



Rapid City Zoning Board of Adjustment Variance Project Report

November 8, 2018

Item #2
Applicant Request(s)
Case #18VA012, a Variance request to allow an 8.5 acre parcel in the General Agricultural District
Companion Case(s) 18RZ029 – Rezone from General Commercial District to General Agricultural District

Development Review Team Recommendation(s)
Staff recommends that the Variance request be approved in conjunction with the associated rezoning application (File# 18RZ029).

Project Summary Brief

The applicant has submitted a Variance request to allow an 8.5 acre parcel in lieu of 20 acres in the General Agricultural District. The Variance request was submitted in conjunction with a rezoning application (File# 18RZ029) to rezone a parcel of land from General Commercial District to General Agricultural District. The property is currently zoned General Commercial District and has an existing single family residential structure on the lot. The single family residence is currently a legal non-conforming use within the General Commercial District. While a single family residence is a permitted use within the General Agricultural District, a minimum lot size of 20 acres is required. The applicant has submitted this Variance request in conjunction with a Rezoning application to allow an 8.5 acre parcel of land with a single family residence within the General Agricultural District.

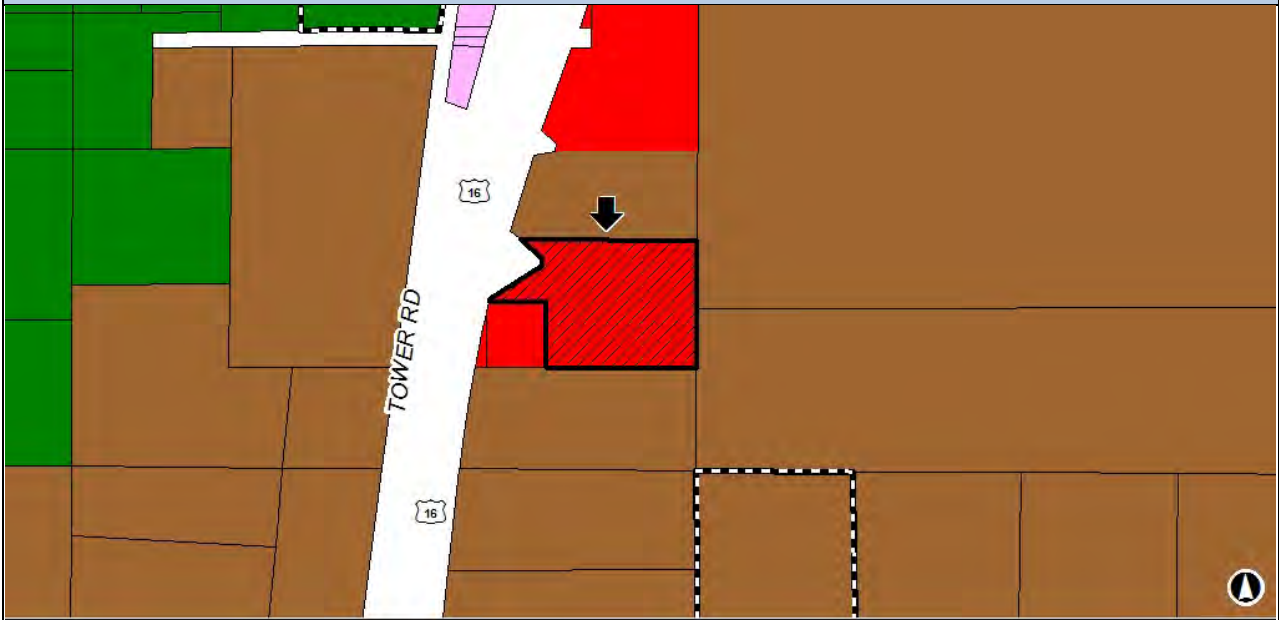
The Future Land Use Plan identifies the appropriate use of the property as Mixed Use Commercial, which does not identify General Agricultural District as a listed zoning designation. However, the General Agricultural District may serve as a holding zone until the property supports commercial development. Since residential development is a permitted use in the General Agricultural District, the legal non-conforming residence located on the property becomes a legal use.

Applicant Information	Development Review Team Contacts
Applicant: George Twitero/Shari West-Twitero	Planner: John Green
Property Owner: George Twitero	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Dan Kools
Other: N/A	Sewer: Dan Kools

Subject Property Information	
Address/Location	4480 Mount Rushmore Road
Neighborhood	US Highway 16 Neighborhood Area
Subdivision	Section 14, T1N, R7E
Land Area	8.5 acres, 370,260 square feet
Existing Buildings	4,280 square foot residence and detached garage
Topography	Rises in elevation 236 feet from northeast to southwest
Access	Mount Rushmore Road
Water Provider	Rapid City
Sewer Provider	Septic/Drain field
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	GC	MUC	Single Family Residence
Adjacent North	GA	MUC	Rapid City RV Park and Campground
Adjacent South	GA	EC	Mt. Zion Lutheran Church
Adjacent East	GA	LDN	Single Family Residence
Adjacent West	GA/GC	P/QP	Telecommunications Tower

Zoning Map



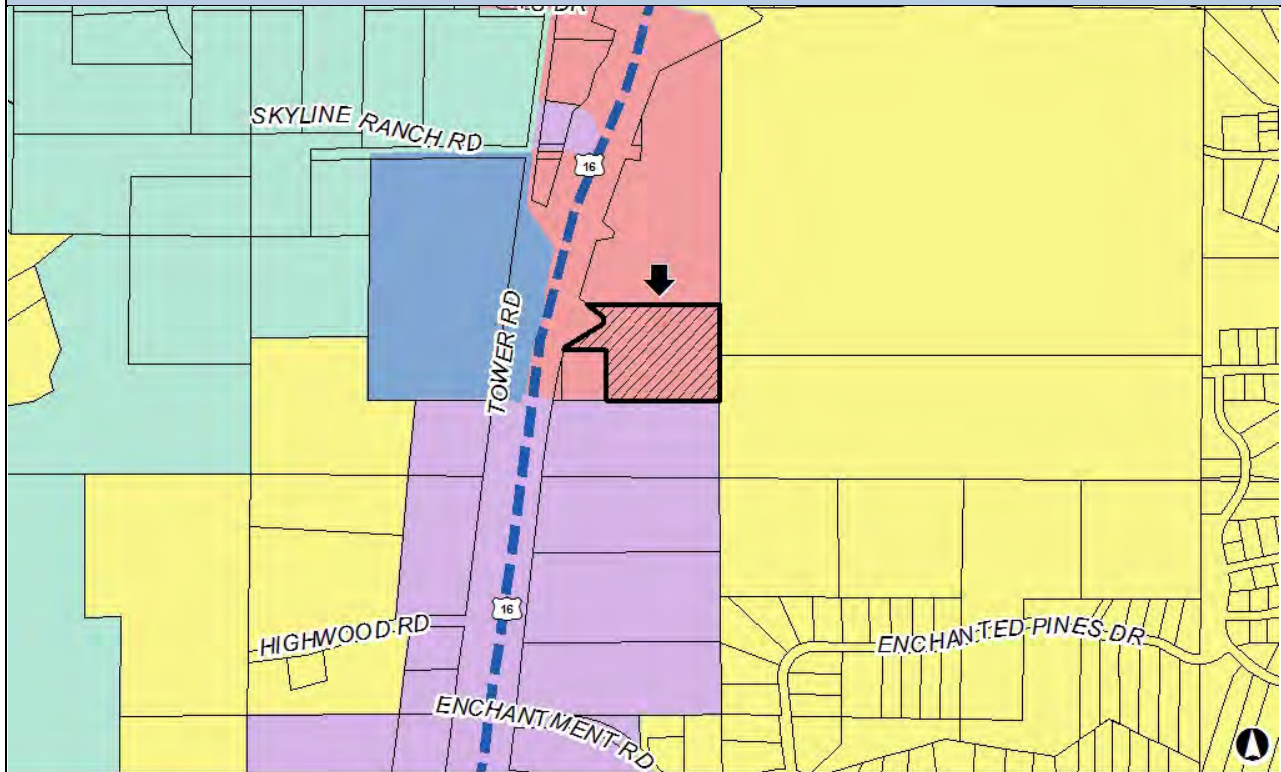
Rapid City Zoning

- Subject Property
- General Agricultural
- Office Commercial
- Park Forest
- General Commercial
- Planned Development

Existing Land Uses



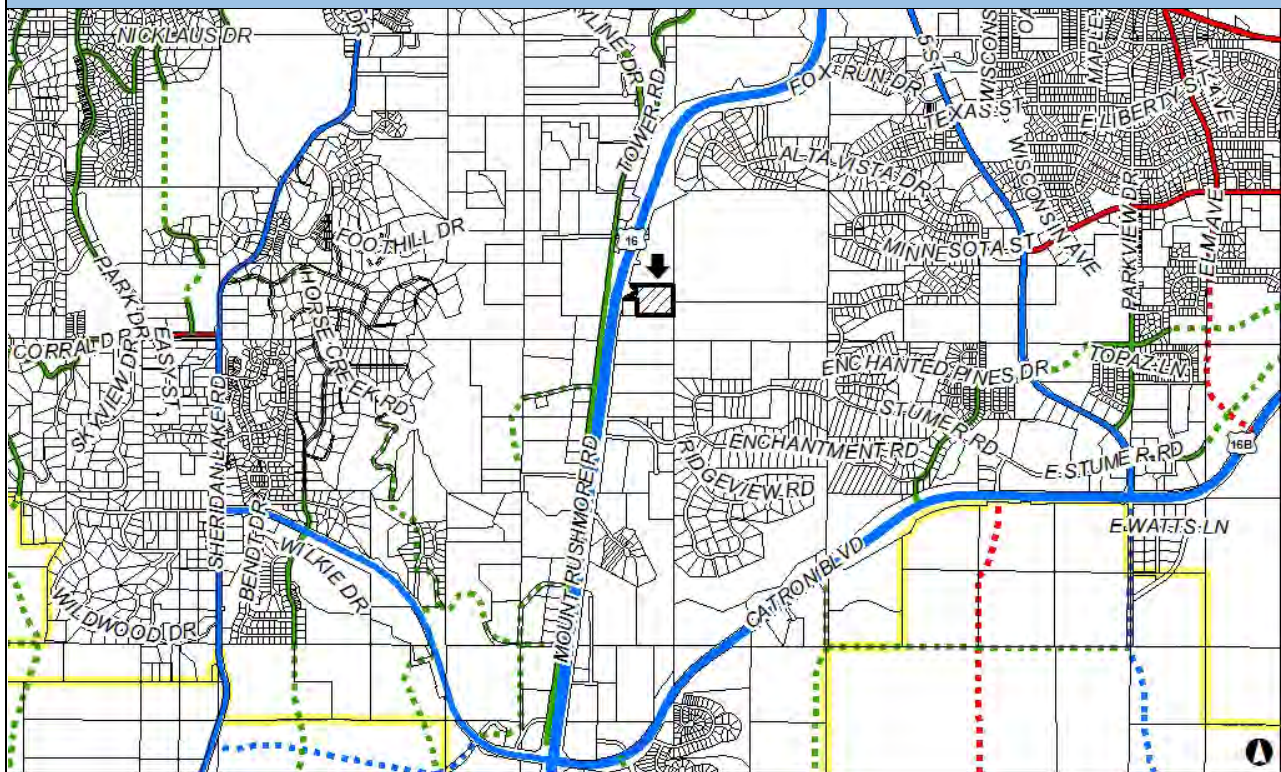
Comprehensive Plan Future Land Use



Future Land Use Categories

- Subject Property
- Low Density Neighborhood
- Employment
- Public/Quasi-Public
- Mixed Use Commercial
- Forest Conservation
- Entrance Corridor

Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Principal arterial
- Proposed minor arterial
- Rapid City Limits
- Minor arterial
- Proposed collector
- Proposed principal arterial

Relevant Case History			
Case/File#	Date	Request	Action
RZ318	9/5/1978	Rezone from No Use District to General Commercial District	City Council approved

Relevant Zoning District Regulations		
General Agricultural District	Required	Proposed/Existing
Lot Area	20 acres with single family residence	Requesting a Variance to allow 8.5 acres with a single family home in lieu of 20 acres required
Lot Frontage		
Maximum Building Heights	3 stories	2 story
Maximum Density	20%	1.15%
Minimum Building Setback:		
• Front	25 feet	36 feet
• Rear	25 feet	418 feet
• Side	12 feet	13 feet/419 feet
• Street Side	25 feet	N/A
Minimum Landscape Requirements:		
• # of landscape points	N/A	N/A
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:		
• # of parking spaces	N/A	3
• # 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 request keeps the property in with the designations of property around it. The limited access to the highway precludes commercial development except in conjunction with some surrounding property.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	The house is located in the extreme southwest corner of the parcel as that is the only nearly flat land on the lot. From the house to the northeast corner the elevation drops is something like 200'. The change to General Commercial may have considered this as a "caretaker" property in association with the campground, but this has not been the case for more than 40 years.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The General Ag designation functions as a "holding" designation. It does not preclude a change to commercial should development in the area suggest that that is needed.
4. By granting the variance substantial justice will be done.	In getting ready to sell, 9+ appraisers were contacted and no one would attempt an appraisal with the non-conforming nature of the property so sale as a home is a near impossibility.

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:
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The property has been used as a single family residence for 40 years, but is a legal non-conforming use within the General Commercial District. Granting the Variance to allow an 8.5 acre parcel in conjunction with the associated Rezone would allow a single family home as a permitted use while preserving the potential for commercial development on the property in the future. Granting of the Variance is the minimum adjustment necessary for the reasonable use of the land.
Conditions of Approval	
1. Approve in conjunction with the associated Rezoning application.	

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.	A single family home has been on the lot since the property was annexed into the City in 1978. At that time, the property was also rezoned to General Commercial District to serve as a caretaker's home for the commercial campground adjacent to the property. The single family residence is a legal-nonconforming use within the General Commercial District, which has presented the applicant with difficulty in securing an appraisal for the existing structures. The property has been used as a single family residence for 40 years, but the current zoning district for the property stipulates that it be utilized only for commercial purposes. As a commercial property, the existing structures would need to be altered or removed in order to utilize the relatively small building footprint available on the land, limiting the property's commercial development potential. By rezoning to General Agricultural District, the property could be sold as a single family residence or as a site for future commercial development.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)	The property has severe slope restrictions on the majority of the lot. Most of the building envelope on the lot is occupied by the single family residence and detached garage, restricting further development of the property for commercial purposes. If the property were to be developed for commercial uses, the existing structure would need to be reused as a commercial structure or demolished and replaced. A single family home is a permitted use within the General Agricultural District and the proposed Variance request and subsequent rezone will allow the existing structure on the property to be utilized as a conforming residence within the zoning district. By rezoning to General Agricultural District, the property can serve as a holding zone allowing a single family residence while also allowing for potential development for commercial uses in the future.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The property has been used as a single family residence for 40 years, but is a legal non-conforming use within the General Commercial District. Granting the Variance to allow an 8.5 acre parcel in conjunction with the associated Rezone would allow a single family home as a permitted use while preserving the potential for commercial development on the property in the future. Granting of the Variance is the minimum adjustment

	necessary for the reasonable use of the land.
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 current Future Land Use designation for the property identifies it as Mixed Use Commercial. While the existing structure on the property has been used as a single family residence for 40 years, it is currently a legal-nonconforming use within the General Commercial District. The General Agricultural District is intended to serve as a holding zone for undeveloped property at the fringe of urbanization that will be developed in the future. The proposed Variance and associated Rezone allows the property to continue to be legally used and sold as a single family residence while serving as a holding zone for potential commercial development along Mount Rushmore Road in the future.
Summary of Findings	
The applicant has submitted a Variance request to allow an 8.5 acre parcel in the General Agricultural District in lieu of the required 20 acres. The Variance request was submitted concurrently with a Rezoning request to rezone the 8.5 acre parcel from General Commercial District to General Agricultural District. The proposed Variance and Rezone are in harmony with the intent of the ordinance and allow the property to be used and sold as a single family residence while preserving its potential for commercial development in the future.	
Staff Recommendation	
Staff recommends that the Variance request to allow an 8.5 acre parcel in the General Agricultural District be approved in conjunction with the associated Rezoning request.	