

**MINUTES
BOARD OF DEVELOPMENT APPEALS AND REVIEW**

6/14/07

Attendance: George Dunham, Bob Brandt, Steve McCarthy, John Brewer, and Rich Huffman. Absent: Warren Fisk, Michael Schumacher, and Economic Development Representative.

City staff present was as follows: Assistant City Attorney Joel Landeen, Building Official Brad Solon, Code Enforcement Officer Tom Kurtenbach, and Legal/Administrative Assistant Maggie Paul.

APPROVE MINUTES OF PREVIOUS MEETING

Brewer moved to approve the minutes of the March 30, 2007, meeting. Second by Brandt. Motion carried.

SET MEETING AGENDA

McCarthy moved to approve the agenda. Second by Huffman. Motion carried.

HEAR APPEAL OF CHAD MYERS REGARDING SHED LOCATED AT 820 HAINES AVENUE.

Because Mr. Myers was not present at the meeting, Mr. Dunham asked the Board if they would like to continue this matter. Motion was made by Brandt to approve staff's recommendation for demolition of the shed located at 820 Haines Avenue. Second by Brewer. Motion carried.

HEAR APPEAL OF BILL FREYTAG REGARDING EGRESS OPENING APPEAL.

Building Official Brad Solon said that he contacted Mr. Freytag by mail notifying him of the meeting today. Mr. Freytag was not present at the meeting. Brandt moved to approve staff's recommendation and to direct Mr. Freytag to follow the building code regarding egress from a sleeping room since this is a life safety issue. He said if something happens in the sleeping room, there is no egress out of the room. He believes the fire codes should be met. Mr. Dunham said this Board cannot approve a variance in the code. All it can do is approve an alternate method or means. Mr. Solon drew a diagram for the Board which showed the proposed sleeping room and sun room. Huffman suggested that Mr. Freytag put a six foot pocket door in the room and leave it open. Landeen said Mr. Freytag has to make the room comply with the code, and one way to do that would be to have enough opening in the wall that the code would consider it one room. There is no window in the room. Motion was seconded by McCarthy. Motion carried.

HEAR APPEAL OF BOB BRANDT REGARDING SONIC GUARDRAIL

Building Official Brad Solon said this guardrail is at the Sonic restaurant. Mr. Brandt said there was an existing guardrail all the way around the old Burger King. Part of it was cut off and taken to a welding shop to be painted and then put back up. It was not shortened or altered other than to be painted. The City inspector said because it was removed, altered, and/or replaced, it must be brought into compliance with the adopted building codes. The unaltered portions of the guardrail may remain as originally constructed. Mr. Brandt said the guardrail was removed at the request of the South Dakota Department of Labor in order to widen Mt. Rushmore Road at some time in the future. The fence was removed, repainted, and replaced with no modifications. Brewer said he viewed the property. He actually thinks this added greater visibility to the exit. Landeen said from the City's prospective, if you are going to do work to it, then it must be brought up to code. Dunham said from his prospective if Sonic wishes to allow the guardrail to remain as is, then the only thing this Board can do is to decide that there was no significant change to this fence and in the Board's opinion, it is essentially the same. Brewer moved to find that there was no significant change to the guardrail and therefore, to grant the appeal. Second by Huffman. Motion carried.

The meeting adjourned at 10:20 a.m.