



Rapid City Zoning Board of Adjustment

Variance Project Report

February 7th, 2019

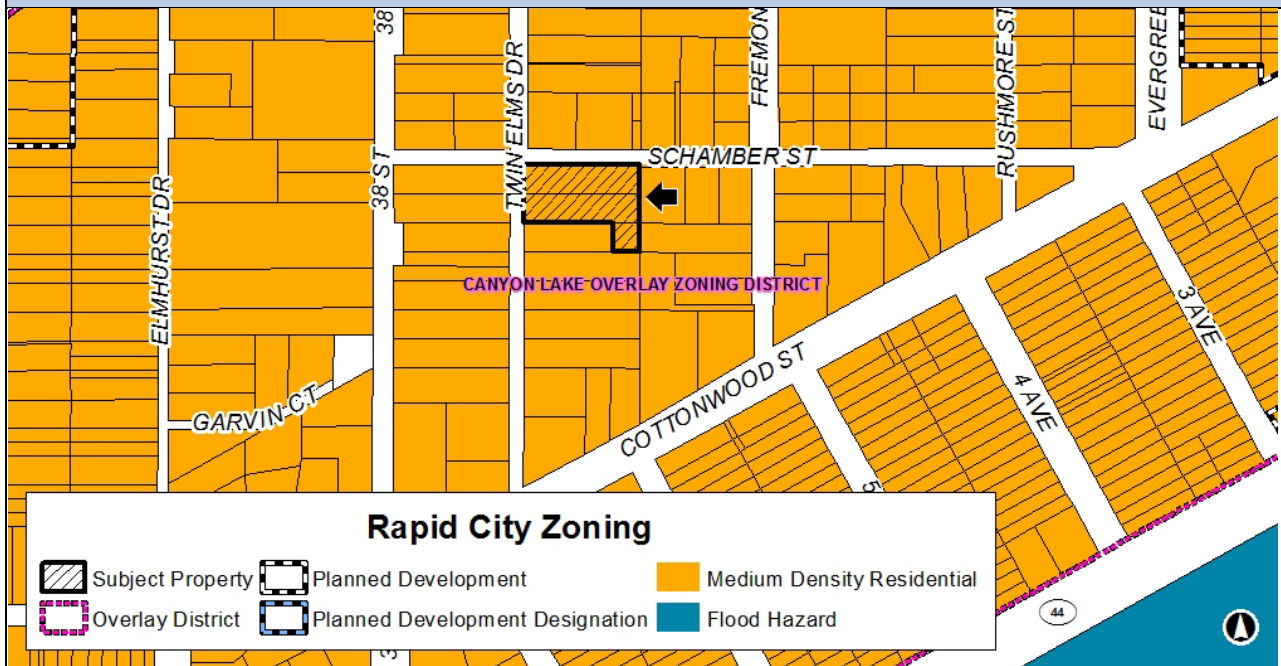
Item #2
Applicant Request(s)
Case #18VA017, a Variance request to Lot 1AR to reduce the front yard setback for a Single Family Residence from 25 feet to 5.5 feet; to reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet; and for Lot 2AR to reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet
Companion Case(s) N/A
Development Review Team Recommendation(s)
Staff recommends that the Variance request be approved with stipulations as noted below.
Project Summary Brief
<p>(Update January 30, 2019. All revised and/or added text is shown in bold.) This item was continued from the January 24th Zoning Board of Adjustment meeting to allow the applicant to submit a revised site plan showing the removal of multiple accessory structures from the proposed lots. Staff has revised the Variance requests and stipulation requiring fire sprinkler protection in all residential structures due to the changes in the site layout. No other portion of this report has been changed. The applicant has submitted a Variance request to reduce multiple setback and lot density requirements for existing residential and accessory structures. The applicant is proposing to subdivide an existing parcel of land into three new lots in order to redevelop the resulting properties separately. The existing parcel of land contains three lots and is occupied by two residential structures and five accessory structures. Specifically, the applicant is requesting to allow reductions in setbacks for existing structures and lot densities for the proposed lots in order to redevelop each property individually. The specific Variance requests are as follows:</p> <p>Proposed Lot 1AR: To reduce the front yard setback for a Single Family Residence from 25 feet to 5.5 feet; To reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet; and, To reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet.</p> <p>Proposed Lot 2AR: To reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet.</p> <p>As a stipulation of approval in the Preliminary Subdivision Plan application approved for the property (File# 18PL106), an additional 13.5 feet of right-of-way must be dedicated along all lot frontage that abuts both Schamber Street and Twin Elms Drive. Many of the current structures on the property are legal-non conforming as to front yard setbacks along Schamber Street. The additional dedication of right-of-way required with the subdivision of the existing parcel has resulted in increased encroachment into front yard setbacks for existing residential and accessory structures on the property. Additionally, in order to secure adequate access to each proposed lot, the lot lines for the proposed subdivision have been configured in a way that will create additional non-conformities for side yard setbacks, rear yard setbacks, and minimum lot size requirements.</p>

Applicant Information		Development Review Team Contacts
Applicant: Triple R Corporation		Planner: John Green
Property Owner: Triple R Corporation		Engineer: Roger Olsen
Architect: N/A		Fire District: Tim Behlings
Engineer: KTM		School District: N/A
Surveyor: N/A		Water: Roger Olsen
Other: N/A		Sewer: Roger Olsen
Subject Property Information		
Address/Location	2004 and 2008 Twin Elms Drive	
Neighborhood	West Rapid Neighborhood Area	
Subdivision	Schamber Addition	
Land Area	0.52 acres, 22,500 square feet	
Existing Buildings	3958 square feet of existing residential structures and accessory buildings	
Topography	Relatively flat	
Access	Twin Elms Drive/Schamber Street	
Water Provider	Rapid City	
Sewer Provider	Rapid City	
Electric/Gas Provider	Black Hills Power/ MDU	
Floodplain	N/A	
Other	N/A	

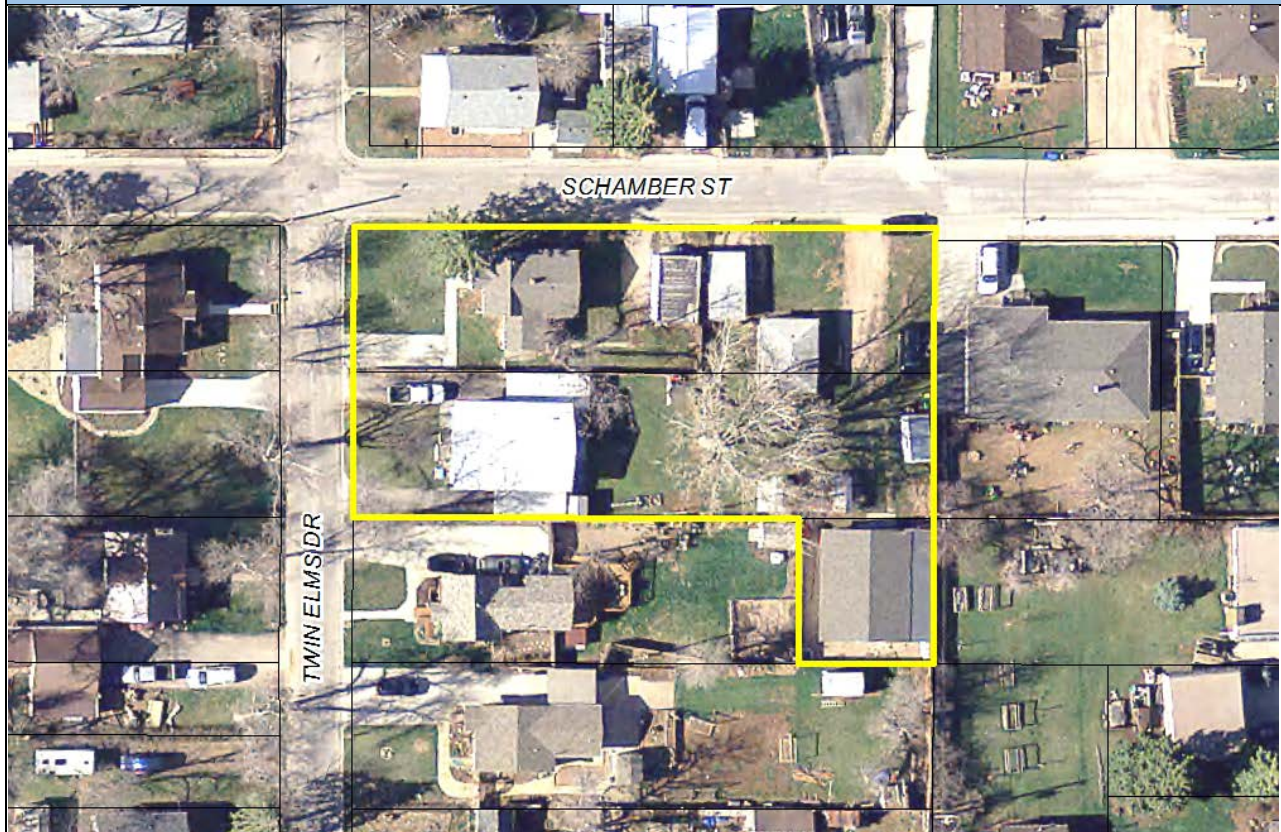
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	Single Family Residence
Adjacent North	MDR	UN	Single Family Residence
Adjacent South	MDR	UN	Single Family Residence
Adjacent East	MDR	UN	Single Family Residence
Adjacent West	MDR	UN	Single Family Residence

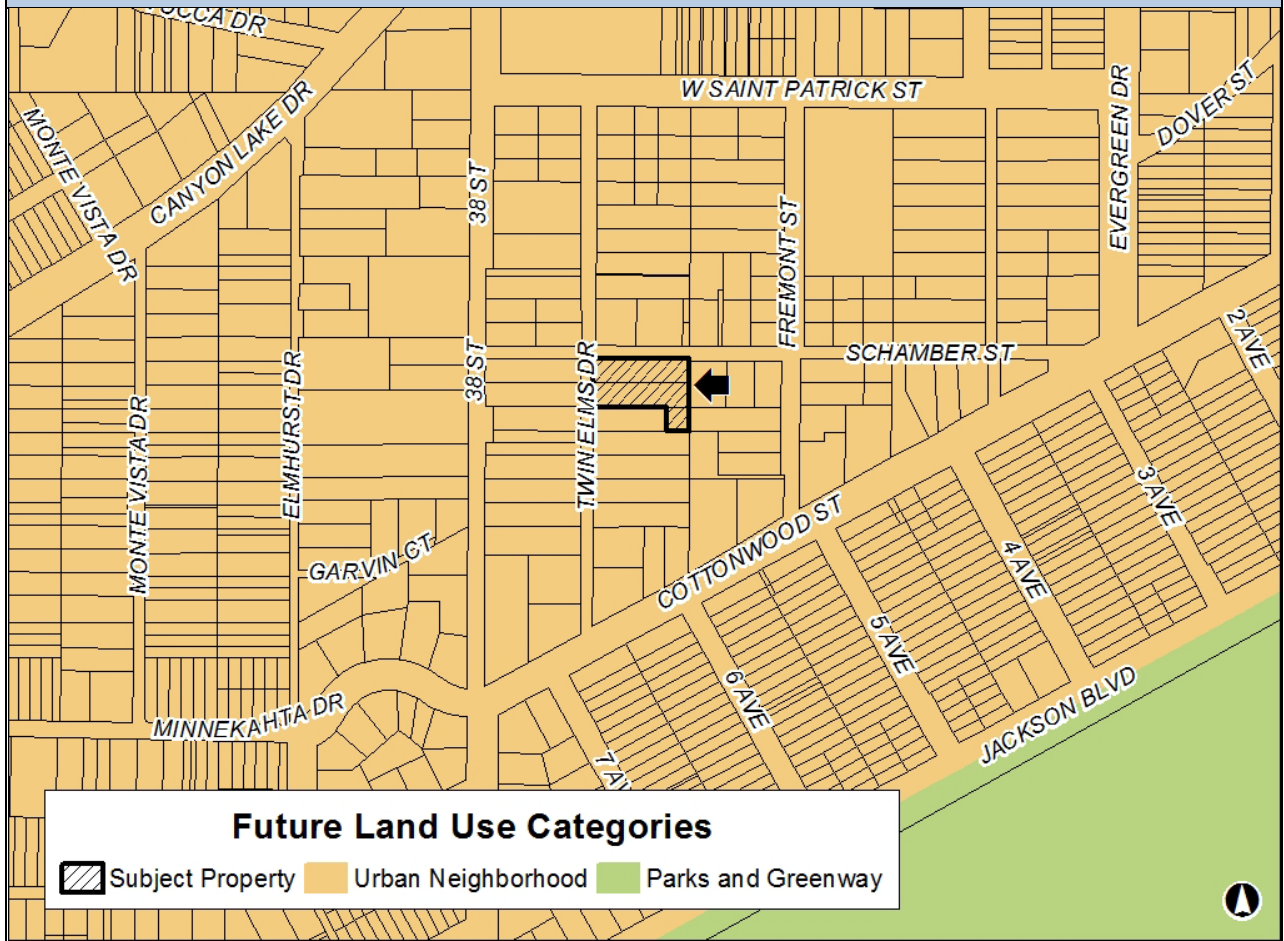
Zoning Map



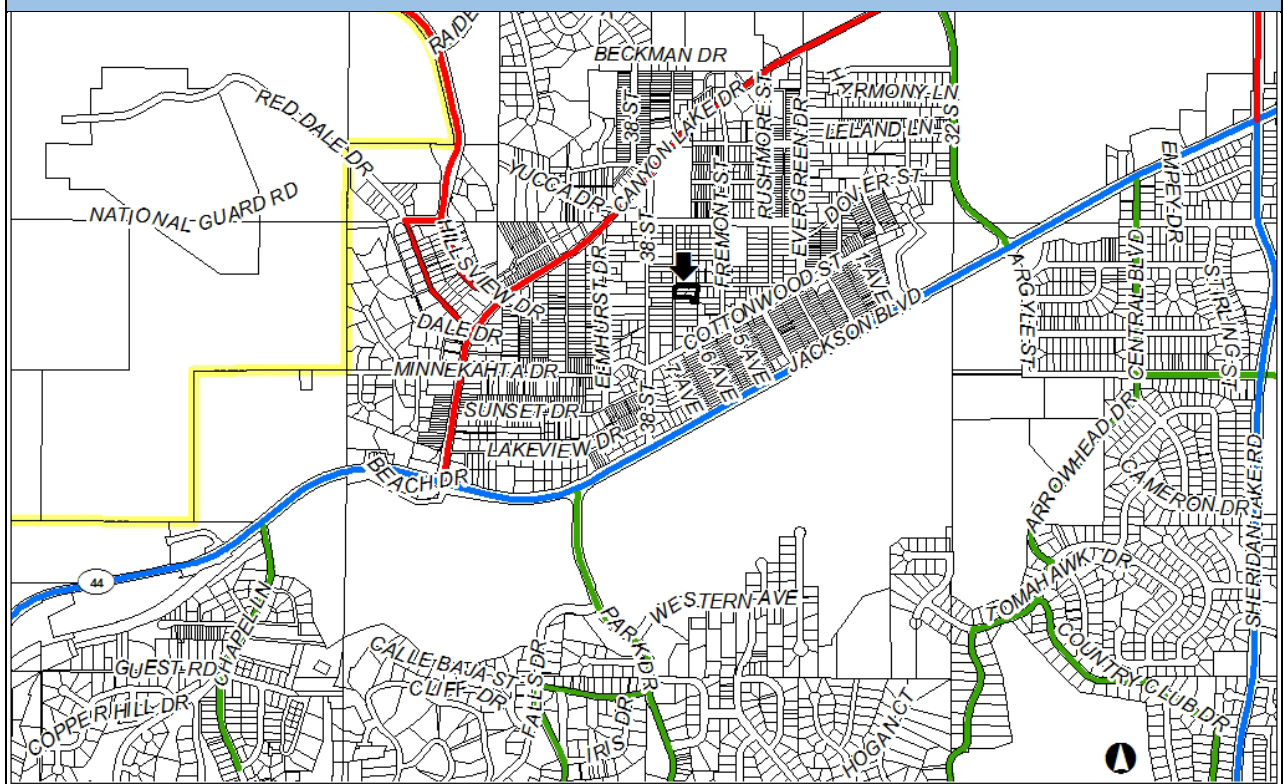
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
Medium Density Residential District	Required	Proposed/Existing	
Lot Area	6,500 square feet, 8,000 square feet	Requesting a Variance to allow a lot size of 5,295 square feet for a single family residence in lieu of 6,500 square feet required; to allow a lot size of 5,885 square feet for a duplex in lieu of 8,000 square feet required	
Lot Frontage	50 feet	79.6 feet, 106.6 feet, 50.6 feet	
Maximum Building Heights	3 stories or 35 feet	2 stories	
Maximum Density	30%	21.2%, 206%, 22.3%	
Minimum Building Setback:			
• Front	25 feet (Canyon Lake Overlay)	Requesting a Variance to allow a 5.5 foot for a residential structure in lieu of 25 feet required	
• Rear	25 feet	Variance request to allow a rear yard setback of 7.5 feet in lieu of 25 feet required	
• Side	8 feet/12 feet		
• Street Side	25 feet (Canyon Lake Overlay)	37 feet / 30 feet	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	1 per 50 spaces	N/A	
Minimum Parking Requirements:			
• # of parking spaces	2 per dwelling unit	2 per dwelling unit	
• # 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 proposed variances are required to redevelop the property. The number of dwelling units is consistent with the underlying MDR zoning. The proposed development will take advantage of existing City infrastructure not requiring additional or new infrastructure and will not add or further burden the existing public services such as Fire Department, Street Maintenance, Etc. Additionally, the new development will increase property values and property taxes.		
2. Due to special conditions the literal enforcement of the zoning ordinance will result in	The minimal existing right-of-ways and additional dedication of new right-of-way as required by city code results in marginal setbacks to the existing structures and reduced lot sizes.		

unnecessary hardship.	
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The underlying zoning district is Medium Density Residential which is intended for higher dwellings per acre and is consistent with what is being proposed. Similarly, the proposed density is consistent with other redevelopment projects in the neighborhood and the overall existing neighborhood.
4. By granting the variance substantial justice will be done.	The proposed redevelopment and requested variances will allow for the existing properties to be redeveloped. This will allow growth consistent with city standards and similar to the existing character of the neighborhood. Without the variances the existing property will remain underutilized. The proposed project is not feasible without the variances being granted as requested.

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:
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)	The subject property contains two individual lots that currently meet minimum lot size requirements for the Medium Density Residential District. The third lot is approximately 2,300 square feet in size and is occupied by an accessory structure. Because of the orientation of the three lots, the lots that are currently occupied by existing residential structures cannot be sold individually for future development. The two existing lots occupied by dwelling units cannot be sold individually because the resulting subdivision would make the garage on the third lot inaccessible from Schamber Street. The proposed subdivision of the lots creates access to each lot separately, allowing for individual development. In order to create three lots for residential development, the applicant is seeking multiple Variances for existing structures that would otherwise encroach into the setbacks of the proposed property lines. Additionally, the applicant has requested Variances for lot size for proposed Lot 1AR and 2AR in order to reconfigure Lot 3AR to have access from Schamber Street.
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.	Medium Density Residential District requires a minimum lot size of 8,000 square feet for a duplex and 6,500 square feet for a single family residence. The applicant is proposing to redevelop an existing single family residence and duplex, in addition to constructing a new duplex for a total of five dwelling units on the three proposed lots. Those five dwelling units would require a minimum of 22,500 square feet between three individual lots to be in compliance with minimum lot size requirements. The size of the existing parcel is 22,500 square feet and is in compliance with the minimum square footage required for the cumulative total of the three proposed lots. The existing parcel is of adequate size to support two duplexes and a single family home and is only made non-conforming by the lot line adjustments needed to provide access to Lot 3AR and redevelop each property independently. The Variance requests reflect the purposes of both the existing ordinance for Medium Density Residential District and the City's Comprehensive Plan.

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:
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<p>1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.</p>	<p>The applicant intends to redevelop the proposed lots individually as part of an effort to add residential units that are in keeping with the existing neighborhood. The existing parcel of land has multiple accessory structures, in addition to a single family residence and a duplex. All of these structures are under a single parcel, but sit on 3 separate lots. The applicant intends to subdivide and reconfigure the lots to create three separate lots that have individual access, accessory structures, and residential units. The resulting subdivision of the existing lot creates setback encroachments for the existing accessory and residential structures, in addition to creating smaller lots than are allowed in the Medium Density Residential District for single family residences and duplexes. In order to redevelop each existing structure and add a small duplex onto proposed Lot 3R, the applicant is seeking Variances in minimum lot size allowed in the Medium Density Residential District</p>
<p>2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)</p>	<p>The subject property contains two individual lots that currently meet minimum lot size requirements for the Medium Density Residential District. The third lot is approximately 2,300 square feet in size and is occupied by an accessory structure. Because of the orientation of the three lots, the lots that are currently occupied by existing residential structures cannot be sold individually for future development. If the residential properties were sold off individually on their existing lots, the garage on the third lot would be inaccessible from Chamber Street and could not be developed for residential purposes. The proposed subdivision of the lots creates access to each lot separately, allowing for individual development. In order to create three lots for residential development, the applicant is seeking multiple Variances for existing structures that would otherwise encroach into the setbacks of the proposed property lines. Additionally, the applicant has requested Variances for lot size for proposed Lot 1AR and 2AR in order to reconfigure Lot 3AR to have access from Chamber Street.</p>
<p>3. The variance is the minimum adjustment necessary for the reasonable use of the land.</p>	<p>The subject property cannot support a third residential unit without alterations in the lot layout surrounding each residence. In order to provide access to proposed Lot 3AR, Lot 1AR and 2AR must be smaller than minimum lot size requirements. The resulting adjustment of lot lines creates setback encroachments for existing residential and accessory structures, but would allow each property to be redeveloped.</p>
<p>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.</p>	<p>Medium Density Residential District requires a minimum lot size of 8,000 square feet for a duplex and 6,500 square feet for a single family residence. The applicant is proposing to redevelop an existing single family residence and duplex, in addition to constructing a new duplex for a total of five dwelling units on the three proposed lots. Those five dwelling units would require a minimum of 22,500 square feet between three individual lots to be in compliance with minimum lot size requirements. The size of the existing parcel is 22,500 square feet and is in compliance with the minimum square footage required for the cumulative total of the three proposed lots. The existing parcel is of adequate size to support two duplexes and a single family home and is only made non-conforming by the lot line adjustments needed to provide access to Lot 3AR and redevelop each property independently. The Variance requests reflect the purposes of both the existing ordinance for Medium Density</p>

Summary of Findings

The applicant has submitted multiple Variance requests to allow setback reductions and minimum lot size reductions for the properties located at the corner of Twin Elms Drive and Schamber Street. The applicant is proposing to subdivide an existing parcel of land containing three lots into three new lots in order to redevelop the existing residential structures currently occupying two of the lots and to construct an additional duplex on the third proposed lot. The resulting subdivision of land requires additional dedication of right-of-way along both Schamber Street and Twin Elms Drive and will create encroachments into setbacks for existing residential and accessory structures. Additionally, the reconfigured lot lines will create two new lots that are below the minimum square footage required for lots within the zoning district. The setback encroachments and lot size deviations are necessary to provide access to proposed Lot 3AR and its existing structures, while maintaining access and existing structure for proposed Lots 1AR and 2AR. The size of the entire existing parcel would support the densities of dwelling units proposed by the applicant, but the reconfiguration of lot lines necessary for redevelopment of each lot creates non-conformities. If granted, the proposed Variance requests would allow redevelopment of three interior city lots for residential uses consistent with the City's Comprehensive Plan.

Staff Recommendation

Staff recommends that the Variance request to Lot 1AR to reduce the front yard setback for a Single Family Residence from **25** feet to 5.5 feet; To reduce the rear yard setback for a Single Family Residence from 25 feet to 7.53 feet.; To reduce the minimum lot size for a single family residence from 6,500 square feet to 5,294.8 square feet; for Lot 2AR To reduce the minimum lot size for a duplex from 8,000 square feet to 5,888.7 square feet be approved with stipulations.

Stipulations of Approval

- 1. Prior to approval of a Final Plat application, the applicant shall coordinate with the Rapid City Fire Department to provide fire sprinkler protection for the proposed duplex on Lot 3AR. Additionally, any renovation or alteration of the existing duplex on Lot 2AR shall require fire sprinkler protection.**