MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
May 26, 2022

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Racheal Caesar, Eirik Heikes, John Herr, Haven Stuck, Eric Ottenbacher, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Karen Bulman, Mike Golliher. Ron Wiefenbach, Council Liaison was also absent.


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

1. Approval of the March 24, 2022 Zoning Board of Adjustment Minutes

   Caesar moved and Vidal seconded and the Zoning Board of Adjustment approved of the March 24, 2022 Zoning Board of Adjustment Meeting Minutes.

2. No. 21VA010 - Deadwood Avenue Tract

   A request by Matt Neibauer of Prairie Supply to consider an application for a **Variance to reduce the side yard setback from 25 feet to 12 feet** for Lot 6 of Tract E of Deadwood Avenue Tract, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2801 Plant Street.

   Halonen presented the application and reviewed the slides noting that the item had been continued from the January 27, 2022 Zoning Board of Adjustment meeting to allow the applicant to review options. Halonen presented the proposed layout noting that topography and circulation isle needed to meet the turning requirements for trucks limits the applicant’s ability to move the layout of the buildings. Halonen stated that staff recommends that the Variance to reduce the side yard setback from 25 feet to 12 feet be approved.

   Fisher spoke to the circumstances that limit the applicant’s options noting that these issues create special circumstances. Fisher also noted that the applicant was able to modify their Variance request from 8 foot setback to 12 foot setback and that due to this and the applicants need to expand staff, recommends approval.

   In response to a question from Stuck regarding buildings on neighboring property that appear to be on or near the lot line, Fisher clarified that those buildings are legal non-conforming but are not included in this request.

   Braun asked if the Fire Department had any issues regarding the building placement. Remus stated that Fire Department had reviewed the plans and they did not see any issues but spoke to the importance of these reviews.

   **Quasney moved and Heikes seconded and the Zoning Board of Adjustment approved the Variance to reduce the side yard setback from 25 feet to 12 feet**
based on Criteria # 2 special circumstances. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

3. **No. 22VA005 - Green Acres Subdivision**
   A request by Avvampato Construction Company, Inc. to consider an application for a **Variance to reduce the side yard setback from 12 feet to 8 feet** for Lots 31 thru 32 of Block 9 of Greenacres Subdivision, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 W. Rapid Street.

   Fisher noted that in reviewing this application staff found that they could not support the request, but with a small adjustment to the placement of the structure the applicant was able to obtain a Zoning Exception and withdrew the application and as such staff requests that the Zoning Board of Adjustment acknowledge the withdrawal.

   Caesar moved and Vidal seconded and the Zoning Board of Adjustment acknowledged the withdrawal of the Variance to reduce the side yard setback from 12 feet to 8 feet at the applicant’s request. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

4. **Staff and Zoning Board of Adjustment Discussion Items**
   
   None

   There being no further business Vidal moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:10 a.m. (9 to 0 with Arguello, Braun, Caesar, Heikes, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)