

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

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollhofer, Erik Heikes, John Herr, Haven Stuck, Eric Ottenbacher, Mike Quasney and Vince Vidal. Bill Evans, Council Liaison was also present.

MEMBERS ABSENT: None

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Tim Behlings, Todd Peckosh, Wade Nyberg and Andrea Wolff.

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

Caesar entered the meeting at 7:04

1. Approval of the June 24, 2021 Zoning Board of Adjustment Minutes

**Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the June 24, 2021 Zoning Board of Adjustment Minutes. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney Stuck and Vidal voting yes and none voting no)**

2. No. 21VA006 - Riverside Addition

A request by Moyle Petroleum Company to consider an application for a **Variance to reduce the front yard setback from 25 feet to 17.4 feet and to reduce the side yard abutting a street setback from 25 feet to 2.6 feet to replace an existing canopy** for Lots 14 thru 16 of Block 3 of Riverside Addition, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1129 Omaha Street.

Bauer presented the application and reviewed the associated slides noting that the Variance is to replace an existing canopy that had been damaged by weather and its existing non-conforming status requires a Variance to allow replacement. Bauer noted that the replacement canopy will be 30 feet in width which is smaller than the previous canopy that was 32 feet in width. Bauer noted that staff recommends approval with the stipulation the Variance applies to the canopy only.

Fisher clarified that the criteria justifying the approval of the Variance would be that the existing location of the pumps and the need to provide a canopy for customer protection creates a special circumstance.

**Vidal moved, Herr seconded the Variance to reduce the front yard setback from 25 feet to 17.4 feet and to reduce the side yard abutting a street setback from 25 feet to 2.6 feet to replace an existing canopy only based on Criteria # 3. (9 to 0 with Arguello, Braun, Bulman, Caesar, Gollhofer, Herr, Quasney Stuck and Vidal voting yes and none voting no)**

3. No. 21VA007 - Section 6, T1N, R8E

A request by Central States Fair, Inc. to consider an application for a **Variance to allow an 89.44 square foot LED sign in lieu of a maximum 60 square foot sign** for the SW1/4 of the NE1/4 and the west 10 acres of the SE1/4 of the NE1/4, the north 1080 feet and east 30 acres of the SE1/4 of the NE1/4, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street between San Francisco Street and Centre Street.

Stuck stated that he would be abstaining from this item due to a conflict of interest.

Hanzel reviewed the application noting that there is a companion application on the Planning Commission Meeting which will be heard separately if this item is approved. She then reviewed the associated slides. Hanzel reviewed the site plan which shows the sign which is located on the Pennington County Fairgrounds along Cambell Street, noting that the sign is to provide information to the public as well as on events held at the Fairgrounds and the Event Center. Hanzel noted that the sign is located along a high speed road with heavy traffic with more than 1,000 feet of street frontage. Hanzel reviewed the specifics of the existing sign noting that there are three separate signs with one being the LED sign. Hanzel reviewed the difference from the previously approved LED reader board sign which was approved by Conditional Use Permit in 2020 (20UR016). That Conditional Use Permit approved a 51 square foot LED reader board sign and this sign is 89.44 square feet. Hanzel indicated that the existing sign poles will be used for the new LED reader board and the sign company said this is the smallest sign that will fit the sign poles. Hanzel reviewed what was considered during review of the application including, land use, sign use, design and operation and noting that this is considered the minimal adjustment to allow the use. Hanzel stated that staff recommends approval of the Variance to allow an 89.44 square foot LED sign in lieu of a maximum 60 square foot sign.

Ottenbacher commented that he passes the sign often and believes that the current sign is easy to see and read and feels there is no need to increase the sign. Hanzel stated that the request is also for technology upgrade.

Heikes stated that he feels the sign is appropriate for the Cambell area and assists the traveling public with locating the fairgrounds.

Quasney commented on the ongoing conflict with signs including the Civic Center or The Monument sign. He feels signs need to meet the City requirements and he will not be supporting this request.

In response to a question from Arguello on the sign graphics, Hanzel stated they must be static and that is a standard city-wide.

In response to a question from Bulman, Fisher confirmed Braun's comment that the sign exists and the request is to allow the LED area to expand from the previously approved 51 square feet to 89.44 square feet as the framing, which was previously a black frame area, now must be expanded to the poles in order

to anchor the new sign.

In response to a question from Bulman if this will create an increase in oversized LED signage, Fisher stated this does not change the Municipal Code and reviewed the existing requirement that any LED sign over 60 square feet allowed by Rapid City Municipal Ordinance would require review and approval by the Planning Commission or Zoning Board of Adjustment. Bulman stated that she does not support oversized signage and worries that this will set a precedent.

John Kaiser, Central States Fair, reviewed the history of the sign stating that the sign itself is at least 15 years old. Kaiser stated the LED upgrade was more recent and that when this replacement was ordered their options were limited by Daktronics to the size requested. Kaiser reviewed the economic impact the Fairground and Event Center provides to the area much of which is allowed by this signage.

Nyberg reviewed the precedent issue stating that each application needs to be based on individual review of each circumstance and that granting one Variance does not create a precedent or requirement for approval of any other request.

Quasney spoke again on his concerns of allowing oversized signs and that sign companies need to meet our requirements rather than modifying our standards.

Ottenbacher stated that he believes that the City needs to enforce the standards and moved to deny the request.

In response to Herr's question if the item is appealable, Fisher clarified the applicant can appeal the item to Circuit Court and that if not approved, the associated Conditional Use Permit on the Planning Commission agenda cannot be approved.

Vidal commented on the use of the existing size rather than wasted sign area and feels the progress and use of this sign for public service overrides the obstacles.

**Ottenbacher moved, Quasney seconded and the Zoning Board of Adjustment Denied the Variance request to allow an 89.44 square foot LED sign in lieu of a maximum 60 square foot sign based on Criteria #1 [Roll Call Vote] (6 to 3 to 1 with Braun, Bulman, Caesar, Herr, Ottenbacher and Quasney voting yes and Arguello, Gollhofer and Vidal voting no and Stuck abstaining)**

4. Discussion Items  
None
5. Staff Items  
None
6. Zoning Board of Adjustment Items  
None

**There being no further business Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:38 a.m.**