



Rapid City Zoning Board of Adjustment Variance Project Report

March 9, 2017

Item 1
Applicant Request(s)
Case #17VA001, a Variance to reduce the minimum required lot size and to reduce the minimum required front yard setback
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the requested Variance be denied.

Project Summary Brief

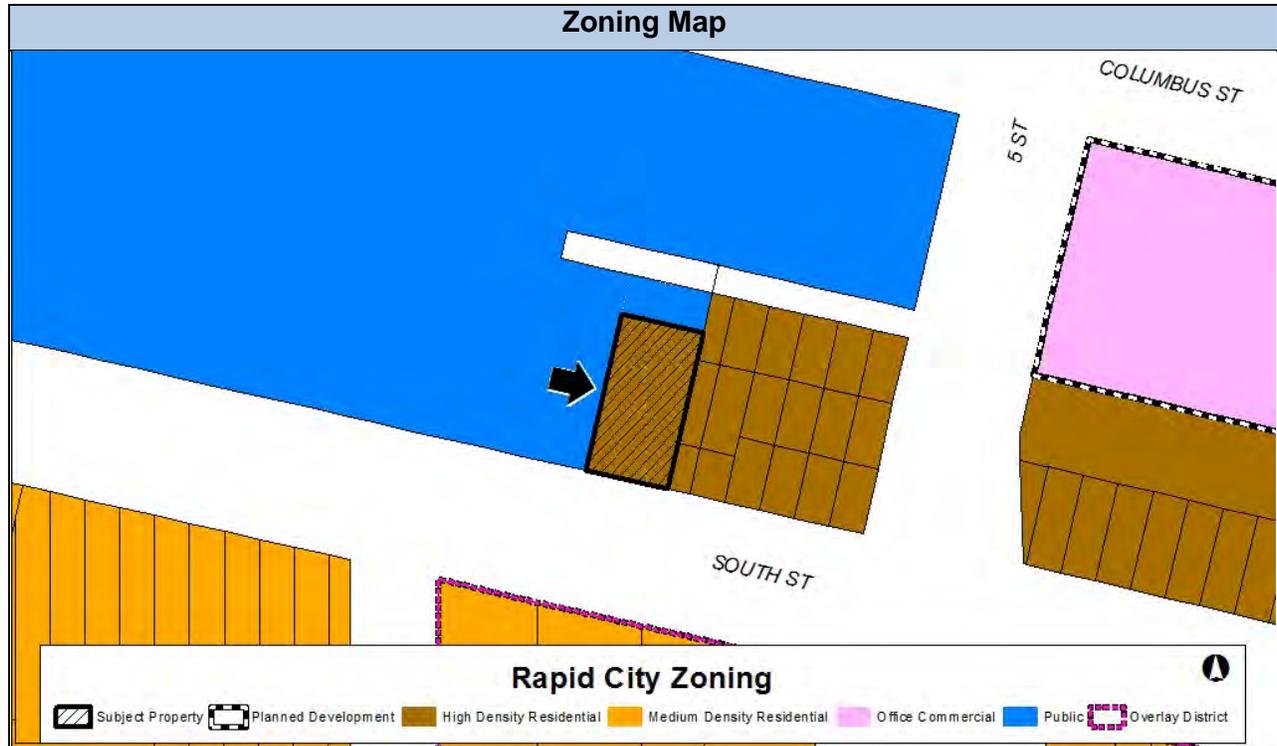
The applicant has requested a Variance to reduce the minimum required lot size and to reduce the minimum required front yard setback for an existing single-family residence located on 0.15 acres of property zoned High Density Residential District. The existing home, located at 516 South Street, was converted to a duplex without a building permit at an unknown time in the past. The applicant recently purchased the property intending to continue use of the property as a duplex. However, it appears that the structure was converted to a duplex illegally and, as such, a building permit cannot be issued to complete additional work on the house. The applicant is requesting a Variance to reduce the minimum required lot size for a duplex from 8,000 square feet to 6,707 square feet. In addition, the existing structure is located 18.74 feet from the South Street right-of-way. A minimum 20 foot front yard setback is required. As such, the applicant has also requested a Variance to reduce the minimum required front yard setback from 20 feet to 18.74 feet. No additions or expansions to the existing structure are proposed as a part of this request.

Applicant Information	Development Review Team Contacts
Applicant: David Charles Christie	Planner: Robert Laroco
Property Owner: Christie /Dunsmore Trust	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
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Address	516 South Street, 150 feet west of the intersection of South Street and 5 th Street
Neighborhood	Downtown / Skyline Drive Neighborhood
Subdivision	Rapid City High School Subdivision
Land Area	0.15 acres, 6,707 square feet
Existing Buildings	Single-family dwelling
Topography	Sloping downhill from south to north
Primary Access	South Street, alley right-of-way north of the property
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/Montana Dakota Utilities
Floodplain	N/A

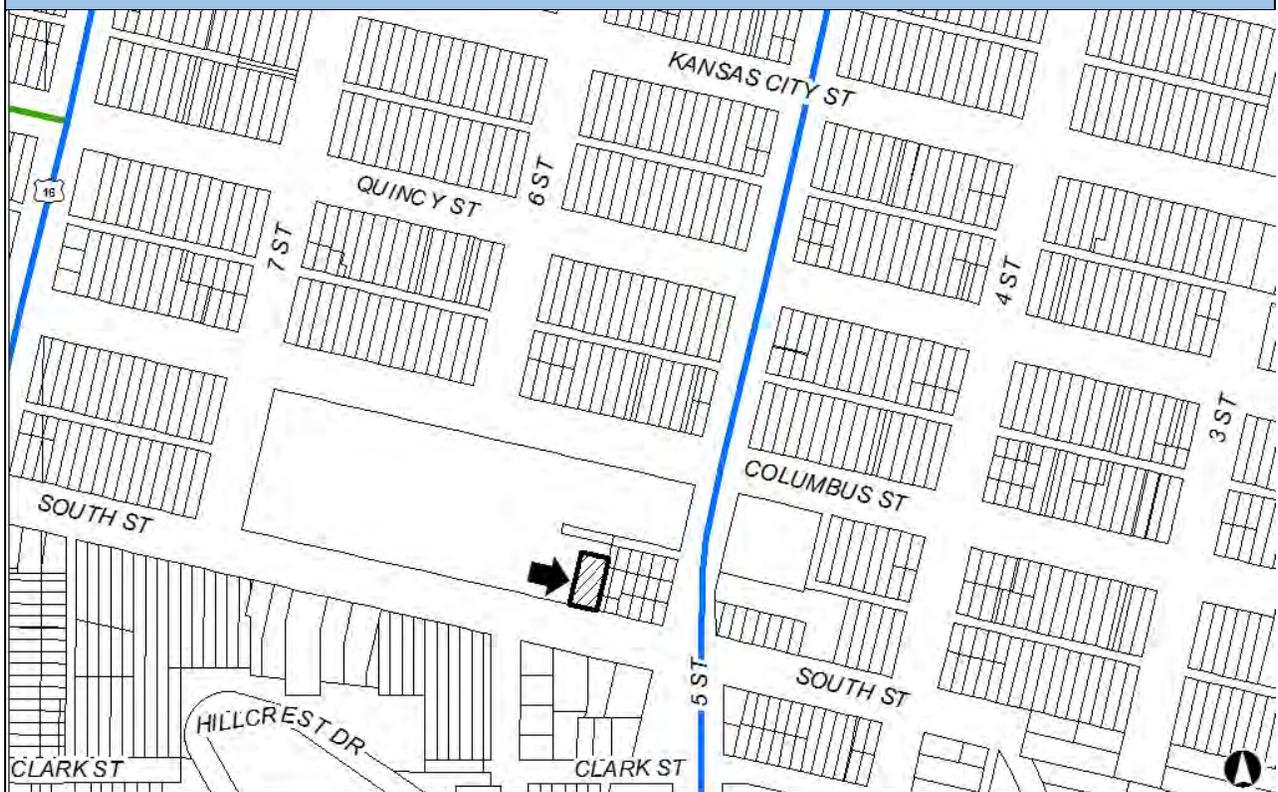
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	HDR	UN	Single family residence
Adjacent North	Public	Public	Rapid City High School
Adjacent South	MDR	UN	Single family residences
Adjacent East	HDR	UN </td <td>Single family residences</td>	Single family residences
Adjacent West	Public	Public	Rapid City High School



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			
High Density Residential District	Required	Proposed	
Lot Area	8,000 sq ft	6,707 sq ft	
Lot Width	Minimum 50 feet at the front building line	60 ft	
Maximum Building Heights	7 stories, 65 ft	2 stories, < 65 ft	
Maximum Density	30%	Approximately 22.0%	
Minimum Building Setback:			
• Front	20 ft to South St.	18.74 ft to primary structure, 12 ft to deck	
• Rear	25 feet	46 ft	
• Side	12 ft to east and west lot lines	14.73 ft to west lot line, 14 ft to east lot line	
• 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	2.0/ Dwelling unit, 4 total	4 provided	
• # of ADA spaces	N/A	N/A	
Signage	Pursuant to RCMC	None proposed	
Fencing	Pursuant to RCMC	None proposed	

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>	
Criteria:	Applicants Response (verbatim):
<p>1. The granting of the variance will not be contrary to the public interest.</p>	<p>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)</p> <p>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.</p> <p>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)</p> <p>The granting of this variance is in harmony with the general purposes and the Rapid City Municipal Code and will not be</p>

	<p>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.</p>
<p>2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.</p>	<p>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.</p>
<p>3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.</p>	<p>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.</p>
<p>4. By granting the variance substantial justice will be done.</p>	<p>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</p>

	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.
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Board of Adjustment Criteria and Findings for Denial

Should the Board of Adjustment grant the variance for a reduction in the required side yard setback and the minimum required lot size, the following criteria, findings, and conditions of approval would be applicable:

Criteria:	Findings:
1. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is comprised of 6,707 square feet and developed with a single-family residence. The applicant is proposing to convert the existing residence into a duplex. While a minimum 6,500 square foot lot is required for a single-family residence, a minimum 8,000 square foot lot is required for a duplex. There are no special circumstances or conditions applicable to this property that do not apply to the district in general.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The property is currently developed with a residential structure. Utilizing the existing structure is a reasonable use of the land.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The existing property is comprised of approximately 6,700 square feet and the existing structure is legally non-conforming with regard to setbacks. The continued use of the existing structure as a single-family residence would not require a Variance and will permit the continued residential use of the land. The Variance is not the minimum adjustment necessary for the use of the land.

Board of Adjustment Criteria and Findings for Approval

Should the Board of Adjustment decide to approval the variance for a reduction in the required side yard setback and the minimum required lot size, the following criteria would be applicable:

Criteria:	Findings:
1. The variance is for a use allowed in the zoning district.	A duplex is a permitted use in the High Density Residential 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 High Density Residential District is intended to promote and encourage the establishment of urban residences characterized by high-density, multifamily dwellings. The character of surrounding residential neighborhoods to the south and the east is primarily high-density, multifamily dwellings. The topographical constraints west of the subject property as well as the fully developed, urban character of the surrounding neighborhood and the proximity to the Downtown make additional high-density development in the area unlikely. The requested Variances will not be injurious to the neighborhood or detrimental to the public welfare. In addition, the Rapid City Comprehensive Plan notes that the property is within the boundary of the recently approved Rapid City Downtown Master Plan and will help to encourage provision of “housing everywhere”, a top priority of the Plan.

Conditions of Approval

1.	Prior to issuance of a building permit, plans shall be submitted showing the installation of an approved residential fire-sprinkler-suppression-system. Prior to issuance of a certificate of completion, the fire sprinkler system shall be installed and operational and the installation shall be approved by the Rapid City Fire Department. All requirements
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of the International Fire Code shall be continually maintained.

Summary of Findings

The requested Variance does not meet three of the five criteria established for granting a Variance. While a duplex is a permitted use in the High Density Residential District and the request will support the intent of the Zoning Ordinance and the Comprehensive Plan, a reasonable use of the land already exists. The property may continue use as a single-family residence without the need of a Variance. Use of the existing structure as a single-family residence allows a reasonable use of the land. In addition, there are no special conditions existing on the property today that limit the use of the land as a single-family residence. Based on the review criteria established for the granting of a Variance, staff cannot support the request.