

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
June 20, 2019

MEMBERS PRESENT: Karen Bulman, John Herr, Curt Huus, Eric Ottenbacher, Mike Quasney, Justin Vangraefschepe and Vince Vidal. John Salamun, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Racheal Caesar, Mike Gollhofer, Galen Hoogestraat,

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

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

1. Approval of the June 6, 2019 Zoning Board of Adjustment Meeting Minutes.

**Ottenbacher moved, Quasney seconded and the Zoning Board of Adjustment recommends that the June 6, 2019 Zoning Board of Adjustment Meeting Minutes be approved. (7 to 0 with Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschepe and Vidal voting yes and none voting no)**

2. No. 19VA003 - Schamber Subdivision

A request by KTM Design Solutions, Inc for KTA Properties LLC to consider an application for a **Variance of Lot 1AR to reduce the front yard setback for a single family dwelling from 25 feet to 5.64 feet; to reduce the rear yard setback for a single family dwelling from 25 feet to 7.57 feet; to reduce the minimum lot size for a single family dwelling from 6,500 square feet to 5,643.1 square feet; for Lot 2AR to reduce the minimum lot size for a duplex from 8,000 square feet to 6,276.6 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 noting that this item was continued from the May 23, 2019 Zoning Board of Adjustment meeting to revise this site plan and provide more information. Green also noted a previous similar Variance request on this property had been reviewed and denied by the Zoning Board of Adjustment in February. Green reviewed the individual Variance requests identifying each one on the provided site plan to provide a visual understanding of each Variance. Green noted that the applicant had originally requested a lot coverage Variance for Lot 3AR and a Variance for reduced side yard setbacks, but has since reduced the size of the proposed structure removing the need for both Variances and as such, that part of the application has been withdrawn. Green briefly reviewed the platting of this property and the previous Variance. Green noted that the applicant is now intending to have an overall number of five dwellings units between the single family dwelling on Lot 1AR, the existing duplex on Lot 2AR

and the proposed duplex on Lot 3AR, which exceeds the overall campus total for acreage per dwelling unit. Green noted staff's appreciation of the attempt to bring new development to the neighborhood, but identified that the increase in density in an already dense area is contrary to the desired development in the area. Green reviewed the density and size limits for the requested development and noted that since this property does not meet these requirements staff is recommending the Variance of Lot 1AR to reduce the front yard setback for a single family dwelling from 25 feet to 5.64 feet; to reduce the rear yard setback for a single family dwelling from 25 feet to 7.57 feet; to reduce the minimum lot size for a single family dwelling from 6,500 square feet to 5,643.1 square feet; for Lot 2AR to reduce the minimum lot size for a duplex from 8,000 square feet to 6,276.6 square feet be denied as it is not the minimal adjustment necessary to provide reasonable use of the property. Green also stated that staff recommends the Zoning Board of Adjustment acknowledge the applicant's withdrawal of the Variance requests for Lot 3AR to allow a maximum lot coverage of 38% in lieu of a maximum of 30% allowed, to reduce the required side yard setback to 9.08-feet in lieu of 12-feet required.

Fisher stated that staff appreciates the work and the proposed improvements to the neighborhood. Fisher stated that staff had worked with the applicant and the consultants as to what would work regarding setbacks, density and parking on the property. Staff was surprised that the revised plans did not meet those suggestions. Fisher explained that the proposed development is just one dwelling unit too many and if the applicant would see their way to reduce the projected development by one unit staff would be able to support the request, but at the current requested density they cannot support the Variance.

Tonya Andreson, 2379 Chuckwagon Court, applicant for the Variance stated that the plan has always been to build a duplex that a single family home would not provide the revenue needed to invest in this property. Andreson stated that she grew up in this neighborhood and is only working to improve the neighborhood and if they do not get the Variances they will not be able to develop the property. She said that the proposed structures will actually provide 200 square feet less roof line coverage and will provide new residential opportunities for the neighborhood. Andreson indicated that the proposed duplex on Lot 3AR provides 6 off street parking spaces which will help alleviate on-street parking for the proposed duplex and that she hopes that the Zoning Board of Adjustment can see the benefits to this development.

Mike Towey, KTM Design Solutions, Inc., consultant for the applicant, stated that they have been working with the applicant to design the development. He stated that the improvement would add parking and reduction of roof coverage are both benefits. He said that the duplex is the same footage as the existing structures and hopes that the Zoning Board of Adjustment will grant the Variances.

Jamie Fisher, 2012 Twin Elms, stated that his property abuts this property and noted that the duplex will directly affect his property. He feels that the statement that if they do not get the requested Variances they won't develop does not support their statements that they want to improve the area and indicates that they see this only as a chance to make a profit. He is worried that the increase in density that building a duplex rather than a single family home will create a further

issue of an already overly dense neighborhood.

In response to a question from Vidal on the design and plans for a duplex versus a single family home, Anderson stated they had always planned to have a duplex reiterating that it is not financially feasible to build single family homes.

Ottenbacher spoke about the previous discussion regarding this property noting that the recommendations and requests that had made by the Board were not reflected in the resubmitted request. He noted that the dwelling units requested increased from four units to five units. Ottenbacher stated that there is a reason for the lot coverage limit and to the density and his concern that this does not meet any of the requirements and he would be very hesitant to approve such a request.

In response to a question from Huus on the mentioned six parking spaces noted by the applicant, Anderson reviewed how they would have six additional parking spaces on Lot 3AR using the driveways and the garage. Huus stated that he understands that the neighborhood is tight but this will be an improvement to the neighborhood.

Fisher reviewed the previous application noting that there had been need to move a lot line to allow more area for the other lots and that the total square feet could support the single duplex and a single family home, but with the removal of Lot 3AR the campus planning does not work. Fisher reviewed the issues with smaller lots. Fisher further noted that the parking would have to be addressed on the site plan to verify that the proposed on-site parking meet requirements. Additionally, Fisher stated that staff does not believe this is the minimal adjustment necessary to provide reasonable use of the property.

In response to a question from Huus on what area would be needed per lot to support the development should lot lines be adjusted, Fisher responded that this is the same question and discussion that was discussed at the last request.

Quasney said he likes what they are trying to do, but he believes that with the density being such an issue that the plans need to clearly define the development since the item does not show final plans and suggested that the item be continued to allow the applicant time to bring final plans for review.

Anderson stated that if they do not get the requested Variances they are not interested in developing the property and that a single family home does not fit in their plans.

Salumon spoke to why he feels this area needs to be improved and that if it is possible to make this work he would like to see this happen.

Vidal stated that he appreciates the neighborhood input as it puts a face to the request and he really wishes there would have been a viable option, but he does not believe this is it and moved to deny the request.

Ottenbacher stated that he understands the need to improve the area but he does not support the increase in density at the sacrifice of congestion and parking. He

feels that there are other options for improving the area.

Quasney stated that it is important that the City works to improve areas within the City while following the Rapid City Municipal Code when possible and to take staff recommendations into consideration as there is a reason they make those recommendations. He understands that Variances may need to be made, but this appears to be a lot of Variances.

Fisher offered a friendly amendment to the motion offering criteria that this is not the minimal adjustment necessary to provide reasonable use of the property and to acknowledge the withdrawal of the Variances to Lot 3AR. Motion maker and seconder accepted the amendment.

**Ottenbacher moved, Quasney seconded and the Zoning Board of Adjustment denied the following Variance requests:**

- 1. Proposed Lot 1AR: to reduce the front yard setback for a single family residence from 25 feet to 5.64 feet; to reduce the rear yard setback for a single family residence from 25 feet to 7.57 feet; and, to reduce the minimum lot size for a single family residence from 6,500 square feet to 5,643.1 square feet**
- 2. Proposed Lot 2AR: to reduce the minimum lot size for a duplex from 8,000 square feet to 6,276.6 square feet.**

**And the Zoning Board of Adjustment acknowledged the applicant's withdrawal of the following Variance requests:**

- 1. Lot 3AR: to allow a maximum lot coverage of 38% in lieu of a maximum of 30% allowed, to reduce the required side yard setback to 9.08-feet in lieu of 12-feet required. (5 to 2 with Bulman, Ottenbacher, Quasney, Vangraefschep and Vidal voting yes and Herr, and Huus voting no)**

3. Discussion Items  
None

4. Staff Items  
None

5. Zoning Board of Adjustment Items  
None

**There being no further business, Quasney moved, Huus seconded and unanimously carried to adjourn the meeting at 7:42 a.m. (7 to 0 with Bulman, Herr, Huus, Ottenbacher, Quasney, Vangraefschep and Vidal voting yes and none voting no)**