



Rapid City Zoning Board of Adjustment Variance Project Report

June 20, 2019

Item #2
Applicant Request(s)
Case #19VA003, a Variance request to Lot 1AR to reduce the front yard setback for a single family residence from 25-feet to 5.64-feet; to reduce the rear yard setback for a single family residence from 25-feet to 7.57-feet.; to reduce the minimum required lot size for a single family home from 6,500 square-feet to 5,643.1 square-feet; for Lot 2AR to reduce the minimum lot size for a duplex from 8,000 square-feet to 6,276.6 square-feet;
Companion Case(s) N/A
Development Review Team Recommendation(s)
Staff recommends denial of the following Variance requests: <ol style="list-style-type: none">1) Lots 1AR: to reduce the front yard setback for a single family residence from 25-feet to 5.64-feet; to reduce the rear yard setback for a single family residence from 25-feet to 7.57-feet.; to reduce the minimum required lot size for a single family home from 6,500 square-feet to 5,643.1 square-feet;2) Lot 2AR: to reduce the minimum lot size for a duplex from 8,000 square-feet to 6,276.6 square-feet be approved with stipulations as noted below. Staff recommends that the Zoning Board of Adjustment acknowledge the applicant's withdrawal of the following Variance requests: <ol style="list-style-type: none">1) Lot 3AR: to allow a maximum lot coverage of 38% in lieu of a maximum of 30% allowed, to reduce the required side yard setback to 9.08-feet in lieu of 12-feet required.
Project Summary Brief
(Update June 12 th , 2019. This item was continued at the May, 23, 2019 Zoning Board of Adjustment meeting at the request of the applicant's consultant to allow them to meet with staff and review the requested Variances and staff's recommendation(s). On June 4, 2019 staff met with the applicant's consultant as requested. It is important to note that staff has indicated that the existing acreage of the three lots can only support the existing density, which is two single family residences and one duplex for a total of 4 - dwelling units. In particular, the three lots total 21, 066 square feet and 21, 000 square feet is needed for two single family residential lots (6,500 square feet each) and one duplex lot (8,000 square feet). Based on the location of existing structures, staff has supported reducing the required lot sizes for Lot 1AR and Lot 2AR since, accumulatively, the three lots provide sufficient square footage to allow the four units as identified. Staff has supported reducing setbacks as a result of the required dedication of right-of-way that will be required as a part of an associated plat. Staff has not supported increasing the maximum lot coverage for Lot 3AR since the applicant is proposing to construct a duplex on that property which would result in 5-dwelling units on the three lots. After our meeting on June 4 th , the applicant's consultant submitted a revised site plan showing a smaller duplex on proposed Lot 3AR eliminating the need to obtain a variance for lot coverage and reduced side yard setbacks. Subsequently, Lot 3AR has been removed from the Variance request. The acreage of Lot 1AR and Lot 2AR is 11,919-square feet which does not support 3 - dwelling units. Since the applicant's request continues to exceed the overall density of the three lots by one-unit, staff is recommending that the Variances requested for Lot 1AR and Lot 2AR be denied since

this is not the minimum adjustment necessary to provide reasonable use of the property. Staff also recommends that the Zoning Board of Adjustment acknowledge the withdrawal of the Variance for lot coverage on Lot 3AR. No other portion of this report has been changed. The applicant has submitted Variance requests to reduce multiple setback and lot density requirements for two existing residential structures and a proposed duplex. The applicant is proposing to subdivide an existing parcel of land into three new lots in order to redevelop the resulting properties separately. The existing parcel of land contains three lots and is occupied by a single family residence, a duplex, and six accessory structures. The applicant's site plan shows the removal of five of the accessory structures and the construction of a duplex. Each of the residential structures will be located on a separate lot as a result of the associated plat. The specific Variance requests are as follows:

Proposed Lot 1AR: to reduce the front yard setback for a single family residence from 25 feet to 5.64 feet; to reduce the rear yard setback for a single family residence from 25 feet to 7.57 feet; and, to reduce the minimum lot size for a single family residence from 6,500 square feet to 5,643.1 square feet.

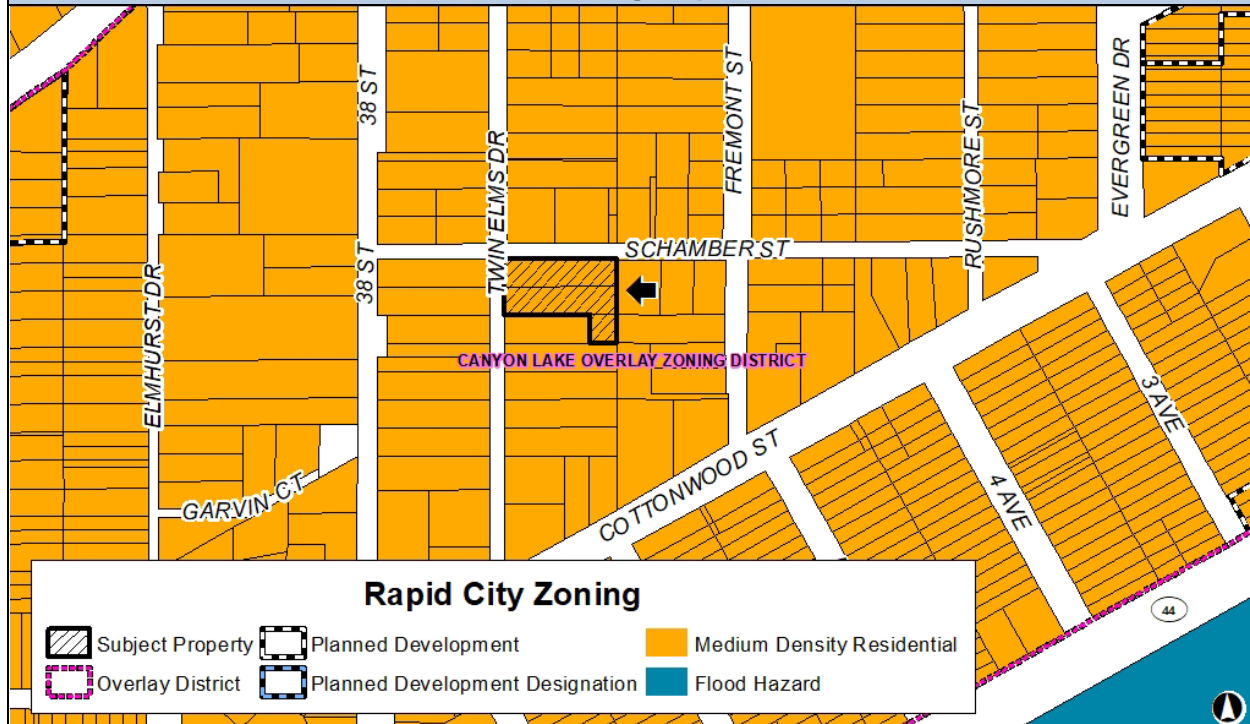
Proposed Lot 2AR: to reduce the minimum lot size for a duplex from 8,000 square feet to 6,276.6 square feet.

As a stipulation of approval of the associated Preliminary Subdivision Plan application previously approved for the property (File# 18PL106), an additional 13.5 feet of right-of-way must be dedicated along all lot frontage that abuts both Schamber Street and Twin Elms Drive. Many of the current structures on the property are legal-non conforming as to front yard setbacks along Schamber Street. The additional dedication of right-of-way required with the subdivision of the existing parcel has resulted in increased encroachment into front yard setbacks for existing residential and accessory structures on the property. Additionally, in order to secure adequate access to each proposed lot, the lot lines for the proposed subdivision have been configured in a way that will create additional non-conformities for side yard setbacks, rear yard setbacks, and minimum lot size requirements.

Applicant Information		Development Review Team Contacts	
Applicant: KTA Properties LLC		Planner: John Green	
Property Owner: KTA Properties LLC		Engineer: Roger Olsen	
Architect: N/A		Fire District: Tim Behlings	
Engineer: KTM		School District: N/A	
Surveyor: N/A		Water: Roger Olsen	
Other: N/A		Sewer: Roger Olsen	
Subject Property Information			
Address/Location		2004 and 2008 Twin Elms Drive	
Neighborhood		West Rapid Neighborhood Area	
Subdivision		Schamber Addition	
Land Area		0.48 acres, 21,066 square feet	
Existing Buildings		3958 square feet of existing residential structures and accessory buildings	
Topography		Relatively flat	
Access		Twin Elms Drive/Schamber Street	
Water Provider		Rapid City	
Sewer Provider		Rapid City	
Electric/Gas Provider		Black Hills Power/ MDU	
Floodplain		N/A	
Other		N/A	

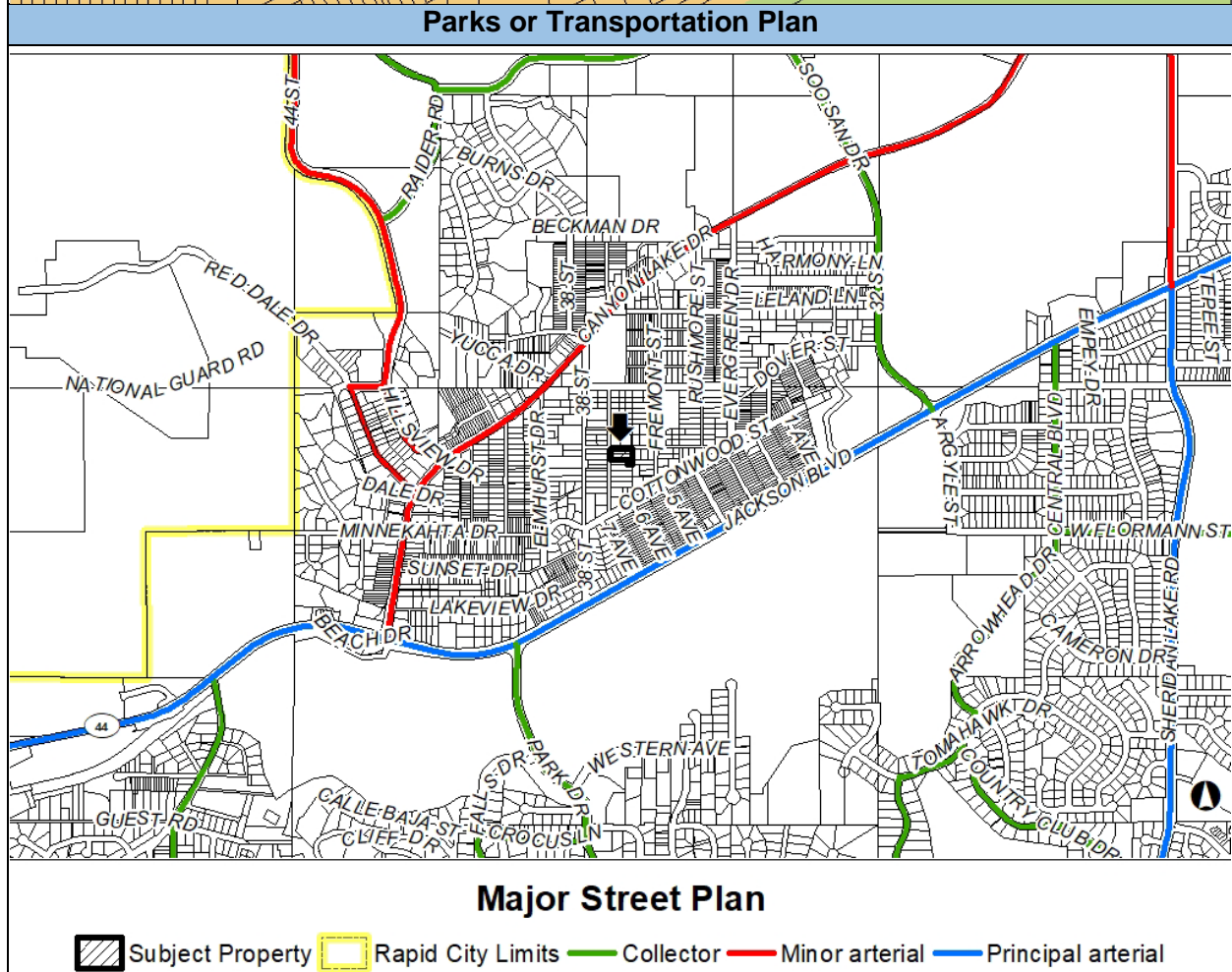
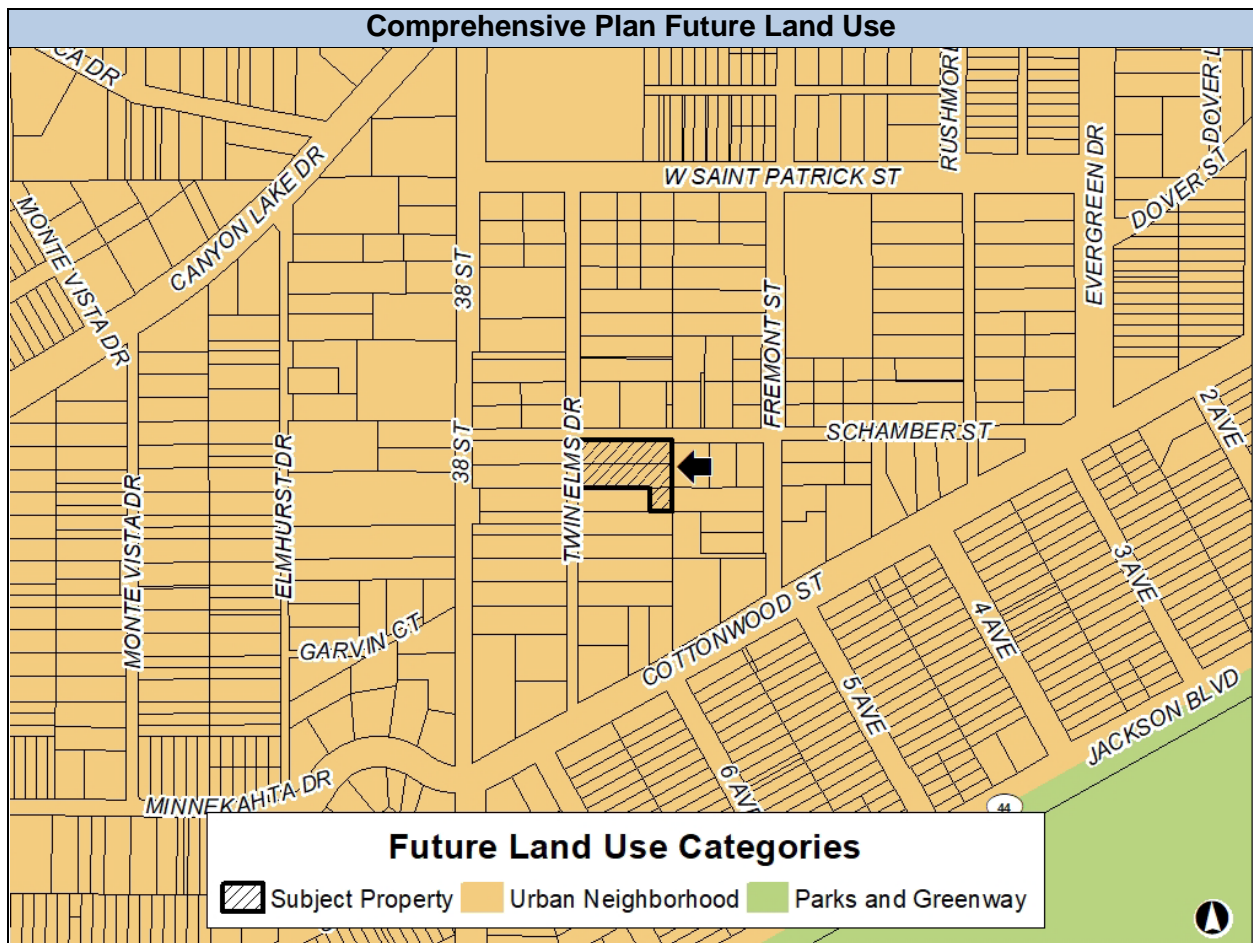
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	Single Family Residence
Adjacent North	MDR	UN	Single Family Residence
Adjacent South	MDR	UN	Single Family Residence
Adjacent East	MDR	UN	Single Family Residence
Adjacent West	MDR	UN	Single Family Residence

Zoning Map



Existing Land Uses





Relevant Case History			
Case/File#	Date	Request	Action
18VA017	12/28/18	Variance to reduce multiple setbacks and lot density requirements	ZBOA denied 2/7/19
Relevant Zoning District Regulations			
Medium Density Residential District		Required	Proposed/Existing
Lot Area		6,500 square feet (single family residence) 8,000 square feet (duplex)	Requesting a Variance to allow a lot size of 5,643.1 square feet for a single family residence in lieu of 6,500 square feet required; to allow a lot size of 6,276.6 square feet for a duplex in lieu of 8,000 square feet required
Lot Frontage		50 feet	72 feet, 114.2 feet, 50.6 feet
Maximum Building Heights		3 stories or 35 feet	2 stories
Maximum Density		30%	Requesting a Variance to allow 38% lot coverage for Lot 3AR in lieu of a maximum 30% coverage allowed
Minimum Building Setback:			
• Front		25 feet (Canyon Lake Overlay)	Requesting a Variance to allow a front yard setback of 5.64 feet for a residential structure in lieu of 25 feet required
• Rear		25 feet	Requesting a Variance to allow a rear yard setback of 7.57 feet in lieu of 25 feet required
• Side		8 feet (One-story) 12 feet (Two-story)	Requesting a Variance to allow a side yard setback of 9.08 feet in lieu of 12 feet required
• Street Side		25 feet (Canyon Lake Overlay)	37 feet / 30 feet
Minimum Landscape Requirements:			
• # of landscape points		N/A	N/A
• # of landscape islands		1 per 50 spaces	N/A
Minimum Parking Requirements:			
• # of parking spaces		2 per dwelling unit	2 per dwelling unit
• # of ADA spaces		N/A	N/A
Signage		Pursuant to RCMC	None proposed
Fencing		Pursuant to RCMC	None proposed
Applicant's Justification:			
Pursuant to Chapter 17.54.020.D of the Rapid City Municipal Code, before the Board shall have the authority to grant a Variance, the applicant must adequately address the following criteria:			
Criteria:		Applicants Response (verbatim):	

1. The granting of the variance will not be contrary to the public interest.	The proposed variances are required to redevelop the property. The number of dwelling units is consistent with the underlying MDR zoning. The proposed development will take advantage of existing City infrastructure not requiring additional or new infrastructure and will not add or further burden the existing public services such as Fire Department, Street Maintenance, Etc. Additionally, the new development will increase property values and property taxes.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	The minimal existing right-of-ways and additional dedication of new right-of-way as required by city code results in marginal setbacks to the existing structures and reduced lot sizes.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The underlying zoning district is Medium Density Residential which is intended for higher dwellings per acre and is consistent with what is being proposed. Similarly, the proposed density is consistent with other redevelopment projects in the neighborhood and the overall existing neighborhood.
4. By granting the variance substantial justice will be done.	The proposed redevelopment and requested variances will allow for the existing properties to be redeveloped. This will allow growth consistent with city standards and similar to the existing character of the neighborhood. Without the variances the existing property will remain underutilized. The proposed project is not feasible without the variances being granted as requested.

Board of Adjustment Criteria and Findings for Approval	
Should the Board of Adjustment grant the Variance for minimum lot size, the following criteria, findings, and conditions of approval would be applicable:	
Criteria:	Findings:
Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment decide to deny the Variance, the following criteria would be applicable:	
Criteria:	Findings:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The applicant intends to redevelop the proposed lots individually as part of an effort to add residential units that are in keeping with the existing neighborhood. The existing parcel of land has multiple accessory structures, in addition to a single family residence and a duplex. All of these structures are under a single ownership, but sit on three separate lots. The applicant intends to subdivide and reconfigure the lots to create three separate lots that have individual access, accessory structures, and residential units. The resulting subdivision of the existing lot creates setback encroachments for the existing residential structures on Lot 1AR and 2AR, in addition to creating smaller lots than are allowed in the Medium Density Residential District for single family residences and duplexes. The reconfiguration of the lot lines and resulting setback encroachments are necessary to provide adequate access to proposed Lot 3AR for future development for residential uses. As such, staff supports the Variance requests to Lot 1AR and 2AR in order to provide reasonable use to Lot 3AR. However, reasonable use of the land will exist on Lot 3AR without approval of the Variance requests to allow a lot coverage of 38% in lieu of 30% and to reduce the side yard setback to 9.08 feet in lieu of 12 feet. Denial of the Variance requests for proposed Lot 3AR does not deny any reasonable use of the land.

<p>2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)</p>	<p>The subject property contains two individual lots that currently meet minimum lot size requirements for the Medium Density Residential District. The third lot is approximately 2,300 square feet in size and is occupied by an accessory structure. Because of the orientation of the three lots, the lots that are currently occupied by existing residential structures cannot be sold individually for future development. If the residential properties were sold off individually on their existing lots, the garage on the third lot would be inaccessible from Schamber Street and could not be developed for residential purposes. The proposed subdivision of the lots creates access to each lot separately, allowing for individual development. In order to create three lots for residential development, the applicant is seeking multiple Variances for existing structures that would otherwise encroach into the setbacks of the proposed property lines. Additionally, the applicant has requested Variances for lot size for proposed Lot 1AR and 2AR in order to reconfigure Lot 3AR to have access from Schamber Street. Staff supports the Variance requests to Lot 1AR and 2AR in order to provide access to Lot 3AR. However, proposed Lot 3AR is over 9,000 square feet in size and does not have any special circumstances that do not generally apply in the district to justify the Variances for a reduced side yard setback and lot coverage as requested.</p>
<p>3. The variance is the minimum adjustment necessary for the reasonable use of the land.</p>	<p>The subject property cannot support a third residential unit without alterations in the lot layout surrounding each residence. In order to provide access to proposed Lot 3AR, Lot 1AR and 2AR must be smaller than minimum lot size requirements. The resulting adjustment of lot lines creates setback encroachments for existing residential and accessory structures, but would allow each property to be redeveloped individually. As such, staff supports the Variance requests for Lot 1AR and 2AR. However, the Variance requests to allow increased lot coverage of 38% in lieu of 30% and to reduce the side yard setback for a two story structure on Lot 3AR are not the minimum adjustment necessary to provide reasonable use of the land. The proposed duplex could be redesigned to meet required setbacks and lot coverage.</p>
<p>4. The variance is in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.</p>	<p>Medium Density Residential District requires a minimum lot size of 8,000 square feet for a duplex and 6,500 square feet for a single family residence. The applicant is proposing to redevelop an existing single family residence and duplex, in addition to constructing a new duplex for a total of five dwelling units on the three proposed lots. The subject property is approximately 21,066 square feet in size and could support a single duplex and two single family residences. The proposed five dwelling units on the property exceed the maximum densities allowed within the Medium Density Residential District, which could create increased fire hazard between the structures and may be injurious to the surrounding neighborhood.</p>
<p>Summary of Findings</p>	
<p>The applicant has submitted multiple Variance requests to allow setback reductions and minimum lot size reductions for the properties located at the corner of Twin Elms Drive and Schamber Street. The applicant is proposing to subdivide an existing parcel of land containing three lots into three new lots in order to redevelop the existing residential structures currently occupying two of the lots and to construct an additional duplex on the third proposed lot. The resulting subdivision of land requires additional dedication of right-of-way along both Schamber Street and Twin Elms Drive and will create encroachments into setbacks for existing residential structures. Additionally, the reconfigured lot lines will create two new lots that are below the</p>	

minimum square footage required for lots within the zoning district. The setback encroachments and lot size deviations are necessary to provide access to proposed Lot 3AR while maintaining access for proposed Lots 1AR and 2AR. However, the Variance requests associated with Lot 3AR are not necessary for redevelopment of the property. As such, staff supports the Variance requests for proposed Lot 1AR and Lot 2AR, but does not support the Variance requests for proposed Lot 3AR. Construction of a single family residence instead of the proposed duplex will allow for reasonable use of the property and could be designed to meet the area regulations without seeking a Variance.

Staff Recommendation

Staff recommends denial of the following Variance requests:

- 1) Proposed Lot 1AR: to reduce the front yard setback for a single family residence from 25 feet to 5.64 feet; to reduce the rear yard setback for a single family residence from 25 feet to 7.57 feet; and, to reduce the minimum lot size for a single family residence from 6,500 square feet to 5,643.1 square feet.**
- 2) Proposed Lot 2AR: to reduce the minimum lot size for a duplex from 8,000 square feet to 6,276.6 square feet.**

Staff recommends that the Zoning Board of Adjustment acknowledge the applicant's withdrawal of the following Variance requests:

- 1) Lot 3AR: to allow a maximum lot coverage of 38% in lieu of a maximum of 30% allowed, to reduce the required side yard setback to 9.08-feet in lieu of 12-feet required.**