MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Haven Stuck, Eric Ottenbacher, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Erik Braun, Eirik Heikes. Ron Wiefenbach, Council Liaison was also absent.


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

1. Approval of the October 21, 2021 Zoning Board of Adjustment Minutes

   Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved of the October 21, 2021 Zoning Board of Adjustment Minutes with corrections as suggested. (7 to 1 with Bulman, Caesar, Golliher, Ottenbacher, Quasney, Stuck and Vidal voting yes and Herr voting no)

   Caesar noted the minutes needed to be corrected to reflect that the Council Liaison was absent rather than present.

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 at 5936 Cloud Peak.

   Hanzel present the application noting the Variance is being requested to correct a construction error that was not identified until construction was underway. Hanzel reviewed the associated slides noting that there is an 8 foot drainage easement and that the applicant had vacated the section of the drainage easement where the footing encroached into the drainage easement. The Vacation of Easement (21VE006) was approved by staff as the remaining drainage easement is adequate for drainage and utility access for the property. Hanzel further noted that the structure will be fire sprinkler protected and that staff feels this is the minimal adjustment needed while remaining in harmony with the neighborhood and as such staff recommends approval of the Variance request to reduce a portion of the side yard setback from 8 feet to 5.5 feet.

   In response to a question from Bulman whether there were inspections prior to foundations being dug, Fisher stated that there is no requirement to have a surveyed site plan for single family or townhome construction. Fisher further stated there is no inspection although it has been attempted previously to require one but due to financial constraints it has not been required. Fisher also noted that this is a singular event and that repeated offenses would not be supported.
Haven spoke to his concern that this could be abused and that he is glad to hear that staff is aware of and handling these as they are.

In response to Herr’s question why as to why Council does not require site surveys, Fisher reiterated that it is cost and time driven.

In response to the motion to approve, Fisher clarified that it is the foundation creating the special circumstance and that should be the criteria for approval.

Caesar questioned if perhaps in harmony should be considered. Bulman decided to retain the Criteria of special circumstances.

In response to a question from Herr on covenants, Fisher stated that the City does not enforce covenants between private parties.

**Bulman moved, Quasney seconded and the Zoning Board of Adjustment approved the Variance to reduce a portion of the side yard setback from 8 feet to 5.5 feet based on Criteria Special Circumstances The Variance is only for the portion of property identified as the vacated drainage and utility easement filed on the property as Exhibit A, File #21VE006. (7to 1 with Bulman, Caesar, Golliher, Ottenbacher, Quasney, Stuck and Vidal voting yes and Herr voting no)**

3. **Discussion Items**
   - None

4. **Staff Items**
   - None

5. **Zoning Board of Adjustment Items**
   - None

There being no further business Bulman moved, Ottenbacher seconded and unanimously carried to adjourn the meeting at 7:17 a.m. (8 to 0 with Bulman, Caesar, Golliher, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)