



Rapid City Zoning Board of Adjustment

Variance Project Report

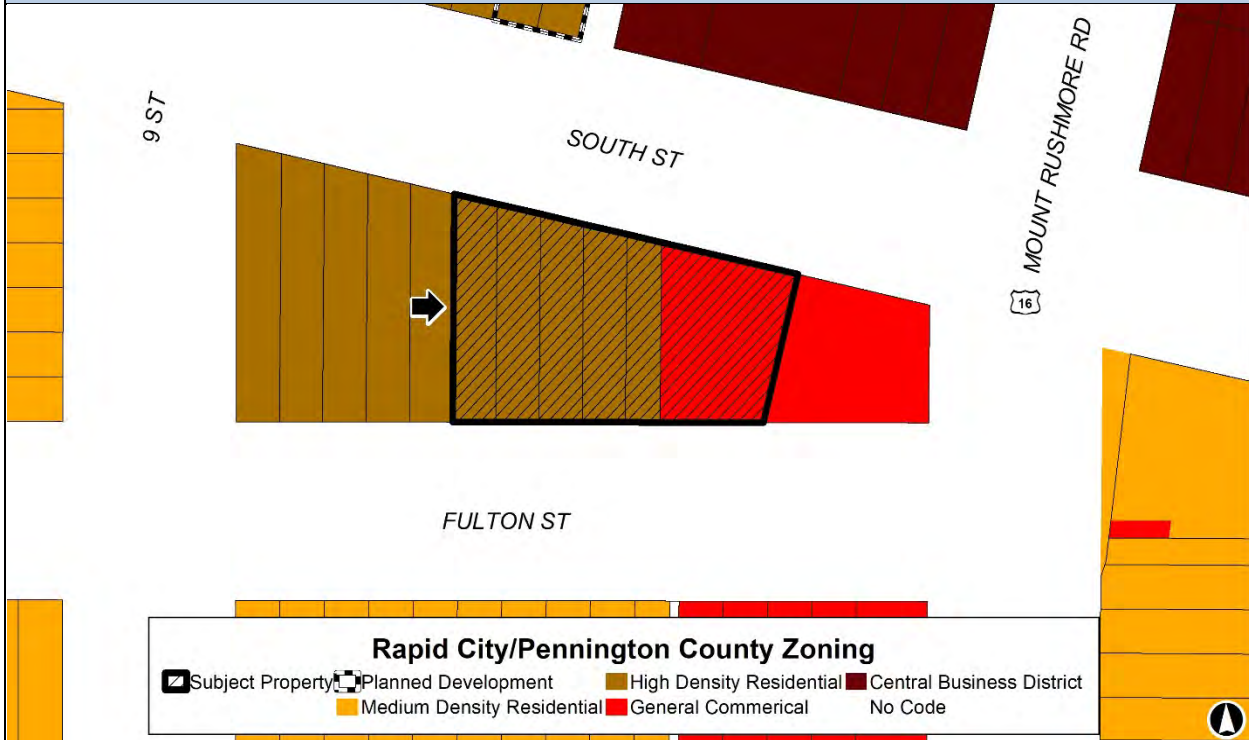
January 5, 2023

Item #2	
Applicant Request(s)	
Case #22VA013, Variance to reduce parking spaces from 62 to 31 and to reduce a drive aisle width to 11 feet	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Variance request be approved	
Project Summary Brief	
<p>The applicant requests a Variance to reduce parking spaces from 62 to 31 and to reduce a drive aisle width from 18 feet to 11 feet. The property is zoned General Commercial District on the portion of the lot with the structural development, and High Density Residential District on the portion of the lot with the surface parking lot. The building is three stories, used entirely for office spaces. The parking lot contains 31 spaces. The lot has street frontage on both the north and south lot lines, each with two drive aisles. The presence of a stairwell reduces the drive aisle in one location to 11 feet, as shown on the applicant's site plan. The existing conditions do not interrupt the safe flow of vehicular or pedestrian movement on the site. The applicant proposes to retain the first two floors for office use and convert the third floor to four residential units. A fourth floor addition is proposed to the top of the building. The proposed addition would include one additional residential unit, for a total of 5 apartments. The structure is a contributing structure in the West Boulevard Historic District, and the proposed addition will require historic review and approval. The applicant is seeking to obtain the Variance prior to investing in the full plans set necessary for the historic review.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Galt Investments LLC	Planner: Sarah Hanzel
Property Owner: Peter Schmid	Engineer: Todd Peckosh
Architect: N/A	Fire District: Chip Premus
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water: City of Rapid City
Other: N/A	Sewer: City of Rapid City
Subject Property Information	
Address/Location	809 South Street
Neighborhood	Downtown Neighborhood Area
Subdivision	Boulevard Addition
Land Area	0.41 acres
Existing Buildings	3 story office building
Topography	Flat topography
Access	South Street and Fulton Street
Water / Sewer	City of Rapid City
Electric/Gas Provider	City of Rapid City
Floodplain	N/A
Historic Status	Contributing Structure in the West Boulevard Historic District

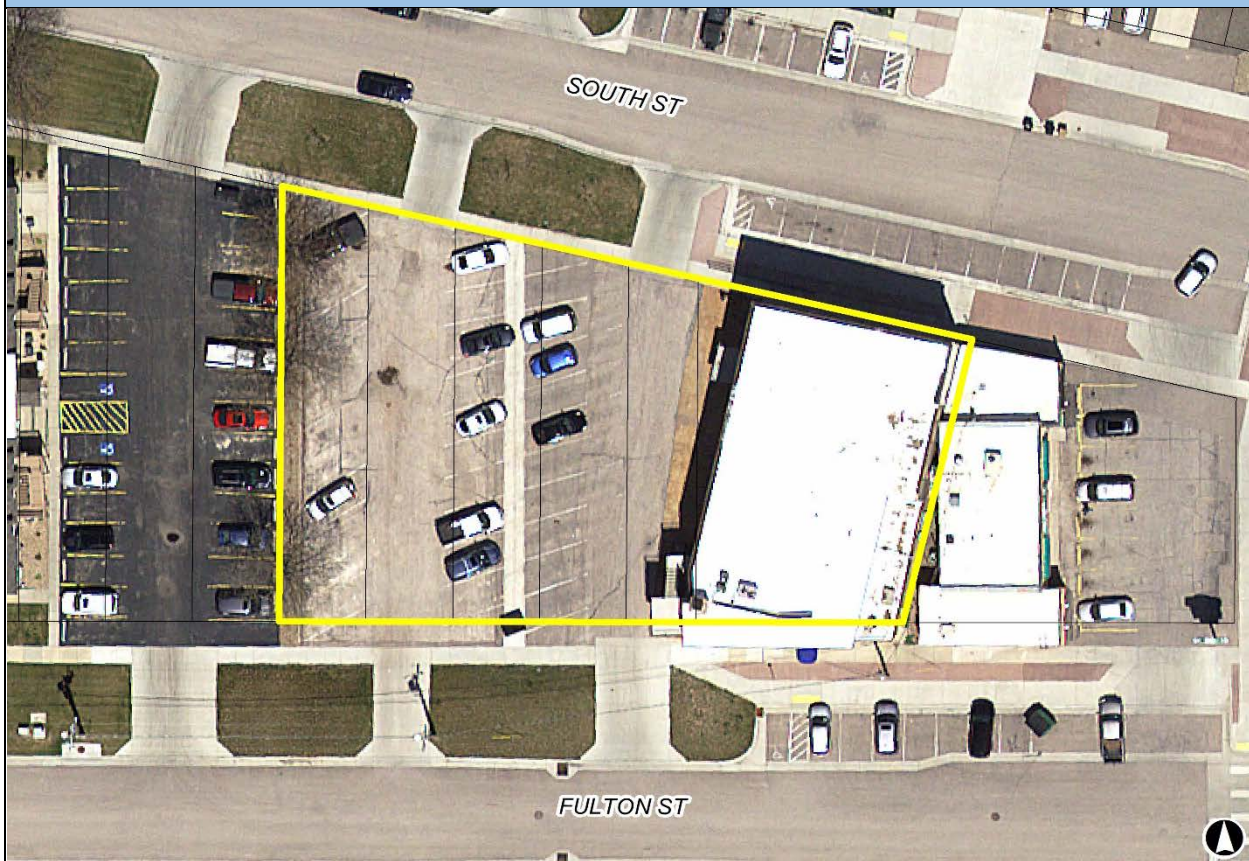
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC and HDR	UN	Office
Adjacent North	CB	DT	Office/Retail/Residential
Adjacent South	GC	UN	Office
Adjacent East	GC	UN	Restaurant/Retail
Adjacent West	HDR	UN	Residential

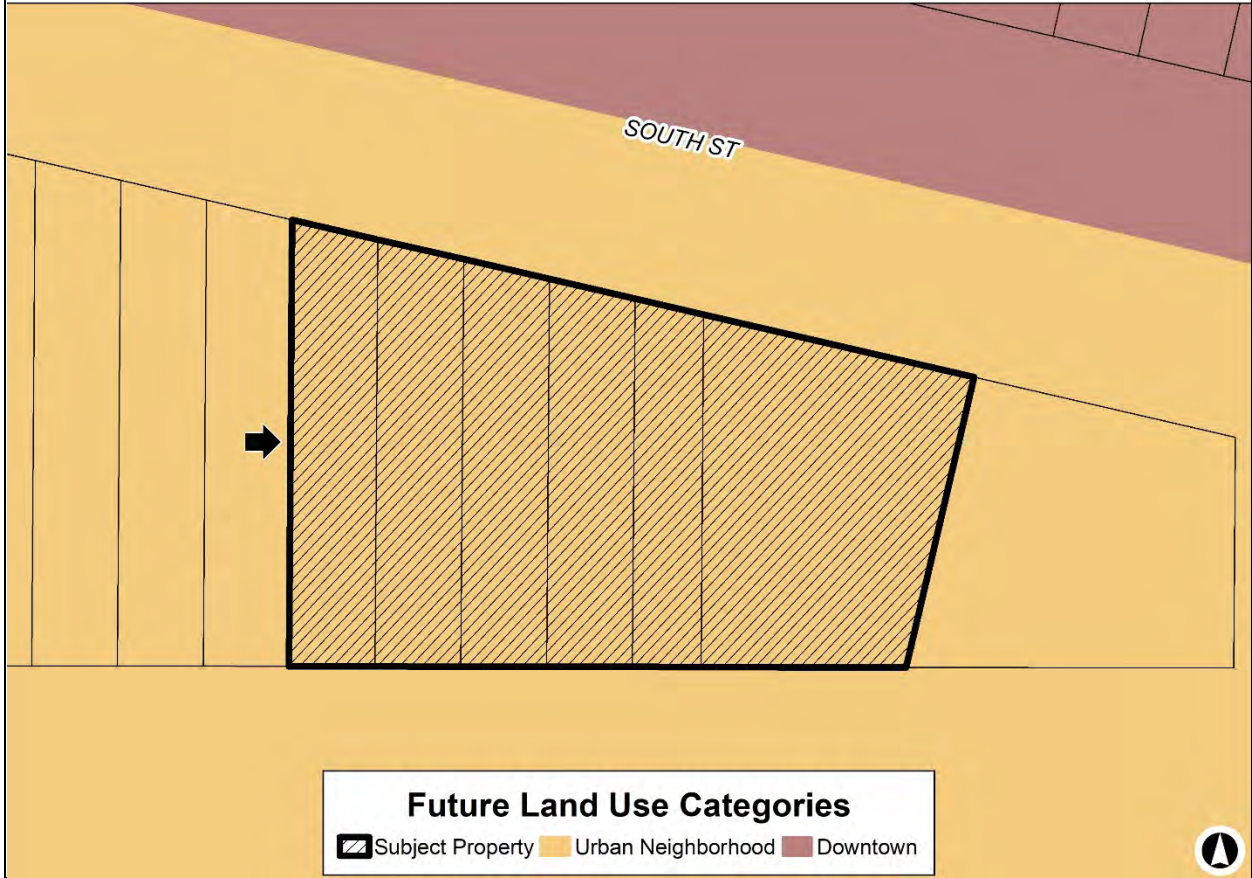
Zoning Map



Existing Land Uses



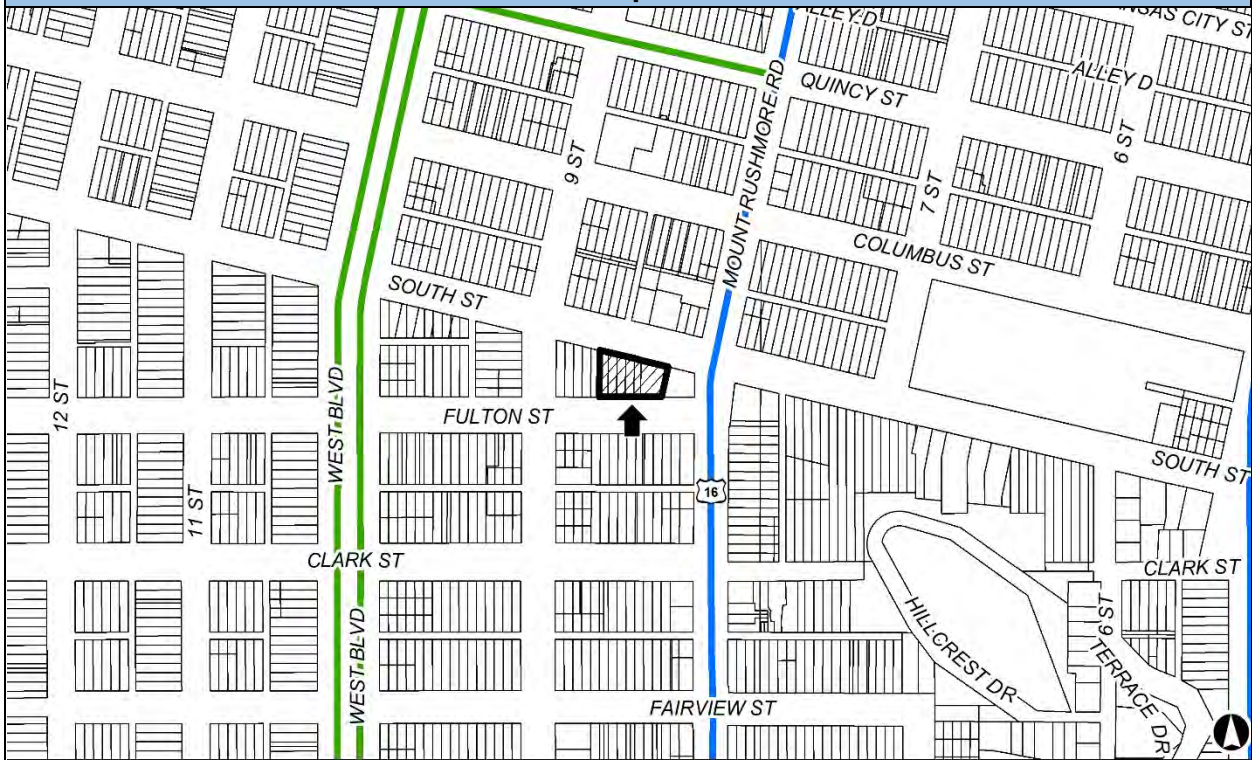
Comprehensive Plan Future Land Use



Future Land Use Categories

- Subject Property
- Urban Neighborhood
- Downtown

Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Principal arterial

Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	0.41 acres	
Lot Frontage / Lot Width	N/A	180 feet	
Maximum Building Heights	4 stories/45 feet	Not to exceed 4 stories/45 feet	
Maximum Lot Coverage	75 %	31%	
Minimum Building Setback:			
• Front	25 feet	100 feet	
• Rear	0 feet	Legal Non-Conforming	
• Street Side	25 feet	Legal Non-Conforming	
• Street Side	25 feet	Legal Non-Conforming	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	81 spaces for the current uses; 62 spaces for the proposed uses	31	
• # of ADA spaces	2	2 - to be shown with building permit	
Signage	Pursuant to 17.50.080	N/A	
Fencing	N/A	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: Applicants Response (verbatim):</p>			
Written Statement:			
Criteria:			
1. The granting of the Variance will not be contrary to the public interest;	True – parking will be improved if variance is approved and remodel can proceed.		
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	Not to my knowledge		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	True – the building needs a remodel to extend its useful life		
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,	True – the building will complement the city and neighborhood.		

5. By granting the variance, substantial justice will be done.	True – the building will be more in compliance to the current municipal code.
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Staff’s Review of the Board of Adjustment Criteria and Findings for Approval

Should the Board of Adjustment grant the Variance to reduce parking spaces from 62 to 31 and to reduce a drive aisle width to 11 feet the following criteria, findings, and conditions of approval would be applicable:

Criteria:	Findings:
1. The variance is for a use allowed in the zoning district.	The subject property is zoned General Commercial District and High Density Residential District. The portion of the property to be redeveloped is zoned General Commercial District. Residential dwellings above ground floor commercial uses are a permitted use in the zoning district.
2. The variance is in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.	The subject property is currently developed with a three story building, originally constructed in 1923. There are 31 parking spaces located next to the building. The structure has full tenant occupancy. The building is a contributing structure in the West Boulevard Historic District. Historically, the structure was the Methodist Deaconess Hospital but has since been converted to offices. The applicant proposes to convert some of the office space to five residential living units. The existing number of parking spaces serving the office uses in the building are legal non-conforming. By converting office area to residential units, overall parking demand on the site is reduced. The subject property is located within the Downtown Neighborhood Area. The proposed redevelopment is consistent with the City’s adopted Comprehensive plan by encouraging a diverse array of housing, particularly in the downtown area. The lot has street frontage on both the north and south lot lines, each with two drive aisles. The presence of a stairwell reduces the drive aisle in one location to 11 feet, as shown on the applicant’s site plan. The existing conditions do not interrupt the safe flow of vehicular or pedestrian movement on the site.
3. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.).	In addition to the surface parking area, there is public parking in the right-of-way along South Street and Fulton Street. These parking areas can be used by surrounding businesses and residents, as well as function as ancillary parking for the subject property. In addition, the applicant has submitted documentation of parking inventory, showing that parking demand within the development leaves numerous excess parking spaces on a regular basis.
4. The variance is the minimum adjustment necessary for the reasonable use of the land.	The site is situated in a built out neighborhood without additional areas to expand parking development into.
5. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The property is currently used for offices which creates a parking demand of 5 spaces per 1,000 square feet of floor area. Based on this requirement, 81 spaces are required with the current development. There are 31 parking spaces located on the property. Based on the parking requirements in the Rapid City Municipal code, parking is currently out of compliance by approximately 50 spaces for the current development. The proposed use requires 62 parking spaces. Reasonable use of the land exists for the current building occupancy; however, the proposed use is equally a reasonable use, supported by the Comprehensive Plan to introduce housing in the downtown area, and more in compliance with the parking regulations.

Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment deny the Variance to reduce parking from 62 to 31 and to reduce a drive aisle width to 11 feet, the following criteria, findings, and conditions of approval would be applicable:	
Criteria:	Findings:
Per Zoning Board of Adjustment finding	Per Zoning Board of Adjustment finding.

Summary of Findings
<ul style="list-style-type: none"> - The proposed uses are allowed uses in the General Commercial Zoning District, and are supported by the City's Comprehensive Plan and Downtown Area Master Plan. - The existing uses are not in compliance with the parking requirements in the Rapid City Municipal Code and the proposed uses are substantially more in compliance since the parking requirement is reduced from 80 spaces to 62 spaces; - The applicant has submitted documentation that there is not a current shortage of parking; - The proposed uses will reduce overall parking demand on the site; - The lot has street frontage on both the north and south lot lines, each with two drive aisles. - The presence of a stairwell reduces the drive aisle in one location to 11 feet, as shown on the applicant's site plan. However, the parking is designed as a one-way aisle, limiting the impacts of reducing the access aisle width. The existing conditions do not interrupt the safe flow of vehicular or pedestrian movement on the site.
ZBOA Recommendation and Stipulations of Approval
Staff recommends that the Variance to allow a reduction in parking spaces from 62 to 31 and to reduce a drive aisle width to 11 feet be approved with stipulations.

Zoning Board of Adjustment Stipulations of Approval	
Staff recommends approval of the Variance request with the following stipulations:	
1.	Any change in use that requires additional parking beyond 62 spaces shall require a new Variance request; and,
2.	A building permit must be obtained for alterations. A historic review is required for any exterior modifications to the structure, including the proposed new fourth story. Granting of the Variance does not indicate historic approval.