



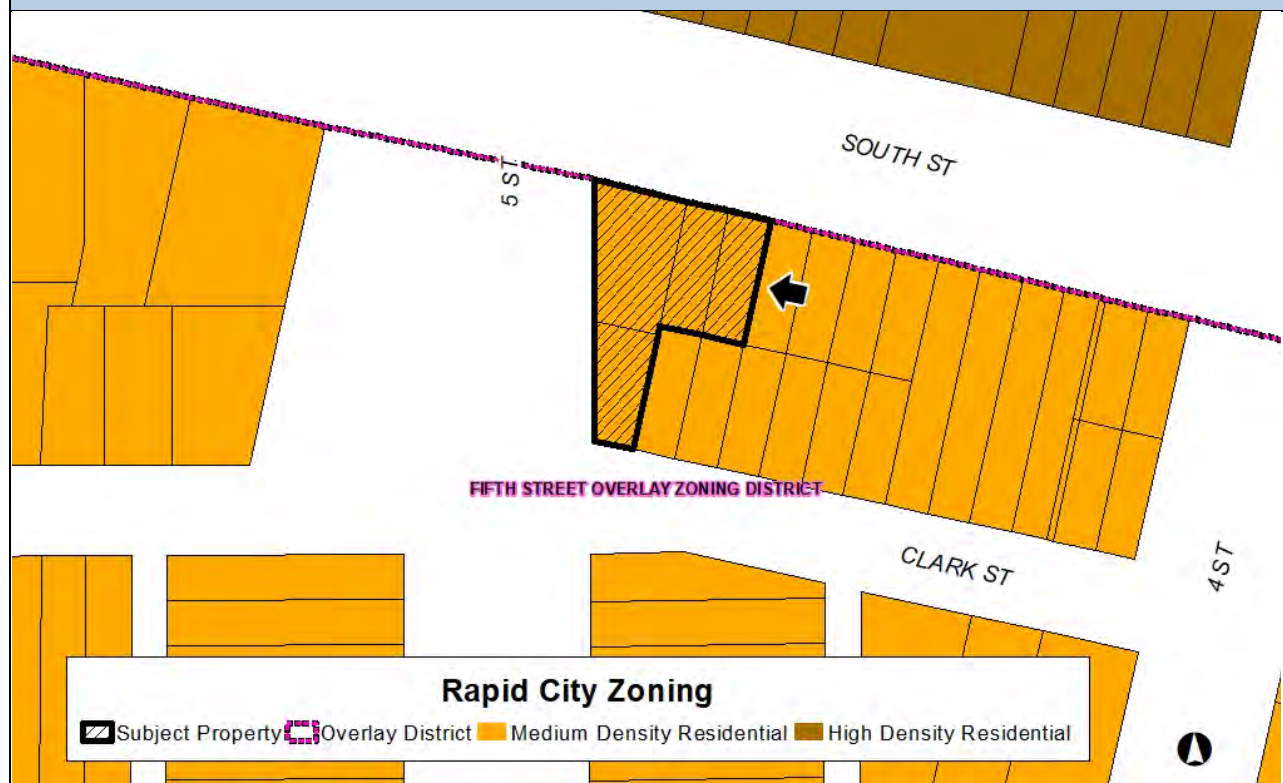
# Rapid City Zoning Board of Adjustment Variance Project Report

August 27, 2020

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| <b>Item #2</b>   |  |
| <b>Applicant Request(s)</b>  |  |
| Case #20VA005, Variance to reduce the front yard setback from 25 feet to 5.2 feet, the side yard setback from 25 feet to 13.9 feet, and the rear yard setback from 25 feet to 22.3 feet for an existing building in the Office Commercial District   |  |
| Companion Case(s) #20RZ034 – Rezoning from Medium Density Residential District to Office Commercial District   |  |
| <b>Development Review Team Recommendation(s)</b>   |  |
| Staff recommends approval of the Variance request  |  |
| <b>Project Summary Brief</b>   |  |
| <p>The applicant has submitted a Variance request to reduce the front yard setback from 25 feet to 5.2 feet, the side yard setback from 25 feet to 13.9 feet, and the rear yard setback from 25 feet to 22.3 feet for an existing building in the Office Commercial District. The applicant has also submitted a Rezoning request (File #20RZ0234) from Medium Density Residential District to Office Commercial District for the subject property. The existing structure's setbacks are legal non-conforming in the Medium Density Residential District and do not comply with the setback requirements for the Office Commercial District. In order to Rezone the property to Office Commercial District, a Variance is required to bring the structure into compliance.</p> <p>The property is located at 423 South Street and is currently developed with a single-family dwelling. The applicant is proposing to convert the dwelling into professional offices.</p> |  |
| <b>Applicant Information</b>   | <b>Development Review Team Contacts</b>                      |
| Applicant: Dennis Casey  | Planner: Fletcher Lacock                                     |
| Property Owner: Dennis Casey   | Engineer: Dan Kools  |
| Architect: N/A   | Fire District: Tim Behlings                                  |
| Engineer: Fisk Land Surveying & Consulting Engineers, Inc.   | School District: N/A   |
| Surveyor: N/A  | Water: Dan Kools   |
| Other: N/A   | Sewer: Dan Kools   |
| <b>Subject Property Information</b>  |  |
| Address/Location   | 423 South Street   |
| Neighborhood   | Downtown / Skyline Drive Neighborhood Area                   |
| Subdivision  | Flormann Addition  |
| Land Area  | 0.2 acres  |
| Existing Buildings   | 977 square feet  |
| Topography   | Rises in elevation from north to south approximately 10 feet |
| Access   | South Street   |
| Water / Sewer  | Rapid City   |
| Electric/Gas Provider  | Black Hills Power/ MDU                                       |
| Floodplain   | N/A  |
| Other  | Historic District Environs                                   |

| Subject Property and Adjacent Property Designations |                                  |                    |                        |
|---|----------------------------------|--------------------|------------------------|
|   | Existing Zoning                  | Comprehensive Plan | Existing Land Use(s)   |
| Subject Property                                    | MDR / 5 <sup>th</sup> St Overlay | UN                 | Single-family dwelling |
| Adjacent North                                      | HDR                              | UN                 | Church                 |
| Adjacent South                                      | MDR / 5 <sup>th</sup> St Overlay | UN                 | Single-family dwelling |
| Adjacent East                                       | MDR / 5 <sup>th</sup> St Overlay | UN                 | Single-family dwelling |
| Adjacent West                                       | MDR / 5 <sup>th</sup> St Overlay | UN                 | Single-family dwelling |

### Zoning Map

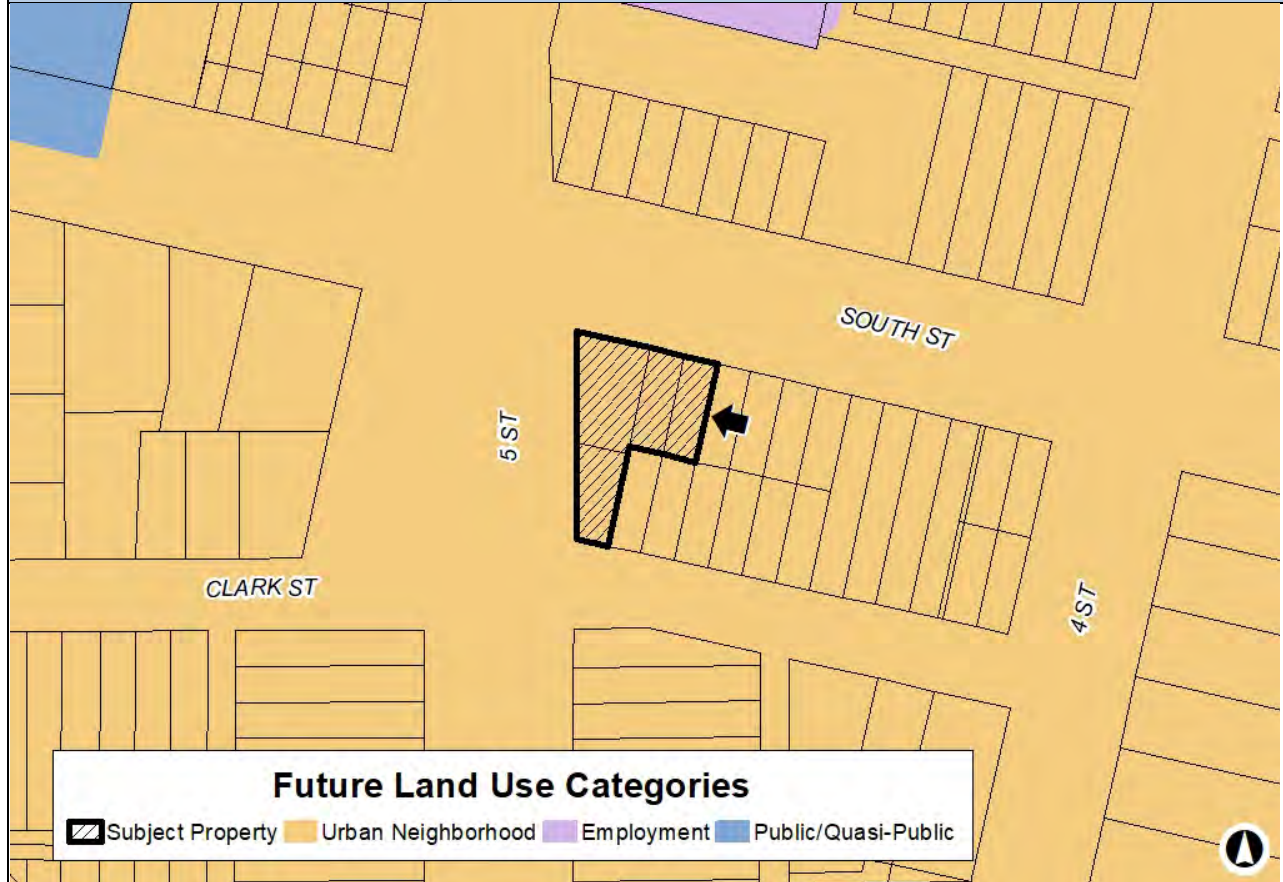


### Existing Land Uses





## Comprehensive Plan Future Land Use



## Parks or Transportation Plan



## Major Street Plan



| Relevant Case History   |   |   |        |
|---|---|---|--------|
| Case/File#  | Date  | Request   | Action |
| N/A   |   |   |        |
| Relevant Zoning District Regulations  |   |   |        |
| Office Commercial District  | Required  | Proposed  |        |
| Lot Area  | N/A   | 9,086 square feet   |        |
| Lot Frontage / Lot Width  | N/A   | Approximately 265 feet  |        |
| Maximum Building Heights  | 3 stories or 35 feet  | One-story   |        |
| Maximum Density   | 35%   | 11%   |        |
| Minimum Building Setback:   |   |   |        |
| • Front   | 25 feet   | Requesting Variance to 5.2 feet   |        |
| • Rear  | 25 feet   | Requesting Variance to 22.3 feet  |        |
| • Side  | 25 feet   | Requesting Variance to 13.9 feet  |        |
| • Street Side   | 25 feet   | 55 feet   |        |
| Minimum Landscape Requirements:   |   |   |        |
| • # of landscape points   | 8,109   | 16,940  |        |
| • # of landscape islands  | N/A   | N/A   |        |
| Minimum Parking Requirements:   |   |   |        |
| • # of parking spaces   | 5   | 6   |        |
| • # of ADA spaces   | 1   | 1   |        |
| Signage   | As per RCMC 17.50.080   | None proposed   |        |
| Fencing   | As per RCMC 17.50.340   | Screening fence required along south and east property lines where abuts rear yard of dwellings |        |
| 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;  | Utilization of the existing structure will not be contrary to the public interest.  |   |        |
| 2. There are special conditions attached to the property that do not generally apply to other properties in the same district;  | This is a small parcel with an unusual configuration and frontage on 3 streets which leaves a very small building envelope. |   |        |
| 3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;   | Removal of the existing structure would be an unreasonable hardship.  |   |        |
| 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,   | Use of the existing structure will meet the spirit of the ordinance and observe the Comprehensive Plan.                     |   |        |

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| 5. By granting the variance, substantial justice will be done.  | Use of the existing structure will provide substantial justice.   |
| <b>Board of Adjustment Criteria and Findings for Approval</b>   |   |
| <b>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>   |   |
| <b>Criteria:</b>  | <b>Findings:</b>  |
| 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 residential dwelling which the applicant is proposing to convert to professional offices. The applicant has also submitted a Rezoning request from Medium Density Residential District to Office Commercial District. Professional offices are a permitted use in the Office Commercial District.  |
| 2. 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 is proposing to convert the existing dwelling into professional offices. The minimum required setbacks in the Office Commercial District are 25 feet. The requested Variances for the existing structure are the minimum adjustment necessary. There are no expansions proposed for the existing structure.   |
| 3. 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 property is identified as suitable for Urban Neighborhood on the Future Land Use Plan. The Office Commercial District is identified as an appropriate secondary zoning district. The property also abuts 5 <sup>th</sup> Street which is identified as a Principal Arterial Street on the City's Major Street Plan which carries higher traffic volumes. Rezoning the property to Office Commercial District will provide a buffer between 5 <sup>th</sup> Street and the residential neighborhood to the east. The Downtown / Skyline Drive Neighborhood Area supports a mix of compatible uses such as offices adjacent to a residential neighborhood.                                |
| 4. 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 subject property is located adjacent to 5 <sup>th</sup> Street which is identified as a Principal Arterial Street on the City's Major Street Plan. Due to the location of the subject property, the proposed Rezoning to Office Commercial District is in compliance with the Future Land Use Designation of Urban Neighborhood District. The applicant is proposing to re-use the existing residential structure for professional offices. The proposed Rezoning requires that a variance be obtained for the non-conforming setbacks since the required setbacks of the Office Commercial District exceed, in part, the required setbacks of the Medium Density Residential District. |
| <b>Board of Adjustment Criteria and Findings for Denial</b>   |   |
| <b>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>  |   |
| <b>Criteria:</b>  | <b>Findings:</b>  |
| 1. 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 | The property is currently zoned Medium Density Residential District and is developed with a single-family dwelling. Reasonable use of the land exists.  |

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| use so as to justify a variance.  |   |
| <b>Summary of Findings</b>  |   |
| <p>The applicant has submitted a Variance request to reduce the minimum required front, side, and rear yard setbacks in association with a Rezoning request from Medium Density residential District to Office Commercial District. The Office Commercial District is identified as a secondary zoning district in the Urban Neighborhood. The Downtown / Skyline Drive Neighborhood supports a compatible mix of uses including offices. The proposed Rezoning requires that the land area regulations of existing development comply with the Office Commercial District. The applicant is proposing to convert the existing dwelling into professional offices. The location of the existing structure does not appear to have been injurious to the neighborhood. No expansion of the structure is being proposed. For these reasons, the requested variances are the minimum adjustment necessary.</p> |   |
| <b>ZBOA Recommendation and Stipulations of Approval</b>   |   |
| Staff recommends approval of the Variance request with the following stipulations:  |   |
| 1.  | Prior to issuance of a Building Permit, a site plan shall be submitted identifying that the approach will be in compliance with the Infrastructure Design Criteria Manual; and, |
| 2.  | A Building Permit shall be obtained for the proposed change in use.   |