



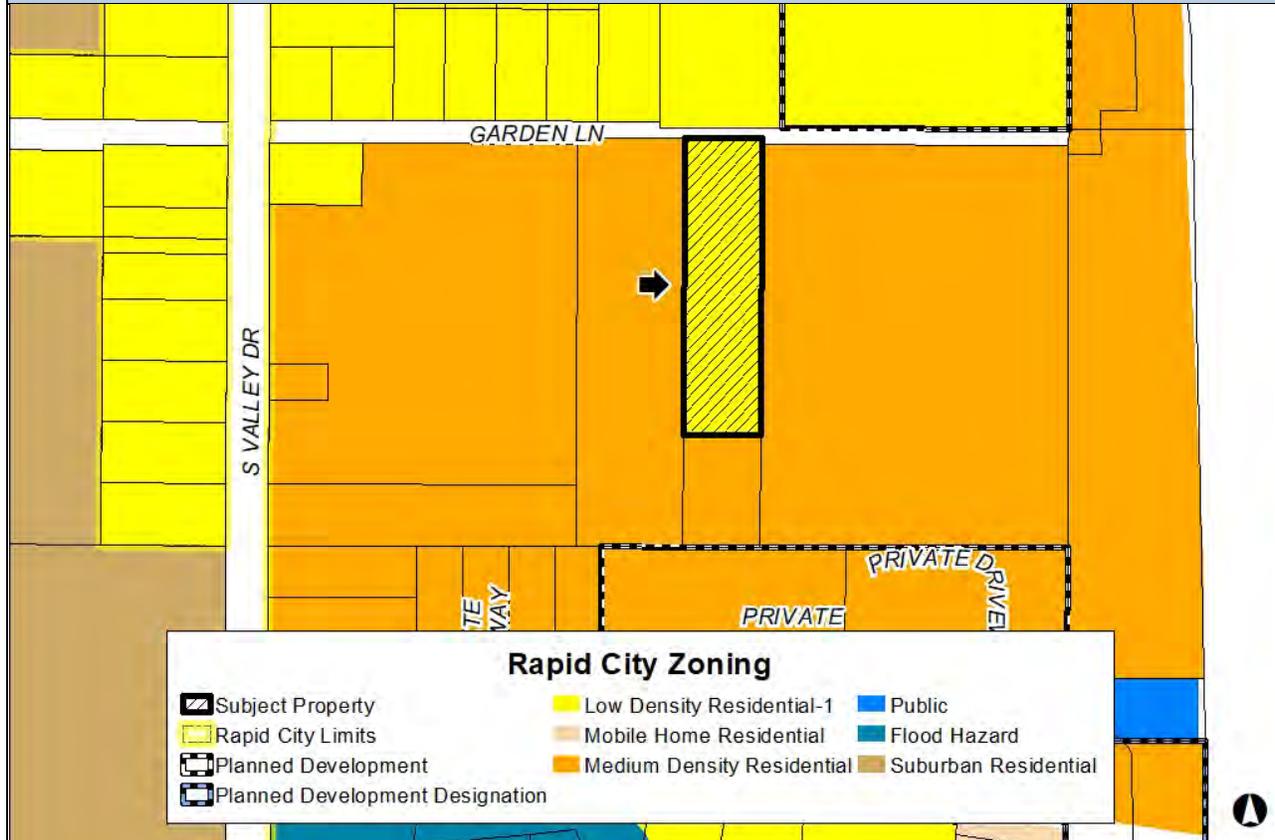
# Rapid City Zoning Board of Adjustment Variance Project Report

May 27, 2021

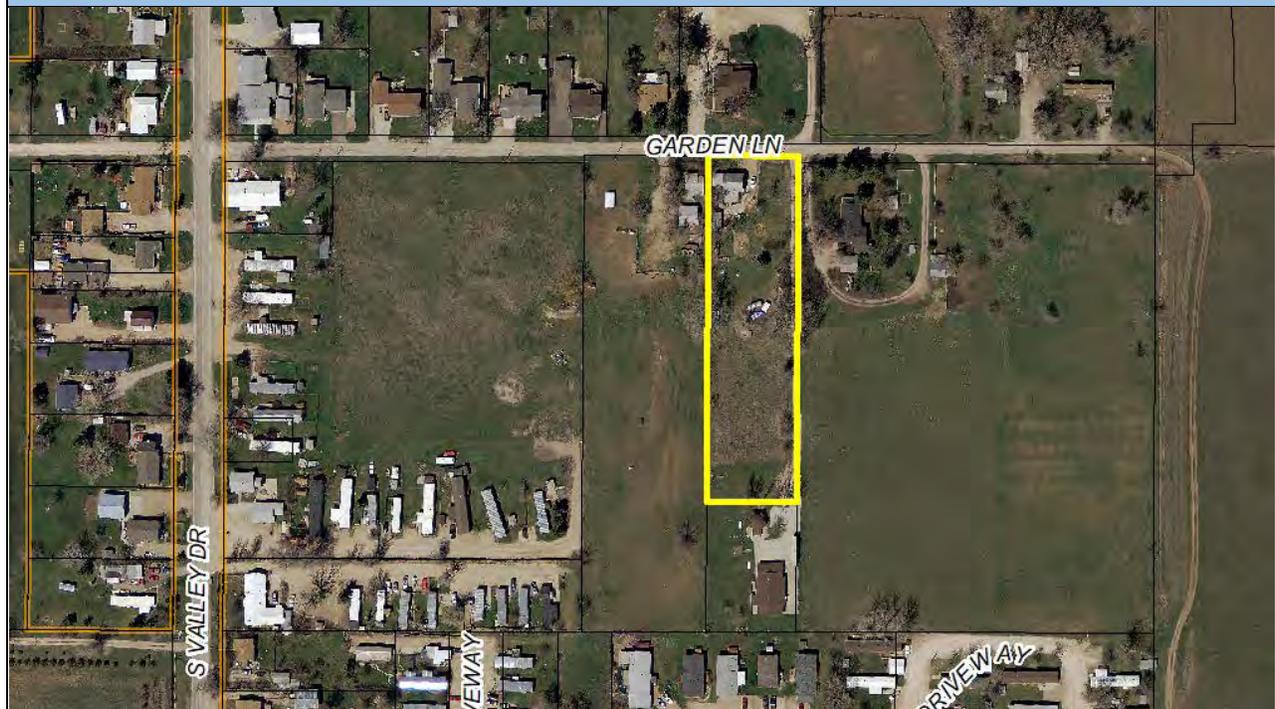
| <b>Item #2</b>   |  |
|--|--|
| <b>Applicant Request(s)</b>  |  |
| Case #21VA002, Variance to reduce the front yard setback from 20 feet to 8 feet  |  |
| Companion Case(s) N/A  |  |
| <b>Development Review Team Recommendation(s)</b>   |  |
| Staff recommends to grant the Variance request for the existing structure only.  |  |
| <b>Project Summary Brief</b>   |  |
| <p>The applicant has submitted a Variance request to reduce the front yard setback from 20 feet to 8 feet for property located at 2905 Garden Lane. The existing structure is located 24 feet from Garden Lane. However, the applicant is proposing to subdivide the property into two lots which will require that 16 feet of right-of-way be dedicated for Garden Lane. The dedication of additional right-of-way will reduce the currently compliant front yard setback from 24 feet to 8 feet. Currently, the property is developed with a single-family dwelling and a detached garage.</p> |  |
| <b>Applicant Information</b>   |  |
| <b>Development Review Team Contacts</b>  |  |
| Applicant: Evergreen Real Estate, LLC  | Planner: Fletcher Lacock                         |
| Property Owner: Evergreen Real Estate, LLC   | Engineer: Dan Kools                              |
| Architect: N/A   | Fire District: Tim Behlings                      |
| Engineer: Renner Associates, LLC   | School District: Kumar Veluswamy                 |
| Surveyor: N/A  | Water: Dan Kools                                 |
| Other: N/A   | Sewer: Dan Kools                                 |
| <b>Subject Property Information</b>  |  |
| Address/Location   | 2905 Garden Lane                                 |
| Neighborhood   | Southeast Connector Neighborhood Area            |
| Subdivision  | Proposed Garden Lane Subdivision                 |
| Land Area  | 1.403 acres                                      |
| Existing Buildings   | 1,555 square feet                                |
| Topography   | Relatively flat                                  |
| Access   | Garden Lane                                      |
| Water / Sewer  | RVSD   |
| Electric/Gas Provider  | West River Electric                              |
| Floodplain   | Federally designated 500-year protected by levee |
| Other  | N/A  |

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

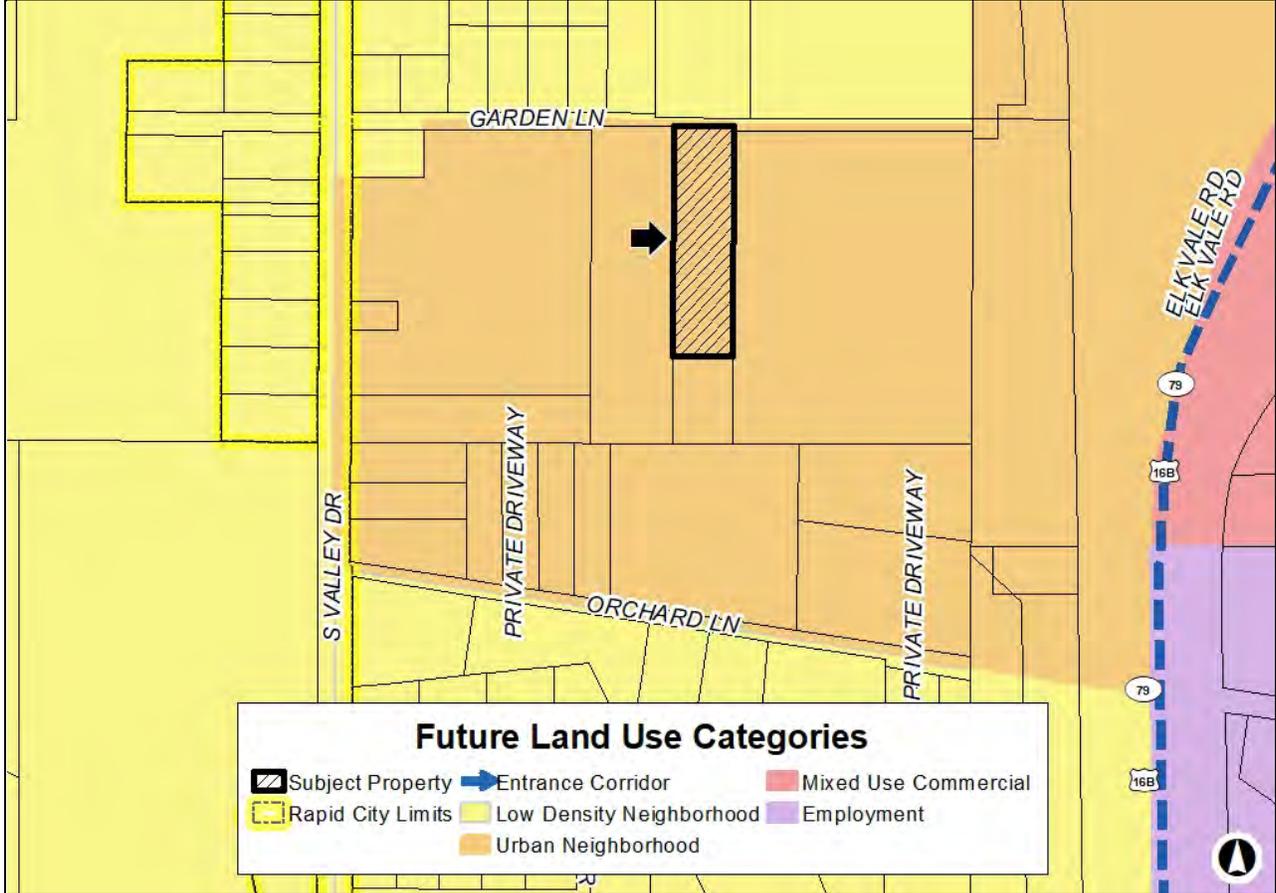
**Zoning Map**



**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  |  |   |        |
| Medium Density Residential District   | Required   | Proposed                                  |        |
| Lot Area  | 6,500 square feet  | 17,859 square feet and 41,251 square feet |        |
| Lot Frontage / Lot Width  | 25 feet  | 25 feet and 100 feet                      |        |
| Maximum Building Heights  | 2½ stories or 35 feet  | One-story                                 |        |
| Maximum Density   | 30%  | 8.7%                                      |        |
| Minimum Building Setback:   |  |   |        |
| • Front   | 20 feet  | Requesting Variance to 8 feet             |        |
| • Rear  | 25 feet  | 25 feet                                   |        |
| • Side  | 8 feet   | 8 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  | 2   |        |
| • # of ADA spaces   | N/A  | N/A                                       |        |
| Signage   | As per RCMC 17.50.080  | None proposed                             |        |
| Fencing   | As per RCMC 17.50.340  | 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> |  |   |        |
| Criteria:   | Applicants Response (verbatim):  |   |        |
| 1. The granting of the Variance will not be contrary to the public interest;  | This has been requested by staff. Not contrary to public interest.                   |   |        |
| 2. There are special conditions attached to the property that do not generally apply to other properties in the same district;  | Addition of right-of-way is required.  |   |        |
| 3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;   | The dedication of additional right-of-way creates the need for the setback variance. |   |        |
| 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,   | Yes.   |   |        |

|  |   |
|--|---|
| 5. By granting the variance, substantial justice will be done.   | Yes.  |
| <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 single-family dwelling which is identified as a permitted use in the Low Density Residential District.   |
| 2. Variances granted under the provisions of this section should be the minimum adjustment necessary for the reasonable use of the land.   | As previously noted, the applicant is proposing to subdivide the subject property requiring the dedication of 16 feet of right-of-way. The requested Variance is the minimum adjustment necessary.  |
| 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 dedication of 16 feet of right-of-way for Garden Lane is a public benefit. As such, staff recommends that the Variance be granted for the existing structure. Any new development or redevelopment of the property will require that all setbacks be met.                                   |
| <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 use so as to justify a variance. | The property is currently zoned Low Density Residential District and is developed with a single-family dwelling. Reasonable use of the land exists. In addition, the existing structure meets the front yard setback requirement. If the property's not subdivided, the variance is not needed. |
| 2. 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.   | There are no special circumstances. The applicant is proposing to subdivide the subject property which requires the dedication of 16 feet of right-of-way. The property currently complies with the front yard setback.   |

**Summary of Findings**

The applicant has submitted a Variance request to reduce the minimum required front yard setback from 20 feet to 8 feet. The applicant is proposing to subdivide the property requiring the dedication of 16 feet of right-of-way for Garden Lane. The dedication of right-of-way serves as a public benefit. As such, staff recommends that the Variance be granted for the existing structure. Any new development or redevelopment will be required to comply with all setbacks.

**ZBOA Recommendation and Stipulations of Approval**

Staff recommends to grant the Variance request for the existing structure only.