

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
October 21, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Racheal Caesar, Mike Golliher, Haven Stuck, Eric Ottenbacher, and Vince Vidal.

MEMBERS ABSENT: Karen Bulman, Eirik Heikes, John Herr, Mike Quasney. Ron Wiefenbach, Council Liaison was also present.

STAFF PRESENT: Vicki Fisher, Karl Bauer, Kip Harrington, Sarah Hanzel, Tim Behlings, Chip Premus, Todd Peckosh, Kinsley Groote and Andrea Wolff.

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

1. Approval of the September 23, 2021 Zoning Board of Adjustment Minutes

**Caesar moved, Stuck seconded and the Zoning Board of Adjustment approved the September 23, 2021 Zoning Board of Adjustment Minutes. (7 to 0 with Arguello, Braun, Caesar, Golliher, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

2. No. 21VA008 - Highpointe Ranch Subdivision

A request by Boom Construction, Inc. to consider an application for a **Variance request to reduce a portion of the side yard setback from 8 feet to 5.5 feet** Lot 15 of Block 4 of Highpointe Ranch Subdivision, located in Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 3936 Cloud Peak.

Hanzel requested that the item be continued to the November 4, 2021 Zoning Board of Adjustment meeting to allow a republication of the item due to an error.

**Caesar moved, Stuck seconded and the Zoning Board of Adjustment continued the Variance to reduce a portion of the side yard setback from 8 feet to 5.5 to the November 4, 2021 Zoning Board of Adjustment Meeting. (7 to 0 with Arguello, Braun, Caesar, Golliher, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

3. No. 21VA009 - Section 21, T2N, R7E

A request by Texas Republic Signs, LLC to consider an application for a **Variance to allow an 85 foot high on-premise sign in lieu of maximum allowed 45 foot sign** for Lot 1 of the E1/2 of the SE1/4 less Lots H-1 and H2, located in Section 21, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2783 Deadwood Avenue.

Bauer presented the application and reviewed the associated slides noting that the sign is an existing non-conforming sign for the property known as the Pilot Travel Center, A.K.A., the Wind Mill Truck Stop. Bauer reviewed the existing sign noting it is 84 ½ feet tall with 313.7 square feet on both sides with three sections to the existing sign one being the Pilot sign, second being an LED sign showing

fuel prices and the third being the Subway sign. Bauer stated that sign being proposed is a single pole sign over 85 feet high with 418.75 square feet on each side. The applicant has indicated that the sign is being replaced due to structural issues, of which Bauer showed photos. The applicant stated that the 85 foot sign would be needed to be seen over the surrounding tree line from the Interstate. Bauer stated that staff is recommending denial of the request stating that the 45 foot height would not deny reasonable use of the land, that there is no special circumstances to the property and is not the minimal adjustment necessary or in conformance with the comprehensive plan.

Fisher clarified that discussions were held regarding the repair of the sign and that an engineer's report is needed to determine if the sign is repairable. Fisher also noted that this sign was built in the County and later annexed into the City so it is not conforming to City Standards. Fisher noted that the need for sign identification is different today than it was when the sign was designed with the use of GPS.

In response to Arquello's question on the design and assessment of the sign by a structural engineer, Fisher confirmed that the requirement to provide the information lays with the applicant.

In response to a question from Stuck as to whether they can they use the existing pole and replace the sign facing, Fisher stated that they could as long as the existing poles are not replaced and the sign facing cannot exceed the existing size.

Michael Everett, representative for Texas Republic Signs, reviewed the repair and life of steel stating that this sign has surpassed this time noting the repairs that have been done to the pole are not engineered and need to be replaced. Everett stated that they hoped the City would work with them to replace this sign. Everett further stated that the use of GPS is generally used for destination travel and Pilot feels they are not a destination but a last moment or need stop and that the price needs to be visible to avoid loss of revenue for Pilot. Everett also spoke to the cost of the sign stating that Pilot believes this sign and its height is extremely important to the potential for revenue of this site.

Ottenbacher spoke to the reasonable use and asked about the trees and if they could be managed or removed to increase visibility. Fisher stated that the owner could speak with the SDDOT to see if this was an option. Ottenbacher spoke to the reasoning for the ordinances and maintaining the beauty of the Black Hills.

Vidal stated that he understands the need for the sign, but believes there are options to the 85 foot sign.

In response to a question from Stuck whether there are other signs on the interstate that do not conform to the sign height, Fisher stated that there are other non-conforming signs and spoke to the replacement or repair of such signs which must be in compliance with the City's sign code.

In response to a Gollhofer's inquiry about moving the sign location for better visibility, Everett stated that there is no benefit to move the sign on the property

and there is not space to do so without creating a circulation issue.

Caesar stated that this request does not meet any criteria for a Variance.

In response to Everett's request if a compromise could be considered, Braun stated that the Planning Commission could not redesign from the dais. Fisher stated that they could continue to allow options to be reviewed.

Caesar stated that she didn't believe that reviewing options would change the lack of meeting criteria.

**Caesar moved, Vidal seconded and the Zoning Board of Adjustment denied the Variance to allow an 85-foot high sign in lieu of a maximum allowed 45-foot sign based on Criteria #1, 2, 3 and 4. (7 to 0 with Arguello, Braun, Caesar, Golliher, Ottenbacher, Stuck and Vidal voting yes and none voting no)**

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

**There being no further business Vidal moved, Caesar seconded and unanimously carried to adjourn the meeting at 7:34 a.m. (7 to 0 with Arguello, Braun, Caesar, Golliher, Ottenbacher, Stuck and Vidal voting yes and none voting no)**