



Rapid City Zoning Board of Adjustment Variance Project Report

May 26, 2016

Item # 2
Applicant Request(s)
Case #16VA003, a Variance request to reduce the minimum required side yard setback from 8 feet to 3.3 feet as per Chapter 17.10.050(B)1 of the Rapid City Municipal Code
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the requested Variance be denied.

Project Summary Brief

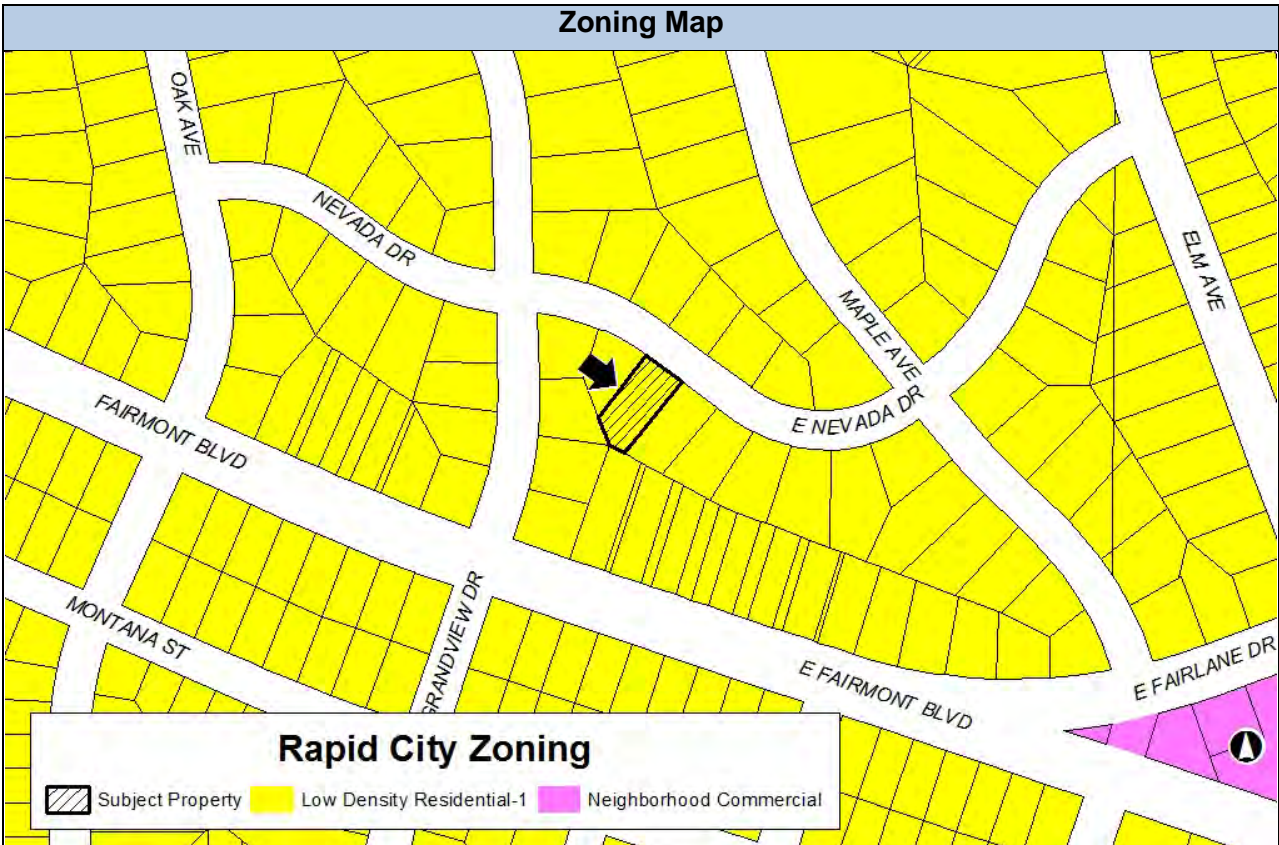
The applicant has submitted a request to reduce the minimum required side yard setback from 8 feet to 3.3 feet to expand an existing attached garage as per Chapter 17.10.050(B)1 of the Rapid City Municipal Code. The minimum required side yard setback for a one-story single-family dwelling with an attached garage is 8 feet. In 1973, a Building Permit was issued for an attached garage showing an 11 foot setback. The existing structure was actually constructed with a 7.3 foot side yard setback which is legal non-conforming. The applicant is proposing to add 4 feet to the width of the existing garage and 28 feet to the overall depth of the garage. The existing garage measures 18 feet by 24 feet and is 423 square feet in size. The proposed addition would increase the garage size by 721 square feet to 1,144 square feet.

Applicant Information	Development Review Team Contacts
Applicant: Jason Krebsbach	Planner: Fletcher Lacock
Property Owner: Jason Krebsbach	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Nicole Lecy
Other: N/A	Sewer: Nicole Lecy

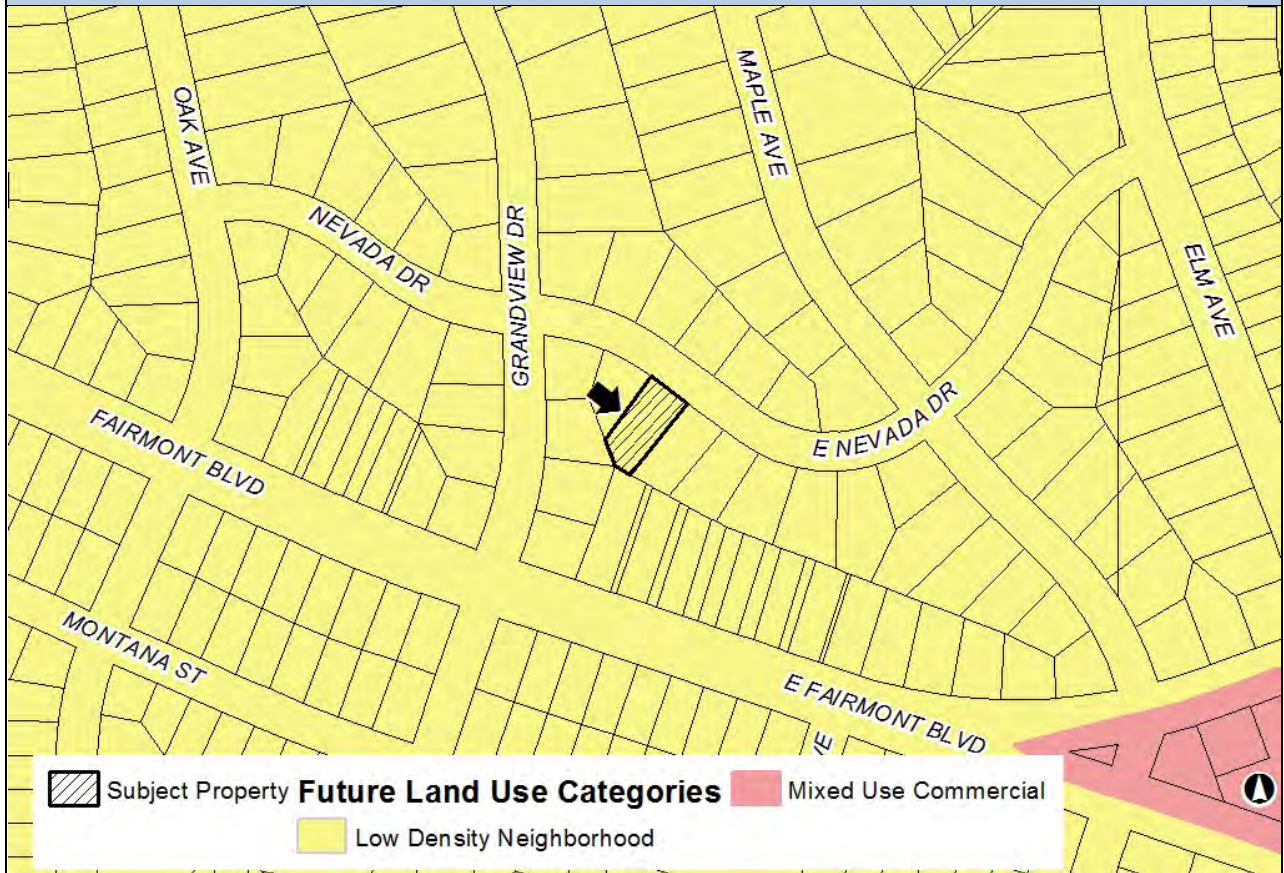
Subject Property Information

Address	125 East Nevada Drive
Neighborhood	Downtown / Skyline Drive
Subdivision	Robbinsdale Terrace #2
Land Area	0.26 acres (approximately 11,325 square feet)
Existing Buildings	Single-family dwelling with an attached garage
Topography	Relatively flat
Primary Access	East Nevada Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

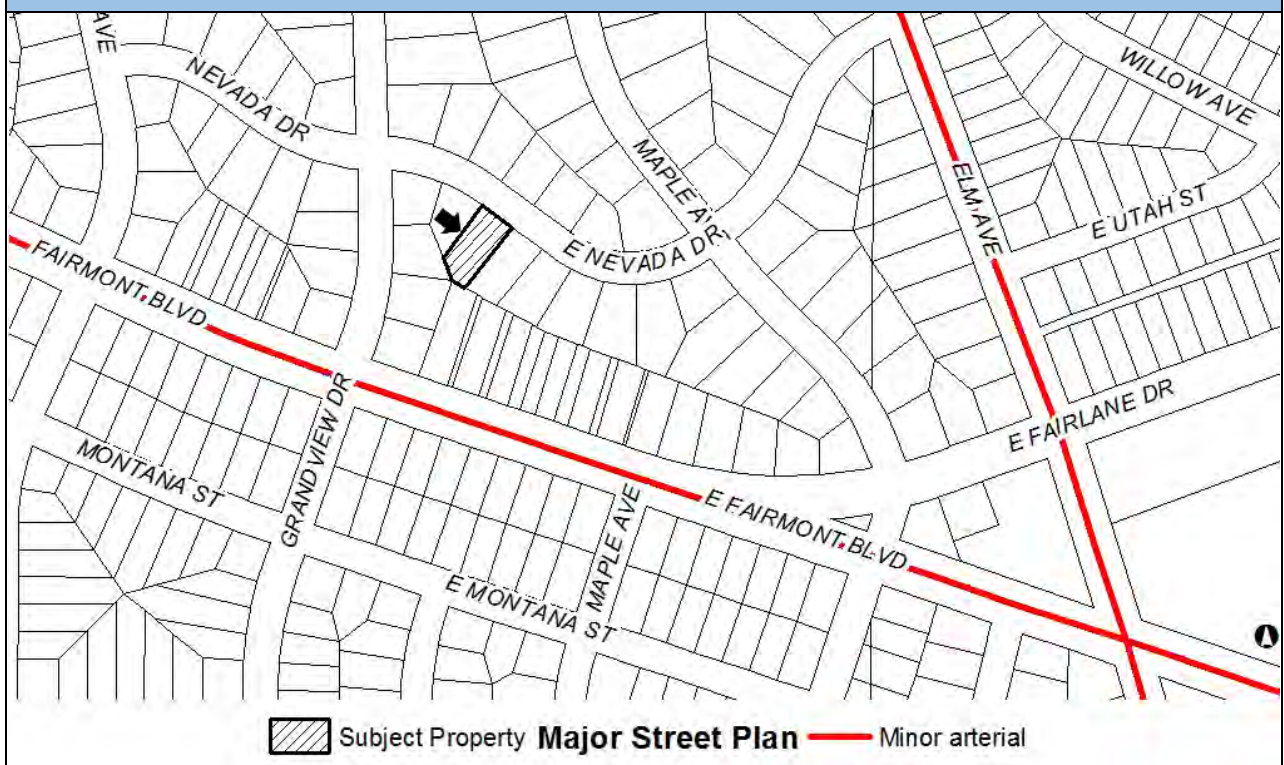
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Single-family dwelling
Adjacent North	LDR	LDN	Single-family dwelling
Adjacent South	LDR	LDN	Single-family dwelling
Adjacent East	LDR	LDN	Single-family dwelling
Adjacent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



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
Lot Area	6,500 square feet	Approximately 11,325 square feet
Lot Width	Minimum 50 feet at the front building line	Approximately 78 feet
Maximum Building Heights	2.5 stories, 35 feet	One story
Maximum Density	30%	Approximately 20%
Minimum Building Setback:		
• Front	20 feet	27.2 feet
• Rear	25 feet	Approximately 95 feet
• Side	8 feet	Requesting a Variance to allow a 3.3 foot setback in lieu of 8 feet on the northwest side of the property / 13.6 feet from the south property line
• 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	2
• # of ADA spaces	"0"	"0"
Signage	Pursuant to RCMC	None proposed
Fencing	Pursuant to RCMC	None proposed

Applicant's Justification:	
<p>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:</p>	
Criteria:	Applicants Response (verbatim):
1. The granting of the variance will not be contrary to the public interest.	The granting of this variance will not be contrary to the public interest as the garage is planned at single-story level on private property and will not affect neighboring properties. True.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	No easement or existing structure will compromise the approval of this variance. To allow for a 2-stall garage, a 4 foot setback is requested on the northwest side of the property. True.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	Granting of the variance would be consistent with the original intent for the neighborhood and would be consistent with clearances of neighboring properties. The property will remain within character of the neighborhood. Correct.
4. By granting the variance substantial justice will be done.	Many neighboring properties have upgraded through garage expansions in the neighborhood. To be an real estate contender in the market a variance to accommodate a 2-stall garage is desirable. Yes.

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. The variance is for a use allowed in the zoning district.	A single-family dwelling with an attached garage is a permitted use in the Low Density Residential District. The existing side yard setback is legal non-conforming at 7.3 feet.
Conditions of Approval	
1. Prior to issuance of a building permit, construction plans shall be submitted showing that a residential fire sprinkler protection system is being provided in the garage. Plans shall also show that the proposed addition is being constructed with approved fire resistant materials.	

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. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is approximately 11,325 square feet in size. There is an existing one story single-family dwelling with an attached garage approximately 1,584 square feet in size located on the property. The applicant is requesting a Variance to reduce the minimum required side yard setback from 8 feet to 3.3 feet for a proposed expansion of the attached garage. The minimum required side yard setback for a one story structure is eight feet. The existing structure has a 7.3 foot side yard setback that encroaches into the minimum required side yard setback of 8 feet. Reasonable use of the land exists.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	There is an existing one story single-family dwelling with a 7.3 foot side yard setback located on the property. The structure currently encroaches into the minimum required eight foot side yard setback. There is an existing attached garage located on the property. Reasonable use of the land exists without constructing the addition to the garage.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	As noted above, there is an existing single-family dwelling with an attached garage located on the property. Reasonable use of the land exists.
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.	The Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. The existing one story single-family dwelling with an attached garage has a non-conforming 7.3 foot side yard setback. Chapter 17.10.050(B)1 of the Rapid City Municipal Code requires an eight foot side yard setback for a one story dwelling. A Building Permit was issued in 1973 identifying an 11 foot side yard setback. The intent of the Zoning Ordinance is to provide separation between structures on adjacent properties to maintain residential character and open space. The proposed expansion of the attached garage will reduce the separation between structures on adjacent properties. The requested Variance is not in harmony with the Comprehensive Plan.

Summary of Findings
The applicant is requesting a Variance to expand an attached garage in size from 18 feet by 24 feet to 22 feet by 52 feet. The existing structure encroaches into the minimum required eight foot side yard setback with a setback of 7.3 feet. A Building Permit was issued in 1973 identifying an 11 foot side yard setback. Chapter 17.10.050(B)1 of the Rapid City Municipal Code requires a minimum eight foot side yard setback for a one story structure. The existing

single-family dwelling with an attached garage is reasonable use of the land. The requested Variance is not in harmony with the Comprehensive Plan as the proposed expansion reduces the separation between structures on adjacent properties. Staff recommends that the Variance request be denied for the proposed expansion. Since the existing structure has a non-conforming side yard setback, staff recommends that a Variance be granted to allow a 7.3 foot side yard setback for the existing structure.