MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, Eirik Heikes, John Herr, Haven Stuck, Mike Quasney and Vince Vidal. Ron Wiefenbach, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello and Eric Ottenbacher


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

1. Approval of the August 5, 2021 Zoning Board of Adjustment Minutes

   Caesar moved, Bulman seconded and the Zoning Board of Adjustment approved the August 5, 201 Zoning Board of Adjustment Minutes. (9 to 0 with Braun, Bulman, Caesar, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 21VA003 - Sunnyvale

   A request by Fisk Land Surveying & Consulting Engineers, Inc for James and Charlette Steele to consider an application for a Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet for Lot 10 of Tract D of Sunnyvale, located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1605 Sunnyvale Drive.

   Fisher presented the application explaining the allowances for a garage or accessory structure and a residential structure and that the conversion from one to the other creates the need to acquire a Variance to allow the use to meet requirements. Fisher noted that there is a proposed breezeway to make the two structures one as two residential structures are not allowed on a single lot. Fisher reviewed the history of the application noting that it has been previously continued to allow the applicant to address issues. Fisher reviewed the criteria to allow a Variance which includes reasonable use of a property or hardship to property owner, noting that reasonable use exists on this property and no hardship is being created for the property owner. Fisher stated that staff recommends denial of the Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet application.

   In response to a question from Heikes regarding the difference between accessory dwelling units and a duplexes, Fisher reviewed the difference between the two uses.

   Vidal asked a question on the access. Fisher reviewed access and sidewalks explaining an Exception for sidewalk would most likely be granted as the majority of the properties in this area do not have sidewalks. Fisher reviewed the Canyon
Lake Overlay stating that it had been created to reduce the creation of duplexes and multiple family homes in this area.

In response to a question from Bulman regarding the utility issue, Fisher briefly reviewed clarifying that it is separate from the Variance.

Janelle Fink, speaking on behalf of the applicant, clarified that although she submitted the applicant as Fisk Land Landscaping and Engineering, she is now part of the KTM but continues to speak for Jim Steele. Fink reviewed the issue regarding utilities stating that Mr. Steele has the required permits for the existing utilities. Fink spoke to reasonable use stating it is different to each property and this is what the applicant considers reasonable. Fink pointed out there are numerous duplex properties in the area and that the setbacks in this area are in general do not meet current requirements as they built prior to the existing setback and further stated that the property has ample parking for the proposed use.

In response to a question from Heikes on the Fire Departments concerns to this request, Behlings stated that the reduced setbacks are always a concern, but they generally make it work as this use provides residential uses which are strongly needed.

Bulman moved, Caesar seconded and the Zoning Board of Adjustment denied the Variance to reduce the rear yard setback from 25 feet to 4.8 feet and the side yard setback from 8 feet to 5 feet based on Criteria No. 2. (8 to 1 with Braun, Bulman, Caesar, Golliher, Heikes, Herr, Quasney and Vidal voting yes and Stuck voting no)

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

There being no further business Bulman moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:27 a.m. (9 to 0 with Braun, Bulman, Caesar, Golliher, Heikes, Herr, Quasney, Stuck and Vidal voting yes and none voting no)