

**MINUTES  
BOARD OF DEVELOPMENT APPEALS AND REVIEW**

**04/29/10**

Attendance: Bob Brandt, Terri Haverly, John Herr, Mike Albertson, Rich Huffman, and Gary Renner. Absent: Pat Wyss and Lloyd LaCroix.

City staff present was as follows: Assistant City Attorney Mike Schad, Building Official Brad Solon, and Paralegal Maggie Paul.

Chairman Bob Brandt called the meeting to order.

**APPROVE MINUTES OF PREVIOUS MEETING**

Albertson moved to approve the minutes of the March 30, 2010, meeting. Second by Herr. Motion carried.

**SET MEETING AGENDA**

Herr moved to approve the agenda. Second by Albertson. Motion carried.

**ACTING AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE BOARD OF APPEALS:**

**UPDATE ON APPEAL FROM SANDRA J. BETZ REGARDING 248 E. ST. FRANCIS STREET**

Building Official Brad Solon said a request for bids to demolish was sent out. So far, they have received one good bid that is reasonable. Once the lowest bidder is determined, the property will come before the City Council to be declared a nuisance and then will be demolished. Attorney Ken Orrock said he is appearing on behalf of the property owner, Ms. Betz. He was retained by her yesterday and therefore, has not had enough time to get all the details. He said Ms. Betz is elderly, does not live in Rapid City and is on a fixed income. She has a buyer that is interested in buying the property on a contract for deed. He has expressed an interest in rehabilitating the property. The sale is being held up because of the condemnation order. There is nothing on the property that is not capable of being fixed; and based on that, he is here to ask for a continuation so that they can put together a plan of action and a timeline. There are mortgages on the home that are up to date on payments. Assistant City Attorney Mike Schad said under the city ordinance, we would need to get two more bids or show verification that we sent it out to six contractors. Solon said under the code, transfer of ownership just needs a notarized notice to the buyer that would disclose that there is a condemnation order on the property. For the record, appeals need to be made within 20 days and the first hearing on this matter was a month ago so technically, the time to appeal has expired. Brandt encouraged Mr. Orrock to visit with Solon so that he understands what needs to be done to the house. Huffman moved to continue this item to the next DARB Board hearing with the request that a letter of intent be delivered to Solon within the next two weeks. Second by Albertson. Motion carried.

## **ACTING AS THE BUILDING CODE BOARD OF APPEALS:**

### **HEAR APPEAL FROM RAPID CITY AREA SCHOOL DISTRICT NO. 51-4 REGARDING ACCESSIBILITY REQUIREMENTS AT GRANDVIEW SCHOOL.**

Solon said the school moved an annex building to Grandview School. One stipulation when moving those annexes is that they need to be brought up to code as if they are a new building. The bathrooms in the annex are not handicap accessible. The City has notified the School that the corrections needs to be made. The options are to either abandon the bathrooms and use the bathrooms inside the school or make them handicap accessible. Mike Kenton of the Rapid City School District said the School District has dozens of these annex buildings that have been used for many years all over the district. None of them are in compliance with these requirements because none of them have been moved. There are ramps in all of them. The District plans to no longer move any of these buildings and they don't see them as long term facilities but they are needed right now. He said handicap students are placed in classrooms inside the school. Kenton said another way to comply with the requirement is to make a unisex bathroom that is handicap accessible; however, the school staff has a few issues with that. Herr moved to change the bathroom to a unisex bathroom and make it handicap accessible. Second by Huffman. Kenton said he would like to give the staff an opportunity to come before this Board and state why they are not in favor of the unisex bathroom. After further discussion, a substitute motion was made by Huffman to continue this item to the next scheduled DARB meeting. Second by Albertson. A vote was taken with Huffman, Haverly, and Albertson voting "yes", Brandt and Herr voting "no", and Renner abstaining.

### **HEAR APPEAL FROM FRED THURSTON FOR DAKOTAH STEAKHOUSE**

Fred Thurston, the project architect for the Dakota Steakhouse, showed the Board the plans for the steakhouse. There is a proposed raised mezzanine area and also a recessed area in the primary part of the building. The currently adopted building code allows a mezzanine area to be non-accessible so long as the area is less than 25% of the primary area. In this case, both the lowered and raised seating areas combined are less than the 25%. However, the City has determined that because the current adopted building code has no provisions to allow for a recessed floor area to be non-accessible, the recessed area needs to be made handicap accessible. He said they are appealing the City's determination that the recessed area needs to be accessible, and he is asking this Board to rule in his favor and determine that they are meeting the intent of the code in this building. Thurston said in their design of the building 78% of the total space is handicap accessible. Huffman moved to approve the appeal. Second by Haverly. Motion carried with Albertson abstaining.

### **SET TIME AND DATE FOR NEXT MEETING**

A time will be set in June for the next regular meeting.

### **ADJOURN**

The meeting adjourned at 8:22 a.m.