

MINUTES OF THE  
RAPID CITY ZONING BOARD OF ADJUSTMENT  
June 8, 2023

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Mike Gollhofer, Eirik Heikes, Haven Stuck, Brook Kaufman, Mike Quasney and Vince Vidal.

MEMBERS ABSENT: Erik Braun, John Herr, Alicia Ginsbeg. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Alex Osborne, Jonathan Howard, Kip Harrington, Sarah Hanzel, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

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

1. Approval of the May 25, 2023 Zoning Board of Adjustment Meeting Minutes.

**Gollhofer moved and Heikes seconded and the Zoning Board of Adjustment approved the May 25 2023 Zoning Board of Adjustment. (8 to 0 with Arguello, Bulman, Gollhofer, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

2. No. 23VA006 - Marcoe Heights No.1

A request by Bob Holm to consider an application for a **Variance to reduce the side yard setback from 12 feet to 2.8 feet and to reduce the rear yard setback from 25 feet to 5.5 feet** for Lot 15R of Block 8 of Marcoe Heights #1, located in Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 102 San Marco Boulevard.

Osborne presented the application and reviewed the associated slides noting that the applicant is looking to construct a 2 story garage on the north side of the existing residence in place of the current carport that would be removed. The first floor would consist of garage space and the second floor would offer space for a family room. Osborne noted that construction of the garage would leave a 2.8 foot setback on the side lot which is well below the required 12 feet and the Fire Department noted does not provide adequate area between structures in case of fire. Additionally, Osborne noted that the Public Works Department identified the area does not allow adequate area to manage drainage and drainage control. Osborne stated that staff recommends the Variance to reduce the side yard setback from 12 feet to 2.8 feet and to reduce the rear yard setback from 25 feet to 5.5 feet be denied.

Fisher clarified that the reduced separation which is enhanced by the neighboring structures encroachment into the side yard setback also actually creates an encroachment issue, noting the possibility for smaller structure or moving the structure elsewhere on the lot are options that would avoid the encroachment. Fisher further discussed the fire danger and the potential drainage issues that could be caused by the

Robert Holm, applicant and owner of property, spoke to the encroachment saying

they the current owner is okay with the location, that he has had no drainage issues construction with firewall to address fire issue and noting the need for extra storage and size. Holm confirmed the upper section will be used as a family room not a separate living area.

Chip Premus, Fire Department, discussed concerns for spread and heat issues and need for room to operate in case of fire. Options for building on other location on property still requiring a variance for lot coverage, but would not have the same issues for encroachment were discussed.

**Bulman moved and Quasney seconded and the Zoning Board of Adjustment denied the Variance to reduce the side yard setback from 12 feet to 2.8 feet and to reduce the rear yard setback from 25 feet to 5.5 feet based on Criteria # 2- Resonable Use Exisits. (8 to 0 with Arguello, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

3. Staff and Zoning Board of Adjustment Items

None

**There being no further business Bulman moved, Heikes seconded and unanimously carried to adjourn the meeting at 7:20 a.m. (8 to 0 with Arguello, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 8, 2023

MEMBERS PRESENT: Kelly Arguello, Karen Bulman, Mike Golliher, Eirik Heikes, Brook Kaufman, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Erik Braun, John Herr Alicia Ginsberg. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Alex Osborne, Jonathan Howard, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

Vidal called the meeting to order at 7:20 a.m.

**Vidal reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.**

**Motion by Golliher seconded by Kaufman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (8 to 0 with Arguello, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the May 25, 2023 Planning Commission Meeting Minutes.
2. No. 23RZ005 - Canyon Park Subdivision  
A request by Interstate Engineering, Inc for Carey Kassube to consider an application for a **Rezoning request from No Use to Park Forest District** Lots 1A and 2A of Lot J of Parcel No. 2 of Canyon Park Subdivision of Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5900 West Highway 44.

**Planning Commission recommended the Request to Rezone the property from No Use District to Park Forest District be approved.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- \*3. No. 23UR015 - North Rapid Addition  
A request by Keith Albright to consider an application for a **Conditional Use Permit to allow oversized garage** for Lots 20 thru 22 of Block 36 of North Rapid Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 620 Farlow Avenue.

Osborne presented the application associated slides noting the existing garage will be demolished to allow the new garage to be built. Osborne clarified that

contrary to what was in the Project Report that the garage materials will match the existing structure and the existing trees will remain which will help provide a buffer. Osborne stated that staff recommends approval of the Conditional Use Permit to allow oversized garage with stipulations.

**Bulman moved and Quasney seconded and the Planning Commission approved the Conditional Use Permit to allow an oversized garage with the following stipulations:**

- 1. Prior to the submittal of a Building Permit, the site plan shall show the first 50 feet of the driveway as paved or a Variance shall be obtained; and,**
- 2. The Conditional Use Permit shall allow for a total of 960-square-feet of garage and storage space. The garage shall not be used for commercial purposes or as a second residence. Any expansion or change in use that is permitted in the Low Density Residential District 1 shall require the review and approval of a Building Permit. Any expansion or change in use that is a Conditional Use in the Low Density Residential District 1 shall require a review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Bulman, Golliher, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.***

\*4. No. 23UR016 - Heartland Retail Center

A request by MG Oil Company DBA Jokerz Casino I-90 to consider an application for a **Conditional Use Permit to allow on-sale liquor use in conjunction with a casino** for Lot 3 of Block 2 of Heartland Retail Center, located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1111 Endeavour Boulevard.

Harrington presented the application and reviewed the associated slides noting the casino will be located in a 3 unit strip mall along with a restaurant and retail space with the casino in the west end unit. The area is in a developing commercial area with no residential development. Harrington stated that staff recommends approval of the Conditional Use Permit to allow on-sale liquor use in conjunction with a casino with stipulations.

Issues regarding casinos and alcohol were discussed.

**Golliher moved and Bulman seconded and the Planning Commission approved the Conditional Use Permit to allow an on-sale liquor use in conjunction with a casino with the following stipulation;**

- 1. The Conditional Use Permit shall allow an on-sale liquor establishment as an accessory use to the proposed casino and shall be operated in compliance with the applicant's operational plan. Any change in use or expansion of use permitted in the General Commercial District shall require the review and approval of a Building Permit. Any change in**

**use or expansion of use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (8 to 0 with Arguello, Bulman, Gollither, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.***

5. Adoption of Planning Commission Bylaws Update

Groote reviewed that a change was made to the RCMC regarding Planning Commissioner appointments back in 2018 to remove the requirement for ward representation and to otherwise allow for diversification through other means and this update to the bylaws are to bring them in to alignment with the RCMC. Fisher clarified that the requirement for ward representation often left openings on the Commission.

**Kaufman moved and Bulman seconded and the Planning Commission approved the Planning Commission Bylaws Update. (8 to 0 with Arguello, Bulman, Gollither, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**

6. Staff and Planning Commission Discussion Items

Fisher reminded the Planning Commissioners of the reception to say farewell to Mayor Allender that is being held June 15, 2023 at the Monument from 2:00 to 4:00.

Heikes spoke to the message heard in the mayoral race the need for infrastructure and hopes the commission and other committees are ready to address these needs.

Quasney spoke to his concerns regarding alcohol and its effect on the community.

**There being no further business, Gollither moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:44 a.m. (8 to 0 with Arguello, Bulman, Gollither, Heikes, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)**