

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
April 8, 2021

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Haven Stuck, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, John Herr, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Marty Gillies, Kip Harrington, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

1. No. 21VA001 - Brookside #2

A request by Sam Deschamp to consider an application for a **Variance to reduce the front yard setback from 20 feet to 13.1 feet and to reduce the side yard setback from 8 feet to 0.3 feet** for Lot 15 of Block 12 of Brookside #2, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 628 43rd Court.

Fisher presented the application and reviewed the associated slides. Fisher noted that an error by staff allowed the Building Permit for the carport to be issued and that the applicant purchased the supplies and are unable to return them. Staff then identified that there was an issue with setbacks that would not allow the carport to be placed where requested. Fisher stated that staff error or cost are not permitted reasons to grant a Variance. Fisher noted that there is a 25 foot setback on the plat that must be vacated prior to actual construction of the carport prior to the Building Permit being legally granted. Fisher noted that although staff feels remorse about the initial error it is their duty to address the additional information that brought the error to light and the issues its construction could create including potential fire danger. Fisher noted that due to the fire concerns staff is recommending to deny the request for the Variance to reduce the front yard setback from 20 feet to 13.1 feet and to reduce the side yard setback from 8 feet to 0.3 feet.

Fisher stated that Tim Behlings of the Fire Department was present to discuss his concerns regarding the issue of fire danger. Tim Behlings, Division Chief for the Rapid City Fire Department, noted that although staff feels bad for the applicant, he stated that the area in which they wish to build the carport is already a congested area and construction of the carport in the requested location with the reduced setbacks and additional fuel makes the fire danger too strong for the Fire Department for support the request.

Kevin Larson, 638 43rd Court, stated that they are requesting the carport to protect their vehicles, stating that they have had numerous issues with hail damaged vehicles. Larson noted that the acquisition of his wife's father's truck which they wish to protect and preserve is one of the driving reasons behind requesting the carport. Larson stated that the materials for the carport have been

purchased and are specific to the proposed carport design and are unable to be returned.

Debra Larson, 638 43rd Court, stated that they purchased the supplies under the understanding that they had approval and that they have done everything that was requested including getting the Building Permit, getting a survey and requesting the Variance all of which have had costs and delays and they just want to build their carport. She stated that since the initial Building Permit was granted they should be able to build their carport.

In response to a question from Vidal about the carport design, Larson confirmed it is open sided and the roof is metal. Behlings stated the materials are fire mitigating, but that the constricted space and the known pattern of enclosed or contained heat created by such structures that would encourage horizontal spread. Vidal further asked about the program called Junk to Junipers and Behlings discussed the program, but didn't believe that this property fit that program.

In response to a question from Bulman if the carport could be reduced in size, Larson stated it would render the driveway unusable. Fisher stated that it is an option to shift the carport to the south which is closer to the front door since the material is already purchased. Bulman stated that she would like options to enable the carport to be used.

Behlings stated that the use of Fire Resistance material on the wall closest to the structure might help mitigate the fire danger.

Sam Deschamp, Deschamp Construction, stated that moving the carport to the front of the building, would make the aesthetics of the house suffer and would only allow for a single car. Deschamp stated that the materials are the highest grade and is designed to allow the span of the carport without center posts. Deschamp stated that they would be willing to make an enclosed metal soffit.

Braun stated that as it appears the thought is to possibly redesign the carport, it might be viable to continue the item to allow discussions with staff.

Quasney stated that the concern is not only for the applicant's property but the effect on the neighboring properties safety and that it is the Zoning Board of Adjustment's job to prevent issues prior to issues becoming issues.

In response to a question from Stuck regarding what changes could be made without further requests or authorization, Fisher stated that the approval would be specifically for the carport as designed and approved, any change to the structure would require an additional Variance.

In response to a question from Caesar whether the placement of the carport creates an impediment to fire suppression access for the rear of the property, Behlings stated that it would, but they would then use the other side. Behlings also stated that the difference in heights does create a fire danger.

In response to Vidal's question about sprinkling, Behlings stated that although he

appreciates the consideration it would be extremely cost prohibitive.

Further discussion on options and design followed.

Bulman moved, Quasney seconded and the Zoning Board of Adjustment continued the Variance to reduce the front yard setback from 20 feet to 13.1 feet and to reduce the side yard setback from 8 feet to 0.3 feet to the April 22, 2021 Zoning Board of Adjustment Meeting to allow further review by staff and the applicant. (7 to 0 with Braun, Bulman, Caesar, Golliher, Quasney, Stuck and Vidal voting yes and none voting no)

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

There being no further business Vidal moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:35 a.m. (7 to 0 with Braun, Bulman, Caesar, Golliher, Quasney, Stuck and Vidal voting yes and none voting no)