



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Community Planning & Development Services

300 Sixth Street

Vicki L. Fisher, Current Planning Division Manager
Community Planning & Development Services
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: Vicki.Fisher@rcgov.org

MEMORANDUM

TO: Rapid City Planning Commission

FROM: Vicki L. Fisher, Current Planning Division Manager

DATE: January 14, 2019

RE: 18OA017-Ordinance Amendment to update and clarify the criteria and procedure for granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code

During a Joint Work Session held on July 12, 2018, it was discussed that the Zoning Ordinance should be amended to clarify the review criteria for a Variance and the procedure required to submit a Variance. Subsequently, staff has created the attached Ordinance Amendment to address the issues as follows:

- Eliminate the requirement that a Variance cannot be submitted until after written denial of a building permit by the Building Official has been obtained;
- Remove the limitation that a building permit cannot be issued by the Building Official until 7 business days after granting of a Variance;
- Replace the reference of an “unnecessary hardship” with “unreasonable hardship” and provide the criteria of review to determine whether the Variance creates an “unreasonable hardship”; and,
- Add the requirement for granting of a Variance to include that “there are special conditions attached to the property that do not generally apply to other properties in the same district” and provide clarification for a “special condition”.

The proposed amendment complies with the criteria standards for granting a Variance set forth by South Dakota Codified Law. In addition, the proposed revisions will assist the Zoning Board of Adjustment when citing justification for granting and/or denying a Variance. As such, staff recommends that the proposed Ordinance Amendment be approved.



EQUAL OPPORTUNITY EMPLOYER

Recommendation: The Development Review Team recommends that the Ordinance Amendment to update and clarify the criteria and procedure for granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code be approved.