



Rapid City Zoning Board of Adjustment Variance Project Report

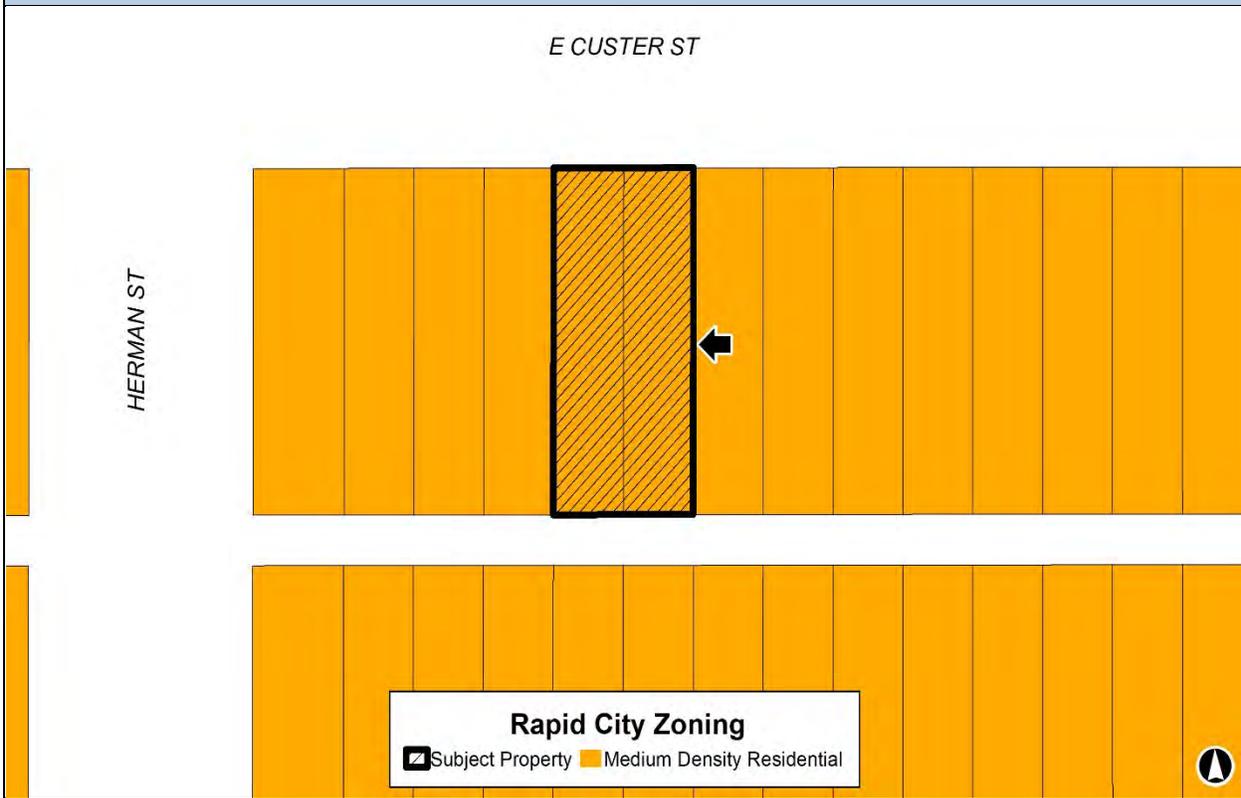
February 24, 2022

Item #2	
Applicant Request(s)	
Case #22VA001 Variance to reduce the minimum lot size for a 2-family structure from 8,000 square feet to 5,850 square feet	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Variance request be approved.	
Project Summary Brief	
<p>The applicants are requesting a Variance to reduce the minimum lot size for two-family residence from 8,000 square feet as required by the Rapid City Municipal Code, to 5,850 square feet. The subject property is located at 211/211 ½ E. Custer Street and zoned Medium Density Residential District. The property lost its legal non-conforming status when the basement unit was remodeled. There are no drainage or utility concerns related to the use of the property. The subject property is providing 4 off-street parking spaces in compliance with the Rapid City Municipal Code. Additional on-street parking is available in the neighborhood. The Planning Commission should be aware that the notification letters inaccurately identified that the requested reduction was to 5,662 square feet; however, the actual size of the lot, and subsequently the Variance request, is a reduction to 5,850 square feet.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Steve and Dorothy Wilkison	Planner: Sarah Hanzel
Property Owner: Same	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
Subject Property Information	
Address/Location	211 and 211 ½ E. Custer Street
Neighborhood	North Rapid Neighborhood Association
Subdivision	Nowlin and Wood
Land Area	0.13 acres/5,850
Existing Buildings	Residential structure
Topography	Rises in elevation 8 feet from south to north
Access	E. Custer Street
Water / Sewer	City of Rapid City
Electric/Gas Provider	Black Hills Energy/Montana Dakota Utilities
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	Residential
Adjacent North	MDR	UN	Residential
Adjacent South	MDR	UN	Residential
Adjacent East	MDR	UN	Residential
Adjacent West	MDR	UN </td <td>Residential</td>	Residential

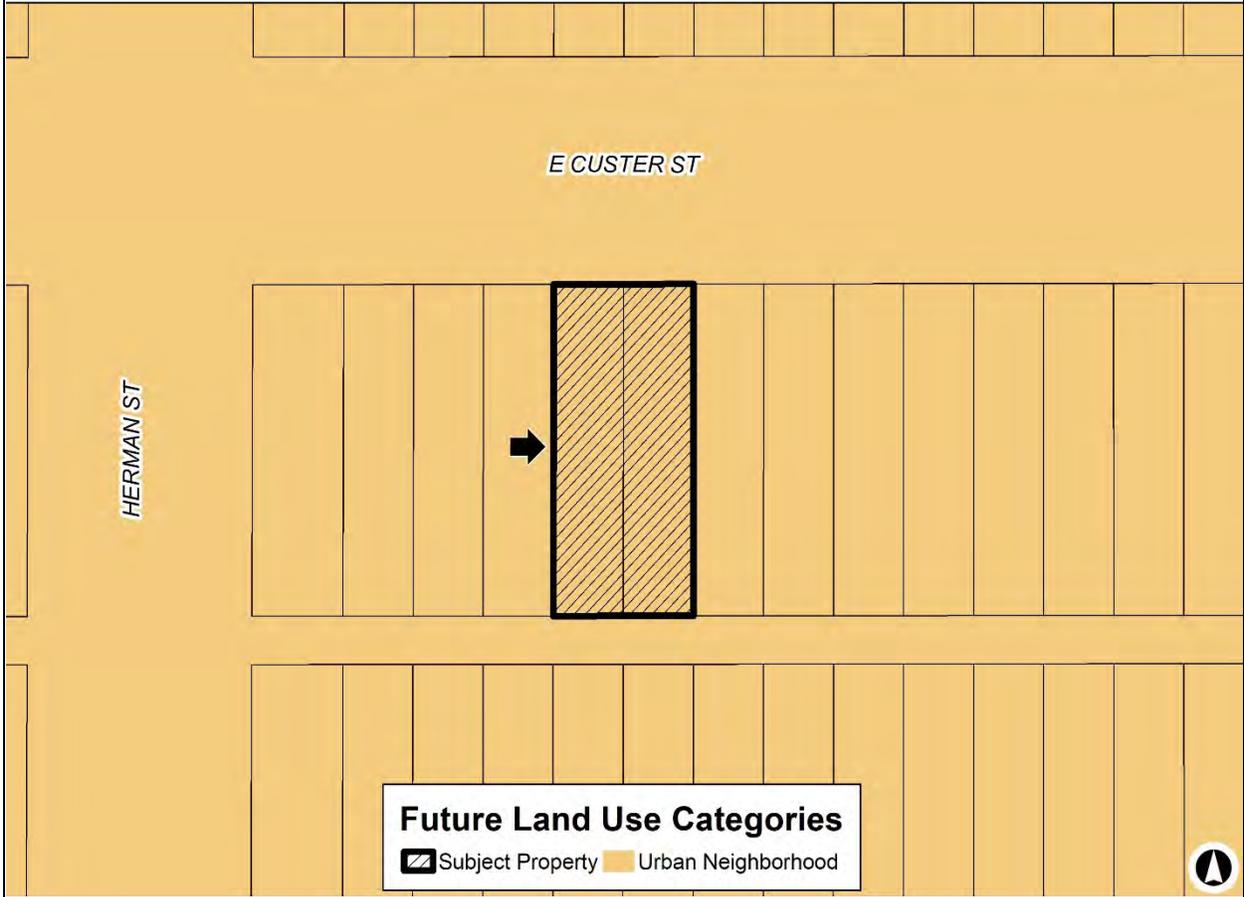
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A	N/A	N/A	N/A
Relevant Zoning District Regulations			
Medium Density Residential District	Required	Proposed	
Lot Area	8,000 square feet (2-unit)	5,850	
Lot Frontage / Lot Width	25 feet / 50 feet	50 feet	
Maximum Building Heights	3 stories or 35 feet	2 stories at back of lot; 1 story at the front of lot	
Maximum Lot Coverage	30%	18%	
Minimum Building Setback:			
• Front	20 feet	25 feet	
• Rear	25 feet	57 feet	
• Side	8 feet	10 feet; 7 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	4	4	
• # of ADA spaces	N/A	N/A	
Signage	N/A	N/A	
Fencing	As per RCMC 17.50.340.	N/A	
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> <p>Written Statement from applicant: We need a Variance for the lot size. It's 5,850 in lieu of 8,000. This is used as a multi-family, 1 unit up and 1 unit down.</p>			
Criteria:	Applicants Response (verbatim):		
1. The granting of the Variance will not be contrary to the public interest;	No – it has been two dwelling units and there's more in the area.		
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	Yes – the construction of the house was that the basement was constructed in 1949 as a basement dwelling and then in 1958 a second dwelling was built above the basement dwelling.		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	Yes – we purchased as a multi-family and we're counting the income to pay for the property. We have them rented starting in March.		
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 – we want to be legal, the residence is in a multi-family zoning district.		
5. By granting the variance, substantial justice will be done.	Yes – the Variance will allow us to provide two family housing units with sufficient off street parking. No negative impacts to neighborhood and there are other units like this in the area.		
Board of Adjustment Criteria and Findings for Approval			
<p>Should the Board of Adjustment decide to approve the Variance for a reduction in the lot size, the following criteria would be applicable.</p>			
Criteria:			

1. Variances shall not be granted to allow a land use otherwise excluded from the particular district in which requested.	Two-family dwelling units are a permitted use in the Medium Density Residential District. This District provides for medium to high population density. The principal uses of land may range from single-family to multiple-family apartment uses.
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.	The criteria for Variances includes lot size or dimension as a component of special circumstance. The minimum lot size for the current use as required by the Rapid City Municipal Code is 8,000 square feet; whereas the lot is only 5,850 square feet in size. The small lot size is the special circumstance. In addition, all of the adjacent properties are developed so the applicant cannot acquire additional acreage to meet the size for a 2-family residence.
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.	There are no drainage or utility concerns related to the use of the property. The subject property is providing 4 off-street parking spaces in compliance with the Rapid City Municipal Code. Additional on-street parking is available in the neighborhood. There are no detrimental or injurious impacts to the neighborhood for the use as a 2-family residence to be continued.
4. Variances granted under the provisions of this section should be the minimum adjustment necessary for the reasonable use of the land.	The proposed Variance is to allow the existing footprint of the building. The existing structure is not proposed for structural expansion. All other underlying requirements of the Medium Density Residential District are met. For these reasons, the requested Variance is the minimum adjustment necessary for the reasonable use of the land as a two-family residence.

Board of Adjustment Criteria and Findings for Denial

Should the Board of Adjustment decide to deny the Variance for a reduction in the lot size, the following criteria would be applicable:

Criteria:	Findings:
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.	The property is currently developed as two separate units. Converting the structure to a single family structure would create a loss in value but does not necessarily deprive all reasonable use. A single family residence allows reasonable use of the property.

Summary of Findings

The applicant has submitted a Variance request to reduce the lot size requirement from 8,000 square feet to 5,850 square feet. The following circumstances are pertinent to the staff recommendation to approve the request:

- 1) The Variance would allow a land use that is allowed in the Medium Density Residential District;
- 2) The granting of the Variance is in harmony with the general purposes and intent of the Zoning Code. The duplex has been a legal non-conforming structure on the property since 1958. Granting the Variance to maintain the use of the residential structure is in compliance with the goals of the City's Comprehensive Plan; and,
- 3) The existing small lot size and the inability to acquire additional acreage creates a special circumstance.

- 4) The property is current developed as two separate units. Converting the structure to a single family structure would create a loss in value but does not necessarily deprive all reasonable use.

ZBOA Recommendation and Stipulations of Approval

Staff recommends that the Variance to reduce lot size from 8,000 square feet to 5,850 square feet be approved.