



Rapid City Zoning Board of Adjustment Variance Project Report

January 10, 2019

Item #2
Applicant Request(s)
Case #18VA014, a Variance request to reduce the side yard setback that abuts a street from 25 feet to 15.9 feet
Companion Case(s) N/A

Development Review Team Recommendation(s)
Staff recommends that the Variance request be denied.

Project Summary Brief

The applicant has submitted a Variance request to reduce the side yard setback that abuts a street from 25 feet to 15.9 feet. The applicant is proposing to construct a third garage stall measuring 12 feet by 24 feet. There is an existing two-stall attached garage measuring 22 feet by 24 feet. The total garage space will be 816 square feet in size. The requested setback reduction is from East Fairmont Boulevard which is identified as a Minor Arterial Street on the City's Major Street Plan.

Applicant Information	Development Review Team Contacts
Applicant: Sandra Arnold	Planner: Fletcher Lacock
Property Owner: Gloria Neary	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

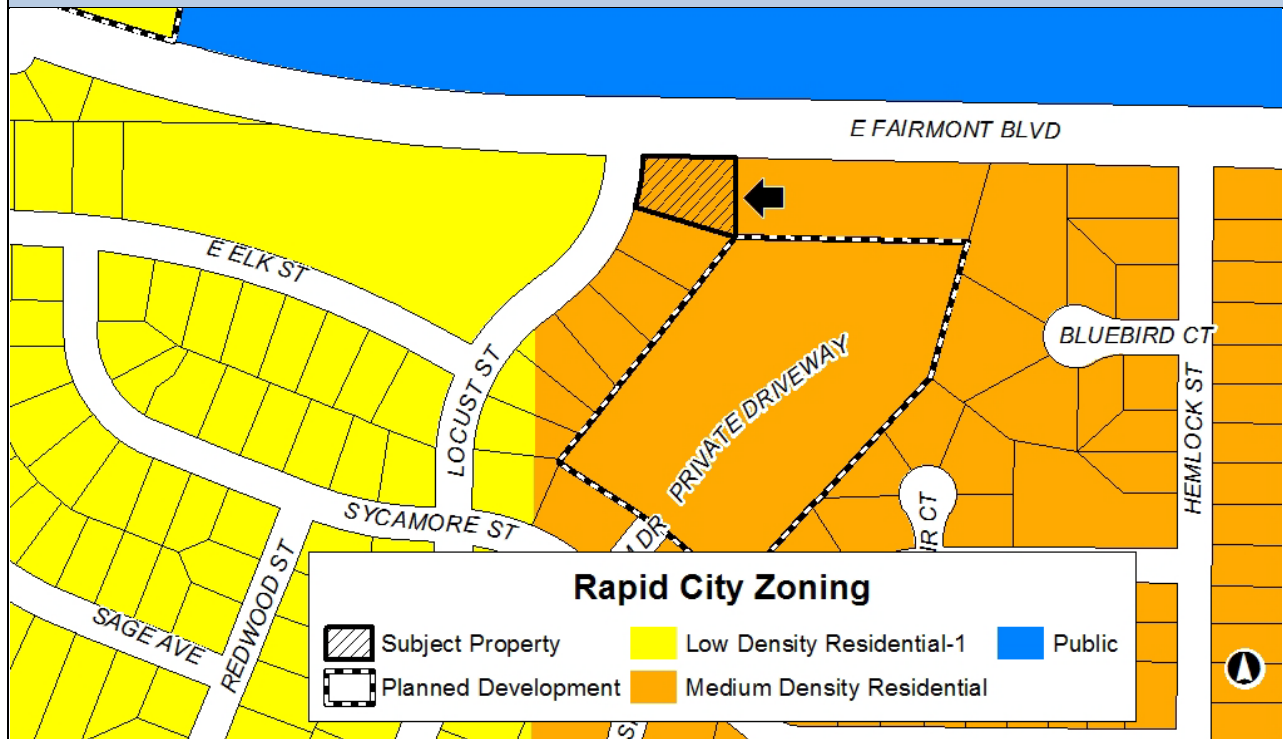
Subject Property Information	
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Address/Location	3308 Locust Street
Neighborhood	South Robbinsdale Neighborhood Area
Subdivision	Robbinsdale #9
Land Area	0.42 acres / Approximately 18,295 square feet
Existing Buildings	Approximately 1,732 square feet
Topography	Relatively flat
Access	Locust 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 dwelling
Adjacent North	P	PG	Robbinsdale Park
Adjacent South	MDR	UN	Single-family dwelling
Adjacent East	MDR	UN	Void of structural development
Adjacent West	LDR	LDN	Church

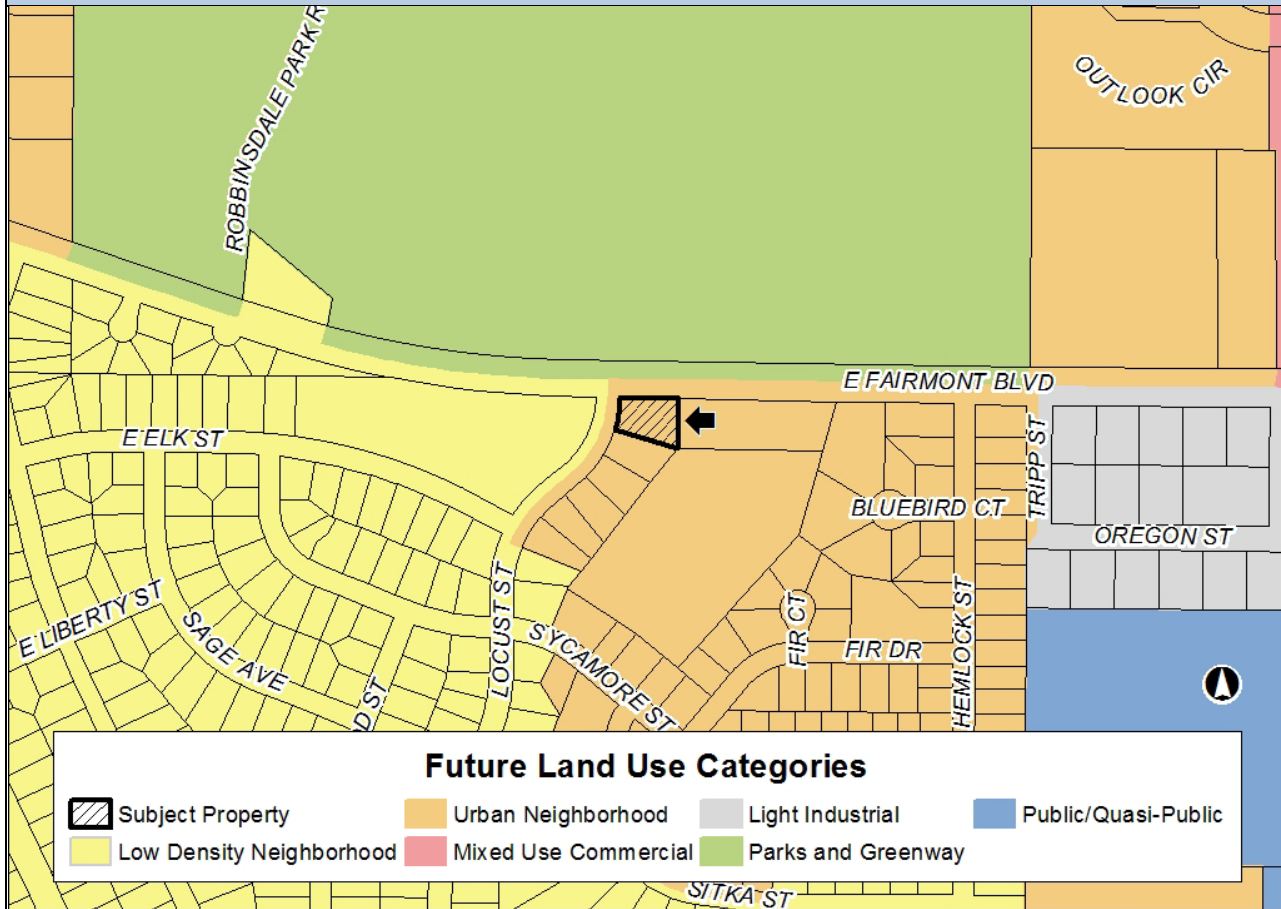
Zoning Map



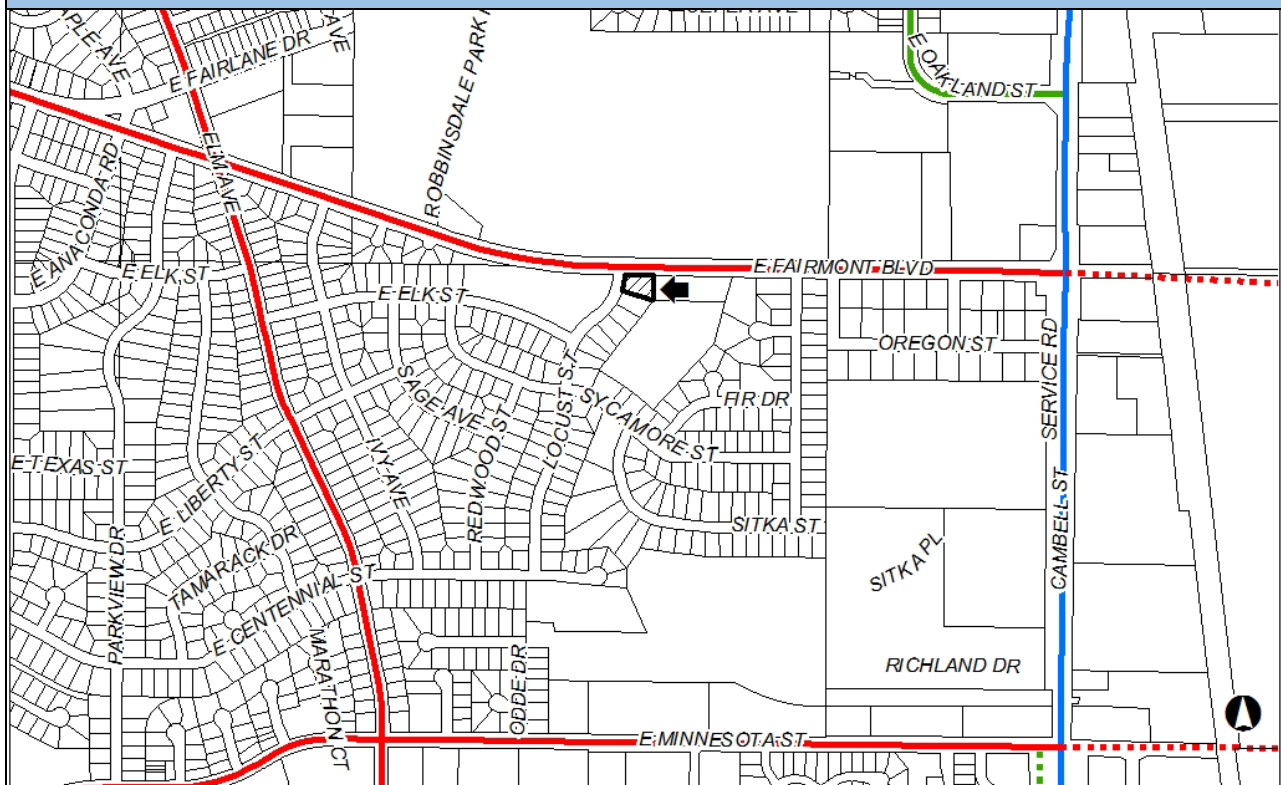
Existing Land Uses



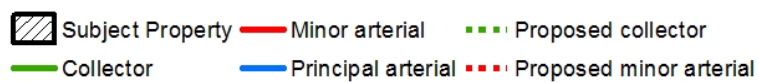
Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Medium Density Residential District	Required	Proposed/Existing	
Lot Area	6,500 square feet	18,295 square feet	
Lot width	50 feet	Approximately 250 feet	
Maximum Building Heights	3 stories or 35 feet	2 stories	
Maximum Density	30%	9.5%	
Minimum Building Setback:			
• Front	20 feet	Approximately 25 feet	
• Rear	25 feet	Approximately 90 feet	
• Side	12 feet	20 feet	
• Street Side	25 feet	Requesting a Variance to allow a setback of 15.9 feet	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	2	2	
• # of ADA spaces	N/A	N/A	
Signage	Pursuant to RCMC	None 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.	Boulevard is extra wide 28 feet separate of lot line to pavement. Right-of-way for Fairmont is 100 feet so no additional right-of-way would be needed.		
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	Location of existing home with attached garage restricts the area to expand for an additional stall for a vehicle.		
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	This home is my parents. My dad passed away. My family moved in to help my mom with the house. Need additional stall to help with items, vehicle. This would allow my mom to keep her vehicle and independence.		
4. By granting the variance substantial justice will be done.	Variance allow my mom to stay in her home. It doesn't impact any adjacent lots. There is sufficient right-of-way for Fairmont. Extra wide boulevard creates 28 feet separation between lot line and pavement.		

Board of Adjustment Criteria and Findings for Approval	
<p>Should the Board of Adjustment grant the Variance, the following criteria, findings, and conditions of approval would be applicable:</p>	
Criteria:	Findings:
1. The variance is for a use allowed in the zoning district.	A single-family dwelling with an attached garage is a permitted use in the Medium Density Residential District.

Conditions of Approval
Prior to issuance of a Building Permit, a surveyed site plan shall be submitted for review and approval.

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 property is zoned Medium Density Residential District and a single-family dwelling with an attached garage is identified as a permitted use. There is currently a single-family dwelling with a two-stall attached garage located on the property. Reasonable use of the land exists, as well as other expansion options.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is relatively level. There is an existing single-family dwelling with an attached two-stall garage located on the property. The property is a corner lot with frontage along Locust Street and East Fairmont Boulevard. Reasonable use of the land exists. There are no special circumstances that do not apply generally in the district.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	Reasonable use of the land and other expansion options exist. The property is developed with a single-family dwelling and an attached two-stall garage.
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 17.12.050 of the Rapid City Municipal Code is to maintain separation between structures and adjacent rights-of-way. East Fairmont Boulevard is identified as a Minor Arterial Street on the City's Major Street Plan. Future street improvements within the 100 foot right-of-way could reduce the distance of the proposed structural expansion and driving lanes within Fairmont Boulevard. Reducing the setback along the arterial street is in direct conflict with the City's adopted Comprehensive Plan. The applicant could add on to the east side of the garage and add to the depth of the garage without requiring a Variance. The proposed Variance request is not in compliance with the intent of the Zoning Ordinance.

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 15.9 feet. The property is developed with a single-family dwelling with an attached two-stall garage. The applicant is proposing to expand the garage to add a third stall measuring 12 feet by 24 feet. There are no special conditions or factors that deny reasonable use of the land. The requested Variance is not in keeping with the intent of the Zoning Ordinance and the City's adopted Comprehensive Plan to maintain separation between structures and adjacent rights-of-way. Staff recommends that the Variance request be denied.