MEMBERS PRESENT: Erik Braun, Karen Bulman, Mike Golliher, Eirik Heikes, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, John Herr. Ron Wiefenbach, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Marlo Kapsa, Chip Premus, Todd Peckosh, Kinsley Groote and Rebel VanLoh.

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

1. Approval of the June 9, 2022 Zoning Board of Adjustment Minutes

   Bulman moved, Vidal seconded and the Zoning Board of Adjustment recommends approval of the June 9, 2022 Zoning Board of Adjustment Minutes. (8 to 0 with Braun, Bulman, Golliher, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 22VA007 - South Belleview Addition

   A request by Andrea Young to consider an application for a Variance to allow a two-story, 20.5 foot high accessory structure in lieu of the maximum height of 15 feet for Lot 2 of South Bellview Addition, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 141 Belleview Drive.

   Hanzel noted the application will need to be continued to July 7, 2022 meeting to meet publication requirements.

   Vidal moved, Bulman seconded and the Zoning Board of Adjustment approved that the Variance request continued to the July 7, 2022 Zoning Board of Adjustment. (8 to 0 with Braun, Bulman, Golliher, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

3. No. 22VA008 - Sioux Park Addition

   A request by Jory Beck to consider an application for a Variance to allow a 6 foot high fence in lieu of a maximum 4 foot high fence in a side yard abutting a street for Lot 23 less Lot H1 of Block 4 of Sioux Park Addition, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1701 Tepee Street.

   Hanzel presented the application and reviewed the associated slides noting that the applicant is requesting a 6 foot high cedar fence to be located along the sidewalk rather than a 4 foot high fence or setting the fence back the required 10 feet for a side yard abutting a street. Hanzel noted the site plan submitted by the applicant shows the loss of the side yard if the fence were set back 10 feet and that the proposed fence does not create a sight triangle obstruction. Hanzel reviewed the criteria for granting...
or denying a Variance. Hanzel stated that staff recommend to deny based on criteria of reasonable use or minimal adjustment.

Jory Beck, applicant, spoke to their reasons for requesting the privacy fence stating that the lot orientation, heavy traffic and lighting associated to a sign in the area that shines into his home create special circumstance and he believes it is in harmony with the neighborhood.

Discussion regarding fence requirements and options followed.

Beck answered more questions regarding the fence.

Fisher explained the fencing ordinance explaining why it set up as it is, and acknowledging that there are special circumstances and legal non-conforming situations.

Discussion continued.

Fisher reminded the Zoning Board they must specify which criteria by which they would approve the fence, noting that if they approve the request they should identify the special circumstance of being in a mixed use area along an arterial street that justifies granting the request.

Quasney moved, Heikes seconded and the Zoning Board of Adjustment approved the Variance to allow a 6 foot high fence in lieu of a maximum 4 foot high fence in a side yard abutting a street based on Criteria # 2. (8 to 0 with Braun, Bulman, Golliher, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

4. No. 22VA009 - Deadwood Avenue Tract
A request by Matt Neibauer for Prairie Supply to consider an application for a Variance to allow an 8 foot 4 inch and an 11 foot north side yard setbacks and a 22 foot south side yard setback in lieu of required 25 foot side yard setbacks for Lot 6 of Track 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 associated slides explaining that the property was developed when the General Commercial District zoning allowed for lesser setbacks and the proposed improvements to the property require that it be brought into compliance or obtain a Variance. Halonen stated that staff is in support of the Variance based on the criteria #1 that allowing the Variance ensures reasonable use of the property can continue for the existing structures which creates a special circumstance.

Fisher reviewed setbacks and the reasons for them in each zoning district.

Bulman moved, Golliher seconded and the Zoning Board of Adjustment approved the Variance to allow an 8 foot 4 inch and an 11 foot north side yard setbacks and a 22 foot south side yard setback in lieu of required 25 foot side yard setbacks base on Criteria # 1 and # 2. (8 to 0 with Braun, Bulman, Golliher,
Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

5. No. 22VA010 - Deadwood Avenue Tract
   A request by Towey Design Group, Inc for Magic Canyon Limited Partnership to consider an application for a **Variance to waive the requirement to pave a portion of the circulation, loading/unloading and parking areas and reduce rear yard setback to 9 feet in lieu of required 25 feet** for Tract A Revised of Deadwood Avenue Tract, located in Section 34, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 704 Industrial Avenue.

Halonen presented the application and reviewed the associated slides noting the applicant is proposing to change the use of the southern warehouse triggering the requirement for hard surfacing of all parking and loading facilities, the applicant is requesting to use asphalt millings, which are not considered a hard surface material, on a 26-foot wide section located between the north and south warehouses. Halonen further noted that in reviewing the application it was noted that the rear yard setback did not conform to the required 25 foot and are requesting a Variance to reduce this setback to 9 feet to bring it into conformity. Halonen stated that staff recommends to approve based the criteria #2 that paving the subject area could lead to damage and deterioration and the setback is an existing condition which creates a special circumstance.

Quasney moved and Ottenbacher seconded and the Zoning Board of Adjustment approved the Variance to waive the requirement to pave a portion of the circulation, loading/unloading and parking areas and reduce rear yard setback to 9 feet in lieu of required 25 feet based on Criteria # 2. (8 to 0 with Braun, Bulman, Golliher, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)

6. Staff and Zoning Board of Adjustment Discussion Items

None

There being no further business Vidal moved, Golliher seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (8 to 0 with Braun, Bulman, Golliher, Heikes, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)