



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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Building Inspection Division  
300 Sixth Street  
605-394-4157 • Fax 605-394-6636

LF012903-13

## MEMO

**TO:** Property owner

**FROM:** Building Inspection Division

**Date:** January 21, 2003

**Subject:** Herman Jones Appeal

Please note that the Herman Jones sign appeal was denied at the December 18, 2002 Sign Code Board of Appeals hearing. Mr. Jones has the opportunity to appeal that decision to the City Council. The Legal and Finance Committee will consider this on January 29, 2003 at 1:15 PM in the council chambers. Final consideration of this item would occur on February 3, 2003 at 7:00 PM in the council chambers.

The original application and the Sign Board of Appeals minutes are attached.

If call if you have any questions.



EQUAL OPPORTUNITY EMPLOYER

**CITY OF RAPID CITY  
BUILDING INSPECTION DIVISION  
300 Sixth Street  
(605) 394-4157**

**NOTICE OF APPEAL  
FROM THE REQUIREMENTS OF THE RAPID CITY SIGN ORDINANCE**

**Place of Hearing:** Building Inspection Division  
City/School Administration Building  
300 Sixth Street  
Rapid City, South Dakota 57701

**Date of Hearing:** February 3, 2003 **Time:** 7:00 pm

**Appellant:** Herman Jones / Stagecoach West Signs

**Address:** 2255 Ft Hwy DR.  
Rapid City, SD 57702

**Owner:** same

**Address:** same

The undersigned hereby applies to the Sign Code Board of Appeals for a variance in the application of the sign ordinance, affecting the following described premises in the manner and on the grounds hereinafter set forth:

**Variance Location:** 4110 Hwy 16 W

**Legal Description:** SW 1/4, S14, T2N, R7E,

**Zoning:** Commercial **Lot Frontage:** 2000' **Lot Depth:** 3000'

**Type of Proposed Sign:** Lighting of an existing commercial billboard.

4110 Highway 16 W

State specific requirement of the Rapid City Sign Ordinance relative to variance request:

Requesting permission to illuminate a bill board that  
has been in existence for five years.

As required by Rapid City Sign Ordinance section: 15.28.080, PERMIT REQ'D;  
<sup>SIGN</sup>  
15.28.240 SHALL BE BROUGHT INTO COMPLIANCE

State specific variation from Rapid City Sign Ordinance:

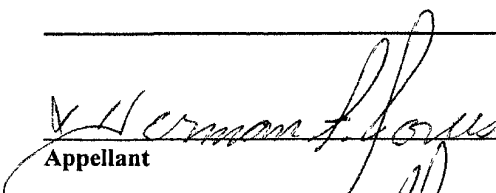
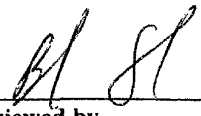
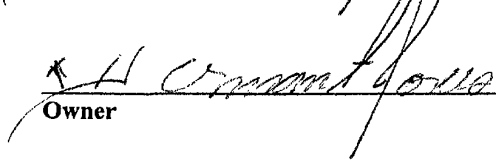
WANTED TO ILLUMINATE THE EXISTING BOARD - PERMIT  
REQUIRED

State exceptional topographic conditions or other extraordinary or exceptional situation or  
condition of the premise not prevalent in the area.

N/A

State how the strict application of the sign ordinance will result in unnecessary hardship upon the  
owner of this property:

See attached:

|   |          |  |          |
|---|----------|--|----------|
|  | 10-28-02 |  | 10-28-02 |
| Appellant   | Date     | Reviewed by  | Date     |
|  | 10-28-02 |  |          |
| Owner   | Date     |  |          |

## MINUTES

### SIGN CODE BOARD OF APPEALS

December 18, 2002

The Sign Code Board of Appeals met on Wednesday, December 18, 2002, with the following members present: Peter Neumann, Chairman; Ray Hadley; Jim Jackson; Dawn Mashek, and Pam Lang. Marilyn Dehne and Kyle Mattison were absent. Staff present: Brad Solon and Jason Green.

Newman called the meeting to order.

#### Appeal No. 2002-14

Herman Jones, Stagecoach West Signs, 2255 Ft. Hays Drive, Rapid City, SD 57702, applies for a variance on the requirement that an existing billboard be brought into code compliance before it can be illuminated. The billboard is located at 4110 Highway 16 West, legally described as SW¼, Section 14, T1N, R7E, BHM.

Herman Jones presented the green cards. Jones explained that he owned the sign in question and that the sign constructed in 1999 was no lit. Jones stated his business was down the road a mile and a half. He was unable to even put a light bulb on the sign without a variance. In all fairness to compete with industry, he desperately needs the sign to be lit. His request was to do that. He was aware that in order to install a light bulb, permission needed to be granted by the appeals board. 19 billboards have been removed along the road in the last 18 months. 8 of those were lit. In order to use the billboard for himself, it needed to be lit. Solon stated that the billboard in question was just south of the pool at the campground. Jackson asked what wouldn't be in compliance on the billboard. Solon stated for example: single pole, 35' height restriction, multiple boards, square footage, etc. Credit could possibly be given for signs removed. Jackson asked what would need to be done to bring the sign into compliance. Solon stated essentially that the sign would have to be torn down and be reconstructed. Lang asked why now? Jones said it was very expensive to light the sign – Jones stated he didn't have the \$3,000 to do the work when the sign was erected and he discovered that the ordinance had changed so he would not be able to light the sign without an appeal. Jackson stated that he didn't agree with the ordinance, the board didn't enact the ordinance, someone needed to request that the ordinance be changed – it was ridiculous – anyway the billboard is up and it is working for Jones. Motion by Jackson to deny, second by Mashek. Motion to deny carried 5-0.

Solon stated that Jones could then appeal this to the City Council.

#### Appeal No. 2002-15

Vern Osterloo, Rapid City Regional Hospital Inc., 353 Fairmont Blvd., Rapid City, SD 57701, applies for a variance on the interpretation of the definition of an "on premise sign" for a proposed sign to be located at **2950 S. Highway 16**, legally described as Tracts AR-1 through AR-9, Tract B, Tract D, and Tract E of Regional Hospital Addition; A part of the unplatted portion of SE¼ SW¼ of Section 12; A part of the unplatted portion of SW¼ SW¼ of Section 12; A part of the unplatted portion of NW¼ SW¼ of Section 12; and All located in the SW¼ of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, SD.

Vern Osterloo presented the green cards. Osterloo asked for a continuance for 60 days since he wouldn't be able to comply with the ordinance to begin construction within 60 days and be finished within 120 days. Neumann added that his already was tabled once and said just to be honest, he wanted to deny the request. Hadley stated that since this was a new application it should be considered as a new application. He didn't want to set precedence and continue, continue, and continue the appeal – they did notify every one again. Solon stated that the appeal had a new number and new notices were sent out. Osterloo stated that he spoke with Mr. Riddle who opposed the appeal; also he would send out new notices again. He was not trying to get this continued to trick anyone – there were reasons to request it to be continued beyond his control in this case. Hadley added that it was true he did speak with Osterloo after the prior appeal was tabled, and Hadley understood the issue. Hadley stated that because it was a new appeal he made a motion to continue for 60 days so long as the notices were sent out again prior to the next hearing. Hadley asked Green if that was acceptable to make that part of the motion. Green stated that it was – so long as the applicant was agreeable, and he was. Second by Jackson. Solon added that he wanted everyone to be aware that they did receive a letter from the Medical Center in opposition to the appeal. Green wanted to make sure the motion was restated that the appeal could be continued for the 60 days so long as the applicant was agreeable to mail out new notices and so on. Hadley added that in the motion. Motion passes to continue Appeal 2002-15 for 60 days, 5-0.

Jim Jackson moved to approve the minutes of the November 20, 2002. Second by Ray Hadley. Motion to approve the minutes passed 5-0.

There being no further appeals to come before the board at this time, the meeting adjourned.