Committee. She called out that the lot size limits options that would meet the required setbacks and that the proposed improvements create less setback encroachment than current structures.

Jean Kessloff, 1015 12th Street, stated that she had been contacted by a neighbor with concerns. She stated that she believes that building a covered patio damages the West Boulevard Historic status. She believes that the original steps of the house are probably under the existing deck and that the deck creates a false sense of history. Kessloff questioned the Historic Preservation Commission approval of the request as she believes it goes against the State Historical guidelines and disagrees with the statement that it makes the house more historically accurate as no patio was part of the original structure.

Pat Roseland, 1318 West Boulevard, stated that he worries about the precedent this sets and that others could do the same detriment to the historic sustainability of the West Boulevard Historic District. Roseland said he feels that the porch is not historically accurate to the house and requested more time to study the request.

Hoogestraat stated that he supports the Variances and based on Criteria #4 that the request is in harmony with the general purposes and intent of the zoning ordinance and is not injurious to the neighborhood or public welfare and Criteria #1 that it is an allowed use in the zoning district.

Hoogestraat moved to approve all Variance requests based on Criteria #4 and #1.

Fisher offered a friendly amendment to include Criteria #2; that there are special circumstances or conditions that do not apply generally in the district, in this case being the small lot size and that the stipulation that the back concrete slab be required to be removed be included. Hoogestraat agreed to the friendly amendment. No second was received. Motion failed for due to lack of second.

In response to a question from Quasney regarding signs noticing proposed action, Fisher clarified that Variances do not require the posting of a sign only the mailing of notification letters to property owners within 250 feet of the requesting property.

Quasney spoke to the potential for creating precedent for increased lot coverage and suggested that the application be continued to allow further review.

After additional discussion on historical issues, lot coverage, drainage affects and options, Fisher clarified that the Historic Preservation Review approved the structures and stated that staff's concern is the lot coverage.

Huus spoke to his approval of the lot coverage indicating that he does not believe that the covered patio will create any real issues to drainage and that he believes that the covered patio is in keeping with the look of the neighborhood.

Caesar agreed that the requested Variances are actually reductions to the existing setbacks with the exception of the coverage of the patio which is an increase to the lot coverage. Caesar did note that this is a single family home and that the owner is trying to make improvements.

Vidal supports the Variances with the exception of the increased coverage noting staff's recommendation and stating that the requirements are set for reason and continually granting Variances is an issue.

Bulman stated that she understands the applicant's requests, but she believes that the roof of the covered patio creates additional run off and that the smaller lot size makes this an issue.

Bulman offered a substitute motion to approve per staff recommend with the stipulation to remove the back concrete patio slab based on Criteria #1 and #2, Vidal seconded.

Hoogestraat confirmed that the current lot coverage is 38% which is over the 30% allowable coverage and that the increase to lot sized is minimal. The wide boulevard allows for the accommodation of increase runoff whereas other areas might not and also drew attention to the fact that other properties were allowed to have what appears to be high lot coverage and requested that the original motion be approved. It was noted that no second had been received which rendered the motion dead.

Huus made reference to the pervious to impervious area and feels that the percentage of increased area is going to create any issue.

Lacock indicated that one of the reasons staff supports the Variances is that the concrete patio to the back is being removed which will help reduce the impervious area and drew attention to the known drainage issues in the overall West Boulevard District and that although this individual property is a small lot, allowing this Variance opens the door to allowing the same for another creating additional drainage issues for an already challenged area.

Bulman moved, Vidal seconded that the Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet be granted contingent upon the concrete patio being removed; and that the Variance request to increase the lot coverage from 30% to 41.2% be denied based on Criteria # 1 and #2. Motion failed (5 to 3 with Bulman, Gollither, Ottenbacher, Quasney, and Vidal voting yes and Caesar, Hoogestraat, and Huus voting no)

2. No. 19VA002 - East Mall Business Center Subdivision

A request by Jones Sign Co., Inc. to consider an application for a **Variance to allow 337 square feet of LED signage in lieu of 60 square feet allowed** for Lot 1 of Block 2 of East Mall Business Center Subdivision, located in Sections 29 and Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota,

more generally described as being located at 1001 E. Mall Drive.

Green presented the applicant's withdrawal of the Variance to allow 337 square feet of LED signage in lieu of 60 square feet allowed and requested the Zoning Board of Adjustment acknowledgement of the withdrawal.

Hoogestrat, Quasney unanimous

Hoogestrat moved, Quasney seconded and the Zoning Board of Adjustment acknowledged the applicant's withdrawal of the Variance request to allow 337 square feet of LED signage in lieu of 60 square feet allowed.

- 3 Discussion Items
 Done
4. Staff Items
 Done
5. Zoning Board of Adjustment Items
 Done

There being no further business, Hoogestrat moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:41 a.m. (8 to 0 with Bulman, Caesar, Gollither, Hoogestrat, Huus, Ottenbacher, Quasney, and Vidal voting yes and none voting no)