Case No. 19VA004

Legal Description:

the east 78 feet of Lot 11 and 12 of Block 18 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
May 8, 2019

To: Zoning Board of Adjustment

From: Mary Buchy

Dear Members,

Thank you for your time. I apologize for the difficulties that my not being able to attend the hearing created. I was not able to attend because I had to take my husband for cancer testing in Sioux Falls. The appointment was originally scheduled for during the blizzard. I had limited time to organize once it was rescheduled. I did arrange for an attorney to be there but I had hoped to be able to leave Sioux Falls in time to do a night drive and still attend. Unfortunately, what was to be an outpatient surgery turned into an overnight stay in the hospital.

I am hopeful that when I am able to explain the entire situation we can reach a reasonable conclusion. I would hate to have to repair the 1980’s deck which is stuck on the front of a 1950’s house. I would much prefer to make it more in line with the historic neighborhood.

Additionally, I understand that there was concern about drainage in the area. This was a problem when we first purchased the house. I noted that the problem was that there was no real gutter and no curb on the South Street side so that the water ran across the lawns instead of into the storm sewer. I called the city and was informed that they had no plan to install a gutter and if I wanted one, I would have to do it myself. Given that as the only reasonable option, I paid for gutter and curb and the problem for me and my neighbors was solved.

Thank you again for your time,

Mary Buchy
APPLICATION FOR A VARIANCE - 923 WEST BLVD. - MARY AND JOHN BUCHY

Description of Request:

Allow a 15.5 feet front yard setback in lieu of the 25 feet front yard setback required by the zoning ordinance.

Allow a 2.0 feet rear yard setback in lieu of the 25 feet rear yard setback required by the zoning ordinance.

Allow a 5.0 feet side yard setback (north side) in lieu of the 12 feet side yard setback required by the zoning ordinance.

Allow a 12 feet side yard setback (south side) in lieu of a 20 feet setback for a side yard that abuts a street required by the zoning ordinance.

Allow lot coverage of 41.2% in lieu of 30% required by the zoning ordinance.

Written statement describing the proposed and/or intended use and detailing the Variance(s) being requested:

Variances are being sought for two proposed alterations to the existing home: (1) Removing the front deck and replacing it with a porch; and (2) Removing a concrete patio and retaining wall at the rear/side of the home and replacing it with a new retaining wall and deck. Each will be discussed separately.

(1) Removing the front deck and replacing it with a porch. The existing wooden deck runs along the entire length of the front of the house with cemented brick steps that extend toward the front boundary. It contains a railing with spindles that extend downward below the deck floor but do not reach the ground or any other independent support. Moreover, the existing deck railing does not meet code requirements: it is too low. The proposed construction, which involves removing the existing deck and replacing it with a roofed porch, is not as wide as the existing deck, i.e., it does not extend as far toward the front property line as does the existing deck. The porch will have a railing with spindles that are supported at the floor level of the porch. And, of course, the railing will be at a height that meets code requirements. The cemented brick steps from the current construction will remain and will be incorporated as part of the new construction. In fact, the existing concrete structure that runs between the existing steps and the front door is part of the house foundation. While the existing deck has a 1980’s look, the proposed roofed porch is consistent with the historical nature of the house and the West Boulevard historic district. The proposed construction has already been approved by the State Historic Preservation Office.

The existing wooden deck runs the whole length of the front of the house, 32 feet. Its width is 10.5 feet and extends to 13.0 feet from the front property line. The proposed porch also runs the whole length of the front of the house, 32 feet. However it is only 8.0 feet wide and, therefore, extends to 15.5 feet from the front property line.
The zoning ordinance calls for a front yard setback of 25 feet. Therefore, a variance is requested to allow a 15.5 feet front yard setback in lieu of the 25 feet required by the ordinance. A variance for a 15.5 feet setback is actually a 2.5 feet improvement over the 13.0 feet setback that exists with the present construction.

The zoning ordinance calls for a side yard setback on the north (non-street) side of 12 feet. The existing deck runs along the entire front of the house and is 5.5 feet from the north side of the property. The proposed new porch will also run along the entire front of the house and, so, will also be 5.5 feet from the north side of the property. A variance is requested for a 5.5 feet (non-street) side setback in lieu of the 12 feet required by the ordinance. However, a greater variance to allow a 5.0 feet setback is requested for the second construction project discussed below.

The zoning ordinance calls for a side yard setback on the south (street) side of 20 feet. The existing deck runs along the entire front of the house and is 12 feet from the south side of the property. The proposed new porch will also run along the entire front of the house and, so, will also be 12 feet from the south side of the property. A variance is requested for a 12 feet (street) side setback in lieu of the 20 feet required by the ordinance.

The zoning ordinance calls for a limit on lot coverage of 30%. Replacing the existing front deck with a covered porch will increase the total lot coverage slightly. The total lot coverage with the existing construction is approximately 38%. The total lot coverage with the proposed new construction is 41.2%. A variance is requested for lot coverage of 41.2% in lieu of the 30% required by the ordinance. As concerns rain water runoff, which the lot coverage requirement is intended to affect, the impermeable surface area of the property will be improved by the second project discussed below, which will involve the removal of an existing concrete patio and its replacement by a deck. In addition, the current owners recently constructed curbing along South Street which directs rain water runoff to the inlet near the corner of South Street and West Boulevard. This drainage would otherwise flow onto the property and onto other neighboring properties.

The front yard setback, side yard setback and lot coverage variances should be approved because, among other reasons, the proposed construction will increase the front yard setback as compared to the existing construction and, therefore, will bring the property more into compliance with the zoning ordinance setback requirements. Furthermore the proposed construction of a covered porch, in place of a 1980's style deck, will improve the appearance of the home as a historic structure in the West Boulevard historic district, substantially similar to other houses with front porches in the neighborhood.

(2) Removing a concrete patio and retaining wall at the rear/side of the home and replacing it with a new retaining wall and deck. The existing concrete patio and concrete retaining wall are located at the rear (west) and north side corner of the home. The proposed construction calls for removing the patio and retaining wall, and constructing a retaining wall and deck in the same location, with the same length but a smaller width. The deck will have a railing and spindles that are supported at the floor level, similar to and consistent with the proposed front porch construction. The proposed construction is consistent with the historical nature of the house and
the West Boulevard historic district and has already been approved by the State Historic Preservation Office.

The existing patio is 16.0 feet long (in a front to back or east to west direction) and is 9 feet wide (north to south direction). The concrete retaining wall is .5 feet wide and runs in an east to west direction under the north side of the patio. The patio and retaining wall extend 3.0 feet to the north beyond the north side of the house and are 2.5 feet from the north side property boundary. The proposed new construction is a deck 16.0 feet long but only 6 feet wide. Although the northern side of the new deck will be the same distance from the north property line as the house, the new retaining wall may need to be installed an additional .5 feet to the north of the house. The contractor will attempt to install the retaining wall immediately below the north side of the deck, but may encounter subsurface difficulties that necessitate that the retaining wall be moved slightly to the north. The contractor will not know if this is necessary until the actual subsurface construction work is commenced. Consequently the maximum width of the proposed deck plus retaining wall is 6.5 feet. The distance from the north side property line of the proposed new construction, thus, is 5.0 feet, while the distance from the existing patio and retaining wall from the north side property line is 2.5 feet. Removal of the concrete patio will decrease the impermeable surface area on the property and thereby decrease the amount of rainwater runoff.

The zoning ordinance calls for the north (non-street) side yard setback of 12 feet. Therefore, a variance is requested to allow a 5.0 feet side yard setback in lieu of the 12 feet required by the ordinance. A variance for a 5.0 feet setback is actually a 2.5 feet improvement over the 2.5 feet setback that exists with the present construction.

The existing patio and retaining wall extend to 2.0 feet from the rear or west side boundary. The proposed deck and retaining wall will also extend to 2.0 feet from the rear or west side boundary.

The zoning ordinance calls for a rear yard setback of 25 feet. Therefore a variance is requested to allow a 2.0 feet rear yard setback in lieu of the 25 feet required by the ordinance. A variance for a 2.0 feet setback will maintain the 2.0 feet setback that exists with the present construction.

The side and rear yard variances should be approved because, among other reasons, the proposed construction will increase the side yard setback as compared to the existing construction and, therefore, will bring the property more into compliance with the zoning setback requirements. In addition, the proposed construction of a deck in place of a concrete patio will decrease the impermeable surface area and will improve the appearance of the home as a historic structure in the West Boulevard historic district.
Applicant's Justification: Criteria

1. Granting the Variance is not contrary to the public interest;

Applicant Response:

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 State Historic Preservation Office.

2. Special conditions on the property will result in an unnecessary hardship for the applicant;

Applicant Response:

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 and lot coverage 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 and lot coverage 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. Granting the Variance is in the spirit and intent of the Zoning Ordinance, and;

Applicant Response:

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. Granting the Variance will serve substantial justice.

Applicant Response:

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.
LEGAL DESCRIPTION: East 78' of Lots 11 and 12 of Block 18 of Boulevard Addition, Rapid City, Pennington County, SD.
PROPERTY ADDRESS: 923 West Boulevard

SURVEYOR'S STATEMENT: James P. Heald, Registered Land Surveyor No. 2199 in the State of South Dakota, do hereby state that on April 30, 2015, the improvement location shown hereon was made by me or under my direct supervision and was made from the recorded bearings and distances shown on the original plat or description. This improvement location was prepared to satisfy the needs of a lender or insurer, only. This document does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. No property corners have been set and the information shown hereon should not be used to establish any fence, structure or other improvements. James P. Heald, doing business as Heald Land Surveying, is not extending a warranty to the present or future owners or occupants. Any easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

SPECIAL NOTES: None.