

CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724



Building Inspection Division

Code Enforcement

300 Sixth Street

605-355-3465 • FAX 605-394-6636

Memorandum

DATE: November 8, 2000

TO: Legal and Finance Committee

FROM: Umit Spencer, Ordinance Officer *US*RE: *721 Taylor Avenue, Medium Density Residential District.**Property Owners: Aaron and Deborah Johnson*

- Enclosed are:
 - September 18, 1997 Code Enforcement Division Memo which was sent to Legal and Finance Committee (1),
 - October 8, 1997 Memo for File (2)
 - October 14, 1997 certified letter (3).
 - On October 6, 1997 at the City Council Meeting, Mr. Johnson's Code Enforcement appeal was denied. (Legal & Finance Committee Items-item 95)
 - On November 3, 1997 at the City Council Meeting, motion was passed to approve the Fence Height Variance.
-
- Due to new complaints, Code Enforcement Division sent a Notice of Violation on 25 September 2000 concerning the nuisance violations. (copy of letter and photos are attached)(4)
 - SD Department of Environment & Natural Resources/Waste Management Program Engineering Specialist conducted an inspection and re-inspection of the premises and required Mr. Johnston to correct some issues such as cleaning of couple oil spots. Four 30-gallon metal drums were on the property. Mr. Johnson stated that he takes the used oil to Logan's Transmission as soon as the drums are full. According to the DENR inspector, Mr. Johnson stated that he intends to use 2 of these and give the rest to his neighbor.
 - DENR Inspector provided him info concerning the used oil recyclers.



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- Mr. Johnson visited with me on 16 October 2000 and inquired about these violations. He promised that most of the furniture and other nuisances would be removed until the 15th of November, the appeal date. He stated that he would appeal to keep the bushes in the Sight Triangle and the junk vehicles on the property.
- Enclosed are the related Rapid City Municipal Codes concerning Sight Triangle, nuisances and junk car ordinances of which Mr. Johnson's property is in violation. (5)

Thank you.

Enclosures



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(1)

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Memorandum

DATE: September 18, 1997
TO: Legal and Finance Committee Members
FROM: Umit Spencer, Ordinance Officer *US*
RE: 721 Taylor Avenue

Enclosed are the photos and copies of correspondence (since 1991), concerning above property.

Inspections were made during **October 1990**, (attached copy) showing that there were several cars, bikes and other related parts stored and worked on for repairs.

-During **March 1991**, Janet Kay, Ordinance officer, at that time, did send two Violation Notices for the same violations they are appealing today, **October, 1997**. Today, the only difference is that the vehicles are different.

Mr. and Mrs. Johnson's reply, **April 1991**, was that "the vehicles are in the process of being restored as collector vehicles to their original condition." They had also claimed that these are "highly collectable" vehicles and they are restoring these vehicles.

-During **September 4, 1996**, Jerry Weber, Ordinance Officer, did also send a Courtesy Note and **September 26, 1996**, another notice for the following Ordinance Violations:

-Several inoperative and/or unlicensed vehicles, car parts, debris around garage.

Mr. Johnson had talked to Jerry Weber and a follow-up inspection was conducted. On **October 9, 1996**, pending further complaints, it was filed away one more time.

- Another complaint was made during **April 1997**, this time I sent a Courtesy Note for the very same ordinance violations, such as inoperative and/or unlicensed vehicles, debris and tires and the dump truck they store on this residential area.

- Mr and Mrs. Johnson have sent us a very similar letter, **May 1997**, to the one which they sent in 1991, and stated that they have no intentions of removing the vehicles, that these are in the process of being restored to the original condition and they are very valuable collector pieces.

Following this letter, Mr. Johnson visited this office and had a meeting with Stanton Fox, Brad Solon and myself. He promised to remove the dump truck, he assured us that he will license the vehicles. He also stated that he restores old vehicles and race cars. He insisted that this is his hobby.



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

During follow-up inspections, it was noticed that, also as of today, the dump truck is still there along with the same violations. Copy of the inspector report is attached concerning the fence. Variance must be applied and a permit must be obtained prior erecting a 7' high fence. Two more Violation Notices were sent on these issues, with the appeal process option.

An appeal has been returned by the property owners, Mr. and Mrs. Johnson, to Stanton Fox, requesting:

1. To maintain, fix and store several vehicles.
2. To keep the fence without permit and variance.

Staff recommends that the appeals not be granted and either they apply for a variance or comply with the height. In the course of several years, this property has caused the City unnecessary work hours. If everybody in this block start fixing vehicles, storing dump trucks and erecting unpermitted high privacy fences, the street will look like a commercial junk yard.



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(2)

**Building Inspection Division
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Memorandum

DATE: October 8, 1997
TO: FILE
FROM: Umit Spencer, Ordinance Officer
RE: 721 Taylor Street

Tom called a meeting on October 10, 1997 with Ron Kroeger, Dan Bjerke, Bob Jackson, Stanton Fox and Myself, concerning above property.

Tom wanted to make sure that everybody has the same amount of information. Mr. Jackson referred to the dump truck as "not permitted by ordinance" and fence as in violation. Stanton stated that he did not commit Building Inspection personnel during the meeting with Walt Bradsky and Johnsons.

I asked Mr. Jackson and Stanton Fox if we have to do anything prior to 24 October for the demolition of Anna Pappas property located 629 Halley and 110-112 Madison. Mr. Jackson said, no, just wait for the deadline and proceed with the demolitions.

cc: Thomas Hawkinson



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(3)

October 14, 1997
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Aaron and Deborah Johnson
721 Taylor Avenue
Rapid City, SD 57701-1159

RE: Property located at 721 Taylor Avenue, legally described as Lots 1-4 of Block 15 of North Rapid Subdivision.

Dear Aaron and Deborah Johnson:

Please be informed that the City Council has denied your appeal concerning above listed property, on 6 October 1997.

1. Currently, the planning Department is processing your request for the fence variance.
2. Dump truck must be removed from the property before November 17, 1997.
3. All vehicles must be licensed and must be kept in running condition. According to city ordinance, 10.56.070, only antique vehicles (at least 30 years old) and vehicles in operable condition, specifically adopted or designed for operation on drag strips or raceways may be covered (tarpred). Tarping any other vehicle is not permitted. Compliance is required by or before November 17, 1997.

Please contact this office to schedule a final inspection, if you comply before above deadline.

Thank you for your prompt attention to this matter.

Sincerely,

Umit Spencer
Ordinance Officer



EQUAL OPPORTUNITY EMPLOYER



(4)

CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724



Building Inspection Division
Code Enforcement
300 Sixth Street
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RETURN OF CERTIFIED MAIL
REQUESTED

-NOTICE OF VIOLATION-

September 25, 2000

Aaron and Deborah Johnson
721 Taylor Avenue
Rapid City, SD 57701

RE: Property located at 721 Taylor Avenue, legally described as Lots 1-4 of Block 15 of North Rapid Subdivision.

Dear Aaron and Deborah Johnson:

Due to complaints, the City of Rapid City recently conducted inspections of the above listed property. These inspections revealed that there are several inoperative and/or unlicensed vehicles, car parts, tires, auto bodies, furniture, a vending machine, appliances, drums, items and debris are stored on your property. Almost all of these vehicles/trailers are stored on the grass, on the property or in the public right of way. These are considered nuisances and are in violation of the Rapid City Municipal Code. The City requires that all inoperative and/or unlicensed vehicles, car parts, tires, auto bodies, furniture, a vending machine, appliances, drums, items and debris to be stored within an enclosed structure or removed from the property and all licensed and operable vehicles to be stored behind front yard setback, on gravel or hard surface.

1. The overgrown bushes along the corner of the property are blocking the view in the sight triangle. The city request that the bushes either be removed or trimmed down according to the city ordinances to meet the sight triangle requirements listed below.

The Rapid City Municipal Code states in § 12.20.030 that at intersections, a seventy (70) foot site triangle must be kept clear of obstructions to vision at intersecting roadways and a twenty-five (25) foot sight triangle for alleys and driveways with a roadway that are two and one-half (2 1/2) feet above the edge of the roadway.

2. Rapid City Municipal Code §17.50.280 requires all vehicles, recreational campers, travel trailers, and hauling trailers to be stored behind the front-yard setback on gravel or hard surface to eliminate dust, mud, or weeds.
3. The Rapid City Municipal Code in § 10.56.020 states abandoned, wrecked, dismantled, inoperative, junk, partially dismantled, or unlicensed motor vehicles must be stored within an enclosed building or removed from the property.
4. The Rapid City Municipal Code states in § 8.16.010 that rubbish, building materials, lumber, vehicle parts, appliances, yard waste, noxious matter, and other debris not normally associated with residential areas are considered nuisances and must be stored in an enclosed building or removed from the property.




Aaron and Deborah Johnson
721 Taylor Avenue
Rapid City, SD 57701

I am therefore providing you notice that within fifteen days of receipt of this Notice of Violation the property must be brought into compliance. Failure to do so will result in the City initiating all appropriate abatement procedures, with all associated costs to be borne by the owner. All inoperative and/or unlicensed vehicles, above listed items and debris on the property will be subject for removal if compliance is not achieved.

Appeals to this order must be made to the Office of the Building Official, in writing, and within fifteen days of the issuance of the order at 300 6th Street, Rapid City, SD 57701. Failure to appeal will result in the waiver of all rights to an administrative hearing.

Thank you for your prompt attention to this matter and call with any questions.

Sincerely,


Umit Spencer
Ordinance Officer