

OFFICIAL NOTICE OF HEARING FOR VARIANCE
City of Rapid City
Zoning Board of Adjustment

NOTICE OF APPEAL FOR VARIATION FROM THE REQUIREMENTS OF THE CITY ZONING ORDINANCE

The Zoning Board of Adjustment hears appeals on the first and third Tuesday of the month. Neighboring property owners, within 250 feet, inclusive of right-of-way, are notified by letter; other property owners in the City, by notice in a local newspaper. The date and time of the hearing is given below.

If you object to this proposed variance, you will have an opportunity to fully express your objections. If it is not convenient for you to appear at the meeting, you may file your objection in writing to the Zoning Board of Adjustment. State your objection and the reason fully. Mail it to the Zoning Board of Adjustment, Building Inspection Division, 300 Sixth Street, Rapid City, South Dakota 57701-2724. Objections must be received before the hearing date.

PLACE OF HEARING: City/School Administration Building
 Third Floor East Conference Room
 300 Sixth Street
 Rapid City, South Dakota 57701
 Telephone No. (605) 394-4157

DATE OF HEARING: _____ **TIME:** 7:00 A.M.

APPELLANT'S NAME: Ethane R. Reed

APPELLANT'S ADDRESS: 1012 West Blvd., Rapid City SD

OWNER'S NAME: Ethane R. Reed

OWNER'S ADDRESS: 1012 West Blvd., Rapid City SD

VARIANCE LOCATION: 1012 West Blvd., Rapid City, SD

LEGAL DESCRIPTION: The North 50% of Lots 15, 16, 17, 18 in Block 23, West Blvd. Addition, Rapid City, Pennington County, South Dakota

ZONING: Single Family Residential

LOT DIMENSIONS: Frontage: 50' Depth: 100' Sq. Footage of Lot: 5000

LOT COVERAGE: Current; 1485 Sq. Feet ÷ 5000 = .297 %

Proposed; 1812 Sq. Feet ÷ 5000 = .3624 %

STANDARDS FOR GRANTING VARIANCES

Answer the following questions:

1. Will the proposed location of this structure substantially decrease the view of the owner on the adjacent property? Yes _____ No
2. State the distance from your proposed building to the closest building on the adjacent property. 17'5" Show this distance on the plot plan.
3. List property addresses in your area or subdivision that have a similar layout, condition, or setback.

915 South St., 918 St. Cloud St., 920 Franklin St., 818 W. Blvd.,
917 Columbus St., 1016 Kansas City St., 1010/12 South St.,
1013 West Blvd., 1109 West Blvd., 1505 West Blvd.

4. State why the literal enforcement of this ordinance will result in practical difficulty or unnecessary hardship to the owner of the property. (Exceptionally irregular, narrow, shallow, or steep lots or other exceptional physical conditions)

Our current "back porch", approx. 14'x16' which
is not part of the original house, but was added in
the late 50's or early 60's is in very poor condition
- and its cinder block foundation is crumbling and
must be replaced.
Since we need to replace the current structure
anyway we'd like to enlarge it, giving us additional
space for a bedroom, bathroom, etc. to accommodate
visiting guests, children/step children, grandchildren, etc.
This old house doesn't have a living/family room,
so we'd like to put a basement under the
proposed, 28'x20', addition giving us one.

5. Is this request for variance the minimum adjustment that you can use? Yes _____ No
If no, state options. We could just replace the current back
porch (which is disintegrating) with the same size
structure, but would rather not (see above #4).

MINUTES OF THE
ZONING BOARD OF ADJUSTMENT
April 16, 2013

- MEMBERS PRESENT: Vern Osterloo, Steve Rolinger, Steve Malone, Herr and Schlimgen
- MEMBERS ABSENT: Peter Neumann
- OTHERS PRESENT: Brad Solon, Carol Campbell, Fletcher Lacock and Brandon Quiett and Carla Cushman of the City Attorney's office.

Osterloo called the meeting to order at 7:02 a.m.

1. **Appeal No. VAR105**

David Stafford d/b/a Dave Stafford Architecture., 809 South Street, Suite 203, Rapid City, SD 5770 has applied for a **Variance to the Zoning Ordinance to reduce front yard setback to 0 feet in lieu of the 25 foot minimum requirement as per Chapter 17.10.050.E of the Rapid City Municipal Code, to reduce the parking spaces to 0 in lieu of the minimum required 51 parking spaces as per Chapter 17.50.270 of the Rapid City Municipal Code, and to allow 95% lot coverage in lieu of the maximum 75% maximum allowed as per Chapter 17.22.040(F) of the Rapid City Municipal Code** for the property located at 312 Main Street, legally described as the E10ft of the N20ft of Lots 25-25, less W1.5ft of S120ft; all of Lot 26-27 of Block 77, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

Osterloo advised the applicant's representative that there would only be four voting members as Malone would need to abstain and a unanimous vote would be required to pass the Variance request. Osterloo asked if the applicant's representative would like the Variance request moved to the end of the Agenda to allow time for the applicant to arrive and another voting member to arrive. He applicant's representative agreed to move the Variance to the end of the Agenda.

Herr moved to place the Variance to the Zoning Ordinance to reduce front yard setback to 0 feet in lieu of the 25 foot minimum requirement as per Chapter 17.10.050.E of the Rapid City Municipal Code, to reduce the parking spaces to 0 in lieu of the minimum required 51 parking spaces as per Chapter 17.50.270 of the Rapid City Municipal Code, and to allow 95% lot coverage in lieu of the maximum 75% maximum allowed as per Chapter 17.22.040(F) of the Rapid City Municipal Code to the end of agenda, Rolinger seconded and the motion passed 3 to 0 with Rolinger, Herr and Osterloo voting yes and none opposed.

Schlimgen arrived at this time.

2. **Appeal No. VAR106**

Wind River, LLC., 2060 West Main Street, Suite 2, Rapid City, SD 57701 has

applied for a **Variance to the Zoning Ordinance to reduce the number of parking spaces to 7 in lieu of the minimum requirement of 10 as per Chapter 17.50.220(D) and to reduce the aisle width to 21 feet, in lieu of the 26 foot minimum as per Chapter 17.50.270(F) of the Rapid City Municipal Code** for the property located at 2111 Jackson Boulevard, legally described as the Lot 6R of Block 4 of Rapid River Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Solon advised the Board members that the mailing to the adjacent property owners was not accomplished by the applicant and recommended that the Variance request be moved to the May 7, 2013 meeting to allow for the notification by the applicant.

Herr moved to continue the **Variance to the Zoning Ordinance to reduce the number of parking spaces to 7 in lieu of the minimum requirement of 10 as per Chapter 17.50.220(D) and to reduce the aisle width to 21 feet, in lieu of the 26 foot minimum as per Chapter 17.50.270(F) of the Rapid City Municipal Code to the May 7, 2013 Zoning Board of Adjustment meeting and Malone seconded and the motion passed 4 to 0 with Herr, Malone, Rolinger and Schlimgen voting yes and none opposed.**

3. **Appeal No. VAR107**

Ethane R. Reed, 1012 West Boulevard, Rapid City, SD 57701 has applied for a **Variance to the Zoning Ordinance to reduce front yard setback to 17 feet in lieu of the 25 foot minimum requirement as per Chapter 17.10.050.A of the Rapid City Municipal Code, to reduce the north side yard setback to 11.6 feet in lieu of the 12 foot minimum requirement, the south side yard setback to 9.6 feet in lieu of the 12 foot minimum requirement as per Chapter 17.12.050.B.1 of the Rapid City Municipal Code, to exceed the maximum lot coverage to 36% in lieu of the 30% maximum allowed as per Chapter 17.12.050.G of the Rapid City Municipal Code, and to reduce the porch set back from 19 feet to 9 feet as required by Chapter 17.50.250 #11 of the Rapid City Municipal Code** for the property located at 1012 West Boulevard, legally described as the N50 feet of Lots 15 through 18 in Block 23 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Solon reviewed video presentation identifying the site and the variance request.

The applicant identified that the modifications that would be necessary to improve the residence.

In response to Osterloo's questions, Solon reviewed setbacks and porch locations. Discussion followed regarding the proposed modifications and the expansion of lot coverage from 30 percent to 36 percent.

In response to Schlimgen's question, Solon stated that the structure was

modified prior to the Zoning Ordinance.

In response to Schlimgen's question the applicant stated that many adjacent properties have very little yard space. Discussion followed regarding setbacks in the neighborhood. Solon reviewed staff's comments.

The applicant added that the primary modification would be to remove the existing addition and add an addition that would extend the width of the house keeping with the historic appearance.

In response to Malone's question, the applicant stated that the modifications would be in keeping with the historic manner in which the house was built. The applicant added that the proposed modifications are subject to Historic review. Discussion followed.

Rolinger moved to approve the Variance to the Zoning Ordinance to reduce front yard setback to 17 feet in lieu of the 25 foot minimum requirement as per Chapter 17.10.050.A of the Rapid City Municipal Code, to reduce the north side yard setback to 11.6 feet in lieu of the 12 foot minimum requirement, the south side yard setback to 9.6 feet in lieu of the 12 foot minimum requirement as per Chapter 17.12.050.B.1 of the Rapid City Municipal Code, to exceed the maximum lot coverage to 36% in lieu of the 30% maximum allowed as per Chapter 17.12.050.G of the Rapid City Municipal Code, and to reduce the porch set back from 19 feet to 9 feet as required by Chapter 17.50.250 #11 of the Rapid City Municipal Code and Schlimgen seconded and the motion passed 4 to 0 with Herr, Rolinger, Malone, and Schlimgen voting yes and none opposed.

1. **Appeal No. VAR105** David Stafford d/b/a Dave Stafford Architecture., 809 South Street, Suite 203, Rapid City, SD 5770 has applied for a **Variance to the Zoning Ordinance to reduce front yard setback to 0 feet in lieu of the 25 foot minimum requirement as per Chapter 17.10.050.E of the Rapid City Municipal Code, to reduce the parking spaces to 0 in lieu of the minimum required 51 parking spaces as per Chapter 17.50.270 of the Rapid City Municipal Code, and to allow 95% lot coverage in lieu of the maximum 75% maximum allowed as per Chapter 17.22.040(F) of the Rapid City Municipal Code** for the property located at 312 Main Street, legally described as the E10ft of the N20ft of Lots 25-25, less W1.5ft of S120ft; all of Lot 26-27 of Block 77, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

The applicant's agent requested that the Variance request be continued to the May 7, 2013 Zoning Board of Adjustment meeting.

Rolinger moved to continue the Variance to the Zoning Ordinance to reduce front yard setback to 0 feet in lieu of the 25 foot minimum requirement as per Chapter 17.10.050.E of the Rapid City Municipal Code, to reduce the parking spaces to 0 in lieu of the minimum required 51 parking spaces as per Chapter

17.50.270 of the Rapid City Municipal Code, and to allow 95% lot coverage in lieu of the maximum 75% maximum allowed as per Chapter 17.22.040(F) of the Rapid City Municipal Code to the May 7, 2013 Zoning Board of Adjustment meeting and Herr seconded and the motion passed 4 to 0 with Herr, Malone, Rolinger and Schlimgen voting yes and none opposed.

4. **Approval of the April 2, 2013 Zoning Board of Adjustment Meeting minutes**
Rolinger moved to approve the minutes of the April 2, 2013 meeting. The motion was seconded by Schlimgen and carried 4 to 0 with Rolinger, Herr, Malone and Schlimgen voting yes and none opposed.
 5. There being no further business, the meeting adjourned at 7:25 a.m.
-

337

Clarence F. Darling

grantor of Minnehaha County, State of South Dakota

for and in consideration of

One dollar and other considerations DOLLARS,

Grants, Conveys and Warrants to

Herbert L. Base and Mary E. Base
 grantee^s, of Rapid City, South Dakota P. O. the following described
 real estate in the County of Pennington, in the State of South Dakota:

North fifty feet of lots fifteen, sixteen, seventeen and
 eighteen, (15-16-17-18) in Block Twenty three (23) Boulevard
 addition to Rapid City South Dakota. Subject to
 mortgages amounting to two thousand dollars (\$2000.00)

Grantor further states that the above described premises
 is, now nor never has been occupied as homestead by
 himself or any member of his family.

Dated this 24th day of February 1919

One Dollar
7-24-19
Dorothy
Revenue Stamps

One Dollar
7-24-19
Dorothy
Revenue Stamps

Clarence E. Dowling

STATE OF SOUTH DAKOTA,
COUNTY OF Minnehaha County ss.

On this 14th day of February, in the year 1919, before me

the undersigned, a Notary Public
within and for said County and State, personally appeared

Clarence E. Dowling

known to me to be the person who is described in and who executed the within and fore-
going instrument and acknowledged to me that - he - executed the same.



H. E. Hannah

My Commission Expires

My commission expires Oct 1 1919
Notary Public.
Minnehaha County, S. Dak.

Filed for record this 6th day of April, A. D. 1919, at 9 o'clock

A. M., and recorded in Book 38, Page 449

By Joe E. Halley Deputy (Seal) M. Pazansky Register of Deeds.

10690 WARRANTY DEED

HERBERT L. CASE ET UX
TO
FRANCIS H. CASE

This Indenture, Made this twenty-seventh day of November in the year of our Lord one thousand nine hundred and twenty-two between Herbert L. Case and Mary E. Case his wife of the County of Blue Earth and State of Minnesota

parties of the first part, and Francis H. Case of Rapid City, P.O. of the County of Pennington and State of South Dakota party of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One Dollar and love and affection to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, his heirs, and assigns FOREVER, all of a certain tract or parcel of land lying and being in the County of Pennington and State of South Dakota, described as follows, to-wit:

The North 50 feet Lots numbered Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18), in block numbered twenty-three (23), in the Boulevard Addition of the City of Rapid City

as same are platted and recorded in the office of the Register of Deeds of Pennington County South Dakota, subject to Mortgages amounting to Two Thousand Dollars (\$2000.00) which party of the second part hereby assumes and covenants and agrees to Pay as a part of the Purchase Price.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part, his heirs and assigns, Forever. And the said Herbert L. Case and Mary E. Case his wife parties of the first part, for their heirs, executors and administrators, do covenant with the said party of the second part, his heirs, and assigns, that they are well seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all incumbrances; except as afore stated subject to Mortgages amounting to Two Thousand Dollars (\$2000.00) and the above Bargained and Granted lands and premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part will Warrant and defend.

In Testimony Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

P.L. Case
E.F. Gearing

.50 CENTS DOCUMENTARY
REVENUE STAMP
11/27/22 H.L.C. M.E.C.

Herbert L. Case (SEAL)
Mary E. Case (SEAL)

(SEAL)

STATE OF MINNESOTA

SS

COUNTY OF BLUE EARTH

On this Twenty Seventh day of November A.D. 1922, before me, a Notary Public within and for said County, personally appeared Herbert L. Case and Mary E. Case his wife, to me known to be the persons described in and who executed the foregoing and within that they executed the same as their free act and deed.