



Rapid City Zoning Board of Adjustment Variance Project Report

April 26, 2018

Item #2
Applicant Request(s)
Case #18VA004, a Variance request to reduce the minimum required front yard setback from 25 feet to 0 feet as per Chapter 17.18.050 of the Rapid City Municipal Code
Companion Case(s) N/A

Development Review Team Recommendation(s)
Staff recommends that the requested Variance be approved

Project Summary Brief

(Update April 24, 2018. All revised and/or added text is shown in bold.) The project report has been updated to revise the recommendation of approval. The Variance request is for an existing structure located on the property. Staff is recommending that in the event the existing structure is ever removed in its entirety or the existing structure is damaged beyond 50% of the value, a minimum 25 foot front yard setback must be provided. The applicant has submitted a Variance request to reduce the minimum required front yard setback from 25 feet to 0 feet along Racine Street. There is an existing commercial structure located on the property with a 0 foot setback along Racine Street. The applicant has indicated that the existing property will be platted in the future. A Design Exception from the Infrastructure Design Criteria Manual was previously granted to waive the requirement to dedicate additional right-of-way along Racine Street in association with a Preliminary Subdivision Plan (File #16PL095). A stipulation of approval of the Exception required that the applicant enter into a Covenant Agreement securing the timing of the dedication of right-of-way. This allows the applicant to continue using the entire building until the right-of-way is needed and a portion of the building is removed. When the right-of-way is dedicated, a new lot line is being established requiring a minimum 25 foot setback for existing or proposed structures be provided. In anticipation of dedicating the right-of-way, the applicant is requesting this Variance to minimize the area of the structure that must be removed.

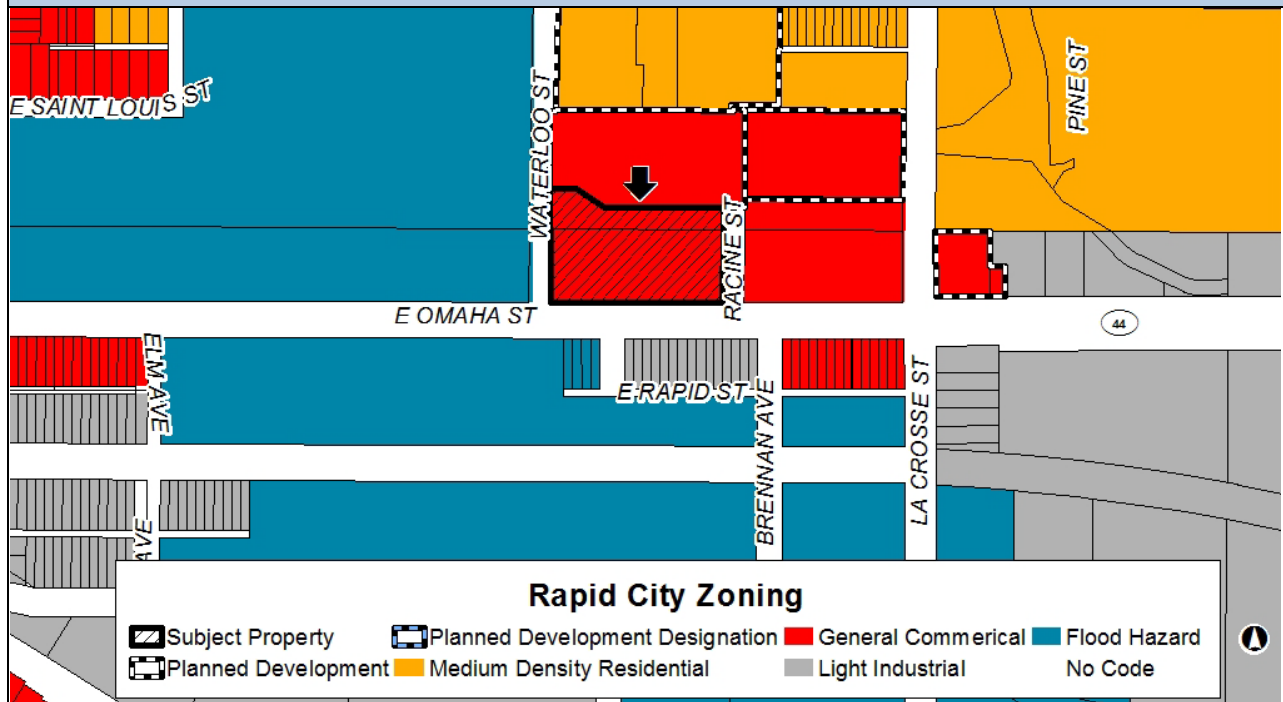
Applicant Information	Development Review Team Contacts
Applicant: Nooney and Solyay LLP	Planner: Fletcher Lacock
Property Owner: ARM Land LLC	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: FMG Engineering	School District: N/A
Surveyor: N/A	Water: Nicole Lecy
Other: N/A	Sewer: Nicole Lecy

Subject Property Information	
Address/Location	414 East Omaha Street
Neighborhood	North Rapid Neighborhood Area
Subdivision	Eastbrooke Subdivision
Land Area	3.02 acres
Existing Buildings	Auto dealership
Topography	Relatively flat
Access	Waterloo Street / East Omaha Street / Racine Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	Federally designated 100-year and 500-year floodplain

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC – Revitalization Corridor	Auto dealership
Adjacent North	GC w/PD	EC	Wellspring Inc
Adjacent South	FH and LI	LI – Revitalization Corridor	Commercial properties
Adjacent East	GC	MUC – Revitalization Corridor	Void of structural development
Adjacent West	FH	PG – Revitalization Corridor	Roosevelt Park

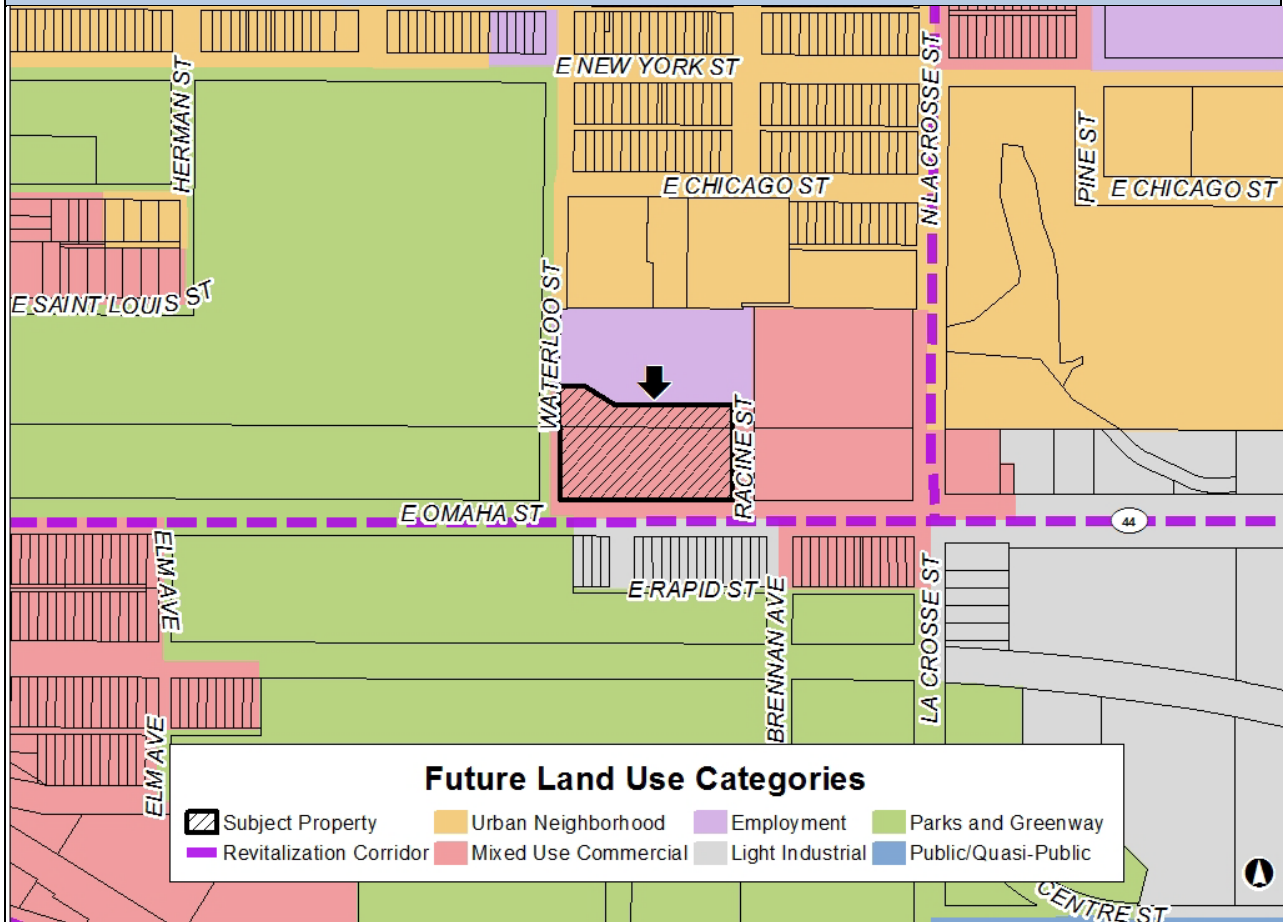
Zoning Map



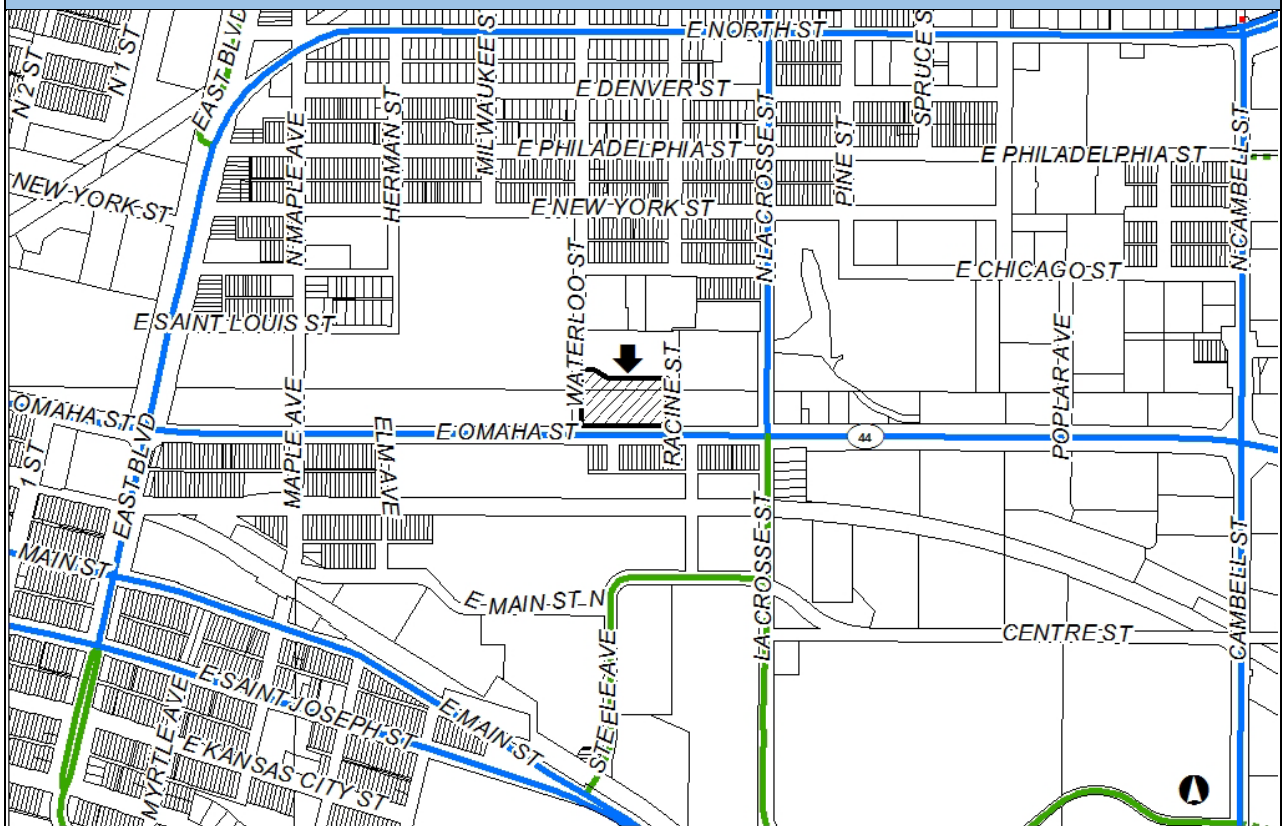
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
16PL095	11/07/2016	Preliminary Subdivision Plan for proposed Lots 1 and 2 of Granite Subdivision	City Council approved
PL 1797	10/07/1991	Plat – Lot split for Lots 1 and 2 of Eastbrooke Subdivision	Approved

Relevant Zoning District Regulations		
General Commercial District	Required	Proposed/Existing
Lot Area	N/A	3.02 acres
Lot Frontage	N/A	478 feet
Maximum Building Heights	4 stories, 45 feet	1 story
Maximum Density	75%	11.3%
Minimum Building Setback:		
• Front	25 feet	Requesting a Variance to reduce front yard setback from 25 feet to 0 feet
• Rear	0 feet	113 feet
• Side	0 feet	346 feet
• Street Side	25 feet	0 feet from East Omaha Street
Minimum Landscape Requirements:		
• # of landscape points	116,692	0 points / legal non-conforming
• # of landscape islands	1	0 / legal non-conforming
Minimum Parking Requirements:		
• # of parking spaces	45	59
• # of ADA spaces	2	0 / legal non-conforming
Signage	Pursuant to RCMC	No new signage proposed
Fencing	Pursuant to RCMC	None proposed

Applicant's Justification:	
<p>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:</p>	
Criteria:	Applicants Response (verbatim):
1. The granting of the variance will not be contrary to the public interest.	Conditions currently exist.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	If the variance is not granted the property cannot be subdivided and repurposed. It is not practical to remove 25' from each of the building walls.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The variance is as proposed by the City during discussions regarding the replat and related Covenant Agreement requiring possible future right of way dedication.
4. By granting the variance substantial justice will be done.	The variance is as proposed by the City during discussions regarding the replat and related Covenant Agreement requiring possible future right of way dedication

Board of Adjustment Criteria and Findings for Approval	
Should the Board of Adjustment grant the Variance for a reduction in the required side yard setback, the following criteria, findings, and conditions of approval would be applicable:	
Criteria:	Findings:
1. The variance is for a use allowed in the zoning district.	Auto sales are identified as a permitted use in the General Commercial District.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	As noted above, there is an existing structure with a legal non-conforming 0 foot setback located on the property. The property owner will enter into a Covenant Agreement with the City to secure additional right-of-way along Racine Street in the future. When the right-of-way is dedicated, a new lot line is being established requiring a minimum 25 foot setback for existing or proposed structures be provided. In anticipation of dedicating the right-of-way, the applicant is requesting this Variance to minimize the area of the structure that must be removed.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The applicant is requesting a Variance to secure a 0 foot setback along Racine Street for the existing structure located on the property in the event that additional right-of-way for Racine Street is needed by the City. When the right-of-way is dedicated, a new lot line is being established requiring a minimum 25 foot setback for existing or proposed structures be provided. In anticipation of dedicating the right-of-way, the applicant is requesting this Variance to minimize the area of the structure that must be removed.
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.	The Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. The purpose of Chapter 17.18.050 of the Rapid City Municipal Code is to ensure the separation between structures and adjacent rights-of-way. When the right-of-way is dedicated, a new lot line is being established requiring a minimum 25 foot setback for existing or proposed structures be provided. In anticipation of dedicating the right-of-way, the applicant is requesting this Variance to minimize the area of the structure that must be removed. Staff recommends that the Variance be approved for the existing structure. In the event the existing structure is ever removed in its entirety or the existing structure is damaged beyond 50% of the value, a minimum 25 foot front yard setback must be provided.
Conditions of Approval	
Any new development or redevelopment of the property shall require that a minimum 25 foot front yard setback be provided.	

Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment decide to deny the Variance for a reduction in the required side yard setback, the following criteria would be applicable:	
Criteria:	Findings:
1. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The subject property is a parcel of land approximately 3.02 acres in size zoned General Commercial District. The existing structure is legal non-conforming to setbacks. There are no special conditions that do not apply generally in the district.
Summary of Findings	
The applicant has submitted a Variance request to reduce the minimum required side yard setback that abuts a street from 25 feet to 0 feet. The subject property is zoned General	

Commercial District and is approximately 3.02 acres in size. There is an existing commercial structure located on the property that is legal non-conforming to setbacks. A Design Exception from the Infrastructure Design Criteria Manual was previously granted to waive the requirement to dedicate additional right-of-way along Racine Street in association with a Preliminary Subdivision Plan (File #16PL095). A stipulation of approval of the Exception required that the applicant enter into a Covenant Agreement securing the timing of the dedication of right-of-way. This allows the applicant to continue using the entire building until the right-of-way is needed and a portion of the building is removed. When the right-of-way is dedicated, a new lot line is being established requiring a minimum 25 foot setback for existing or proposed structures be provided. In anticipation of dedicating the right-of-way, the applicant is requesting this Variance to minimize the area of the structure that must be removed.

Recommendation

Staff recommends that the Variance to reduce the front yard setback from 25 feet to 0 feet be approved **for the existing structure. A minimum 25 foot front yard setback shall be provided in the event the existing structure is ever removed in its entirety or the existing structure is damaged beyond 50% of the value.**