

Case No. 20VA001

Legal Description:

The S1/2 of Lots 17 thru 19 of Block 118 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

Application for Variance
828 3rd Street
Rapid City, SD 57701

Written statement describing proposed and or intended use and detailing the Variance being requested:

I am applying for a variance to legalize my existing duplex by allowing a reduced lot size. City codes stipulate that a minimum lot size of 8,000 square feet is required for a duplex in the Low Density Residential District-2. My lot is approximately 5,250 square-feet and is "legal-nonconforming". My home was built as a duplex and I am requesting a Variance to create a legal duplex on the lot by reducing the required lot size.

I purchased my home on June 22, 2018. At that time, the home was previously used as a rental property. The home was built as a duplex, with a lower level unit and an upper level unit. There is no access from the upper level of the unit to the lower level of the unit. When I purchased the home, the lower level was in the middle of a renovation.

The home currently has two separate driveways, two separate entrances, and the lower level has full windows. It has always functioned as a duplex. To provide a brief background of the home's occupancy status, the home was built in the early 1916's. In 1946, the house was in the zoning district that included multiple dwellings. The application for the building permit in 1946 indicated that the home was constructed with two units. In 1983, the electrical permit application for the home indicated that the home was "already being used as a duplex." In 1985, the building permit application indicated that there were six bedrooms and it was a 2-family home. Finally, the use of the home in 1985 was an "apartment building." As such, the home has historically been used as duplex. Accordingly, because of this historical context, I am respectfully requesting a variance to reduce the required lot size for a duplex to create a legal duplex on my property.

1. Granting the Variance is not contrary to the public interest

Granting the variance is beneficial, rather than contrary, to the public interest. First, the surrounding homes are duplexes, making this property consistent with the existing character of the neighborhood. Second, the home was built as a duplex and has functioned as such for over a hundred years without issue. Finally, it is in the public interest to add more affordable housing options in the city legalizing this duplex would allow for the same.

2. There are special conditions attached to the property that do not generally apply to other properties in the same district.

My property is located on a corner lot, at the intersection of 3rd Street and Columbus Street. Although both Columbus Street and 3rd Street are relatively low-traffic streets, they are both located in 100 feet of right-of-way. Due to the excessive amount of right-of-way for the streets, my property is smaller than it would have been if the lot were created today. Additionally, the Columbus Street right-of-way does not have a city street constructed within it and functions as an unimproved driveway for the property directly to my east. If my lot were created today with the appropriate width of right-of-way on my west and south side, my lot would exceed the

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current area standards for a duplex in the Low Density Residential-2 District. The special conditions on my property created by the excessive right-of-way in Columbus Street and 3rd Street do not generally apply in the district and are a legacy of subdivision practices in the early days of the City.

3. Owing to special conditions, the literal enforcement of this tittle will result in unreasonable hardship; and

As described in the history of the house above, the home has a history of being classified as a multi-family home. It would be impossible for me to convert the home to a single-family home due to the lack of interior access between the upper and lower units. As such, it would be unreasonable to make this property as it stands currently, a single-family home and the literal enforcement of this title will result in a substantial hardship by impacting the ability to sell the home as a duplex in the future.

4. By granting the variance contrary to the provisions of this title, the spirit of this title and the City’s Comprehensive Plan will be observed.

Granting the Variance is in the spirit and intent of the ordinance because it will ensure that my property can function as a duplex in the future, which will add more housing options in Rapid City near the downtown area. The Rapid City Comprehensive Plan specifically recommends adding a variety of housing types to existing neighborhoods and increasing housing density to provide more affordable housing options in town. Granting the Variance will allow my property to function as a duplex in the future and provide more housing in the city.

5. By granting the Variance, substantial justice will be done.

Currently, there is a large portion of the home that is unused and unoccupied due to the current classification of the home. Granting the variance will permit the home to be restored back to its original use and will ensure that the unoccupied property can be restored to an occupied status. The surrounding neighbors all contain duplexes, and the public would not be adversely affected due to restoration of a duplex status. Leaving the house in its current state results in a hardship for the homeowner and future homeowners because of the design and configuration of the property. As such, it is in the best interest of justice to grant the variance.

HANSON SURVEYING & MAPPING

MICHAEL R. HANSON - R.L.S

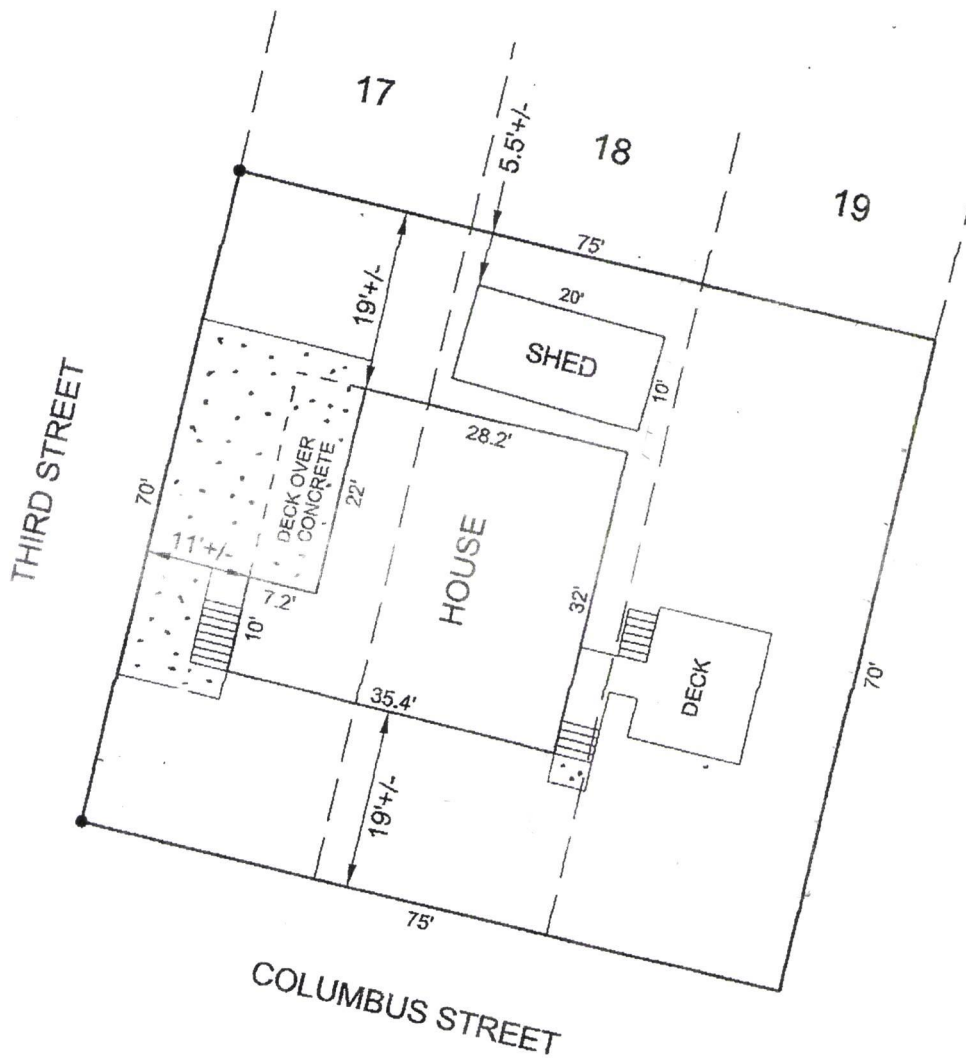
832 HORACE MANN DRIVE

RAPID CITY, SD 57701

605-388-9652



SCALE: 1"=20'



IMPROVEMENT LOCATION EXHIBIT

The purpose of this exhibit is to provide a representation of the information gathered at the time of the inspection for the interested parties. This exhibit is based on existing but not

SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that I have inspected the property described hereon