Case No. 17VA001

Legal Description:

Lot A of Rapid City High School Subdivision, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
COMMUNITY PLANNING & DEVELOPMENT SERVICES
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

REQUEST (please check all that apply)
☐ Subdivision
☐ Annexation
☐ Comprehensive Plan Amendment
☐ Variance
☐ Planned Development Overlay
☐ Designation
☐ Initial Plan
☐ Final Plan
☐ Major Amendment
☐ Minimal Amendment
☐ Other (specify)

EXISTING LEGAL DESCRIPTION:
Lot A of Rapid City High School Subdivision, Rapid City

PROPOSED LEGAL DESCRIPTION:
See Attached

LOCATION: (address or general directions)
516 South St, Rapid City

Size of Site: (in acres) 0.15

DESCRIPTION OF REQUEST:
Change Residence from 1-Single Family to a 2 Unit Dwelling

APPLICANT

Name: David Charles Christie
Address: 3211 Dover St
City, State, Zip: Rapid City, SD 57702

APPLICATION FOR A VARIANCE

PROJECT PLANNER OR AGENT

Name
Address
City, State, Zip

PROPERTY OWNER (If different from applicant)

Name: Christo/Finsmore Trust
Address: 2311 Dover St
City, State, Zip: Rapid City, SD 57702

NOTE: Attach additional application/signature sheets as necessary.

PRINT NAME, TITLE*

Print Name, Title*

*required for Corporations, Partnerships, etc.

ZONING

Current: HDR
North: PUBLIC
South: HDR
West: PUBLIC
Planner: RL/NE
File No.: 17VA001
Comp Plan

Received By:

GREEN VALLEY SANITARY DISTRICT

PUBLIC WORKS/ENGINEERING

BHP&L

ESCC

REGISTER OF DEEDS

COUNTY - PLANNING

COUNTY - FIRE

COUNTY - HIGHWAY

COUNTY - CODE ENFORCEMENT

AUDITOR - ANNEXATION

RV SANITARY DISTRICT

FINANCE

GIS

HISTORIC PRESERVATION

PARKS & RECREATION

SCHOOL DISTRICT

U.S. POSTAL SERVICE

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

See Attached Amendment A

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### 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:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The granting of the Variance will not be contrary to the public interest.</td>
<td></td>
</tr>
<tr>
<td>2. Due to special conditions the literal enforcement of the Zoning Ordinance will result in an unnecessary hardship.</td>
<td></td>
</tr>
<tr>
<td>3. By granting the Variance to the provisions of the Zoning Ordinance the spirit of the Zoning Ordinance will be observed.</td>
<td></td>
</tr>
<tr>
<td>4. By granting the Variance substantial justice will be done.</td>
<td></td>
</tr>
</tbody>
</table>

RECEIVED
FEB 06 2017
Rapid City-Pennington County
Parcel Report

Parcel Information

Parcel ID: 3701155010  Tax ID: 65353
Property Address: 516 SOUTH ST
Legal: LOT A
Block: Subdivision: RAPID CITY HIGH SCHOOL SUBD
Section: 01 Township: 1 N Range: 07 E
Acres: 0.15
Owner Last Name: CHRISTIE/DUNSMORE TRUST
First Owner: 
Second Owner:
Mailing Address: 3311 DOVER ST
Mailing City: RAPID CITY State: SD Zip Code: 57702-3438
Land Value: 21800
Non-ag Structure Value: 130700 Ag Structure Value: 0
Total Value: 152500
Land Use Code: N Land Type Code: D
Commercial Use Code:  
Improvements Code: 1
Subdivision Code: 5150 Fire Department: RC
Ambulance District:  
Fire District:
Civil District: Rapid City Road District:
Sanitary Sewer District:  
Water District: West Dakota Water District
Deed Filing Date (mm/dd/yy): 070616 Deed Type: WD
Deed Book: Deed Page:
Deed Document Number: 201608754

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Amendment A
516 South St.
Rapid City, SD 57701

Requesting a change the property description from a single family dwelling to a two family dwelling use in the High Residential District. In order to successfully move forward with our proposed improvements, a variance of square footage from the current minimum standard of 8,000 sq. ft. to a proposed 6,707 sq. ft. (RCMC Chapter 17.12.050.F2)

Our goal and mission has been to offer clean, safe & affordable housing for Rapid City residents. The city has a real need for more clean & affordable housing with property owners that want to make a difference within the community. Part of our objective with each of our properties is annual improvements to increase the quality of living for our residence and maintain our neighborhoods.

The best use of this property within the neighborhood is a 2 unit dwelling. Currently this property has 7 bedrooms, 3 baths and 2 living areas. It would be more functional as 2 single family units. One; a 4 bedroom, 2 bath, 2234 square foot unit. The other; 3 bedroom, 1 bath, 1170 square foot. Leaving it as a 7 bedroom 3 bath is not conducive, nor supportive to the housing market in Rapid City High School Subdivision. The other properties in the neighborhood are multifamily and single family mixed.

The proposed site plan demonstrates that the property offers (4) 10x20 parking spaces along the north boundary of the property. The proposed parking is accessible via the recorded easement and meets the minimum dimension requirements for parking stalls backing into an alley. There is street parking available on the south side as well. Parking is typical for the neighborhood.

This property was purchased in July 2016 as a 2 family unit building. Since the purchase we have made improvements to unit 1 and are now asking to move toward our goal of improvements to unit 2. Please review, as needed, grandfathering this property in as it was purchased. The above information justifies the hardship that we are experiencing and are requesting the assistance and support of the Zoning Board of Adjustment pursuant of this variance.

The submitted plans show that the primary structure is located 18.74 feet from the south property line. The minimum required front yard setback to a subcollector street is 20 feet. A variance is hereby requested to decrease the required setback front yard from 20 feet to 18.74 feet (RCMC Chapter 17.12.050.A.3a) to accommodate the existing structure.
Submitted plans show that the open-air deck is located 12 feet from the south property line. Decks may encroach up to 6 feet into any setback. The existing deck plus the existing encroachment of the primary structure encroaches 8 feet into the required setback. A variance is requested to reduce the required setback for a deck from 14 feet to 12 feet. (RCMC Chapter 17.50.250.A.11)

In order to accomplish the goals of the board, and our mission (offering clean affordable housing), it is important for the city planners to see the long term effect of these ordinances. We understand there are reasons for these ordinances, and an occasional variance is prudent for the public interest. The property in question is already one of the most up-kept properties in the neighborhood and we will continue to make annual improvements.

We would like to thank you in advance for taking the time to review these proposed changes. It is our intention that these improvements to the property will be a betterment of the community and move towards both of our goals of having more affordable/clean housing for Rapid City residents.
Applicant’s Justification  
516 South St. Rapid City SD 57701

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:

1. The granting of the Variance will not be contrary to the public interest.

Requested variance to reduce minimum required lot size to change the property description from a single family dwelling to a two family dwelling use in the High Residential District. In order to successfully move forward with our proposed improvements, a variance of square footage from the current minimum standard of 8,000 sq. ft. to a proposed 6,707 sq. ft. (RCMC Chapter 17.12.050.F2)

The submitted plans show that the primary structure is located 18.74 feet from the south property line. The minimum required front yard setback to a subcollector street is 20 feet. A variance is hereby requested to decrease the required setback front yard from 20 feet to 18.74 feet (RCMC Chapter 17.12.050.A.3a) to accommodate the existing structure.

Submitted plans show that the open-air deck is located 12 feet from the south property line. Decks may encroach up to 6 feet into any setback. The existing deck plus the existing encroachment of the primary structure encroaches 8 feet into the required setback. A variance is requested to reduce the required setback for a deck from 14 feet to 12 feet. (RCMC Chapter 17.50.250.A.11)

The granting of this variance is in harmony with the general purposes and the Rapid City Municipal Code and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development. This property was purchased in July 2016 as a 2 family unit building. Since the purchase we have made improvements to unit one and are now asking to move toward our goal of improvements to unit two. Please review, as needed, grandfathering this property in as it was purchased. We are requesting the assistance and support of the Zoning Board of Adjustment pursuant of this variance.

As stated earlier, this is an existing structure and no exterior expansion is being requested at this time.

2. Due to special conditions the literal enforcement of the Zoning Ordinance will result in an unnecessary hardship.

The aforesaid circumstances or conditions are such that the strict application of the provisions of the Rapid City Municipal Code would deprive us of any reasonable use of our land. The best use of this property within the neighborhood is a 2 unit dwelling. Currently this property has 7 bedrooms, 3 baths and 2 living areas. It would be more functional as 2 single family units. One; a 4 bedroom, 2 bath, 2234 square foot unit. The other; 3 bedroom, 1 bath, 1170 square foot. Leaving it as a 7 bedroom 3 bath (3,404 sf.) is not conducive, nor
supportive to the housing market in Rapid City High School Subdivision. The other properties in
the neighborhood are multifamily and single family mixed as this is a high density residential
area.

3. **By granting the Variance to the provisions of the Zoning Ordinance the spirit of the Zoning Ordinance will be observed.**

The variances requested are in order to allow the existing structure to be operated as a duplex which is conducive to the zoning ordinance of this neighborhood and zoning ordinances for this sub division. The property is currently zoned High Density Residential District. Two-family dwellings are a permitted use in the High Density Residential District.

The proposed site plan demonstrates that the property offers (4) 10x20 parking spaces along the north boundary of the property. The proposed parking is accessible via the recorded easement and meets the minimum dimension requirements for parking stalls backing into an alley. There is street parking available on the south side as well. Parking is typical for the neighborhood. The requested variance will not make a significant impact on traffic in this area. We will continue to make improvements and move forward with the plans to better this home and the community once the variance has been approved.

4. **By granting the Variance substantial justice will be done.**

In order to accomplish the goals of the board, and our mission (offering clean affordable housing), it is important for the zoning /city planners to see the long term effects of granting a variance of these ordinances. We understand there are reasons for these ordinances, however an occasional variance is prudent for the public interest. The property in question is already one of the most up-kept properties in the neighborhood and we will continue to make annual improvements. By granting the variance, we are not only improving the neighborhood but meeting the mission of the Rapid City Master plan: This Neighborhood Area encompasses the City’s historic core, and includes the central business district and a mix of established neighborhoods. Within and near the central business district, historic buildings feature an array of commercial, service, office, and employment uses. Some residential uses are also present, both above commercial uses and in standalone apartment and condominium buildings. Recent public improvements in the central business district have helped catalyze additional interest and investment in the core area, and reinvestment, infill development and redevelopment are expected to continue in this high-activity area. We are supporting the Rapid City Master Plan by making this property usable and increasing safe, clean and affordable housing near the downtown area.
Prepared By:
Renner & Associates, LLC
616 Sixth Street
Rapid City, SD 57701
605-721-7310

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

Rapid City Area School District, 300 Sixth Street, Rapid City, South Dakota 57701 as owners of the real property with the legal description, Lot B, Rapid City High School Subdivision and Vacated Alley lying in Block 125, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Rapid City Area School District grants a private and perpetual utility & access easement, on, over, and across its property as set forth as shown in Exhibit ‘A’.

The easement shall benefit property located at 516 South Street, Rapid City, South Dakota 57701, with the legal description, Lot A, Rapid City High School Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

The easement shall be for the purpose of providing the benefited property access across the burdened property through Lot B, Rapid City High School Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
Such easement shall include the right to enter upon the easement property to allow access and the ingress and egress of vehicles and for utilities and related appurtenant facilities upon said property.

The area, which is the subject of this easement, shall be kept free of all obstacles, including fences, shrubs, walls, or other items which obstruct the visibility or usefulness of the easement.

This easement shall include the right to enter upon the afore-described real property and otherwise to do those things reasonably necessary to effectuate its purpose. This easement shall run with the land.

DATED this 10th day of December, 2013.

By: [Signature]
Michael Kenton, Director of Support Services

STATE OF SOUTH DAKOTA )
COUNTY OF PENNINGTON )

On this the 10th day of December, 2013, before me, the undersigned notary public, personally appeared Michael Kenton, and as such they subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

[Signature]
Notary Public, South Dakota

My Commission Expires: 10-11-2018
UTILITY AND ACCESS EASEMENT, LOT B OF RAPID CITY HIGH SCHOOL SUBDIVISION AND VACATED ALLEY LYING IN BLOCK 125, ORIGINNAL TOWN OF RAPID CITY LOCATED IN SECTION 1, T1N, R7E, BHM RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

LOT B

RAPID CITY HIGH SCHOOL SUBDIVISION

UTILITY AND ACCESS EASEMENT TO BE CREATED THIS DOCUMENT.

DECEMBER 10, 2013

SCALE 1" = 40'

Renner & Associates, LLC.
616 SIXTH ST. * RAPID CITY, SD 57701
PHONE: 605/721-7310 FAX: 605/721-7313
ERIC@RENNERASSOC.COM