

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
December 7, 2023

MEMBERS PRESENT: Erik Braun, Karen Bulman, Alicia Ginsberg, Mike Golliher, Haven Stuck, Brook Kaufman, Mike Quasney and Vince Vidal. Pat Roseland Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes and John Herr.

STAFF PRESENT: Vicki Fisher, Tanner Halonen, Cassie Hayes, Kip Harrington, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

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

1. Approval of the October 26, 2023 Zoning Board of Adjustment Meeting Minutes.

Bulman moved, Vidal seconded and the Zoning Board of Adjustment approved the October 26, 2023 Zoning Board of Adjustment Meeting Minutes. (8 to 0 with Braun, Bulman, Ginsberg, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

2. No. 23VA021 - Millard Addition

A request by Richard Voegeli to consider an application for a **Variance to reduce the front yard setback from 20 feet to 9 feet and to reduce the side yard setback from 25 feet to 17 feet for a carport and to reduce the side yard setback from 25 feet to 2.5 feet for a shed** for Lots 1 thru 3 of Block 7 of Millard Addition, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1131 Wood Avenue.

Halonen presented the application and reviewed the associated slides explaining the property as an up and down two-family duplex showing with a detached garage that is used by the upper tenants. Halonen noted that the carport would be for the use of the downstairs tenant and the shed would be to store equipment used for clearing the driveway. Halonen reviewed the proposed layout and setbacks stating the carport will be 294 square feet and the shed 70 square feet. Halonen stated that the lot size, use and topography are all standard and reasonable use of the property is provided and the potential for future expansion of Anamosa Street would create a difficulty and for these reasons staff recommends denial of the Variance to reduce the front yard setback from 20 feet to 9 feet and to reduce the side yard setback from 25 feet to 17 feet for a carport and to reduce the side yard setback from 25 feet to 2.5 feet for a shed.

Richard Voegeli, applicant, spoke to the reason for the request stating the carport is needed for protection of the tenant and the tenant's vehicle. Voegeli said he understands the concerns regarding the location of the shed and was willing to withdrawal the Variance for the shed and maintain the Variance for the carport.

Fisher clarified that the applicant's withdrawal of the Variance for the shed be acted on as a separate action from the Variance to allow the carport.

Fisher then discussed the design and location of the carport, separation, setbacks and potential sight triangle issues, noting the open nature of a carport removes the sight triangle issue.

Moving or removing the shed, size, style and location of carport with option to reduce carport size were discussed. It was confirmed that a building permit will be required to construct the carport.

Stuck moved, Vidal seconded to acknowledge the applicants withdrawal of the Variance to reduce the side yard setback from 25 feet to 2.5 feet for a shed. (8 to 0 with Braun, Bulman, Ginsberg, Gollither, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

Quasney moved, Gollither seconded and the Zoning Board of Adjustment approved the Variance to reduce the front yard setback from 20 feet to 9 feet and to reduce the side yard setback from 25 feet to 17 feet for a carport based on Criteria Special Circumstance of topography and in harmony with the neighborhood. (7 to 1 with Braun, Bulman, Ginsberg, Gollither, Quasney, Stuck and Vidal voting yes and Kaufman voting no)

3. Staff and Zoning Board of Adjustment Items

None

There being no further business Vidal moved, Quasney seconded and unanimously carried to adjourn the meeting at 7:24 a.m. (8 to 0 with Braun, Bulman, Ginsberg, Gollither, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 7, 2023

MEMBERS PRESENT: Erik Braun, Karen Bulman, Alicia Ginsberg, Mike Gollither, Brook Kaufman, Mike Quasney, Haven Stuck and Vince Vidal. Pat Roseland, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, John Herr.

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kip Harrington, Tanner Halonen, Cassie Hayes, Chip Premus, Roger Hall, Kinsley Groote and Andrea Wolff.

Braun called the meeting to order at 7:24 a.m.

Braun 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 Vidal seconded by Kaufman and unanimously carried to recommend approval of the Consent Agenda. (8 to 0 with Braun, Bulman, Ginsberg, Gollither, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 22, 2023 Planning Commission Meeting Minutes.
2. No. 23VR005 - Boulevard Addition
A request by Designworks for First Congregational Church to consider an application for a **Vacation of Right-of-Way** for adjoining Lots 1 thru 7 and Lot 13 of Block 30 of Boulevard Addition and vacated Clark Street right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Clark Street and 12th Street.

Planning Commission recommended the Vacation of Right-of-Way be approved.

3. No. 23VR006 - Boulevard Addition
A request by Designworks for First Congregational Church to consider an application for a **Vacation of Right-of-Way** for adjoining Lot 20 of Lot 13 of Block 30 of Boulevard Addition and vacated Clark Street right-of-way and Block 3 of Forest Hills Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Clark Street and Tompkins Street.

Planning Commission recommended the Vacation of Right-of-Way be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

4. No. 23OA003 - Ordinance Amendment to Chapter 17 of the Municipal Code to Remove Planned Development Requirements for More Than One Building in an Apartment Complex

A request by Bill Freytag to consider an application for an **Ordinance Amendment to Chapter 17 of the Municipal Code to Remove Planned Development Requirements for More Than One Building in an Apartment Complex.**

Halonen reviewed the Ordinance Amendment explaining that the simplification for apartment complex projects would reduce the work load on staff and developers. Halonen noted that the majority of apartment complexes are made up of multiple structures and that the area regulations and development standards address the concerns associated to the development of these projects without creating a burden on the approval process. Halonen stated that staff recommends approval of the Ordinance Amendment to Chapter 17 of the Municipal Code to Remove Planned Development Requirements for More Than One Building in an Apartment Complex.

Fisher discussed additional reasons for this amendment including enabling grant process and the reduction of staff work load.

Ginsberg left the meeting at this time.

Clarification of language as related to the Overlay Districts, that all requirements for projects to meet criteria and standards would still be reviewed by staff and what would require hearing were discussed.

Vidal moved, Quasney seconded and the Planning Commission recommended the Ordinance Amendment to Chapter 17 of the Municipal Code to Remove Planned Development Requirements for More Than One Building in an Apartment Complex be approved. (8 to 0 with Braun, Bulman, Ginsberg, Gollhofer, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)

5. No. 23RZ020 - Garden Lane Subdivision

A request by Bobby Sundby for Julie Heintz to consider an application for a **Rezoning request from Low Density Residential District I to Mobile Home Residential District** for Lot 2B of Garden Lane Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2911 Garden Lane.

Harrington presented the application and reviewed the associated slides noting this lot and surrounding lots are what are known as Flag Pole Lots but that they meet requirements. Harrington noted that the Fire Department had mentioned some concerns with a turnaround for the lots but that staff supports the Rezoning request from Low Density Residential District I to Mobile Home Residential District as it provides affordable housing in a time when affordable housing is needed.

The number of mobile homes allowed per lot for Mobile Home Residential District

Zoning was identified as one home per lot, and the difference between mobile home modular and manufactured homes and requirements for each were discussed.

Premus spoke to the concerns the Fire Department had noted in review, stating that a Covenant Agreement is already in place for these lots addressing the access and that fire flow has been provided by recent placement of a hydrant in the area addresses the Fire Department concerns.

Kaufman moved, Bulman seconded and the Planning Commission recommended the Rezoning request from Low Density Residential District I to Mobile Home Residential District be approved. (7 to 0 with Braun, Bulman, Gollhofer, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)

6. Staff and Planning Commission Discussion Items

Fisher introduced Cassie Hayes as the new Current Planner who has joined our team and will be supporting our Senior Current Planner, Tanner Halonen.

Fisher clarified that this is the final Planning Commission meeting for 2023 and wished everyone Happy Holidays and would see them in the new year.

There being no further business, Kaufman moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:51 a.m. (7 to 0 with Braun, Bulman, Gollhofer, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)