



Rapid City Zoning Board of Adjustment Variance Project Report

January 24, 2019

Item #1
Applicant Request(s)
Case #18VA016, a Variance request to allow 9 parking spaces in lieu of 16 required spaces
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

The applicant has submitted a Variance request to allow 9 parking spaces for a medical clinic in lieu of the 16 parking spaces required for the property located at 4004 Jackson Boulevard. Due to prior transfer of off-street parking and site limitations, the applicant is proposing to construct 9 parking spaces on the adjacent property located directly east of the subject property (3948 Jackson Boulevard). Specifically, the applicant is proposing to construct 9 parking spaces on the parcel of land at 3948 Jackson Boulevard to be used as off-street parking for the proposed midwife medical clinic located at 4004 Jackson Boulevard. Both properties are owned by the applicant. The eastern property is zoned Office Commercial District and the existing building is currently being utilized as a residential rental unit, while the western property is zoned General Commercial District. The existing 6,044 square foot building on the western property is intended to be used as a midwifery, requiring 16 off-street parking spaces.

The use of the existing parking spaces on the property was transferred with the sale of the property to the west of the subject property (4020 Jackson Boulevard) and cannot be counted towards the property's required off-street parking. In order to use the existing building at 4004 Jackson Boulevard, the applicant intends to construct 9 off-street parking spaces on the property at 3848 Jackson Boulevard if the reduction in required parking is granted. The proposed off-street parking can then be utilized by the property at 4004 Jackson Boulevard as part of the midwifery medical clinic.

Applicant Information	Development Review Team Contacts
Applicant: Jamie Loftus	Planner: John Green
Property Owner: Ronald and Cheryl Loftus	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Todd Peckosh
Other: N/A	Sewer: Todd Peckosh

Subject Property Information	
Address/Location	4004 and 3948 Jackson Boulevard
Neighborhood	West Rapid Neighborhood Area
Subdivision	Hughes
Land Area	0.38 and 0.29 acres, 16,553 square feet and 12,632 square feet
Existing Buildings	6,044 square foot office building and 1,188 square foot residence
Topography	Relatively flat
Access	Jackson Boulevard
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

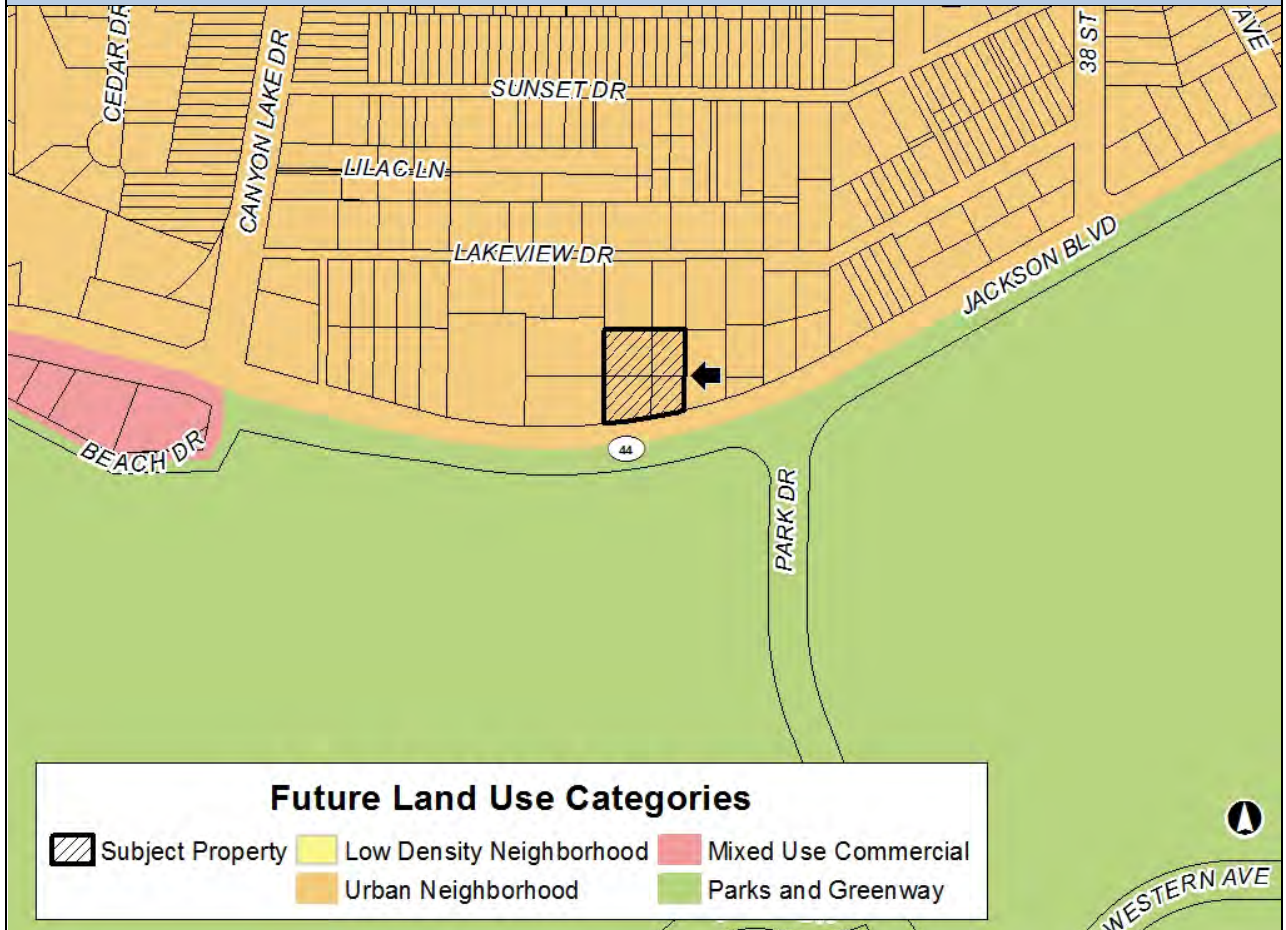
Other	N/A		
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC/OC	UN	Medical Clinic/Single Family Residence
Adjacent North	MDR	UN	Single Family Residence
Adjacent South	P	PG	Canyon Lake Park
Adjacent East	MDR	UN	Single Family Residence
Adjacent West	GC	UN	Attorney's Office
Zoning Map			
Existing Land Uses			

Rapid City Zoning

Subject Property	Medium Density Residential	General Commercial
Overlay District	Office Commercial	Flood Hazard



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		
General Commercial District	Required	Proposed/Existing
Lot Area	N/A	0.38 acres and 0.29 acres
Lot Frontage	N/A	100 feet
Maximum Building Heights	4 stories or 45 feet	1 story
Maximum Density	75%	22% and 13%
Minimum Building Setback:		
• Front	25 feet	118 feet
• Rear	0 feet	12.5 feet
• Side	0 feet	13 feet/12.5 feet
• Street Side	25 feet	N/A
Minimum Landscape Requirements:		
• # of landscape points	25,394 points	28,950 points provided
• # of landscape islands	1 per 50 spaces	N/A
Minimum Parking Requirements:		
• # of parking spaces	16	Requesting a Variance to allow 9 spaces in lieu of 16 required spaces
• # of ADA spaces	1 (1 Van Accessible)	1 (1 Van Accessible)
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 use (Midwifery) anticipates the use of only 8 parking spaces (2 midwives, 4 patients, 1 nurse, 1 front desk)
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	On-site parking is limited by prior agreement with the adjoining landowner to the west.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The Ordinance is not intended to deprive reasonable use of the property.
4. By granting the variance substantial justice will be done.	The Variance will provide reasonable use of the property and substantial justice.

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:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The existing structure on the subject property cannot currently be utilized for commercial purposes because of the lack of off-street parking available on the property. All striped parking that currently exists on the property was transferred with the sale of the building at 4020 Jackson Boulevard, effectively limiting the commercial potential of the property. The property is located along a high traffic corridor and is intended to serve the community as a midwifery. Without adequate off-street parking, reasonable use on the property does not exist.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The property at 4004 Jackson Boulevard cannot currently be utilized for any new commercial use and has been vacant for an extended period of time. Based on the applicant's operational plan, the proposed midwifery is a specialized service that will not need the amount of parking required of medical clinic at four parking stalls per 1000 square feet of floor area. The midwifery projects that it will need two stalls for the midwives, four stalls for patients, one stall for a nurse and one front desk employee, for a total of 8 spaces. Granting the Variance would be the minimum adjustment necessary to allow reasonable use of the land for this specific use.
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 subject property cannot currently be utilized for any commercial purposes due to limited off-street parking. The Variance request will allow the structure to be utilized for a neighborhood and community service without causing undue harm or degeneration in the neighborhood. Granting the Variance request does not appear to be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the 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:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The existing structure on the subject property cannot currently be utilized for commercial purposes because of the lack of off-street parking available on the property. All striped parking that currently exists on the property was transferred with the sale of the building at 4020 Jackson Boulevard, effectively limiting the commercial potential of the property. The property is located along a high traffic corridor and is intended to serve the community as a midwifery. Without adequate off-street parking, reasonable use on the property does not exist.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)	The property at 4004 Jackson Boulevard is zoned General Commercial District, within which a medical office is a permitted use. The property at 3948 Jackson Boulevard is zoned Office Commercial District. A parking area is a conditional use in the Office Commercial District. There are no special circumstances or conditions that do not apply generally in either district.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The property at 4004 Jackson Boulevard cannot currently be utilized for any new commercial use and has been vacant for an extended period of time. Based on the applicant's operational plan, the proposed midwifery is a specialized service that will not need the amount of parking required of medical clinic at four parking stalls per 1000 square feet of floor area. The midwifery projects that it will need two stalls for the midwives, four stalls for patients, one stall for a nurse, and one front desk employee for a total of 8 spaces. Granting the Variance would be the minimum adjustment necessary to allow reasonable use of the land for this specific use.
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 subject property cannot currently be utilized for any commercial purposes due to limited off-street parking. The Variance request will allow the structure to be utilized for a neighborhood and community service without causing undue harm or degeneration in the neighborhood. Granting the Variance request does not appear to be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan.
Summary of Findings	
The applicant has submitted a Variance request to allow 9 off-street parking stalls in lieu of 16 required spaces for a medical clinic at 4004 Jackson Boulevard. The applicant cannot currently utilize the existing building due to a lack of available off-street parking. In order to add the needed parking for their proposed use, the applicant intends to construct 9 off-street parking stalls on the property at 3948 Jackson Boulevard. The property at 3948 Jackson Boulevard is currently occupied by a single family rental unit, which is owned by the applicant. The Variance request will allow the property at 4004 Jackson Boulevard to be used as a midwifery while utilizing existing open space in the Office Commercial District for construction of the necessary off-street parking.	
Staff Recommendation	
Staff recommends that the Variance request to allow a 9 parking spaces in lieu of 16 required spaces be approved with stipulations.	
Stipulations of Approval	
1. Prior to issuance of a Building Permit, a parking lease between Lot 2 of subdivision of	

Lot D of Lot 2; Lot 2 of subdivision of Lot 3 of Lot A of Lot 2 and Lot 1 of Lot 3 of Lot A of Lot 2 and Lot 1 of subdivision of Lot D of Lot 2 of Hughes Subdivision, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota shall be recorded;

2. Prior to issuance of a Building Permit, the site plan shall be revised to show the pavement of the approach and access aisle, or a Variance shall be obtained;
3. Prior to issuance of a Building Permit, the site plan shall be revised to show all aisles in the parking area constructed with a minimum width of 26 feet, or a Variance shall be obtained;
4. Prior to issuance of a Building Permit, the site plan shall be revised to show a minimum 24 foot wide approach;
5. Prior to issuance of a Building Permit, the site plan shall be revised to show pedestrian access between the parking area and the midwifery;
6. Prior to issuance of a Building Permit, site plans shall be revised to show an underdrain for the water quality pond on the property;
7. Prior to issuance of a Building Permit, a Right-of-Way permit form the South Dakota Department of Transportation shall be obtained prior to any reconstruction of the approach and any construction in the Jackson Boulevard right-of-way; and,
8. Prior to issuance of a Building Permit, a Conditional Use Permit to allow a parking structure in the Office Commercial District shall be reviewed and approved; and,
9. The Variance to allow 9 off-street parking spaces in lieu of 16 spaces required for a medical clinic shall be allowed for a midwifery at 4004 Jackson Boulevard. Any expansion of this use or change of use shall require review and approval of an additional Variance.