

Type of Proposed Building: Wood Frame Building

Building Use: Residential Garage

Final Planned Overlay

**Relevant Ordinances**

17-10-050-A-2 – 25' Front Yard Setback: Request a minimum setback of 2.0' from Skyline Drive

17-10-060- Height – Max 15' for Accessory Structure - Height: Request a sidewall height of 16'

on a 42'x68' Detached Garage

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**RAPID CITY COMMUNITY PLANNING  
& DEVELOPMENT SERVICES**

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Community Planning and  
Development Services  
City of Rapid City  
300 Sixth Street  
Rapid City, SD 57701

RAPID CITY COMMUNITY PLANNING  
& DEVELOPMENT SERVICES

Re: Application for Final Planned Development Overlay

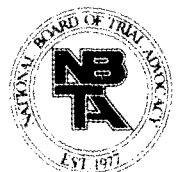
Greetings:

The purpose of this letter is to provide explanation and additional information regarding my clients, Steven and Lynn Hammond, who are land owners seeking a Final Planned Development Overlay for 1224 Skyline Drive, Lot 6 of Forest Hills Subdivision, NW1/4SW1/4, Section 2, T1N, R7E, BHM, Rapid City, South Dakota. Please find attached hereto the Application for the Planned Development Overlay and related maps. See Exhibit "A".

**Request Is Reasonable and Necessary**

Steve and Lynn Hammond make this application in order to obtain a building permit for an oversized garage. Mr. Hammond is a disabled veteran, who suffered a traumatic brain injury while serving in the US Navy, which has caused the medical condition of autonomic neuropathy, which prevents normal temperature regulation in the body via the normal pathways of the nervous system. It also affects sensory perception that is used during normal walking, making long distance walking more difficult. Therefore, it is necessary for him to have external temperature regulation wherever he goes. To this end, he has sought environmentally controlled areas to maintain his medical condition to prevent symptoms, which include continual burning sensation in lower extremities, overall pain and anxiety associated with it.

Certification of Mr. Hammond's total and permanent disability and verification of his medical condition are attached as Exhibit "B". Specifically from:



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1. Department of Veterans Affairs letter dated June 22, 2011.
2. Dr. Jon M. Wingert, MD
3. Dr. Mark A. Gebbie, DPM
4. Dr. Ashok Kumar, MD
5. Dr. Jennifer A. Tracy, MD, Mayo Clinic
6. Dr. Martin G. Ellman, DPM, Mayo Clinic.

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### **The ADA**

Hammonds, in making this request, hereby invoke the Americans with Disabilities Act of 1990 ("ADA") 42 USC § 12131, and is therefore subject to Title II of the ADA, 42 §USC 12131, et. seq. and its implementing regulations, 28 CFR, Part 35. Under Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity. It is established that Zoning and Land Use decisions are services, programs or activities of a public entity. See Exhibit "C", ADA Title II, Technical Assistance Manual.

Due to Mr. Hammond's disability, he must be granted a reasonable accommodation through City Zoning Ordinances whereby he is able to protect and maintain his water truck needed for hauling water since City utilities have not been brought to Mr. Hammond's lot. Mr. Hammond must also house and maintain his specially designed motor home and pontoon boat. These and other vehicles will be properly housed and kept out of sight in the general vicinity. See Exhibit "D", picture of current site.

The proposed structure will be attractive and an improvement to the overall appearance of the area and will also match the artitecture and color of the home. See Exhibit "E", illustrations of proposed structure. In addition to the medical condition Mr. Hammond has under the ADA, the following is a listing of other significant reasons for approving a Final Planned Development Overlay.

- 1) The building will not block anyone's scenic views because the scenery is to the westside (on the opposite side of the road).
- 2) The building won't be as noticeable because it will be built into the side of the hill. Only 4 feet will be visible above the grade level. Hammonds also plan to plant trees to hide the rest of the roof line.

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- 3) There will be no difference in the sight distance for the curve in the road and speed limit is 24 mph.
- 4) Hammonds were burglarized at a \$50,000.00 loss.
- 5) Hammonds have been vandalized.
- 6) Pellet guns have been fired at our property.
- 7) Hammonds water truck freezes in the winter. There is no City water where we live, therefore they haul water.
- 8) There is a lot of noise at the lookout and the police refuse to enforce the closing of the lookout from 10 pm to 6 am.
- 9) The building would block the wind and the noise.
- 10) Hammonds have had gas siphoned.
- 11) Steve Hammond had discussions with the previous Parks Manager to place a camera on the top of our building for security at the lookout. In the past, a dump truck has dumped an entire load of garbage over the edge of the lookout.

**Neighbor Support**

The closest neighbor within 300 feet is Judge Thomas Trimble, who has no objection to this request. See Exhibit "F".

Thank you for your consideration.

Sincerely,

WHITING HAGG HAGG  
DORSEY & HAGG, LLP

  
Kent R. Hagg

KRH/dcc  
Encls.  
cc: clients