



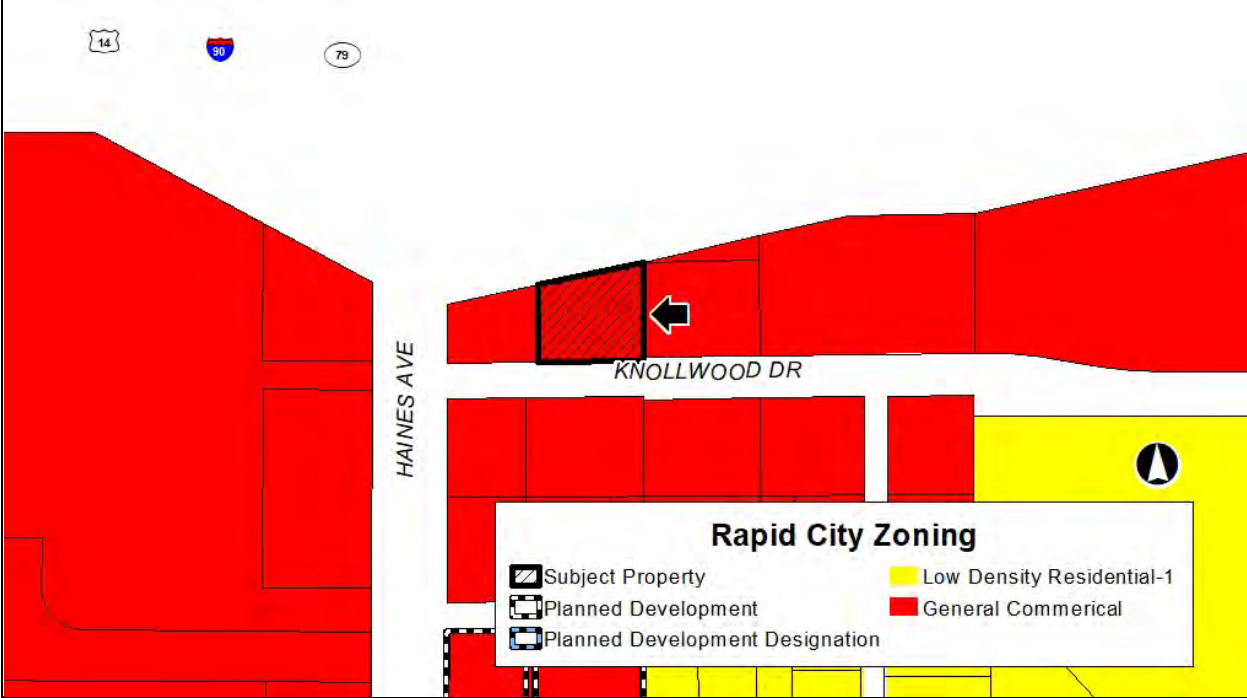
# Rapid City Zoning Board of Adjustment Variance Project Report

June 4, 2020

<b>Item #2</b>	
<b>Applicant Request(s)</b>	
Case #20VA004, a Variance request to reduce the required setback from 25 feet to 6.57 feet for a side yard abutting a street.	
Companion Case(s) N/A	
<b>Development Review Team Recommendation(s)</b>	
Staff recommends approval of the Variance request to reduce the required setback from 25 feet to 6.57 feet for a side yard abutting a street.	
<b>Project Summary Brief</b>	
<p>The applicant has submitted a Variance request to reduce the required side yard setback abutting a street for the property located at 408 Knollwood Drive. The subject property is zoned General Commercial District and is approximately 0.42 acres in size. Specifically, the applicant has requested to reduce the required side yard setback abutting a street from 25 feet to 6.57 feet for an addition onto the existing office building. The applicant is expanding the existing building to construct additional office and workshop space for “NDN Collective”, a Native-American focused non-profit group. In addition to the construction of the proposed office and workshop space, the applicant has indicated that the second floor of the proposed addition will include a 3-bedroom apartment unit to function as overnight lodging for employees. The property is located adjacent to I-90 right-of-way along the north lot line, requiring a 25-foot setback.</p>	
<b>Applicant Information</b>	
Applicant: “NDN Collective”	Planner: John Green
Property Owner: NDN Collective Inc.	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: KLJ	School District: N/A
Surveyor: N/A	Water: Roger Olsen
Other:	Sewer: Roger Olsen
<b>Subject Property Information</b>	
Address/Location	408 Knollwood Drive
Neighborhood	North Rapid Neighborhood Area
Subdivision	Airport Addition
Land Area	0.42 acres or 18,295 square feet
Existing Buildings	3,788 square-foot existing office, 2,940 square-foot addition
Topography	Relatively flat
Access	Knollwood Drive
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	MUC	Office
Adjacent North	GC	MUC	Interstate-90 Right-of-Way
Adjacent South	GC	MUC	Retail/Office
Adjacent East	GC	MUC	Retail/Office
Adjacent West	GC	MUC	Retail/Office

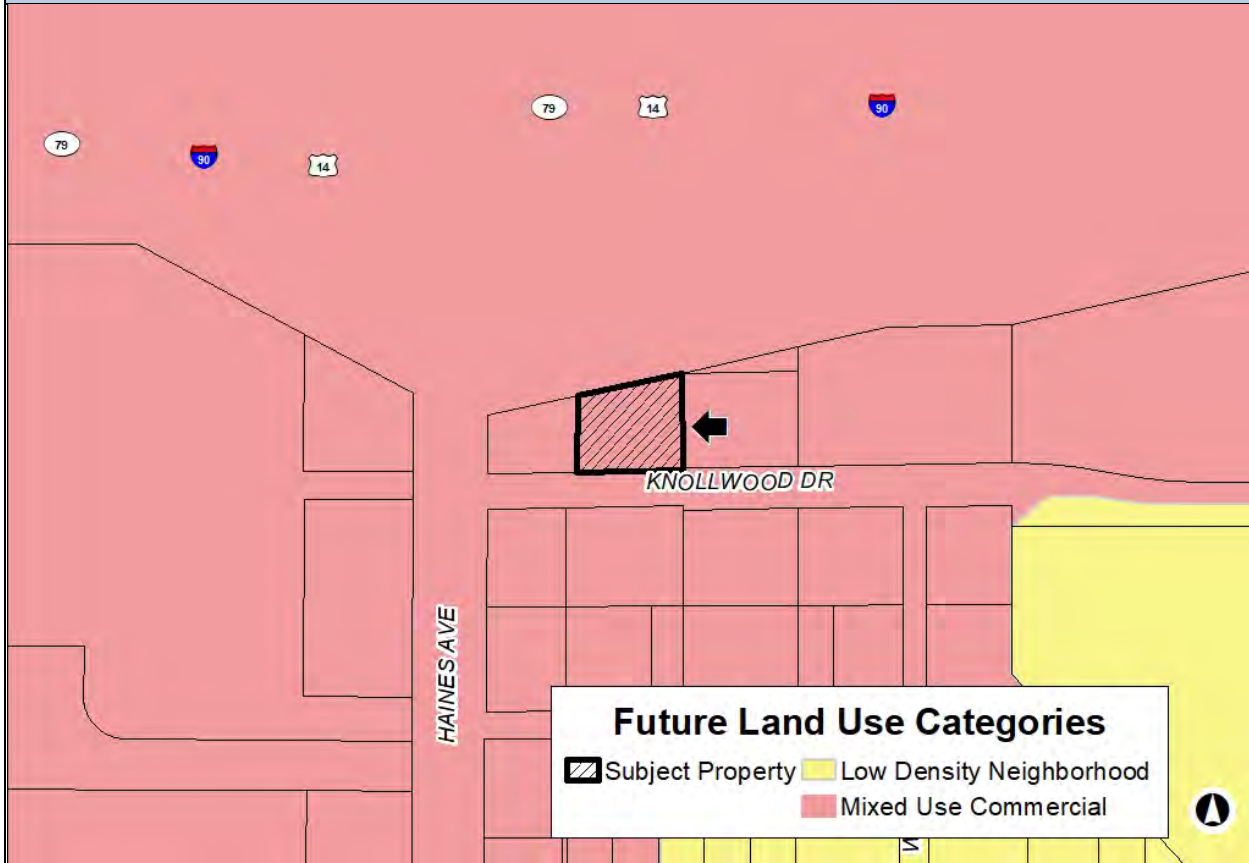
**Zoning Map**



**Existing Land Uses**



## Comprehensive Plan Future Land Use



## Parks or Transportation Plan



## Major Street Plan

- Subject Property
- Collector
- Proposed collector
- Principal arterial
- Proposed minor arterial

Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed/Existing	
Lot Area	N/A	0.42 acres or 18,295 square feet	
Lot Frontage	N/A	Approximately 300.4 feet	
Maximum Building Heights	4 stories or 45 feet	2 story	
Maximum Density	75%	36.7%	
Minimum Building Setback:			
• Front	25 feet	24.01 feet (Legal Non-conforming)	
• Rear	0 feet	0 feet	
• Side	0 feet	0 feet	
• Street Side	25 feet	Requesting a Variance to allow 6.57 feet in lieu of 25 feet required	
Minimum Landscape Requirements:			
• # of landscape points	13,033 points	16,600 points	
• # of landscape islands	1 per 50 spaces	N/A	
Minimum Parking Requirements:			
• # of parking spaces	21 spaces	22 spaces	
• # of ADA spaces	1 ADA "Van Accessible" space	1 ADA "Van Accessible" space	
Signage	Pursuant to RCMC	None proposed	
Fencing	Pursuant to RCMC	None proposed	
Applicant's Justification:			
<b>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>			
<b>Criteria:</b>	<b>Applicants Response (verbatim):</b>		
1. The granting of the variance will not be contrary to the public interest.	With addition 6.57 feet setback provided. Property has two front yard setbacks due to I-90, although I-90 ramp is 205 feet from property.		
2. There are special conditions attached to the property that do not generally apply to other properties in the district.	Property has two front yards due to I-90.		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship.	NDN Collective would not be able to construct building addition to accommodate their functional needs.		
4. By granting the variance contrary to the provisions of this title, the spirit of this title will be observed; and	6.57 feet of setback provided. This allow space for utilities and any construction or maintenance without being on adjacent property.		
5. By granting the variance substantial justice will be done.	NDN Collective can proceed with building addition to meet their needs.		

**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:**

<b>Criteria:</b>	<b>Findings:</b>
<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 proposed Variance does not appear to cause any undue harm or be injurious to the neighborhood. The requested setback along the north lot line, adjacent to Interstate-90, does not encroach into any existing easements and will allow the property owner to construct the proposed addition to the building while maintaining enough space for maintenance and utility lines. Interstate-90 has an approximately 700-foot wide right-of-way at this location. The subject property is located approximately 200 feet from the driving surface of Interstate-90. Additionally, due to the lower elevation of the subject property relative to the Interstate-90 roadway, the proposed addition will have minimal visual impact on traffic within the roadway. The existing right-of-way for Interstate-90 will serve as an adequate buffer for the proposed setback from any properties located north of the subject property. As such, it appears that the requested Variance is in harmony with the general intent of the ordinance and goals of the Comprehensive Plan.</p>

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

**Should the Board of Adjustment decide to deny the Variance, the following criteria would be applicable:**

<b>Criteria:</b>	<b>Findings:</b>
<p>1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.</p>	<p>The subject property is approximately 0.42 acres in size and is zoned General Commercial District. Currently, the lot is occupied by a 3,788 square-foot office building. The property is adjacent to Knollwood Drive on the south and Interstate-90 on the north. The applicant has submitted this Variance request to reduce the required 25-foot setback against the Interstate-90 right-of-way for a proposed addition to the existing office building. The addition will house warehouse and workshop space and provide a 3-bedroom dwelling unit to be utilized by employees of the organization. Denial of the requested Variance to allow a 6.57-foot rear setback for a rear yard abutting a street does not deny reasonable use of the land. However, it appears that due to the extensive right-of-way north of the subject property and its location adjacent to Interstate-90, the requested Variance will have minimal impact on surrounding land uses if granted.</p>
<p>2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)</p>	<p>The subject property is located adjacent to Knollwood Drive on the south and Interstate-90 on the north. Pursuant to Section 17.18.050 of the Rapid City Municipal Code, a 25-foot setback is required for any lot line adjacent to a street. However, Interstate-90 does not function as a traditional City street and is located within approximately 700 feet of right-of-way adjacent to the subject property. Additionally, the proposed addition will be located over 200 feet south of the east-bund on-ramp for traffic on the interstate. The location of the subject property and proposed addition relative to the wide right-of-way for the interstate represent special circumstances that do not generally apply in the district.</p>
<p>3. The variance is the minimum adjustment necessary for the reasonable use of the land.</p>	<p>The subject property is currently utilized as an office space, with adequate off-street parking and landscaping that meet all development requirements. The applicant has requested this Variance in order to construct a 1,344 square-foot addition onto the building to house warehouse and workshop space. The</p>

	<p>second floor of the proposed addition will also contain a 3-bedroom apartment to be utilized by employees of the business. Although the requested Variance will adequately serve the needs of the applicant, it is not the minimum adjustment necessary since reasonable use of the land currently exists.</p>
<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 proposed Variance does not appear to cause any undue harm or be injurious to the neighborhood. The requested setback along the north lot line, adjacent to Interstate-90, does not encroach into any existing easements and will allow the property owner to construct the proposed addition to the building while maintaining enough space for maintenance and utility lines. Interstate-90 has an approximately 700-foot wide right-of-way at this location. The subject property is located approximately 200 feet from the driving surface of Interstate-90. Additionally, due to the lower elevation of the subject property relative to the Interstate-90 roadway, the proposed addition will have minimal visual impact on traffic within the roadway. The existing right-of-way for Interstate-90 will serve as an adequate buffer for the proposed setback from any properties located north of the subject property. As such, it appears that the requested Variance is in harmony with the general intent of the ordinance and goals of the Comprehensive Plan.</p>

**Summary of Findings**

The applicant has submitted a Variance request to reduce the required setback for a side yard abutting a street from 25 feet to 6.57 feet for an addition onto an office building. The subject property is located adjacent to Knollwood Drive on the south and Interstate-90 on the north. The addition will house warehouse space and an above ground floor dwelling unit to serve the needs of the business. Due to the width of the right-of-way north of the subject property and its location below the road grade of the interstate, it does not appear that the requested Variance will be injurious to the neighborhood. As such, staff recommends approval of the Variance request to reduce the required setback from 25 feet to 6.57 feet for a side yard abutting a street.

**Staff Recommendation**

Staff recommends that the Variance request to reduce the required setback from 25 feet to 6.57 for s side yard abutting a street.