



Rapid City Zoning Board of Adjustment Variance Project Report

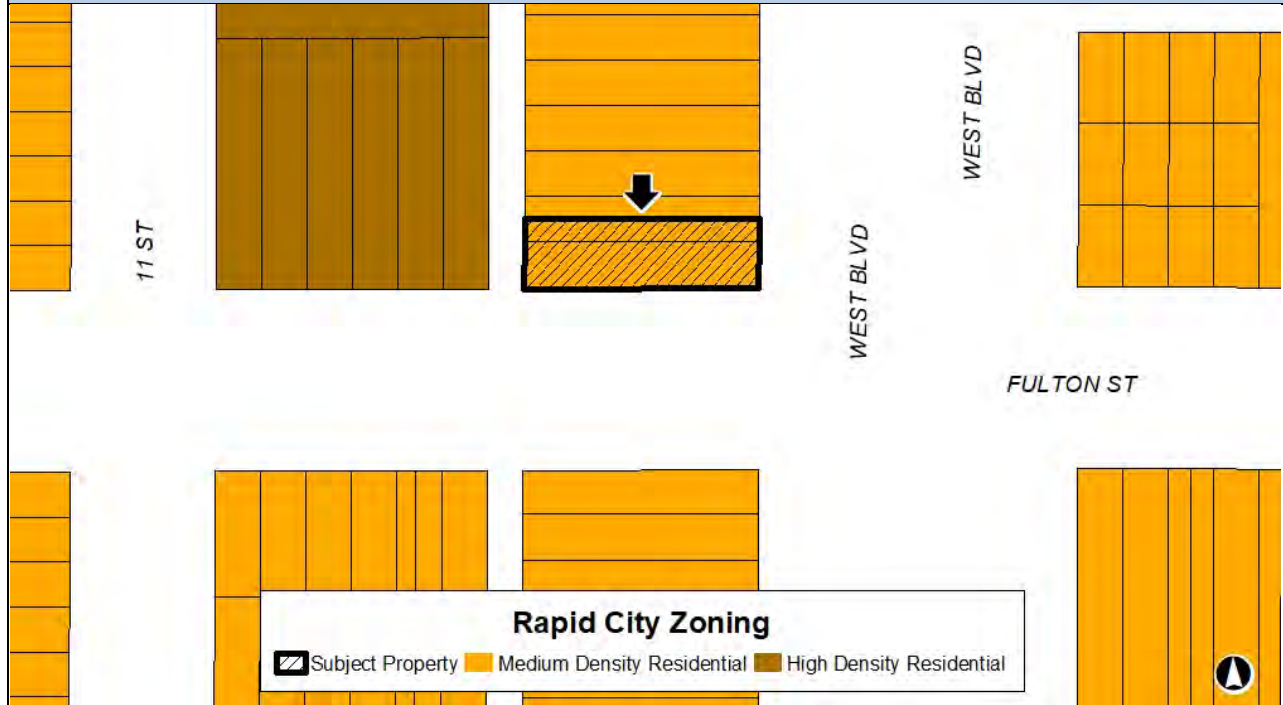
January 7, 2021

Item #1	
Applicant Request(s)	
Case #20VA009, Variance to reduce the front yard setback from 35 feet to 22.5 feet, to reduce the rear yard setback from 5 feet to 2.7 feet, to reduce the side yard setback from 5 feet to 0.8 feet, and to increase lot coverage from 30% to 52% for an existing garage	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Variance request with the stipulations noted below.	
Project Summary Brief	
<p>The applicant has submitted a Variance to reduce the front yard setback from 35 feet to 22.5 feet, to reduce the rear yard setback from 5 feet to 2.7 feet, to reduce the side yard setback from 5 feet to 0.8 feet, and to increase lot coverage from 30% to 52% for an existing garage. The garage was recently destroyed by fire. The applicant is proposing to reconstruct the detached garage in the existing footprint. The property is located in the West Boulevard Historic District. The proposed garage measures 20.3 feet by 14.5 feet.</p> <p>On November 10, 2016, the Zoning Board of Adjustment granted a Variance to reduce the minimum required front yard setback to Fulton Street from 25 feet to "0" feet to reconstruct the front stoop.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Tim Rangitsch	Planner: Fletcher Lacock
Property Owner: Timothy Rangitsch / Marta Wells Olson-Rangitsch	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Norman W. Hale	Water: Todd Peckosh
Other: N/A	Sewer: Todd Peckosh
Subject Property Information	
Address/Location	1017 West Boulevard
Neighborhood	Downtown / Skyline Drive Neighborhood Area
Subdivision	Boulevard Addition
Land Area	4,225 square feet
Existing Buildings	1,977 square feet / dwelling and garage
Topography	Relatively level
Access	Alley / Fulton Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Other	West Boulevard Historic District

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	Single-family dwelling
Adjacent North	MDR	UN	Single-family dwelling
Adjacent South	MDR	UN	Single-family dwelling
Adjacent East	MDR	UN	Single-family dwelling
Adjacent West	HDR	UN	Multi-family dwelling

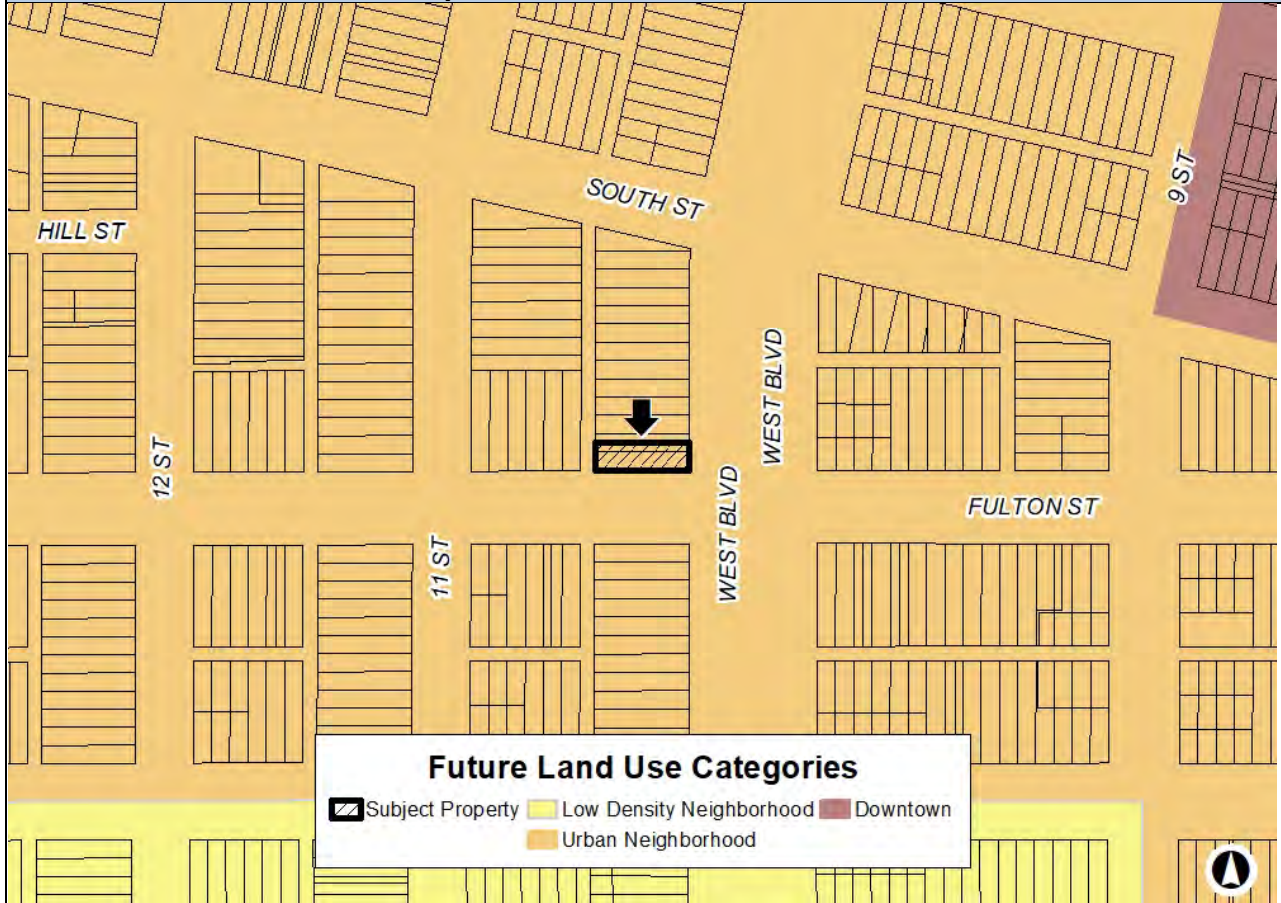
Zoning Map



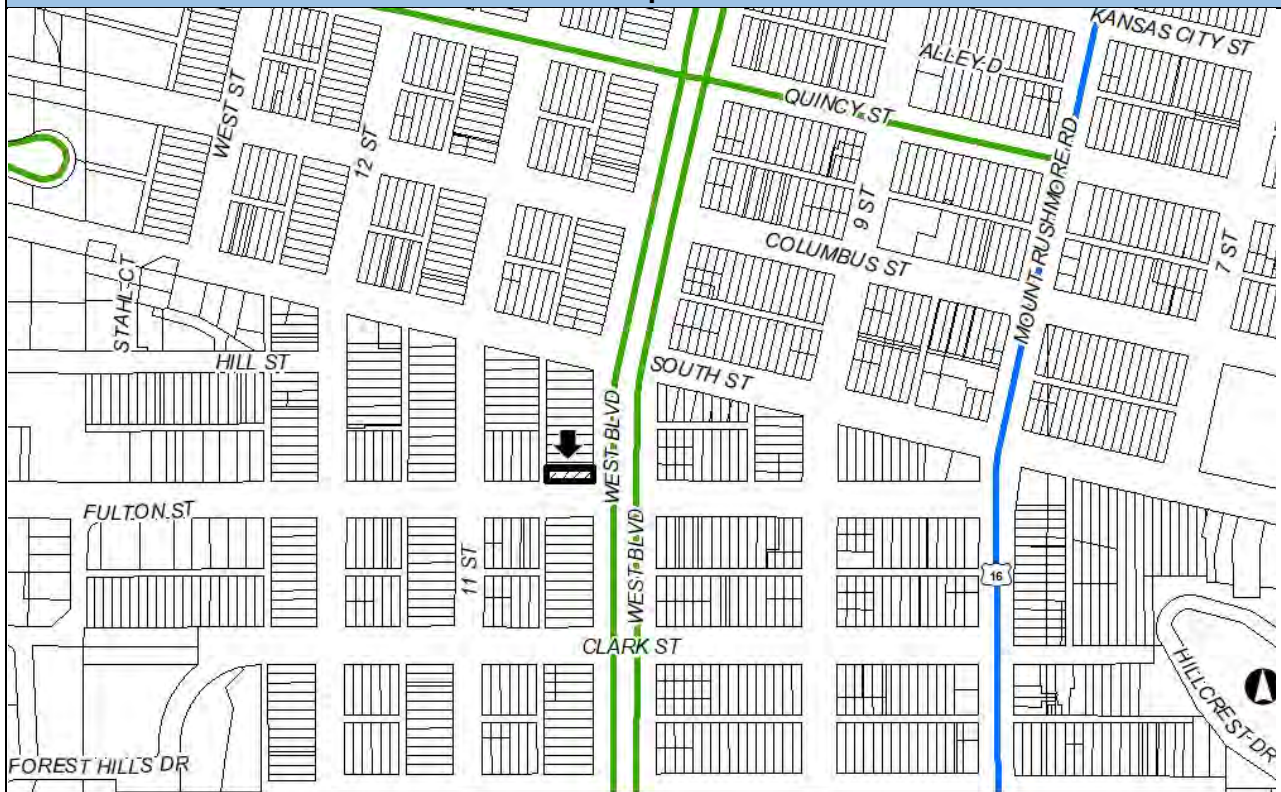
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
16VA005	11/10/2016	Reduce front yard setback from 25 feet to "0" feet for a stoop	Approved with stipulations
Relevant Zoning District Regulations			
Medium Density Residential District	Required	Proposed	
Lot Area	6,500 square feet	4,225 square feet	
Lot Frontage / Lot Width	25 feet	32.5 feet	
Maximum Building Heights	2½ stories or 35 feet	1-story	
Maximum Density	30%	Requesting Variance to allow 52%	
Minimum Building Setback:			
• Front	25 feet	30 feet	
• Rear	25 feet / 5 feet for detached garage	Requesting Variance to allow 2.7 feet to detached garage	
• Side	5 feet	Requesting Variance to allow 0.8 feet to detached garage	
• Street Side	20 feet / 35 feet for detached garage	Requesting Variance to allow 22.5 feet for detached garage	
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	N/A	N/A	
Signage	As per RCMC 17.50.080	N/A	
Fencing	As per RCMC 17.50.340	N/A	
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;	Variances approval does not run contrary to public interest. Approval is needed to replace "like-for-like". Existing structure has stood for nearly 100 years without negatively impacting the right-of-way, access, or safety of adjacent properties. Rebuilding is consistent with aesthetic of Historic West Boulevard Neighborhood.		
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	The historically contributing garage was damaged by arson (RCPD Case #20-26057). Variances are needed to simply rebuild to maintain utility, value and character of home.		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	Without approval, functional utility as a owner-occupied home is severely diminished. Homeowners investment, money value, and tax-base assessed value, are also negatively impacted. Approval will lead to keeping this home owner-occupied.		

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,	Variance approval will allow a landmark home in the West Boulevard to continue forward in both value and utility to remain owner-occupied. This protects the future value and unique character for the Historic District at large.
5. By granting the variance, substantial justice will be done.	As victims of arson, approval of variances will provide restorative justice to the home owners.
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 legal non-conforming single-family dwelling and detached garage which are both permitted uses in the Medium Density Residential District. The detached garage was damaged due to arson and the applicant is proposing to rebuild the garage in the existing footprint. A Variance (File #16VA005) was previously granted to allow the front stoop to be reconstructed along Fulton Street.
2. Variances granted under the provisions of this section should be the minimum adjustment necessary for the reasonable use of the land.	The existing detached garage was damaged due to arson. The applicant is proposing to reconstruct the garage using the existing footprint. The subject property is also located in the West Boulevard Historic District and the damaged garage was identified as a contributing structure. South Dakota Administrative Rules Section 25:52:07:04 states that new construction must maintain the traditional placement which would support an alley-loaded detached garage. To use the existing footprint would be the minimum adjustment needed.
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.	As noted above, the subject property is located in the West Boulevard Historic District and the damaged garage was identified as a contributing structure. The existing garage was destroyed by arson. The applicant is proposing to rebuild a new garage in the existing footprint. The spirit of the Zoning Ordinance is to allow the reconstruction of existing buildings in the same footprint to maintain the distinctive character of neighborhoods. Staff's support of this Variance request is specific to the West Boulevard Historic District and the nature of the request.
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 proposed detached garage will be constructed using the same dimensions and footprint of the damaged garage which was a contributing structure in the West Boulevard Historic District. The West Boulevard Historic District is unique for its diversity of building stock, appeal of the boulevard, the grid-based street layout, and alley accessed detached garages. The previous building location and contributing status are special circumstances. In addition, the subject property is located on two street frontages requiring greater setbacks and is only 4,225 square feet in size qualifying for small lot status. Otherwise, the minimum required lot size is 6,500 square feet in the Medium Density Residential District.

<p>5. 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.</p>	<p>The property is zoned Medium Density Residential District and is developed with a legal non-conforming single-family dwelling and detached garage. As previously noted, the existing structures on the property are identified as contributing structures in the West Boulevard Historic District. The garage was damaged by fire. The applicant is proposing to rebuild using the existing footprint. The requested Variance is in the spirit of the Zoning Ordinance and the adopted Comprehensive Plan. The West Boulevard Historic District is unique for its grid pattern with alley accessed garages. The small lot size, two street frontages, reusing and maintaining the existing footprint, and unique circumstances support the granting of the Variance.</p>
---	---

Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment decide to deny the Variance request the following criteria would be applicable:	
Criteria:	Findings:
N/A	
Summary of Findings	
<p>The existing structures on the property are identified as contributing structures in the West Boulevard Historic District. The garage was damaged by fire. The applicant is proposing to rebuild using the existing footprint. The spirit of the Zoning Ordinance is to allow the reconstruction of existing buildings in the same footprint to maintain the distinctive character of neighborhoods. The West Boulevard Historic District is unique for its grid pattern with alley accessed garages. The small lot size, two street frontages, reusing and maintaining the existing footprint, and unique circumstances support the granting of the Variance.</p>	
ZBOA Recommendation and Stipulations of Approval	
Staff recommends approval of the Variance request with the following stipulations:	
1.	No part of the structure shall overhang or encroach onto the adjacent property;
2.	Prior to issuance of a Building Permit, a Historic 11.1 review shall be approved; and,
3.	The Variance shall be specific to the location and footprint of the damaged detached garage.