

## DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Rapid City

300 Sixth Street, Rapid City, SD 57701-2724

Phone: (605) 394-4120

Fax: (605) 394-6636

Web: www.rcgov.org

## APPLICATION FOR A VARIANCE

### The Filing Fee for a Variance Request is \$250.00

#### Information and actions required of the Petitioner:

1. When applicable, a building permit must be denied prior to submittal of a request for a Variance.
2. Prior to submittal, the applicant meets with the Department of Community Development Staff to discuss the requested Variance.
3. An original application is submitted which is signed by all property owners and includes the following:
  - a. the legal description of the property for which the Variance is requested;
  - b. four (4) full-sized copies and one (1) 8.5" x 11" copy of a complete site plan showing all the existing and proposed development, including:
    - building footprint(s);
    - building setbacks;
    - building elevations;
    - parking plan;
    - landscaping plan;
    - signage and lighting;
    - fencing and retaining walls;
    - dumpster and mechanical equipment;
    - approach locations and dimensions;
    - sidewalks;
    - internal traffic circulation, and;
    - any additional information as necessary

The submitted site plan must be accurately dimensioned and must be drawn at a suitable scale such as 1"=10' or 1"=20'.

- c. vicinity sketch;
- d. a written statement describing the proposed or intended use and detailing the Variance(s) being requested, (see attached worksheet) and;
- e. as applicable, a copy of the denied building permit.

***NOTE: Contact the Department of Community Development with questions on sample site plans.***

4. Upon receipt of a complete application, the Department of Community Development will prepare the property owners list. The Department of Community Development will contact the petitioner when the list is ready (there is a minimum charge to the petitioner of \$20 for this list).
5. The Department of Community Development will prepare an official letter of notification. A property owners list along with the appropriate number of official letters of notification will be provided to the applicant. The applicant must return the addressed, sealed envelopes with applied postage to the Department of Community Development for mailing a minimum of seven days prior to the Zoning Board of Adjustment hearing.

#### Procedure:

1. Upon receipt of all required application and supporting information, the Department of Community Development staff will route the information to all affected Departments and Agencies.

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2. The application will be scheduled for a public hearing before the Zoning Board of Adjustment. A recommendation will be forwarded to the Zoning Board of Adjustment meeting for their action.

### Appeal Procedure:

1. The action of the Zoning Board of Adjustment is final except in the event an appeal is filed.
2. Appeals shall be made to South Dakota Circuit Court pursuant to SDCL 11-4-25.

### Advisories:

*NOTE: Approval of a Variance by the Zoning Board of Adjustment does not constitute approval of a building permit application. A building permit must still be obtained prior to commencement of construction. Building permits shall be issued only after the final action of the Zoning Board of Adjustment, unless an appeal is filed.*

*NOTE: Changes to the original application which are brought before the Board at the time of the hearing may require a new application, hearing date, and fee.*

*NOTE: Be prepared for your scheduled hearing. If you miss the hearing, are tardy, or are unprepared, an additional fee and hearing may be required. The Board of Adjustment may deny or continue any application without representation.*

*NOTE: South Dakota Codified Law Section 11-4-23 states that a vote of approval for a Variance requires a two-thirds majority of the members of the Board of Adjustment. As such, six (6) concurring votes are required. A simply majority, a tie, or a failed vote constitutes a denial of the requested Variance.*

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# APPLICATION FOR A VARIANCE

**REQUEST** (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Variance
- Planned Development Overlay
  - Designation
  - Initial Plan    Final Plan
  - Major Amendment
  - Minimal Amendment

- Subdivision
  - Layout Plan
  - Preliminary Subdivision Plan
  - Development Engineering Plans
  - Lot Line Adjustment/Consolidation Plat
  - Final Plat
  - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
  - Major Amendment
  - Minimal Amendment
- Vacation
  - Utility / Drainage Easement
  - R.O.W. / Section Line Highway
  - Access / Non-Access
  - Planting Screen Easement
- OTHER (specify) \_\_\_\_\_

(Attach additional sheets as necessary)

**EXISTING LEGAL DESCRIPTION:**

**PROPOSED LEGAL DESCRIPTION:**

(as applicable)

**LOCATION:** (address or general directions)

Size of Site: (in acres)	Square Footage:	Proposed Zoning:
<b>DESCRIPTION OF REQUEST:</b>		Water and sewer providers (i.e., City, RVSD, private):
		Water:
		Sewer:

**APPLICANT**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ E-mail \_\_\_\_\_

City, State, Zip \_\_\_\_\_

**PROJECT PLANNER OR AGENT**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ E-Mail \_\_\_\_\_

City, State, Zip \_\_\_\_\_

**PROPERTY OWNER** (If different from applicant.)

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ E-mail \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Property Owner Signature, Title\*, Date \_\_\_\_\_

Property Owner Signature, Title\*, Date \_\_\_\_\_

Print Name, Title\* \_\_\_\_\_

Print Name, Title\* \_\_\_\_\_

\*required for Corporations, Partnerships, etc.

NOTE: Attach additional application/signature sheets as necessary.

**--FOR STAFF USE ONLY--**

<b>ZONING</b>
<b>Current</b>
<b>North</b>
<b>South</b>
<b>East</b>
<b>West</b>
<b>Planner</b>
<b>File No.</b>
<b>Comp Plan</b>
<b>Received By:</b>

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Public Works/Engineering<br><input type="checkbox"/> Fire Department<br><input type="checkbox"/> Transportation Planning<br><input type="checkbox"/> Building Inspection<br><input type="checkbox"/> Air Quality<br><input type="checkbox"/> Police<br><input type="checkbox"/> City Attorney<br><input type="checkbox"/> City Code Enforcement<br><input type="checkbox"/> SD DOT | <input type="checkbox"/> BHP&L<br><input type="checkbox"/> ESCC<br><input type="checkbox"/> Register of Deeds<br><input type="checkbox"/> County - Planning<br><input type="checkbox"/> County - Fire<br><input type="checkbox"/> County - Highway<br><input type="checkbox"/> County - Code Enforcement<br><input type="checkbox"/> Auditor - Annexation<br><input type="checkbox"/> RV Sanitary District | <input type="checkbox"/> Green Valley Sanitary District<br><input type="checkbox"/> Finance<br><input type="checkbox"/> GIS<br><input type="checkbox"/> Historic Preservation<br><input type="checkbox"/> Parks & Recreation<br><input type="checkbox"/> School District<br><input type="checkbox"/> U.S. Postal Service<br><input type="checkbox"/> Other: _____ |
|---|--|---|

**PIN No:** \_\_\_\_\_

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**APPLICATION FOR  
A VARIANCE**

**Written statement describing the proposed and/or intended use and detailing the Variances(s) being requested:**

**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:**

<b>Criteria:</b>	<b>Applicant Response:</b>
1. The granting of the Variance will not be contrary to the public interest;	
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	
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	
5. By granting the Variance, substantial justice will be done.	

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## VARIANCE CHECK LIST

χ	APPLICANT	STAFF	χ
	A signed, original application submitted		
	\$250.00 Fee Paid		
	As applicable, a copy of the denied building permit		
	Vicinity Sketch (Scale 1" = 800')		
	Site Plan, drawn to a suitable scale (such as 1'=20", 1'=50"), which reflects the specifics of the proposed project and which includes the following:		
	<ul style="list-style-type: none"> <li>• Building Footprint</li> <li>• Building Setbacks</li> <li>• Building Elevations, including rooftop details</li> <li>• Parking Plan, including a parking calculation of all existing/proposed uses</li> <li>• Landscaping Plan</li> <li>• Signage and Lighting Plans</li> <li>• Fencing and Retaining Wall Plans</li> <li>• Dumpster and Mechanical Equipment Plans</li> <li>• Approach Locations and Dimensions</li> <li>• Sidewalks</li> <li>• Internal Traffic Circulation, including truck turning movements and loading/unloading areas</li> <li>• Additional information as necessary</li> </ul>		
	As applicable, a minimum of four (4) full-sized sets of the site plans and one(1) 8.5" x 11" set of the site plans must be submitted		

<b>APPLICANT SIGNATURE</b>	<b>DATE:</b>	<b>STAFF SIGNATURE</b>	<b>DATE:</b>