



Rapid City Zoning Board of Adjustment

Variance Project Report

June 23, 2022

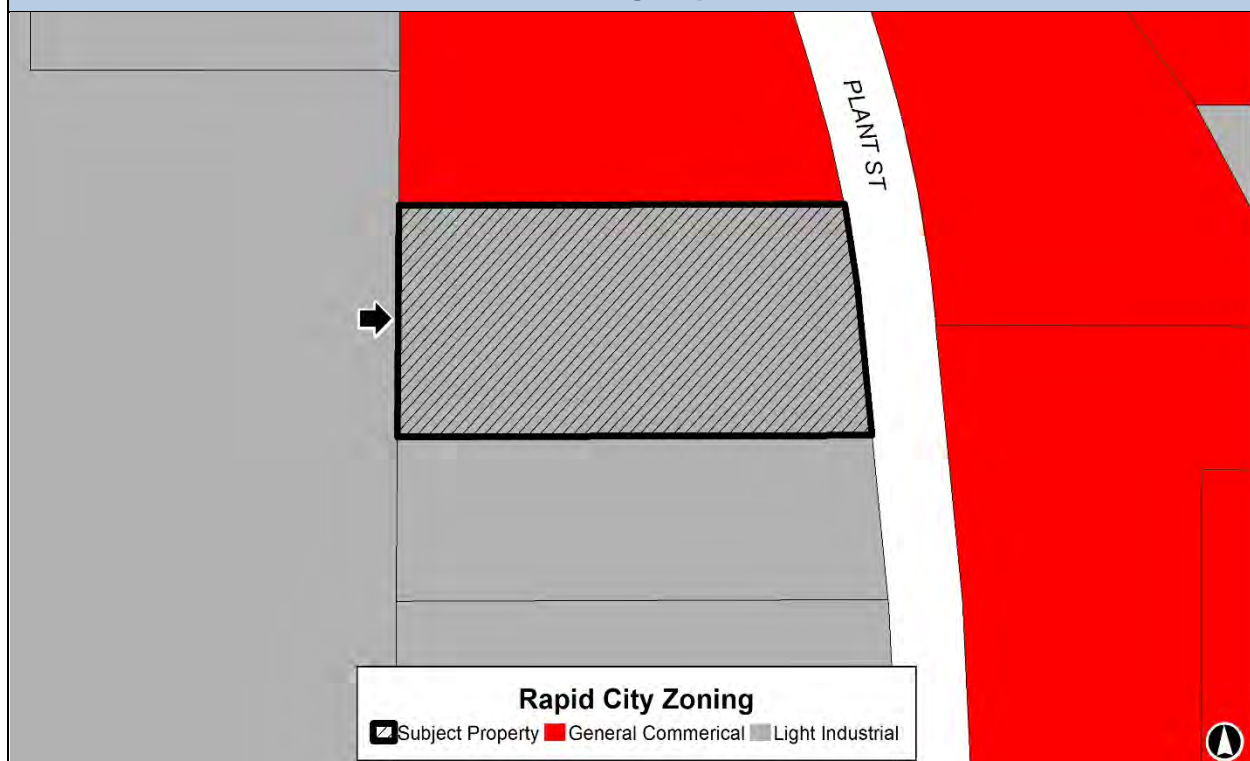
Item #4	
Applicant Request(s)	
Case #22VA009 Variance to allow an 8-foot-4 inch and an 11-foot north side yard setbacks and a 22-foot south side yard setback in lieu of required 25-foot side yard setbacks	
Companion Case(s) #21VA010	
Development Review Team Recommendation(s)	
Staff recommends that the Variance request be approved.	
Project Summary Brief	
<p>The Zoning Board of Adjustment approved a Variance request (#21VA010) on May 26, 2022, to reduce the south side yard setback from 25 feet to 12 feet for a new warehouse in the southwest portion of the property. During the review of this application, staff identified that the setbacks of the existing structures on the property were nonconforming as a result of a previous rezone from General Commercial District to Light Industrial District. Subsequently, staff suggested that the applicant revise the original request or submit a new application to address these non-conformities. This application is being submitted as a result of that review and discussion.</p> <p>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 (#99Z016) 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. The required side yard setback in the Light Industrial District is 25 feet, the northern warehouse has a north side yard setback of eight feet four inches, the principal building has a north side yard setback of 11 feet, and the southern warehouse has a south side yard setback of 22 feet. As such the north and south side yard setbacks are considered non-conforming. All non-conformities associated with a property must be legally permitted or rectified before the issuance of a building permit for future site or building improvements.</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	N/A

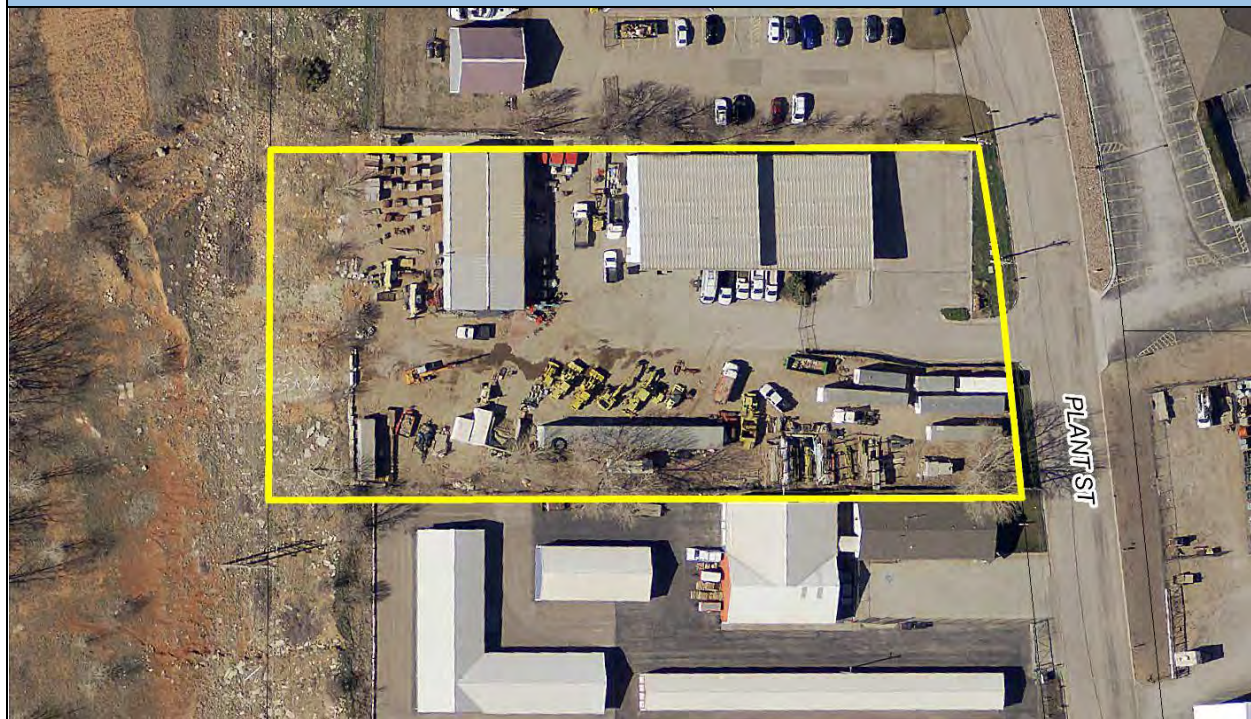
Subject Property and Adjacent Property Designations

	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



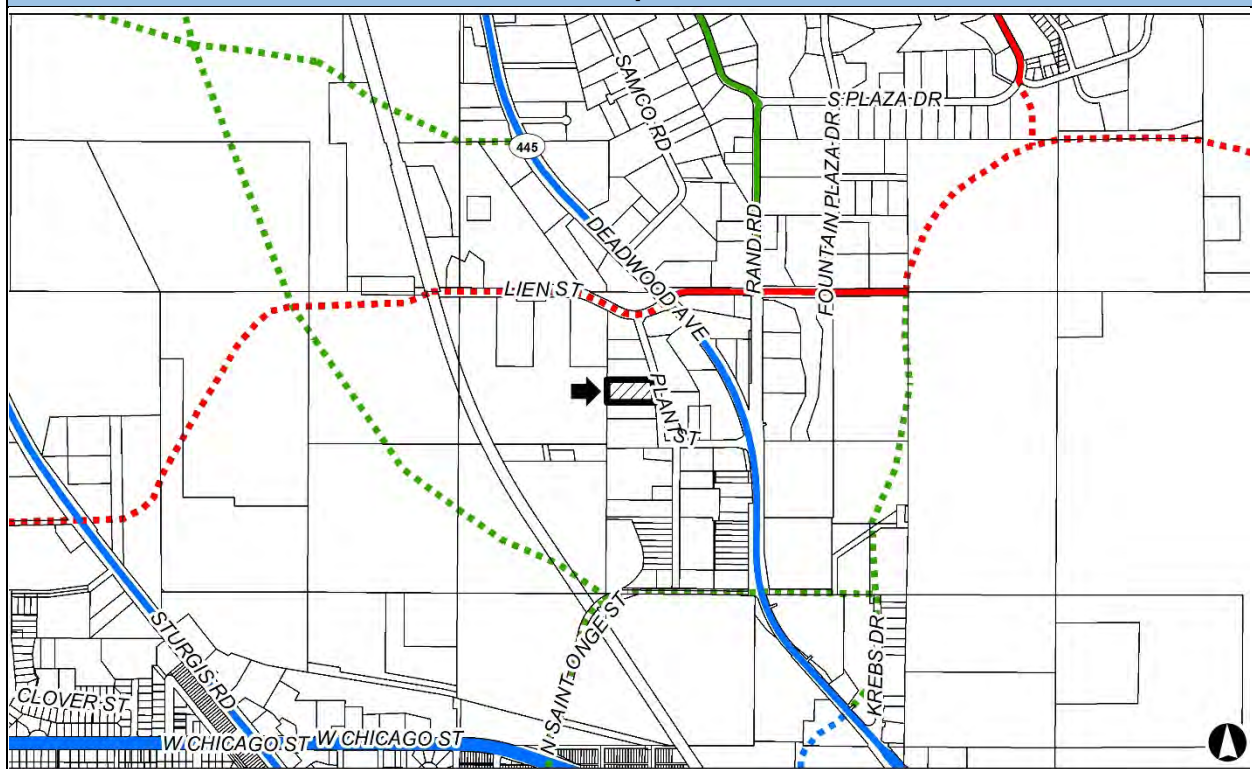
Existing Land Uses



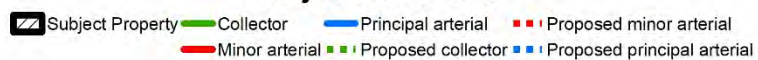
Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
99Z016	07/19/1999	Rezone from General Commercial to Light Industrial	Approved
21VA010	05/26/2022	Variance to reduce the side yard setback from 25 feet to 12 feet	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 Setbacks			
Principal Building			
• E Front	25 feet	> 25 feet	
• W Rear	25 feet	> 25 feet	
• S Side	25 feet	> 25 feet	
• N Side	25 feet	8 foot 4 inches	
North Warehouse			
• E Front	25 feet	> 25 feet	
• W Rear	25 feet	> 25 feet	
• S Side	25 feet	> 25 feet	
• N Side	25 feet	11 feet	
South Warehouse			
• E Front	25 feet	> 25 feet	
• W Rear	25 feet	> 25 feet	
• S Side	25 feet	22 feet	
• N Side	25 feet	> 25 feet	
Future Warehouse			
• E Front	25 feet	> 25 feet	
• W Rear	25 feet	> 25 feet	
• S Side	25 feet	12 feet (21VA010)	
• N Side	25 feet	> 25 feet	
Minimum Landscape Requirements:			
• # of landscape points	63,908	Reviewed as part of building permit application	
• # 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:

Written Statement from applicant:

We have existing nonconformities on our property due to a zoning change back on July 7th, 1999 while the property was occupied by the previous owner. We are applying to have this off officially correct.

- 8' 4" north side yard setback for the north warehouse, 25' required
- 11' north side yard setback for the principal building, 25' required
- 22' south side yard setback for the south warehouse, 25' required.

Criteria:	Applicants Response (verbatim):
1. The granting of the Variance will not be contrary to the public interest;	We have nonconformities from 1999 between the previous owner and the cities zoning rules. At the time e applying to have these corrected.
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	N/A
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	If the Variance request was not allowed we not not sure what would happen. The Buildings have been in-place prior to the zoning changes and we are trying to get the nonconformities from 1999 corrected at this time.
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,	By granting this variance the cities comprehensive plan will be observed.
5. By granting the variance, substantial justice will be done.	The granting of this variance will get the property to conform to the cities current requests for the zoning changes in 1999.

Staff's Review of the Board of Adjustment Criteria and Findings for Approval

Should the Board of Adjustment grant the Variance for a reduction in the required side yard setbacks, 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 is to provide areas in which the use of land is for light manufacturing and assembly, plants, processing, storage, warehousing, wholesaling, and distribution. This Variance request is to reduce the north and south side yard setbacks for the existing warehouse buildings located on the property. This land use is permitted in the Light Industrial District.
2. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict	The nonconforming side yard setback is an existing condition associated with the property. No building expansions are being proposed as a part of this application. All nonconformities associated with the property must be legally permitted or rectified before the issuance of a building permit. Approval of this request ensures that the existing warehouses can continue in their current state and allows the potential for future development on the property.
3. Variances granted under the provisions of this section should be the minimum	The existing buildings were reviewed and approved under a previous zoning designation

adjustment necessary for the reasonable use of the land.	that allowed a lesser side yard setback than permitted in the Light Industrial District. These are existing structures; enforcement of this setback requirement would require either structural changes to the existing warehouses or require that the applicant purchase additional land to meet the requirement. The existing nine-foot setback is therefore the minimal 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.	Any nonconformities associated with a property must be legally permitted or rectified before the issuance of a building permit. The nonconforming building locations necessitate the need for a Variance to allow for the future site or building improvements that require a building permit. Since the structures are existing and originally met the setbacks of the General Commercial District before being rezoned to Light Industrial District, the existing setbacks are a special circumstance justifying approval of the request.
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. These nonconforming setbacks are an existing condition. The northern warehouse is set back 42 feet from the nearest structure on the adjoining property to the north and the southern warehouse is set back 57' 1" from the nearest structure on the adjoining property to the south. 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.

Summary of Findings	
<p>The applicant has submitted a Variance request to allow an 8-foot 4-inch and an 11-foot north side yard setbacks and a 22-foot south side yard setback in lieu of required 25-foot side yard setbacks.</p> <p>Staff is recommending that the Variance request to reduce the side yard setback requirement for the existing buildings be approved based on the following criteria:</p> <ul style="list-style-type: none"> (1) The north side yard and south side yard setbacks are existing conditions, approval ensures that reasonable use of the property can continue. (2) The nonconforming setbacks are a special condition created when the property was rezoned from General Commercial District to Light Industrial District that must be legally permitted before the issuance of a building permit for future site or building improvements. (3) Enforcement of the setback requirement would require structural changes to the existing warehouses or require that the applicant purchase additional land to meet the requirement. The request is the minimal adjustment necessary. 	

Recommendation
<p>Staff recommends that the Variance to reduce the side yard setbacks for the existing structures be approved with the following stipulation;</p> <p>(1) Any expansion of the existing structures or new development on the property shall meet all minimum setback requirements.</p>