

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
July 27, 2023

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

MEMBERS ABSENT: John Herr. Jesse Ham, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Alex Osborne, Jonathan Howard, Kip Harrington, Sarah Hanzel, Brian Staton, Todd Peckosh, Kinsley Groote and Andrea Wolff.

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

1. Approval of the June 22, 2023 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved June 22, 2023 Zoning Board of Adjustment Meeting Minutes. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 23VA010 - Lombardy Industrial Park

A request by Hermanson Egge Engineering, Inc for J Bickett Properties to consider an application for a **Variance to reduce side yard setback to 10 feet in lieu of 25 feet** for Lot 13B of Block 1 of Lombardy Industrial Park, located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1925 Lombardy Drive.

Harrington presented the application and reviewed the associated slides noting the existing structures and the existing paved pad that the proposed building would use for access. However, Harrington stated there is ample area on the property to allow the building to be placed in a different location that would not require the variance. Harrington stated that based on the finding that reasonable use exists, staff recommends denial of the Variance to reduce side yard setback to 10 feet in lieu of 25 feet.

Jim Bickett, owner of property and applicant, addressed reasons for the location of the building, including cost effectiveness and ease of construction and maintenance. Bickett noted the location allows for the use without disturbing the use of Bickett Construction which is operated on the property.

Shane Delbridge, of Hermanson Egge Engineering, explained the location was chosen in regards to the drainage swale noting that to move the building creates a need for redevelopment of the drainage for the building and property. Delbridge further discussed the drainage effect if another location is used.

Fisher discussed the other location options and the affect setback variances have on other or future development on neighboring properties.

Location options, requirement for paving of approach, use of property for

construction company were discussed.

Options for adjusting the setback were discussed with the applicant offering to adjust from 10 to 12 feet.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment denied the Variance to reduce side yard setback to 10 feet in lieu of 25 feet based on Criteria # reasonable use exists. (7 to 2 with Arguello, Bulman, Gollither, Kaufman, Quasney, Stuck and Vidal voting yes and Braun and Heikes voting no)

3. No. 23VA011 - Skyline Pines Subdivision

A request by Skyler Massey for Sonalika Khachikian to consider an application for a **Variance to reduce side yard setback to 10 feet in lieu of 20 feet** for Lot 5 of Block 3 of Skyline Pines Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1706 Pevans Parkway.

Osborne presented the application and reviewed the associated slides noting that the applicant is requesting the Variance to building a 24 x 24 foot detached garage 10 feet from the front yard setback. Osborne stated the existing 984 square foot attached garage provides reasonable use, there are no special circumstances and it is outside of the character of the neighborhood. Osborne indicted that there appears to be room beside the existing garage to expand and as reasonable use exists, staff recommends denial of the Variance to reduce side yard setback to 10 feet in lieu of 20 feet based on circumstance for other location.

John Roberts joined the meeting as Council Liaison at this time.

Discussion on options and the character of the neighborhood, including the topography which contributes to the character of the area, access and driveway location was held.

Skyler Massey, representing applicant, stated the customer is requesting more storage than a single car garage would allow and the topography limits the location of any larger garage.

Bulman moved, Quasney seconded and the Zoning Board of Adjustment denied the Variance to reduce the front yard setback to 10 feet in lieu of 20 feet for an accessory structure based on Criteria # 2 (reasonable use exists). (9 to 0 with Arguello, Braun, Bulman, Gollither, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

4. No. 23VA009 - North Rapid Subdivision

A request by Ken Brown to consider an application for a **Variance to reduce the side yard setback abutting a street from 20 feet to 10 feet (Lot A); Variance to reduce the rear yard setback from 25 feet to 12.49 feet (Lot E); Variance to reduce the front yard setback from 20 feet to 10 feet (Lot E)** for Lots 1 thru 9 of Block 38 of North Rapid Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 604 Lemmon Avenue.

Harrington presented the application and reviewed the associated slides, noting there is currently only one structure on the property currently as others have been removed. Harrington reviewed the individual Variances noting the applicant is reducing 9 lots to 5 lots. The reduction of the number of lots allows the lots to meet lot size requirements, but creates the need for the Variances. Harrington stated that all separation of structures are maintained, except for a single instance. Harrington noted that the right-of-way for Madison Street is larger than average. Staff noted the lots could be reconfigured but use would be reduced and the need for single family homes justifies the Variances to allow the higher number of affordable houses in area that need revitalization. Harrington presented staff's recommendation to approve of the Variance to reduce the side yard setback abutting a street from 20 feet to 10 feet (Lot A); Variance to reduce the rear yard setback from 25 feet to 12.49 feet (Lot E); Variance to reduce the front yard setback from 20 feet to 10 feet (Lot E) based on criteria that the land use is supported by the zoning, special circumstances in the existing development, and the development is in harmony with the neighborhood and Comprehensive Plan.

Fisher discussed the beneficial aspects of allowing the increase of affordable single family residential options.

Support for the proposed reuse of the property was discussed. Access to the new residence and why there is no requirement to improve North 2nd Street were discussed.

John Roberts, speaking as Council liaison, spoke to his support of this project as it relates to the need for infill development that allows for the rebuilding and revitalization of a neighborhood.

Quasney moved, Heikes seconded and the Zoning Board of Adjustment approved the Variance to reduce the side yard setback abutting a street from 20 feet to 10 feet (Lot A); Variance to reduce the rear yard setback from 25 feet to 11 feet (Lot E); Variance to reduce the side yard setback abutting a street from 25 feet to 11.41 feet (Lot E) based on Criteria # All criteria. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

5. Staff and Zoning Board of Adjustment Items

None

There being no further business Vidal moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:56 a.m. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)