

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
August 8, 2019

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, John Herr, Curt Huus, Eric Ottenbacher, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Justin Vangraefschepe and Galen Hoogestraat

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Brian Staton, Todd Peckosh, Wade Nyberg, Ted Johnson and Rebel Vanloh.

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

1. Approval of the July 25, 2019 Zoning Board of Adjustment Meeting Minutes.

Quasney moved, Bulman seconded and the Zoning Board of Adjustment approved the July 25, 2019 Zoning Board of Adjustment Meeting Minutes.

2. No. 19VA007 - Boulevard Addition

A request by Stan and Ivy Allard to consider an application for a **Variance to reduce a side yard setback abutting a street from 35 feet to 18 feet for an accessory structure and to allow a maximum lot coverage of 34% in lieu of a 30% coverage** for Lot 1 thru 2 of Block 29 of Boulevard Addition, located Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1101 11th Street.

Green presented the application and reviewed the associated slides. Green stated the applicant intended to build a two stall garage to provide covered off street parking. Green indicated that in reviewing the application it was identified that reasonable use does exist and that other options could be used such as redesigning the proposed garage as a one stall garage and creating a concrete parking pad could provide off street parking meeting all the setbacks. Green noted staff recommends that the request be denied as it is not the minimal adjustment needed to allow reasonable use of the property.

Quasney inquired about placement of the garage. Green responded that the distance of the garage from the house is not effected by the requested Variance. Quasney then inquired about the size of the boulevard on the subject property. Green stated that the boulevard is wider along Fulton Street and other parts of town. Peckosh confirmed the boulevard in this area is much wider than the required standard right-of-way in other areas.

Stan Allard, 1101 11th Street, spoke regarding his application and noted that he believes there is a discrepancy in the city code regarding sub-collector streets and setbacks. He stated that the proposed garage would fit into the neighborhood aesthetically and explained that if they built the proposed garage to meet the required setbacks and lot coverage, it would not be large enough to serve his purpose. Allard also explained their need for off street parking due to

the Rapid City Regional Nursing facility across the street.

Huus asked if the current construction on Fulton Street would end up making the boulevard narrower. Peckosh replied that the boulevard width would remain the same. Huus then asked about corner lot setbacks and inquired as to which yard is the front yard and which yard is the side yard. Green responded that on a corner lot the front yard and the side yard would require the same front yard setback as they are both essentially front yards.

Fisher noted that there is difficulty in supporting a Variance request such as this because of the large house which is built on an average sized lot. Fisher noted that the placement of the residence only leaves room for a one stall garage and parking pad which would be reasonable use of the land.

Bulman made a motion to deny the Variance Request due to the fact that reasonable use of the land does exist. Vidal seconded the motion.

Discussion was had regarding the gravel in the driveway. Fisher verified that the first 50 feet of the driveway would be required to be paved for a building permit to be issued.

Discussion was had regarding corner lot setbacks and the wideness of the boulevard in this area. Fisher proposed to the applicant if he would be able to adjust his plans and provide a 20-foot setback verses the 18 feet that he is requesting. Allard stated that he would not have a problem adjusting his plans to provide a 20-foot setback if it was approved that way.

Bulman commented that if the applicant is willing to adjust his plans to push the setback to 20 feet verses 18 feet, she would be willing to support the Variance request. She also noted that the applicant may want to reconsider the option of building an attached garage. She stated that she will leave her motion, but that if someone would like to make a substitute motion she would be ready to approve.

Discussion was had regarding how the substitute motion should be worded and what criteria would be sited for the approval.

Huus made a substitute motion to approve the Variance request to reduce a side yard setback abutting a street from 35 feet to 20 feet for an accessory structure and to allow a maximum lot coverage of 34% in lieu of a 30% coverage siting there is a special circumstance due to the wider boulevard. Quasney seconded the motion.

Caesar requested to add a friendly amendment to the motion to site the fact that the subject property is a corner lot in addition to the wide boulevard to make a special circumstance.

Vidal requested to see the photograph of the property again and asked for clarification as to where the bushes in the alley were located. Allard confirmed the bushes were located in the alley and belong to the property owner on the other side of the alley.

Discussion was had regarding the addition of the corner lot portion of the criteria for the special circumstance with Bulman commenting that she does not believe the fact that the property is a corner lot should be part of the special circumstance criteria as there are corner lots everywhere across the city and they are not a special circumstance. She said she would support the motion without the addition of the corner lot to the criteria.

Further discussion was had regarding the addition of the corner lot issue to the special circumstance criteria resulting in Caesar agreeing to remove her friendly amendment to the motion and Huus also agreeing to remove it as well.

Ottenbacher commented that he believes reasonable use of the land does exist and will not support the Variance request.

Huus moved, Quasney seconded and the Zoning Board of Adjustment approved the Variance request to reduce a side yard setback abutting a street from 35 feet to 20 feet for an accessory structure and to allow a maximum lot coverage of 34% in lieu of 30% allowed coverage based on the criteria that the widenss of the boulevard creates a special circumstance. (7 to 2 with Braun, Bulman, Caesar, Gollither, Huus, Quasney and Herr voting yes and with Ottenbacher and Vidal voting no).

3. No. 19VA008 - Robbinsdale Addition No. 10

A request by Brad Madsen to consider an application for a **Variance to reduce a side yard setback for second story from 12 feet to 8.49 feet** for Lot 32 of Block 8 of Robbinsdale Addition No. 10, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 608 Odde Place.

Lacock presented the application and reviewed the associated slides. Lacock stated the applicant intends to build a two-story attached garage addition. Lacock reviewed the setback requirements for a second story addition to an existing structure. Lacock indicated that in reviewing the application it was identified reasonable use does exist and that the applicant could construct a one-story garage without needing a Variance. Lacock noted staff recommends that the request be denied as reasonable use of the property exists without the need of a Variance.

Ottenbacher left the dias at 7:38 a.m.

Discussion was had regarding setback requirements for a second story addition. Fisher and Lacock clarified the requirements and verified that the applicant has the option of building a one-story garage without the need of a Variance.

Huus asked the applicant what the intended use of the room on the second floor of the addition is intended to be.

Brad Madsen, 608 Odde Place, responded that the room will be used for office space to free up a bedroom in the house as they have 4 children and will soon

have 5 children and feel this addition will give them the space needed.

Ottenbacher returned to the dias at 7:42 a.m.

Bulman made a motion to deny the Variance request as without the second story addition reasonable use of the land exists with the ability to build a one story garage. Quasney seconded the motion.

Bulman moved, Quasney seconded and the Zoning Board of Adjustment denied the Variance to reduce side yard setback for second story from 12 feet to 8.49 feet based on the criteria that reasonable use of the property exists. (7 to 2 with Braun, Bulman, Caesar, Gollither, Quasney, Ottenbacher and Vidal voting yes and with Herr and Huus voting no).

4. Discussion Items
5. Staff Items
6. Zoning Board of Adjustment Items

Vidal requested to make a comment referring to Item #2 of the agenda (19VA007) – He stated he wished to clarify why he voted no and that he felt as though the encroachment on the right-of-way in the alley was ignored, and while the wideness of the boulevard would be a valid reason to approve the request, he feels the encroachment issue should have been addressed.

There being no further business, Gollither moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:44 a.m. (9 to 0 with Braun, Bulman, Caesar, Gollither, Herr, Huus, Ottenbacher, Quasney and Vidal voting yes and none voting no).