

MINUTES

ZONING BOARD OF ADJUSTMENT October 7, 2003

The Zoning Board of Adjustment met on Tuesday, October 7, 2003, with the following members present: Vernon Osterloo, John Herr; Greg Peter; Jeff Stone, and Robb Schlimgen. Staff present: Brad Solon and Brenda Vespested, Building Inspection; David Johnson, Engineering; Vicki Fisher, Planning; and Jason Green, Acting City Attorney.

Osterloo called the meeting to order.

Appeal No. 5293

George Black, 224 Markay Place, Rapid City, SD 57702, applies for a variance on the front yard setback for the property located at 224 Markay Place, legally described as Lot 32 of Block 2 in Sunrise Heights Subdivision.

The green cards were presented before the meeting. Solon gave the video presentation. George Black presented his appeal. Black said that he is asking to be allowed to enclose the space under the deck he will be building. The house is located at the minimum setback of 25 feet. Black said that east side yard setback is at 7 feet and the west side yard setback is at 13 feet. With the house being at the minimum setback, this allows for a deck to encroach up to 6 feet into the front yard setback. Black said that the narrowness of the lot at the front limits his access to the backyard, and there is no other means of access to the backyard. Black said that he would like to enclose the space under the deck and use it for storage. Once the deck has been enclosed underneath, it is considered a structure and can't be in the setback according to code. Black only has a one-car garage and would like to utilize the space for woodworking and still park a vehicle in it. Osterloo asked if the deck enclosure would only be accessible from the exterior of the house, Black said yes. There was some discussion about decks and what could be done legally to the underneath of the them without getting a permit. Osterloo asked if the storage shed was not attached to the deck, could it be put in the front yard setback. Fisher said no, it would have to be 35 feet from the front property line. There was some discussion on overhangs from decks. Solon read the staff comments for the record. Engineering – no comment. Fire Department – the requested variance does not appear to adversely affect any Fire Department access to the structure; ensure that the deck enclosure does not obstruct any required egress windows to the basement level. Planning – staff finds the variance request is self-imposed, and that granting the variance would be in conflict with the City of Rapid City Municipal Code; in addition, the applicant currently has reasonable use of the property as a single family residential home; staff cannot support the variance request. Peter made a motion to grant the variance request to allow the enclosure of the space under the deck, creating a 19' front yard setback; with a second by Stone. The special circumstance is the narrowness of the front of the property, the use is allowed in the zoning district, strict application of the zoning ordinance would deprive the applicant of reasonable use, it is the minimum adjustment necessary, it is in harmony with the intent of the zoning ordinance, it is not injurious to the neighborhood, it is not detrimental to the public welfare, it is not in conflict with the comprehensive plan, and it is necessary to overcome an obstacle. Appeal No. 5293 was granted by a vote of 5-0.

Herr moved to approve the minutes of September 16, 2003, second by Peter. Motion carried 5-0.

There being no further business to come before the board at this time, the meeting adjourned at 7:20 a.m.