



# Rapid City Zoning Board of Adjustment Variance Project Report

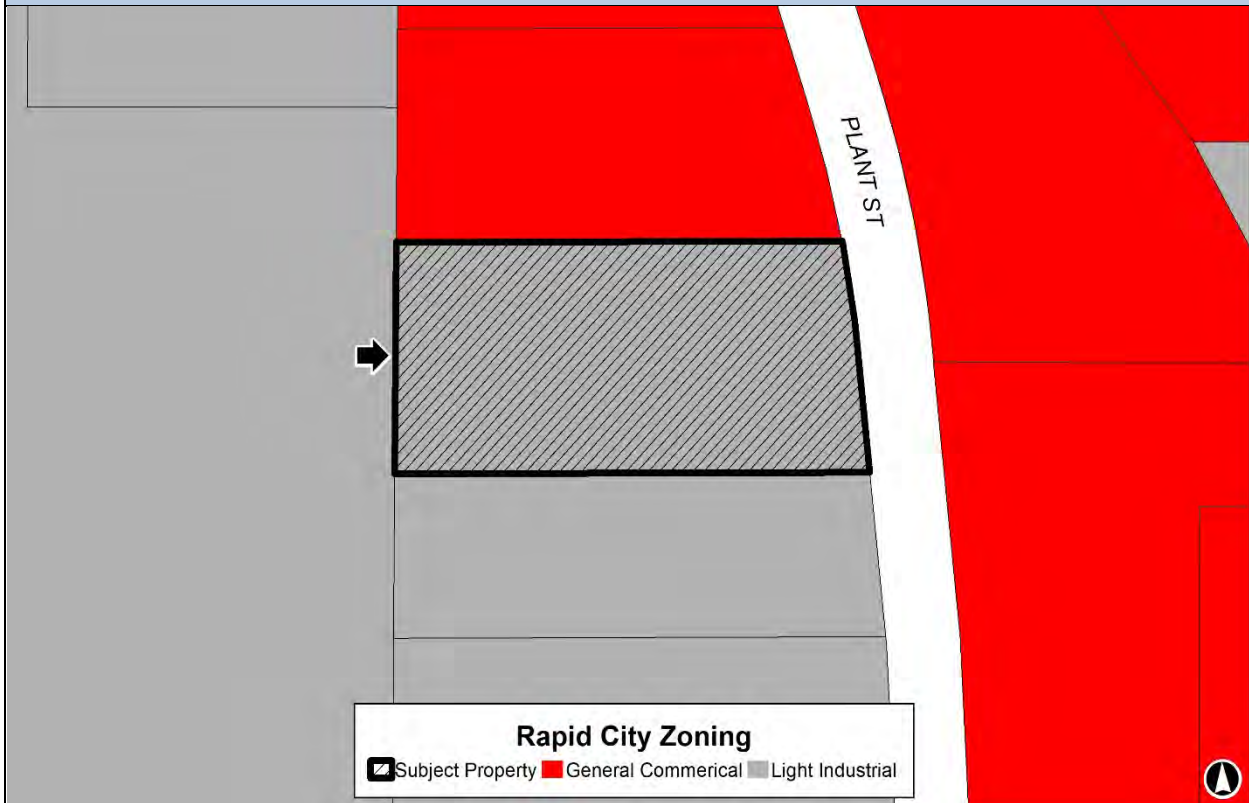
March 24, 2022

Item #2	
<b>Applicant Request(s)</b>	
Case #21VA010 Variance to reduce the side yard setback from 25 feet to 8 feet	
Companion Case(s) N/A	
<b>Development Review Team Recommendation(s)</b>	
Staff recommends that the Variance request be <b>continued to May 26, 2022 at the applicant's request.</b>	
<b>Project Summary Brief</b>	
<p><b>(Update: 3/15/22. The applicant has requested this item be continued to the May 26, 2022 meeting as they continue to work with their engineer on a revised plan.)</b> The subject property is 1.89 acres in size and developed with a contracting supply company called Prairie Supply. The property is zoned Light Industrial District and developed with several commercial and industrial structures. The primary structure is a 7,800 square foot office with an attached 2,400 square foot shop. There is also a 3,690 square foot storage building and a 1,262 square foot storage building located on the property. The requested Variance would allow the construction of a 3,520 square foot outbuilding to be used for storage and warehousing. The proposed structure is required to have a 25-foot side yard setback; however the applicant is proposing an 8-foot setback so that a vehicle in/out and turnaround area can be preserved for internal site circulation. <b>No other changes have been made.</b></p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Matt Neibauer for Prairie Supply	Planner: Sarah Hanzel
Property Owner: Bruce Kringlie	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: City
Other: N/A	Sewer: City
<b>Subject Property Information</b>	
Address/Location	2801 Plant Street
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Deadwood Avenue Tract
Land Area	1.89 acres
Existing Buildings	Offices and warehouse for construction equipment services
Topography	Relatively level
Access	Plant Street
Water / Sewer	City of Rapid City
Electric/Gas Provider	Black Hills Energy
Floodplain	Not Applicable
Other	Not Applicable

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LI	LI	Industrial
Adjacent North	GC	LI	Commercial/Office
Adjacent South	LI	LI	Industrial
Adjacent East	GC	LI	Industrial/Office
Adjacent West	LI	LI	Industrial

**Zoning Map**



**Existing Land Uses**





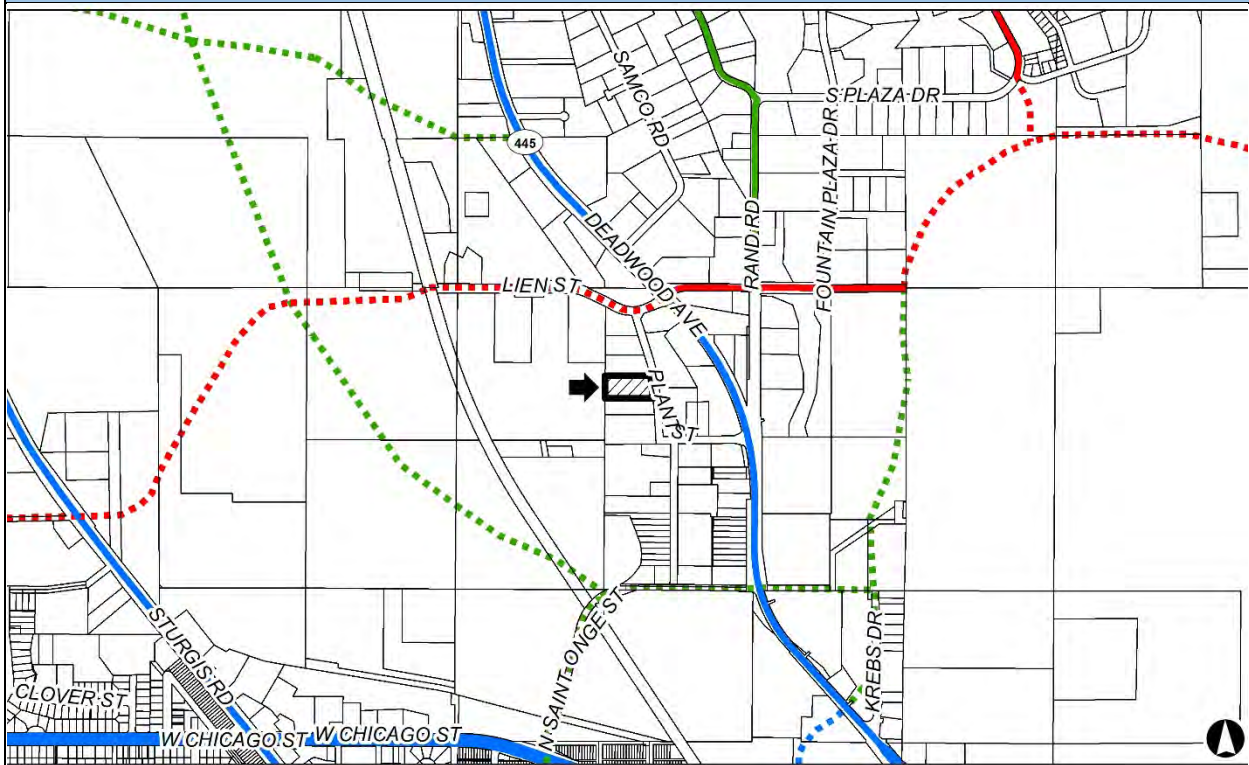
### Comprehensive Plan Future Land Use



### Future Land Use Categories

- Subject Property
- Light Industrial

### Parks or Transportation Plan



### Major Street Plan

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

Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Light Industrial District	Required	Proposed/Existing	
Lot Area	20,000 square feet	82,328	
Lot Frontage	N/A	N/A	
Maximum Building Heights	4 stories, 45 ft.	26 feet proposed	
Maximum Density	75%	Unknown	
Minimum Building Setback:			
• Front	25 feet	64 feet	
• Rear	25 feet	60 feet	
• Side	25 feet	8 feet proposed new building	
• Street Side	25 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	63,656	Reviewed with building permit	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	19	28	
• # of ADA spaces	1 van accessible	2	
Signage	As per Sign Code	None Proposed	
Fencing	As per RCMC Chapter 17.50.340	None Proposed	
Applicant's Justification:			
<p><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></p> <p><b>Written Statement from applicant:</b> We are requesting to reduce our south side yard setback from 25 feet to 8 feet to allow enough room to place a 44-foot by 80-foot storage/warehouse building on the property. The addition of this out-building is necessary for our future growth in Rapid City. With the increase demand for construction products we are in need of more indoor storage to keep enough product on hand. This building will also allow us to cut and bend rebar for contractors locally instead of shipping from out of state.</p>			
<b>Criteria:</b>		<b>Applicants Response (verbatim):</b>	
1. The granting of the Variance will not be contrary to the public interest;		With the request of an 8' setback it is allowing us to stay out of the existing 8' storm water easement that is in place. We will also not make any changes to the existing fence that is currently on the property edge.	
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;		The placement of the future building allows us to maintain our vehicle turn around areas and also allows us to maneuver stock materials up to 40 feet without interference. There are no current utilities in the area of placement and we can utilize the current site paving and additional paving would be minimal.	
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;		If we were not allowed placement of this building it would greatly limit our business growth. It would also cause us to look for a new location for our business to accommodate our growth.	

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,	We are a commercial/industrial contractor supply currently in the major commercial industrial contractor area of town.
5. By granting the variance, substantial justice will be done.	By granting this variance, it would allow our business to grow with Rapid City and the surrounding areas. We will be able to supply quicker and at better rates to the contractors.

**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:**

<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 contracting supply company called Prairie Supply. The use of the property is a permitted use in the Light Industrial District. The primary structure associated with the use is a 7,800 square foot office with an attached 2,400 square foot shop. There is also a 3,690 square foot storage building and a 1,262 square foot storage building located on the property. An additional 3,520 square foot storage building is proposed at the rear of the lot, along the south lot line.

**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:**

<b>Criteria:</b>	<b>Findings:</b>
2. 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 subject property is 1.89 acres in size. The majority of the site is relatively level. The rear portion of the lot rises 20 feet in elevation from west to east. The business currently operates with the existing structures and proposes to expand by having additional material storage areas. As such, reasonable use of the land currently exists.
3. Variances granted under the provisions of this section should be the minimum adjustment necessary for the reasonable use of the land.	The requested Variance would allow the construction of a 3,520 square foot outbuilding to be used for storage and warehousing. The proposed structure is required to have a 25-foot side yard setback; however the applicant is proposing an 8-foot setback so that a vehicle in/out and turnaround area can be preserved for internal site circulation. Alternatives to this proposal may include constructing a smaller structure that meets the setback requirement, or locating the structure in an alternative area on the site.
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.	There are no special circumstances related to the size of the lot, its dimensions, or topography.
5. The granting of any variance is in harmony with the general purposes and	The Light Industrial District is established to provide areas in which the principal use of land is

<p>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.</p>	<p>for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution, etc. for industries which may involve noise, odor, dust, and glare. The side yard setback is established at 25 feet within these areas so that sufficient separation is provided between structures on adjoining property. Since the property to the south has buildings which encroach into the 25-foot setback, it may be injurious to the neighborhood to allow new construction with a reduced setback.</p>
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<b>Summary of Findings</b>
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The applicant has submitted a Variance request to reduce the minimum side yard setback from 25 feet to 8 feet in order to construct a new storage building. The following circumstances are pertinent to the staff recommendation to deny the request:

- 1) The business currently operates with the existing structures and proposes to expand by having additional material storage areas. As such, reasonable use of the land currently exists.
- 2) There are no special circumstances related to the size of the lot, its dimensions, or topography.
- 3) The light industrial zoning district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution, etc. for industries which may involve noise, odor, dust, and glare. The side yard setback is established at 25 feet within these areas so that sufficient separation is provided between structures on adjoining property. Since the property to the south has buildings which encroach into the 25-foot setback, it may be injurious to the neighborhood to allow new construction with a reduced setback.

<b>ZBOA Recommendation and Stipulations of Approval</b>
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Staff recommends that the Variance to reduce the side yard setback from 25 feet to 8 feet be continued to May 26, 2022.