

MINUTES

ZONING BOARD OF ADJUSTMENT February 17, 2004

The Zoning Board of Adjustment met on Tuesday, February 17, 2004, with the following members present: Peter Neumann, Chairman; Vern Osterloo, John Herr; Jeff Stone, and Robb Schlimgen. Staff present: Brad Solon, Brenda Vespested, David Johnson, Sig Zvejnieks, Curt Huus, Vicki Fisher, and Todd Tucker from Growth Management; and Joel Landeen, Assistant City Attorney.

Neumann called the meeting to order.

Appeal No. 5301

Shirley Richter, 631 City Springs Court, Rapid City, SD 57702, applies for a variance on the front, side, and rear yard setbacks for the property located at 631 City Springs Court, legally described as Lot 2 of City Springs Subdivision.

Solon gave the video presentation. The green cards were turned in before the meeting. Shirley Richter was present for the appeal. Solon read the staff comments for the record. Fire Department – no comment. Growth Management Engineer – The majority of the drainage from the properties to the west and north of the subject property follow to the north; reduction of the setback on the west lot line will reduce the area available to transport the portion of the runoff from the adjacent lot discharges to City Springs Ct; there are two existing approaches to the property, one is from City Springs Ct and the other is from City springs Rd; only one approach to the property is permitted by the Street Design Criteria Manual; if a garage were constructed as proposed it would be necessary that the non-complying second approach would be removed; in addition, landscape timbers have been installed in the area of the approach of City Springs Rd; these are located in a drainage and utility easement and should be removed; it appears that reasonable use of the property currently exists; if it is determined that this is not the case and that the conditions for approval of the variance request exist, it is recommend that the following stipulations be included as stipulations of approval: the owner of the property shall be responsible to install, operate, and maintain any facilities or improvements necessary to accommodate and transport storm runoff in the vicinity of the property line between Lot 2 and Lot 3 of City Springs Subdivision; and the appellant shall remove the approach to the property from City Springs Rd and install standard curb and gutter, all landscape timbers on the property in the vicinity of the approach and located in the existing utility and drainage easement shall also be removed. Growth Management Planner – staff finds that variance request is in conflict with the City of Rapid City Municipal Code; the intent of the zoning ordinance is to provide sufficient separation from main and accessory structures from the street right-of-way and neighboring properties; by not meeting the minimum required setbacks, potential safety and aesthetic issues arise; in addition, the applicant currently has reasonable use of the property as a single-family residence; as such, staff cannot support the variance request. Richter wants to build a detached garage on her property, and as a result in a new survey, it was discovered that the house is not in compliance with the setbacks; therefore she is also asking for a variance on the house. Richter explained that she could not build an attached garage because of the bedrooms and the bedroom windows being at that end of the house. Fisher explained that the appellant can pick which of the property lines she wants to be considered as the rear setback because her property is adjacent to two streets. There was discussion on whether the garage could be moved forward or backwards to achieve the required 5' rear setback. Fisher said that the stipulations that the GM Engineer stated in his comments would not have to be part of the variance because these stipulations would have to be met before a building permit was issued

Zoning Board of Adjustment

along with a vacation of the utility easement. Richter said that she is already working on the vacation of this utility easement. Schlingen moved to approve the variance request for a 4.4' rear yard setback, 24.7' setback from City Springs Rd, and a 24.1' setback from City Springs Ct; with a second by Osterloo. The special circumstance is the existing house is situated on a lot abutting two streets and the garage can only be located at the proposed side of the house, the variance is for a use allowed in the zoning district, the strict application would deprive the applicant of reasonable use, it is the minimum adjustment necessary, it is in harmony with the purposes and 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, it is necessary to overcome an obstacle, and the variance brings some existing conditions into compliance. Appeal No. 5301 was approved by a vote of 5-0.

Osterloo moved to approve the minutes of February 3, 2004, with a second by Stone. Motion carried 5-0.

There being no further business to come before the board at this time, the meeting adjourned at 7:30 a.m.