

MINUTES OF THE
RAPID CITY ZONING BOARD OF ADJUSTMENT
December 10, 2015

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Galen Hoogestraat, Mark Jobman, Linda Marchand, Kay Rippentrop, Steve Rolinger and Kim Schmidt. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Andrew Scull and Jan Swank

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Ted Johnson, Carla Cushman and Andrea Wolff.

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

1. Approval of the November 25, 2015 Zoning Board of Adjustment Meeting Minutes.

Bulman move, Marchand seconded and unanimously carried to approve the November 25, 2015 Zoning Board of Adjustment Minutes. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Schmidt voting yes and none voting no)

2. No. 15VA005-CIVAR15-0017 - Strathavon Addition Revised 1952
A request by Davis Engineering, Inc for Jacob T Johnson to consider an application for a **Variance to allow side yard setbacks from 8 feet to 4 feet** property generally described as being located at 2002 Central Boulevard.

Lacock presented the application and reviewed the associated slides. Lacock said that the proposed garage does meet the Low Density Residential District guidelines, but that the applicant could construct a 20 foot by 20 foot garage that aligns with the driveway and remain in compliance with all setback requirements and for that reason staff recommends that the application be denied.

Jacob Johnson, 2002 Central Boulevards, the applicant, stated that they have requested this variance to allow easy access to the proposed garage noting that the neighbor most impacted by the request has provided a letter of support as well as indicating that numerous other houses and garages have reduced setbacks in the neighborhood. He stated that he was willing to work with options or restrictions such as the one-hour fire wall that was indicated in the project report. He has talked with Black Hills Power and they have indicated there is no private easement in this area and that he will be trenching the services currently going over the area of the proposed garage. Johnson reviewed photos showing the affected area and reflecting the instances in the neighborhood where other properties have less than the 8 foot setbacks.

Hoogestraat stated that he supports the request and moved to approve the variance.

In response to Rolinger's request that a reason be provided, Fisher clarified that the Project Report identified Criteria that was being met which included a use is otherwise allowed in the district and as long as it is constructed with the required one-hour fire wall, it is not injurious to the neighborhood. Hoogestraat concurred with the reason, Rolinger seconded.

In response to the question from Rolinger on the requirement for the firewall, Lacock stated that the one-hour firewall is required by Rapid City Building Code for structures located within five feet of the property line.

Bulman stated that as the applicant could choose to build a 20 foot by 20 foot garage and be within the setback requirements, they are not being denied reasonable use of their property as per the guidelines provided for variances and as such will not be voting in favor of the motion.

Hoogestraat moved, Rolinger seconded and carried to approve the Variance to allow side yard setbacks from 8 feet to 4 feet for reason that the use is otherwise supported in the District and as long as it is constructed with the required one-hour fire wall, it is not injurious to the neighborhood. (8 to 1 with Braun, Brewer, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Schmidt voting yes and Bulman voting no)

3. Discussion Items
None

4. Staff Items
None

5. Zoning Board of Adjustment Items
None

There being no further business, Brewer moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:16 a.m. (9 to 0 with Braun, Brewer, Bulman, Hoogestraat, Jobman, Marchand, Rippentrop, Rolinger and Schmidt voting yes and none voting no)