



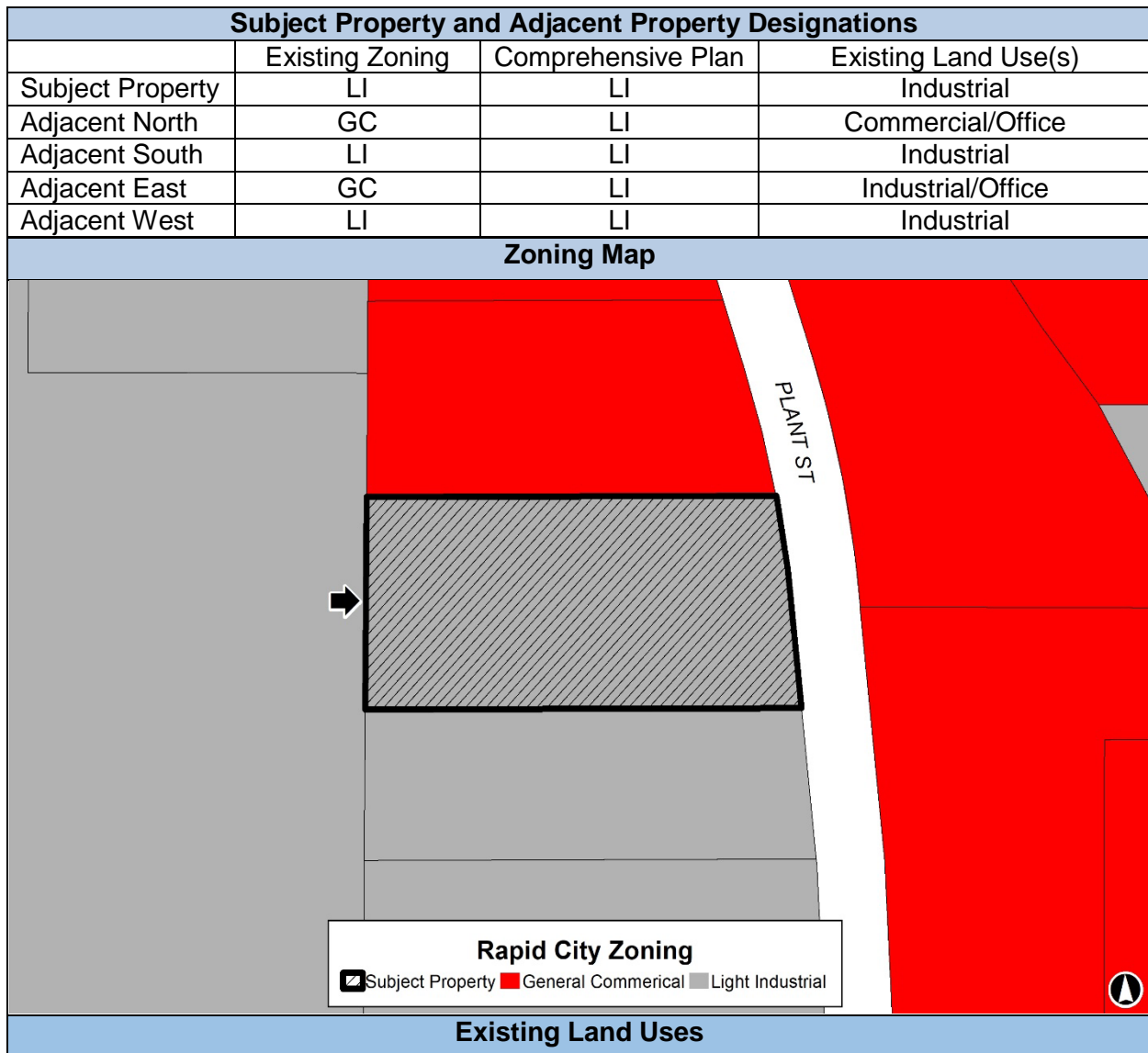
Rapid City Zoning Board of Adjustment

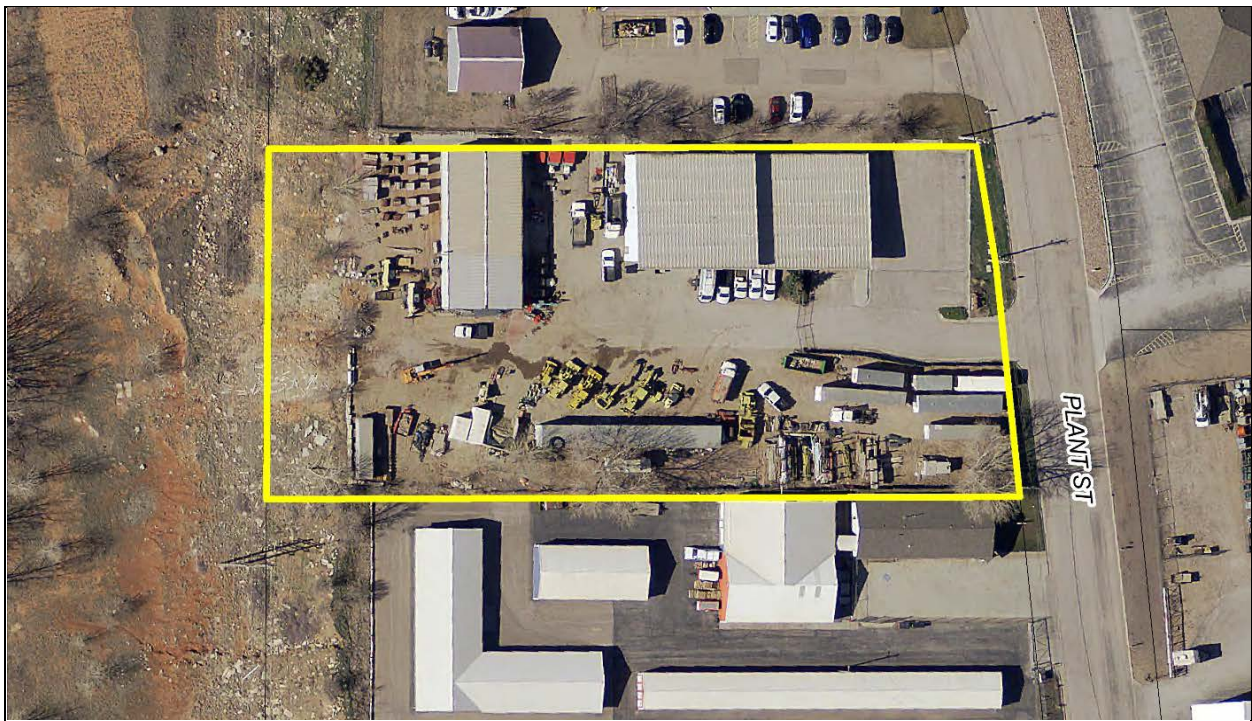
Variance Project Report

May 26, 2022

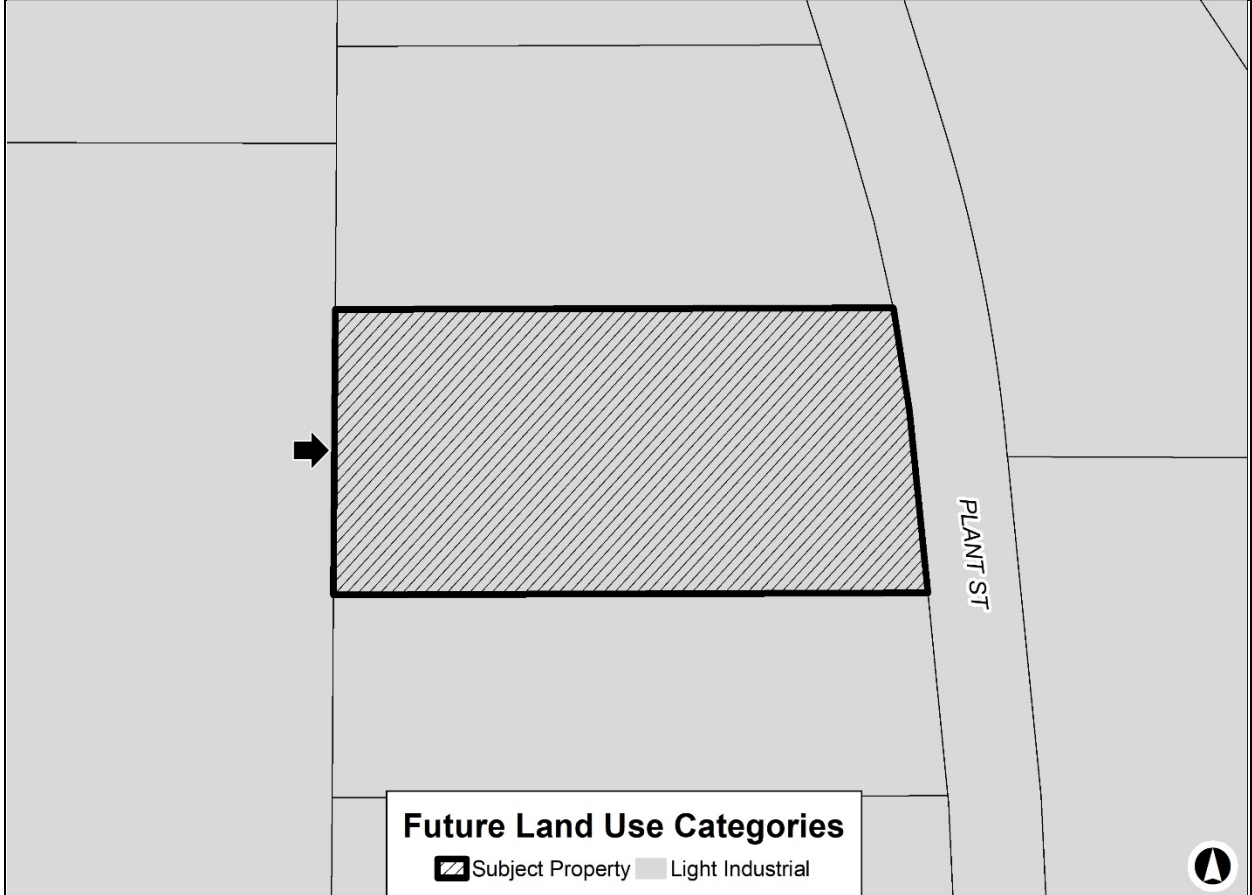
Item #2	
Applicant Request(s)	
Case #21VA010 Variance to reduce the side yard setback from 25 feet to 12 feet	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Variance request be continued to the June 9, 2022, Zoning Board of Adjustment Meeting. approved.	
Project Summary Brief	
<p>(Update: 3/24/2022. All added or revised text is shown in bold print). This item was continued at the January 27, 2022, Zoning Board of Adjustment meeting to allow the applicant to revise the Variance request providing additional separation between the proposed structure and an existing structure located on the adjacent property south of the subject property. As a result, the Variance request has been modified to request a reduction in the required 25-foot side yard setback to 12 feet instead of 8 feet as originally proposed. During the review of the revised information, staff noted that some of the setbacks of the existing structures located on the property are nonconforming as a result of a previous rezone of the property from General Commercial District to Light Industrial District. Subsequently, staff suggested that the applicant revise this request to address those non-conforming setbacks as a part of this application. However, that would delay action by the Zoning Board of Adjustment to a later date in order to meet publication requirements. The applicant has indicated that he has no intention of expanding or altering the existing structures at this time and will pursue a separate Variance request in the future for the existing structures. As such, the only Variance being requested at this time is to reduce the side yard setback for the proposed structure from 25 feet to 12 feet as noted. The applicant has submitted a Variance to reduce the required south side yard setback from 25 feet to 12 feet for a new warehouse proposed in the southwest portion of the property. The requested Variance would allow the construction of a 3,900 square foot outbuilding to be used for storage and warehousing. The Zoning Board of Adjustment continued the application on January 27, 2022, to allow time for the applicant to revise the plans to show less of a setback deviation. The previous proposal identified a 3,520 square foot warehouse with an 8-foot side yard setback. The site is comprised of 1.89 acres of land zoned Light Industrial District and consists of three buildings developed for the purpose of a contracting supply company. The primary structure is located on the north portion of the site and includes a 4,737 square foot office with an attached 2,400 square foot shop built in 2000. The remaining buildings include a 3,690 square foot warehouse located directly west of the primary structure and a 1,260 square foot warehouse located on the south portion of the site. Both of these warehouses were built in 1996. On July 7, 1999, City Council approved a Rezone request for the property from General Commercial District to Light Industrial District. The existing buildings were reviewed and approved under the previous zoning designation that allowed a lesser side yard setback than permitted in the Light Industrial District. As such the north side yard setbacks for the northern warehouse and principal building and the south side yard setback for the southern warehouse are considered non-conforming.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Matt Neibauer for Prairie Supply	Planner: Tanner Halonen
Property Owner: Bruce Kringlie	Engineer: Todd Peckosh
Architect: N/A	Fire District: Chip Premus
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: City

Other: N/A	Sewer: City
Subject Property Information	
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 flat
Access	Plant Street
Water / Sewer	City of Rapid City
Electric/Gas Provider	Black Hills Energy
Floodplain	Not Applicable
Other	Not Applicable

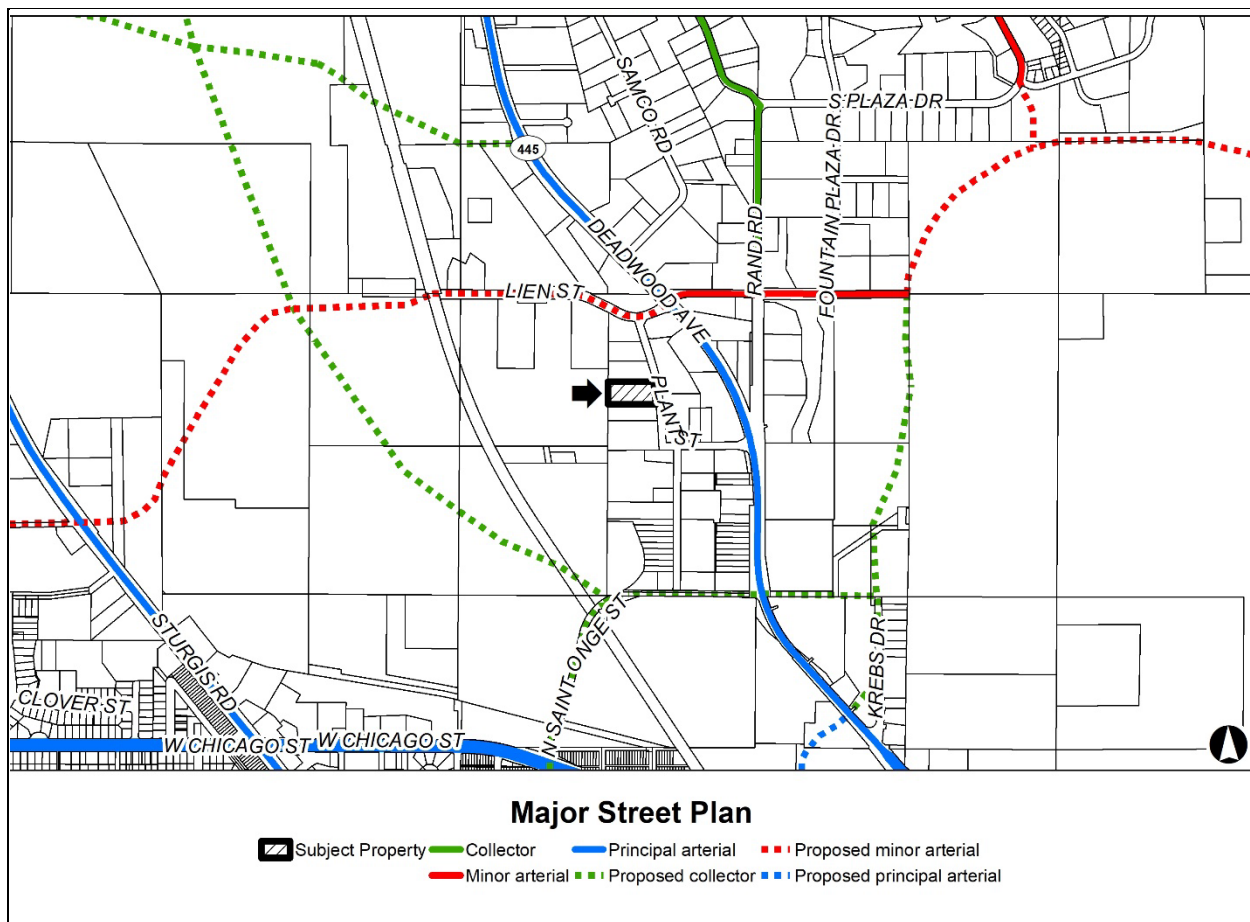




Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
99Z016	07/19/1999	Rezone from General Commercial to Light Industrial	Approved
Relevant Zoning District Regulations			
Light Industrial District	Required	Proposed	
Lot Area	20,000 square feet	82,328	
Lot Frontage	N/A	N/A	
Maximum Building Heights	4 stories or 45 feet	1 story or 29.5 feet	
Maximum Density	75%	22%	
Minimum Building Setback:			
• E Front	25 feet	> 25 feet	
• W Rear	25 feet	> 25 feet	
• S Side	25 feet	12 feet	
• N Side	25 feet	8 foot 4 inches	
Minimum Landscape Requirements:			
• # of landscape points	63,908	Reviewed at the time of Building Permit	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	18	28	
• # of ADA spaces	1	2	
Signage	As per RCMC Chapter 17.50.080	None Proposed	
Fencing	As per RCMC Chapter 17.50.340	None Proposed	
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:			
<p>Written Statement from applicant: We are requesting to reduce our south side yard set back from 25' to 12' to allow enough room to place a 60' x 70', 3892sqft (30'x36' Triangle removed, see sketch) Warehouse on the property. The building will have 20' side walls and single sloping roof to the north.</p> <p>We had met with the plan and zoning board back in February on a request for the setback to be 8' which was denied and we were asked to look into some changes to our variance request and building location. After getting soil reactions done we were able to move the building location further North and West as much as we could allow yet still keeping the building/property usable. Attached is our re-submittal with those changes and suggestions discussed with the planning and zoning board.</p>			
Criteria:		Applicants Response (verbatim):	
1. The granting of the Variance will not be contrary to the public interest;		The granting of a 12' setback would put the building farther from the property line than previously discussed with the zoning board. It would also set the building 37' away from the neighbors nearest structure. The placement of the building is being set to the farthest west side that the property will allow, keeping the building predominantly out of site. The door way and work area are being kept towards the interior to the property so there is inadvertent interaction or nuisance to the neighbor.	

2.	
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:	
Criteria:	Findings:
1. Variances shall not be granted to allow a land use otherwise excluded from the particular district in which requested.	The Light Industrial District was established to provide areas in which the use of land is for light manufacturing and assembly, plants, processing, storage, warehousing, wholesaling, and distribution. The Variance request is to allow a reduced south side yard setback for a new warehouse which is a permitted land use in this district.
3. Variances granted under the provisions of this section should be the minimum adjustment necessary for the reasonable use of the land.	The proposed structure is required to have a 25-foot side yard setback; the applicant is proposing a 12-foot setback to maintain vehicle turnaround areas and to allow maneuvering of stock materials without interference. The parking regulations require that a warehouse must provide a 30-foot circulation aisle adjacent to an overhead door. An overhead door is proposed in the northeast wall of the warehouse and is 30 feet from the structure to the north. Due to the topography of the land that restricts the building from being relocated further to the west and due to the proposed square footage and placement of the overhead door a 12-foot setback is a minimum adjustment necessary.
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 current structural development located on the property limits the location for any new structures on the lot. In addition, the surrounding development on the adjacent lot(s), limits the applicant from purchasing additional area from an adjacent property owner in order to meet the setback requirement. These factors create a special

	circumstance supporting granting the Variance in order to secure in-fill development within this area of our community.
5. 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 purpose and intent of the side yard setback in Light Industrial Districts are so that sufficient separation is provided between structures on adjoining properties. As previously indicated the Zoning Board of Adjustment reviewed and continued this proposal to allow greater separation of structures than previously shown. The applicant has decreased the deviation from 8 feet to 12 feet. As such, granting the 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.
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:
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 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.

Summary of Findings
<p>The applicant has submitted a Variance request to reduce the minimum side yard setback from 25 feet to 8 feet to construct a new storage building. Staff is recommending that this item be continued to allow a revised application that includes Variance requests for the nonconforming setbacks with the existing structures.</p> <p>Staff is recommending that the Variance request to reduce the side yard setback from 25 feet to 12 feet approved based on criteria 1, 3, 4 and 5 as noted above. The following circumstances are pertinent to staff's recommendation to approve the request.</p> <ul style="list-style-type: none"> (1) The topography of the land limits the building from being relocated further to the west and the placement of the overhead door limits the building from being relocated further to the north. With the current design, the 12-foot setback is the minimum adjustment necessary. (2) The existing structural development on the property limits the location for any new structures on the lot. Development on adjacent lot(s) limits the applicant from purchasing area from an adjacent property owner to meet setback requirements. (3) The Zoning Board of Adjustment continued the application on January 27, 2022, to allow a greater separation between the new building and the existing buildings of the adjoining property. The applicant has decreased the setback deviation from 8 feet to 12 feet with this revised application to allow a greater separation.
Recommendation

Staff recommends that the Variance to reduce the side yard setback from 25 feet to **12** feet be continued to June 9, 2022, Zoning Board of Adjustment Meeting. **approved.**