



Rapid City Zoning Board of Adjustment Variance Project Report

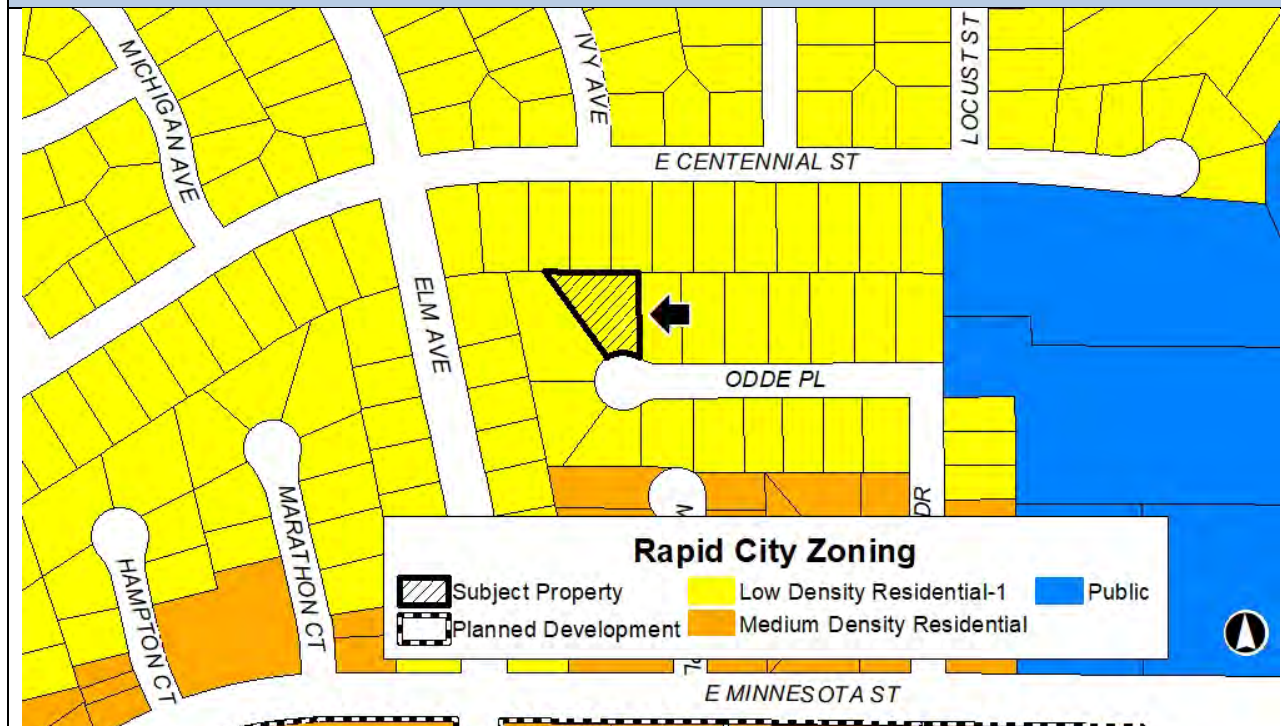
August 8, 2019

Item #3	
Applicant Request(s)	
Case #19VA008, Variance to reduce the minimum required side yard setback for a second story from 12 feet to 8.49 feet	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends to deny the Variance request	
Project Summary Brief	
<p>The applicant has submitted a Variance request to reduce the minimum required side yard setback to construct an addition with a second story, from 12-feet to 8.49-feet. In particular, the applicant is proposing to construct a two-story garage addition onto the side of the existing dwelling located at 608 Odde Place. The proposed addition will have a second story requiring that the side yard setback be 12-feet. The existing dwelling is a one-story structure. The existing setback for the dwelling is 10.51-feet.</p>	
Applicant Information	
Development Review Team Contacts	
Applicant: Bradley Madsen	Planner: Fletcher Lacock
Property Owner: Bradley Madsen and Miranda Handley	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Dan Kools
Other: N/A	Sewer: Dan Kools
Subject Property Information	
Address/Location	608 Odde Place
Neighborhood	South Robbinsdale Neighborhood Area
Subdivision	Robbinsdale #10
Land Area	0.35 acres
Existing Buildings	Single-family dwelling
Topography	Drops in elevation from the south to north approximately 10 feet
Access	Odde Place
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	BHP / MDU
Other	Federally designated floodway and 500-year floodplain

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Single-family dwelling
Adjacent North	LDR	LDN	Single-family dwelling
Adjacent South	LDR	LDN	Single-family dwelling
Adjacent East	LDR	LDN	Single-family dwelling
Adjacent West	LDR	LDN	Single-family dwelling

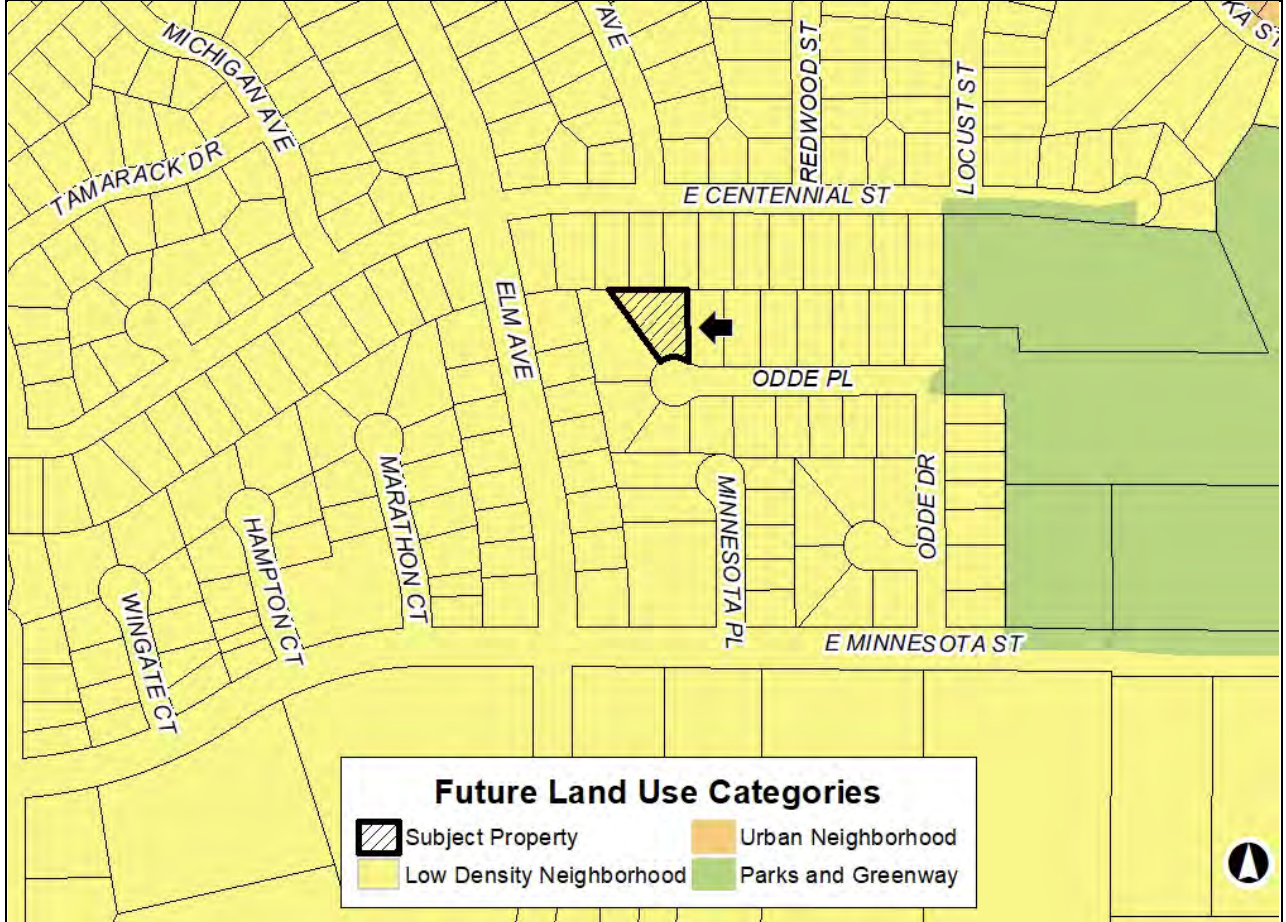
Zoning Map



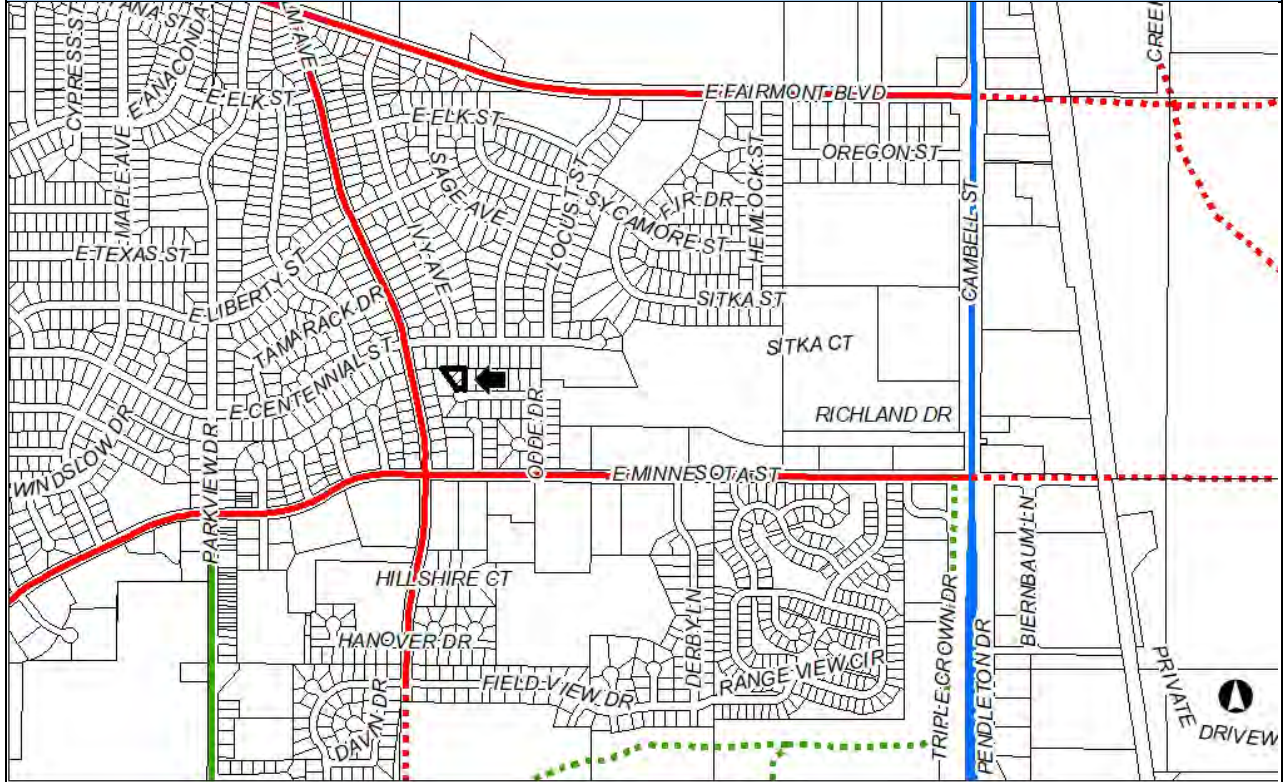
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Low Density Residential District	Required	Proposed/Existing	
Lot Area	6,500 square feet	15,246 square feet	
Lot Frontage	25 feet	Approximately 63 feet	
Maximum Building Heights	2½ stories, 35 feet	Two-story	
Maximum Density	30%	20.5%	
Minimum Building Setback:			
• Front	20 feet	26.57 feet	
• Rear	25 feet	67 feet	
• Side	20 feet for a second story on a one-story dwelling	Requesting a Variance to reduce the setback to 8.49 feet	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	2	3	
• # of ADA spaces	N/A	N/A	
Signage	Pursuant to RCMC	No new signage 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;	There are two such additions which have been constructed on Odde Place and in no way do these existing structures effect neighbors or the public interest.		
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	No special conditions exist.		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	The literal enforcement of this title would result in a hardship as we occupy a "corner" lot and do not have the luxury of increasing the garage space without going vertical.		
4. By granting the Variance contrary to the provisions of this title, the spirit of this title and the city's Comprehensive Plan will be observed; and,	I believe the City's Comprehensive Plan will in no way be altered by allowing the setback Variance on my side yard.		
5. By granting the variance, substantial justice will be done.	Granting this Variance will allow my family to make full use of our property and therefore, substantial justice will be done.		

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:	
Criteria:	Findings:
1. Variances shall not be granted to allow a land use otherwise excluded from the particular district in which requested.	The subject property is developed with a single-family dwelling with an attached garage. The applicant is proposing to construct a two-story addition on to the existing garage. The proposed setback is 8.49-feet which would allow a one-story addition without the need for a Variance.
Conditions of Approval	
Prior to issuance of a Building Permit, approval of a Floodplain Development Permit shall be obtained.	

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:	
Criteria:	Findings:
1. Variances may be granted where special circumstances or conditions (such as lot size or dimension, topography or existing building location), fully described in the findings of the Board, do not apply generally in the district.	The applicant could construct a one-story addition and be in compliance with the minimum required side yard setback. There are no special circumstances or conditions that do not generally apply in the district. Also, the second story addition could be set back a minimum distance of 20-feet from the side lot line and meet the requirements.
2. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of reasonable use of his or her land. Mere loss in value shall not constitute a deprivation of reasonable use so as to justify a variance.	As noted above, the property is developed with a single-family dwelling with an attached garage. The applicant could construct a one-story addition or set the second-story back twenty feet from the side lot line without needing a Variance. Reasonable use of the land exists.
3. Variances granted under the provisions of this section should be the minimum adjustment necessary for the reasonable use of the land.	As noted above, the applicant could construct a one-story addition or set the second-story back twenty feet from the side lot line without needing a Variance. The requested Variance is not the minimum adjustment needed for reasonable use of the land.
4. The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the City's Comprehensive Plan.	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 applicant could construct a one-story addition or set the second-story back twenty feet from the side lot line without needing a Variance.

Summary of Findings

The applicant has submitted a Variance request to reduce the minimum required side yard setback to construct an addition with a second story, from 12-feet to 8.49-feet. In particular, the applicant is proposing to construct a two-story garage addition onto the side of the existing dwelling located at 608 Odde Place. The applicant could construct a one-story addition or set the second-story back twenty feet from the side lot line without needing a Variance. Reasonable use of the land exists and there are no special conditions that do not generally apply in the district.

ZBOA Recommendation and Stipulations of Approval

Staff recommends to deny the Variance request to reduce the minimum required side yard setback for a second story from 12 feet to 8.49 feet.