

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
May 7, 2020

MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Gollither, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney and Vince Vidal. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Racheal Caesar and Galen Hoogestraat

STAFF PRESENT: Ken Young, (via conference call) Vicki Fisher, Fletcher Lacock, John Green, Patsy Horton, Kip Harrington (via conference call), Tim Behlings, (via conference call) Todd Peckosh, (via conference call) Ted Johnson, Wade Nyberg (via conference call) and Andrea Wolff.

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

1. Approval of the April 23, 2020 Zoning Board of Adjustment Meeting Minutes.

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the April 23, 2020 Zoning Board of Adjustment Meeting Minutes. (8 to 0 with Braun, Bulman, Gollither, Heikes, Herr, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

2. No. 20VA002 - Shaver Tract

A request by Shannon Brinker for At Home Design to consider an application for a **Variance to reduce the required off-street parking spaces from 26 spaces to 5 spaces for a retail store** for Lot 39, less H-1, Lot A of Lot 40 and Lot 40, less Lot A of Lot 40 all of Shaver Tract, in located Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1739 W. Main Street.

Green presented the application and reviewed the associated slides stating that the property is located on a corner and that the existing parking does not meet current standards, excluding it from being counted in required parking space counts. Green explained that the business will be operated on an appointment only basis and staff recommends that the variance be approved based on this applicants operation plan with the stipulation that any change to the operation plan or operator would require another Variance.

In response to a question from Quasney regarding parking, Green confirmed that the parking includes employee parking. Green stated that the operational plan outlines how appointments will be required, limiting the number of spaces needed. Quasney noted that he foresees issues with parking but is glad the building is being used.

In response to a question from Vidal regarding other occupants of the building, Green clarified that the building is currently empty and that the business will be the only occupant. He added that should they sell or operate any different business, the Variance would become invalid and they would be required to apply for a

separate Variance.

In response to a question from Heikes regarding the non-compliant parking, Green confirmed it will remain even though they cannot be legally counted as parking spaces.

In response to Heikes' question about the building to the south, Green stated that the building is a retail property and believes it is currently vacant. Green said that it is on a separate lot and as such a Developmental Lot Agreement will have to be entered into for the use of the parking.

In response to Heikes's question regarding alternative transportation such as buses and bikes, Green stated that it has been evaluated, but that there is currently not a bus stop at this particular corner, but that there is sidewalk access although it does not link up to the bike path.

Harrington, Long Range Planner, speaking via conference call, stated that this intersection is included in a program project slated for the 2021- 2022 time frame that will include bike lanes on Jackson Boulevard and possibly Mountain View Road. Harrington stated that the current work on this corner is repair only, but that it is scheduled to be rebuilt in the future.

In response to a question from Herr whether the Jackson right-of-way to Omaha street is still platted, Harrington confirmed that there is still right-of-way platted but that it does not meet current right-of-way widths for an arterial street so additional right-of-way would have to be obtained if this extension was ever constructed. Harrington further noted that the study done in early 2000's showed that the cost benefit ratio did not justify the project and it was tabled and it will not be reconsidered for a number of years.

**Quasney moved, Vidal Zoning Board of Adjustment approved the Variance request to reduce the required off-street parking spaces from 26 spaces to 5 spaces be approved based on Criteria # 1 that strict application of the Zoning Ordinance denies reasonable use of the land and #3 that is will not be injurious to the neighborhood with the following stipulations:**

- 1. Prior to issuance of a Building Permit, a Developmental Lot Agreement and Parking and Access Covenant Agreement between Lot 39 Less H-1, Lot A of Lot 40, and Lot 40 Less Lot A of Lot 40 shall be entered into and recorded and a copy of the recorded document shall be submitted with the Building Permit application, or the property shall be re-platted;**
- 2. Prior to issuance of a Building Permit, the site plan shall be redesigned to show a minimum of 1 ADA "Van Accessible" space located within the parking identified on the site plan. The ADA "Van Accessible" space shall be designed in compliance with ADA standards, including a minimum 8-foot wide access aisle located on the passenger side of the vehicle; and,**
- 3. The requested Variance shall be applicable to the operations plan of "At Home Design" as submitted with this application. Any change in the operations plan or change in tenant shall require the review and approval of a separate Variance prior to issuance of a Building Permit. (8 to 0 with Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, Quasney and Vidal**

**voting yes and none voting no)**

3. No. 20VA003 - Section 22, T2N, R7E

A request by Ferber Engineering Company for Black Hills Corporation to consider an application for a **Variance to waive the requirement to pave circulation aisles as per Chapter 17.50 of RCMC** for the W1/2 of the W1/2 of the NE1/4 of Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 25500 Tatanka Road.

Lacock presented the application and reviewed the associated slides. Lacock stated that the requirement to pave the area creates a discontinuous paving and that the area will be used for storage with minimal traffic. Lacock stated that the area is currently rural and located adjacent to land used for mining. Lacock noted that stipulations will require an access agreement be submitted for review, a Grading Permit, Erosion and Sediment Control Permit and an Air Quality Permit be obtained. Lacock stated that with these requirements staff feels the Variance will not be injurious to the surrounding properties and recommends the Variance to waive the requirement to pave circulation aisles as per Chapter 17.50 of RCMC be approved.

In response to a question from Quasney about the air quality permit Lacock clarified that the Air Quality Permit itself requires the three-year renewal.

Quasney spoke further to potential development in the area and asked if such development would require this Variance be reviewed. Fisher explained that the Air Quality Permit requires daily control of the road and the Air Quality Technician works with the applicant to ensure the levels be maintained.

**Bulman moved, Quasney seconded Zoning Board of Adjustment approved the Variance to waive the requirement to pave circulation aisles as per Chapter 17.50 of RCMC based on Criteria #3 that is will not be injurious to the neighborhood with the following stipulations:**

1. **Prior to issuance of a Grading Permit, the access agreement shall be submitted for review;**
2. **A Grading Permit shall be obtained;**
3. **An Erosion and Sediment Control Permit shall be obtained; and,**
4. **An Air Quality Control Permit shall be obtained and renewed every three years. (8 to 0 with Braun, Bulman, Gollither, Heikes, Herr, Ottenbacher, Quasney 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 Braun called to adjourn the meeting at 7:24 a.m.**

Zoning Board of Adjustment Minutes  
May 7, 2020