Case No. 18VA015

Legal Description:

A parcel 147 square feet in the SE corner and 3 feet X 147 feet vacated Omaha Street, abutting on the north side; and Lots 1 thru 5 and adjacent vacated alleys less a 20 feet X 35 feet tract in the NW corner of said Lot 1, all located in Block 18 of Gateway Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
DEPARTMENT OF COMMUNITY DEVELOPMENT  
City of Rapid City  
300 Sixth Street, Rapid City, SD 57701-2724  
Phone: (605) 394-4120  
Fax: (905) 394-6636  
Web: www.rcgov.org

APPLICATION FOR A VARIANCE

Written statement describing the proposed and/or intended use and detailing the Variances(s) being requested:

SDDOT is proposing to reconstruct West Omaha Street (Highway 44). SDDOT is purchasing right of way from the subject property and have negotiated for removal of 10' of the existing building as shown on the attached drawings. The current building has a legal non conforming Zero setback from the West Omaha Street right of way. Upon removal of 10' of the building and proposed right of way acquisition the resulting separation from the building and new right of way line, per the SDDOT survey information, will be 3 ft.

The purpose of this Variance is to allow a reduced setback for the building from the required 25'. It is requested a variance be approved to allow a front yard setback from West Omaha of 2' 9". This proposed setback is slightly less than the 3' indicated on the SDDOT drawings to allow for construction and survey tolerances.

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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:

<table>
<thead>
<tr>
<th>Criteria:</th>
<th>Applicant Response:</th>
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<tbody>
<tr>
<td>1. Granting the Variance is not contrary to the public interest;</td>
<td>Variance is need to comply with the proposed right of way agreement with the SD Department of Transportation.</td>
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<td>2. Special conditions on the property will result in an unnecessary hardship for the applicant;</td>
<td>Requiring a 25' building setback would not comply with the proposed right of way agreement with the SD Department of Transportation.</td>
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<td>3. Granting the Variance is in the spirit and intent of the Zoning Ordinance, and;</td>
<td>Current front setback is zero feet and is grandfathered. Reduced setback as result of removing a portion of the building complies with the proposed right of way agreement with the SD Department of Transportation.</td>
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<td>4. Granting the Variance will serve substantial justice.</td>
<td>Proposed setback related to the reduction in building size and the proposed right of way widening are as requested by the SD Department of Transportation.</td>
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18VA015

PROPOSED 10' REMOVAL OF BUILDING PER SDDOT (3' OLD ENTRANCE/OVERHANG AND 7' OF THE BUILDING)

PROPOSED NEW R.O.W. LINE; SEE PROPOSED SDDOT HLOT PLATS

WEST OMAHA STREET

PROPOSED SETBACK VARIANCE = 2'-9"

LEGAL DESCRIPTION OF EXISTING PROPERTY:
LOTS 1 THROUGH 5 AND ADJACENT VACATED ALLEYS LESS A 20 ft X 35 ft TRACT IN THE NW CORNER OF SAID LOT 1, BLOCK 18, GATEWAY ADDITION

LEGAL DESCRIPTION OF EXISTING PROPERTY
PARCEL 147 ft SQUARE IN SE CORNER AND 3 ft X 147 ft VACATED OMAHA ST ABUTTING ON NORTH SIDE

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