



# Rapid City Zoning Board of Adjustment Variance Project Report

April 25, 2019

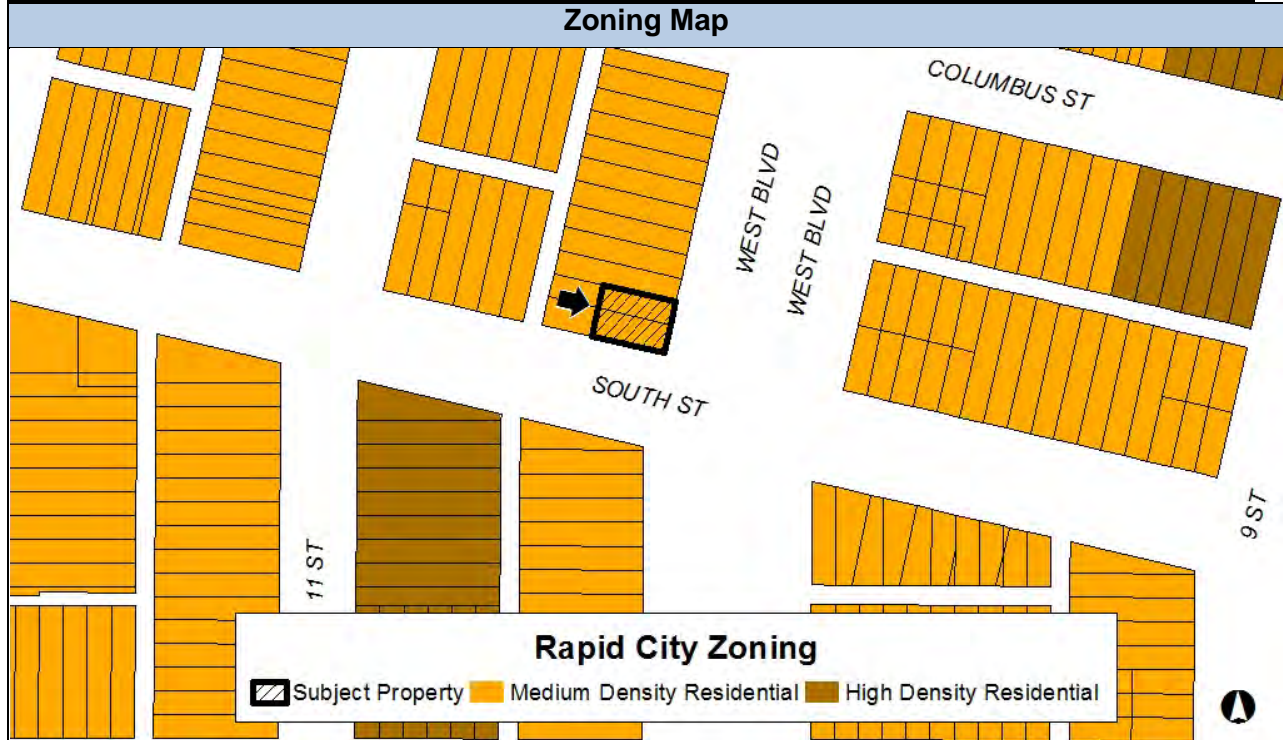
<b>Item #1</b>
<b>Applicant Request(s)</b>
Case #19VA001, Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet, and to increase the lot coverage from 30% to 41.2%
Companion Case(s) N/A

<b>Development Review Team Recommendation(s)</b>
Staff recommends that the Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet be granted contingent upon the concrete patio being removed; and that the Variance request to increase the lot coverage from 30% to 41.2% be denied.

<b>Project Summary Brief</b>	
The applicant has submitted a Variance request to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet, and to increase the lot coverage from 30% to 41.2%. In particular, the applicant is proposing to remove and reconstruct the front porch adding a roof and removing a concrete patio on the back of the house and constructing a wooden deck. The subject property is 3,900 square feet in size and qualifies for "small-lot status". There is an existing single-family dwelling located on the property. The existing dwelling has legal non-conforming setbacks and lot coverage.	
Applicant Information	Development Review Team Contacts
Applicant: John and Mary Buchy	Planner: Fletcher Lacock
Property Owner: John and Mary Buchy	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

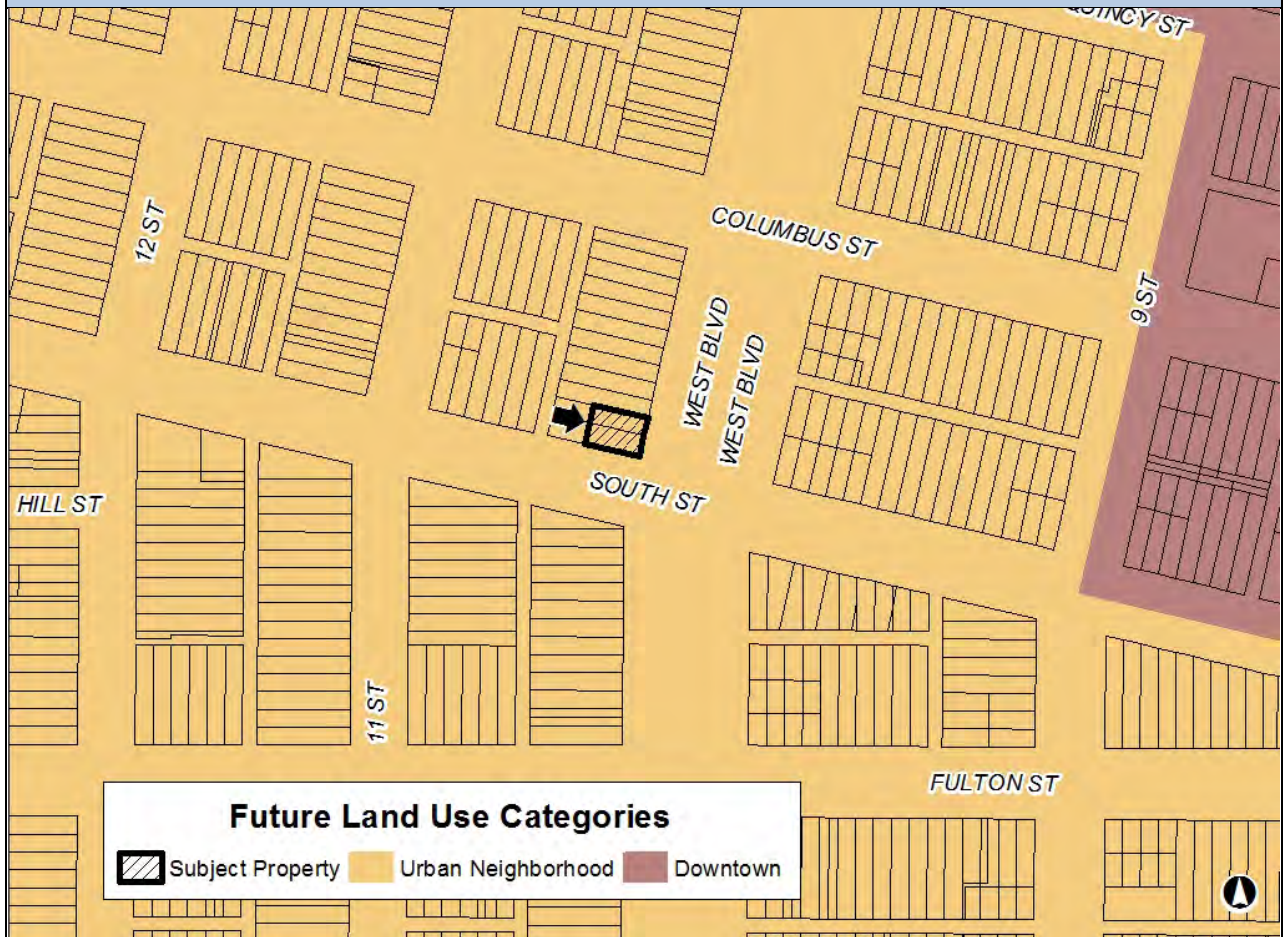
<b>Subject Property Information</b>	
Address/Location	923 West Boulevard
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Boulevard Addition
Land Area	0.09 acres (3,900 square feet)
Existing Buildings	Single-family dwelling (1,477 square feet)
Topography	Relatively flat
Access	South Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A
Other	West Boulevard Historic District

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	Single-family dwelling
Adjacent North	MDR	UN	Single-family dwelling
Adjacent South	MDR	UN	Single-family dwelling
Adjacent East	MDR	UN	Single-family dwelling
Adjacent West	MDR	UN	Single-family dwelling

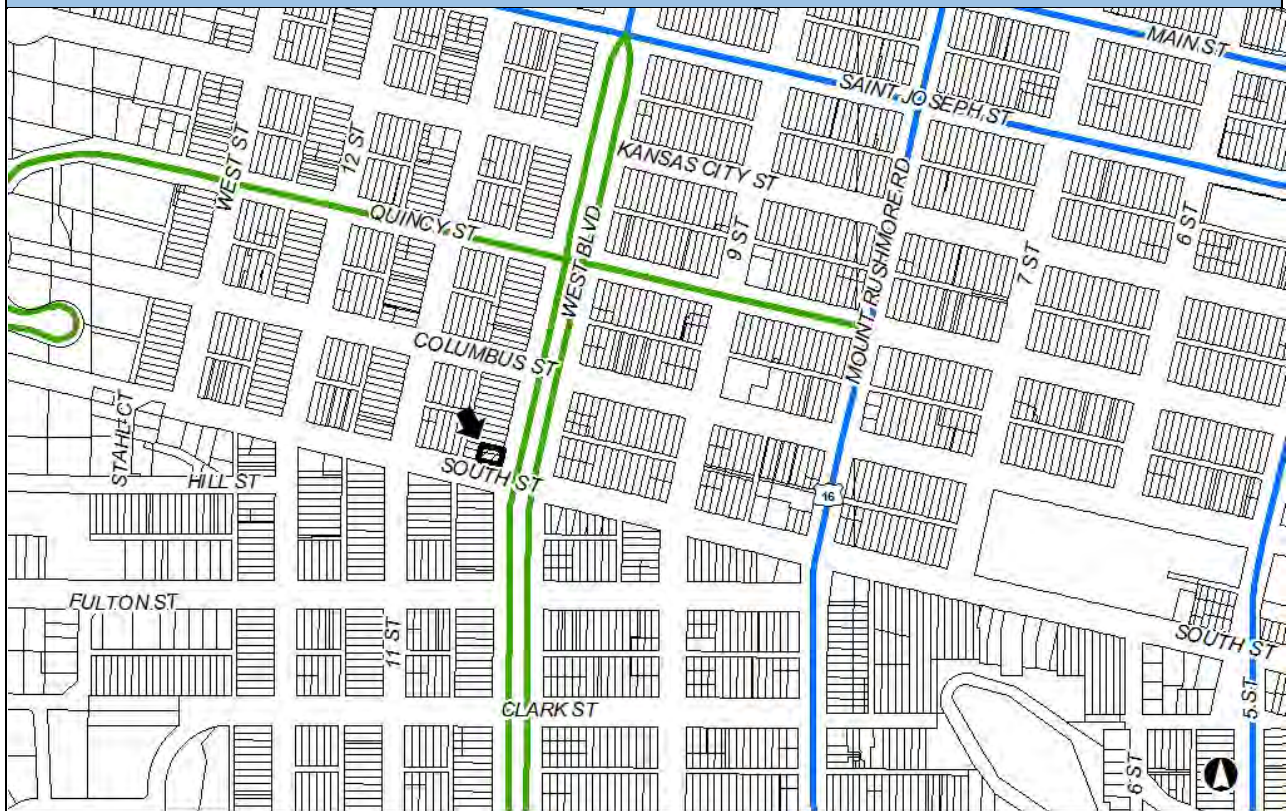




### Comprehensive Plan Future Land Use



### Parks or Transportation 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	3,900 square feet
Lot Frontage	25 feet	50 feet
Maximum Building Heights	2½ stories, 35 feet	2 story
Maximum Density	30%	Requesting a Variance to allow 41.2%
Minimum Building Setback:		
• Front	25 feet	Requesting a Variance to allow 15.5 feet
• Rear	25 feet	Requesting a Variance to allow 2 feet
• Side	12 feet	Requesting a Variance to allow 5 feet
• Street Side	20 feet	Requesting a Variance to allow 12 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:**

**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:**

<b>Criteria:</b>	<b>Applicants Response (verbatim):</b>
1. The granting of the variance will not be contrary to the public interest.	The proposed new construction will make the house more historically accurate and, therefore, consistent with the other houses in the West Boulevard Historic District. The proposed variance will result in less of a violation of the setback requirements than exist with the present construction. The proposed new construction has already been approved by the Historic Preservation Committee.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	The lot is a small corner lot and is much smaller than other lots in the area. The lot is too small for compliance with the zoning setback requirements and strict enforcement of the setback requirements would render the lot unusable. The existing structure was in existence prior to the enactment of the zoning ordinance and it is too large to meet the zoning setback requirements. The proposed construction would improve the setback distances on the front and north side and they would remain the same on the rear and south sides.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The proposed construction will be less of a violation of the setback requirements than exist with the present construction. Thus the new construction will be in greater compliance with the zoning ordinance than the existing structure. The new construction will be more historically accurate and, therefore, more consistent with the other housing in the West Boulevard



	Historic District.
4. By granting the variance substantial justice will be done.	The new construction will improve the appearance of the structure, result in less of a violation of the setback requirements, and will render the structure more historically accurate and compatible with the historic nature of the neighboring structures in the West Boulevard Historic District.

**Board of Adjustment Criteria and Findings for Approval**

**Should the Board of Adjustment grant the variance for a reduction in the required side yard setback, the following criteria, findings, and conditions of approval would be applicable:**

<b>Criteria:</b>	<b>Findings:</b>
1. The variance is for a use allowed in the zoning district.	A single-family dwelling with an attached garage is identified as a permitted use in the Medium Density Residential District. The front and rear decks are also identified as permitted uses.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The subject property is a corner lot located on the northwest corner of the intersection of West Boulevard and South Street. The minimum required lot size for a single-family dwelling is 6,500 square feet. The subject property is only 3,900 square feet in size and is identified as a "small lot". The property is developed with a single-family dwelling which is non-conforming to setbacks and lot coverage. The proposed porch and rear deck will reduce the overall encroachment into the front yard setback by 2 feet and the side yard setback by 2 feet. In addition, removing the existing concrete patio will help alleviate drainage concerns. Staff recommends that the Variances to reduce the minimum required front yard setback, to reduce the minimum required rear yard setback, to reduce the minimum required side yard setback, and to reduce the minimum required side yard setback that abuts a street be granted. However, the applicant is proposing to construct a roof over the proposed front porch which will increase the lot coverage from 38% to 41.2%. An uncovered porch does not count towards the lot coverage. Staff cannot support the increase in lot coverage which is not necessary to achieve reasonable use of the land.
3. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	<p>The applicant is requesting a total of five Variances. The first request is to reduce the front yard setback from 25 feet to 15.5 feet along West Boulevard. The applicant is proposing to remove the existing front porch and build a new covered deck. The applicant has indicated that the setback will actually increase from 13 feet to 15.5 feet. In addition, the distance between the property and the street edge is approximately 45 feet. The applicant is also requesting a Variance to reduce the side yard setback that abuts a street along South Street. The Variance request is for the existing structure and the encroachment of the new deck into the setback. The subject property is only 3,900 square feet in size and a corner lot requiring a side yard setback that abuts a street of 20 feet. The existing setback is 12 feet. In addition, the distance between the property line and the street edge is approximately 35 feet. There is no further encroachment than what currently exists.</p> <p>The next two Variance requests are for the removal of a concrete patio on the northwest corner of the house and replacement with a wooden deck. Public Works staff has indicated that the removal of the concrete patio would be an improvement to drainage. The Rapid City Fire Department has also indicated concurrence with</p>

the requests. The proposed wooden deck also will decrease the encroachment into the side yard setback from 3 feet to 5 feet. Staff recommends that the Variances to reduce the minimum required rear yard setback from 25 feet to 2 feet and to reduce the minimum required side yard setback from 12 feet to 5 feet be approved specifically for a wooden deck contingent upon the concrete patio being removed.

The final request is a Variance to increase the maximum allowed lot coverage from 30% to 41.2%. The existing lot coverage is non-conforming at 38%. The increase is due to the proposed roof over the new front porch. The increase in impervious area will have an impact on drainage and is not the minimum adjustment necessary. As such, staff recommends that the Variance to increase the maximum allowed lot coverage be denied.

<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>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 ensure that adequate separation is provided between structures and adjacent properties and rights-of-way. As noted above, the subject property is an existing small lot located on the northwest corner of the intersection of West Boulevard and South Street. Other than the roof over the front porch, the requested Variances increase setbacks or will improve drainage and stay within the bounds of the existing structure other than the lot coverage request.</p>
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**Conditions of Approval**

The concrete patio on the northwest corner of the property shall be removed.

**Board of Adjustment Criteria and Findings for Denial**

**Should the Board of Adjustment decide to deny the variance for a reduction in the required side yard setback, the following criteria would be applicable:**

<b>Criteria:</b>	<b>Findings:</b>
<p>1. The variance is the minimum adjustment necessary for the reasonable use of the land.</p>	<p>As noted above, the property is an existing small lot located on the northwest corner of the intersection of West Boulevard and South Street. The four Variances for setbacks do not further encroach into the setback established by the existing structure. However, the front porch does not currently have a roof. The applicant is proposing to construct a roof which will increase the lot coverage from 38% to 41.2%. The maximum allowed lot coverage is 30%. The increase in lot coverage due to the roof is not the minimum adjustment necessary for reasonable use of the land. The applicant could repair the existing deck. In addition, the increase in impervious area may have a negative impact on drainage in an area with existing issues.</p>

**Summary of Findings**

The applicant has submitted a Variance request to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet, and to increase the lot coverage from 30% to 41.2%. The subject property is zoned Medium Density Residential District and is approximately 3,900 square feet in size. There is a single-family dwelling currently located on the property. The applicant is proposing to remove the existing front porch and to build a new covered porch. In addition, the applicant is proposing to remove a concrete patio located on the northwest side of the dwelling and to build a wooden deck. The property is an existing small lot located on the northwest corner of the intersection of West Boulevard and South Street. The four Variances for setbacks do not further encroach into the setback established by the existing structure. However, the front porch does not currently have a roof. The applicant is proposing to construct a roof which will increase the lot coverage

from 38% to 41.2%. The maximum allowed lot coverage is 30%. The increase in lot coverage due to the roof is not the minimum adjustment necessary for reasonable use of the land. The applicant could repair the existing deck. In addition, the increase in impervious area may have a negative impact on drainage in an area with existing issues. Staff recommends that the Variances to reduce the minimum required front yard, side yard, rear yard, and side yard setback abuts a street be granted contingent upon the concrete patio being removed as the lot is only 3,900 square feet in size and the adjustment is the minimum required for reasonable use of the land. In addition, staff recommends that the increase in lot coverage from 30% to 41.2% be denied as the new encroachment will have a negative impact on drainage and is not the minimum adjustment needed for reasonable use of the land.

**ZBOA Recommendation and Stipulations of Approval**

Staff recommends that the Variance to reduce the front yard setback from 25 feet to 15.5 feet, to reduce the rear yard setback from 25 feet to 2 feet, to reduce the side yard setback that abuts a street from 20 feet to 12 feet, to reduce the side yard setback from 12 feet to 5 feet be granted contingent upon the concrete patio being removed; and that the Variance request to increase the lot coverage from 30% to 41.2% be denied.