



Rapid City Zoning Board of Adjustment Variance Project Report

April 20, 2017

Item #3
Applicant Request(s)
Case #17VA003, a Variance request to reduce the minimum required lot size from 3 acres to 1.038 acres and 2.555 acres as per Chapter 17.08.040(F) of the Rapid City Municipal Code
Companion Case(s) # 17PL027 – Preliminary Subdivision Plan to create two lots

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

Project Summary Brief

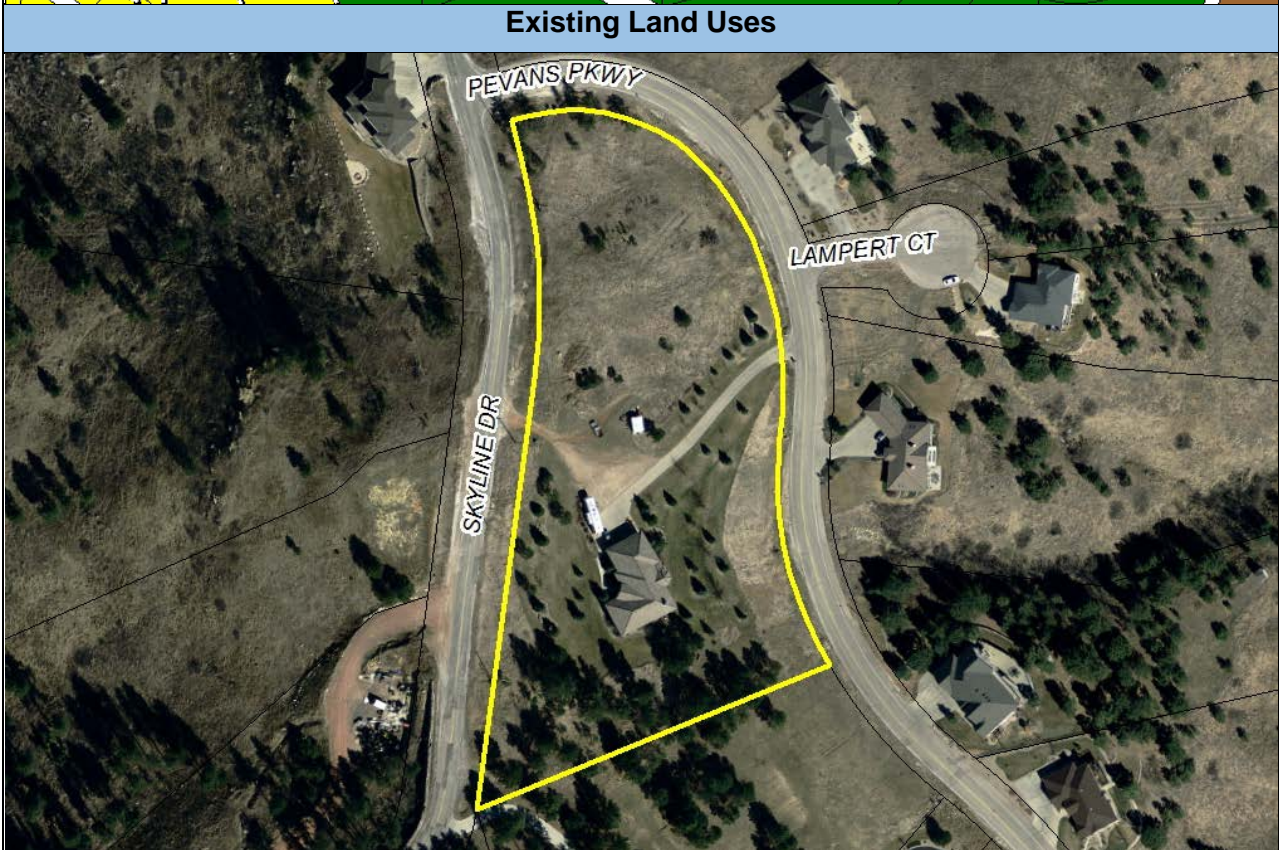
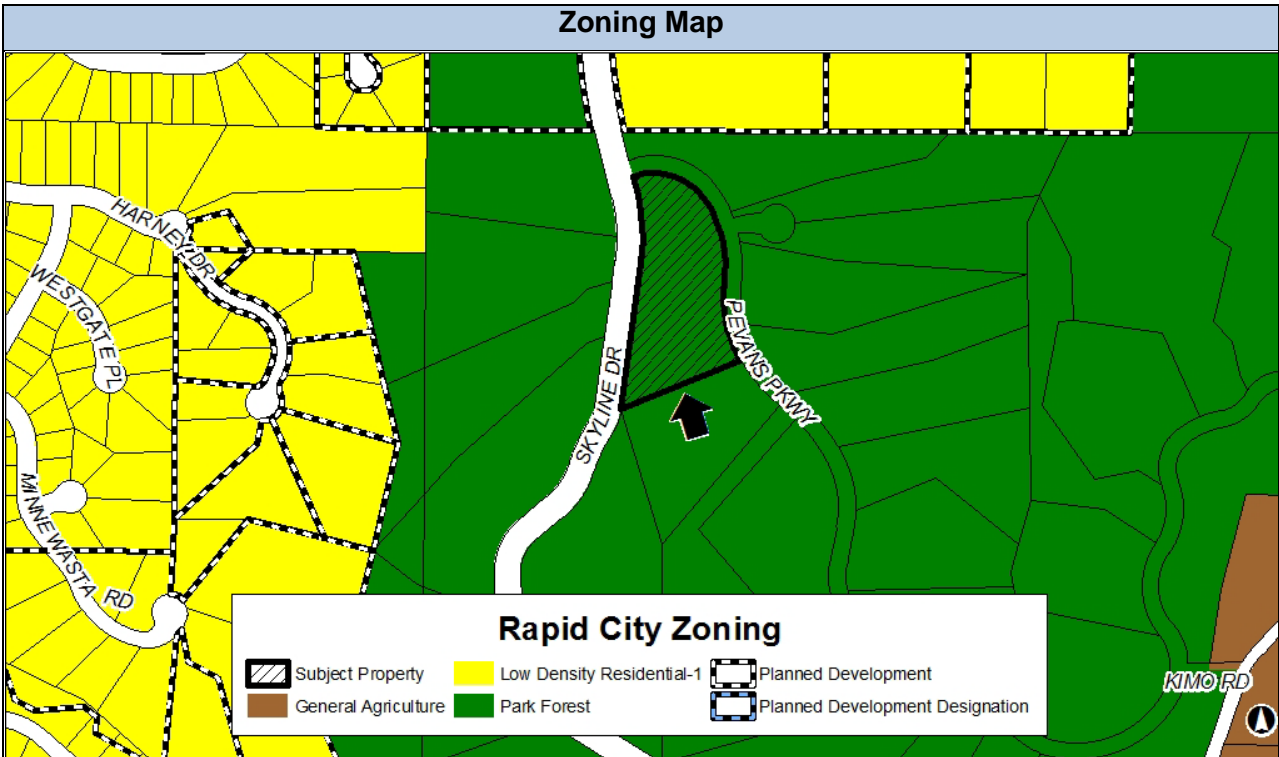
The applicant has submitted a Variance request to reduce the minimum required lot size in the Park Forest District from 3 acres to 1.038 acres and 2.555 acres respectively. The applicant has also submitted a Preliminary Subdivision Plan to plat the existing lot into two residential lots. There is an existing single-family dwelling located on the subject property. The applicant is proposing to subdivide a lot that currently meets the minimum lot size requirement to allow an additional buildable lot.

Applicant Information	Development Review Team Contacts
Applicant: Kent and Cynthia Guthrie	Planner: Fletcher Lacock
Property Owner: Kent and Cynthia Guthrie	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: Sperlich Consulting, Inc.	School District: N/A
Surveyor: N/A	Water: Dan Kools
Other: N/A	Sewer: Dan Kools

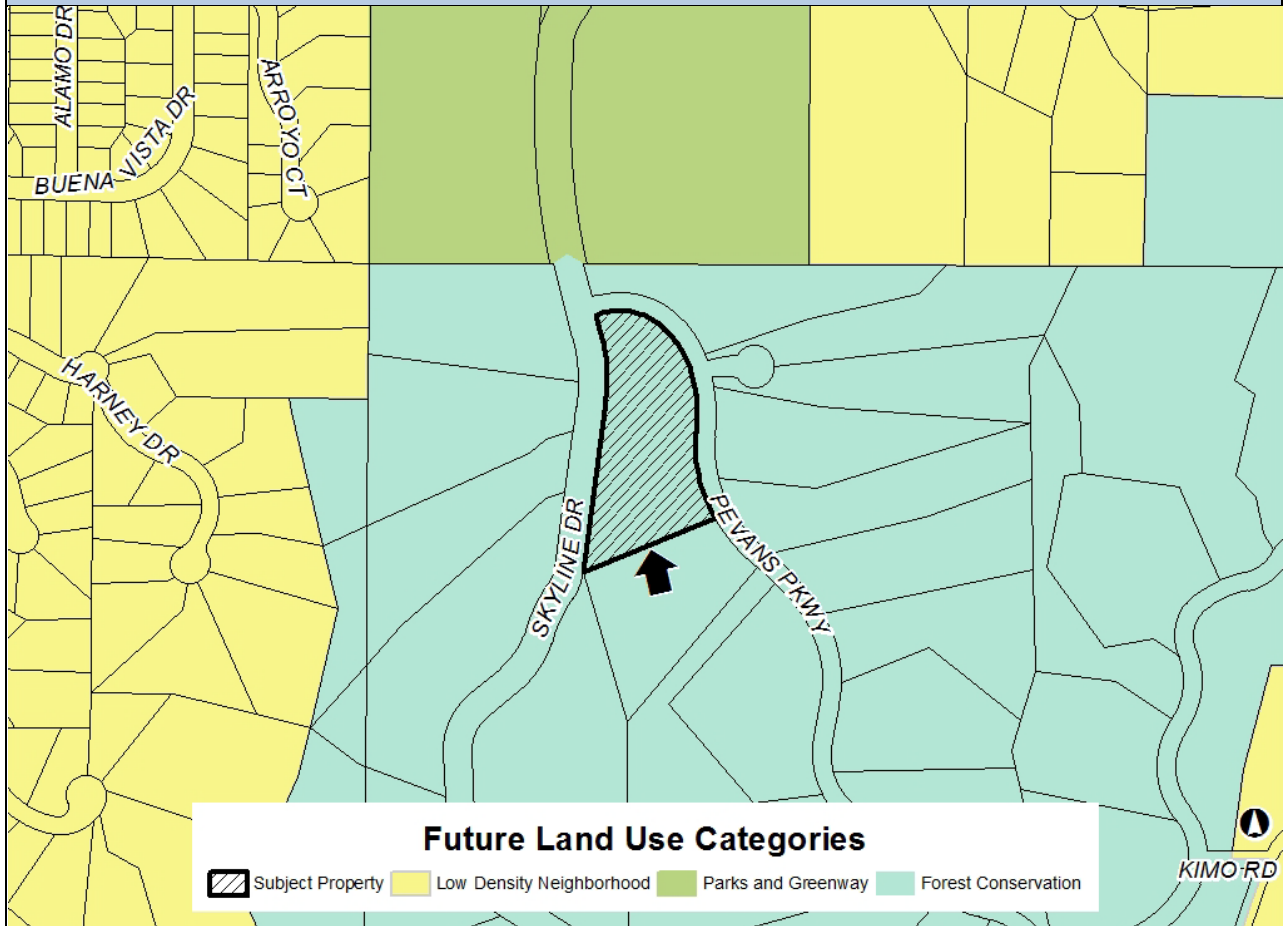
Subject Property Information	
-------------------------------------	--

Address	1717 Pevans Parkway
Neighborhood	U.S. Highway 16
Subdivision	Skyline Pines Subdivision
Land Area	Proposed two lots 2.555 acres and 1.038 acres in size
Existing Buildings	Single-family dwelling with an attached garage
Topography	Rise in elevation from east to west approximately 48 feet
Primary Access	Pevans Parkway
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

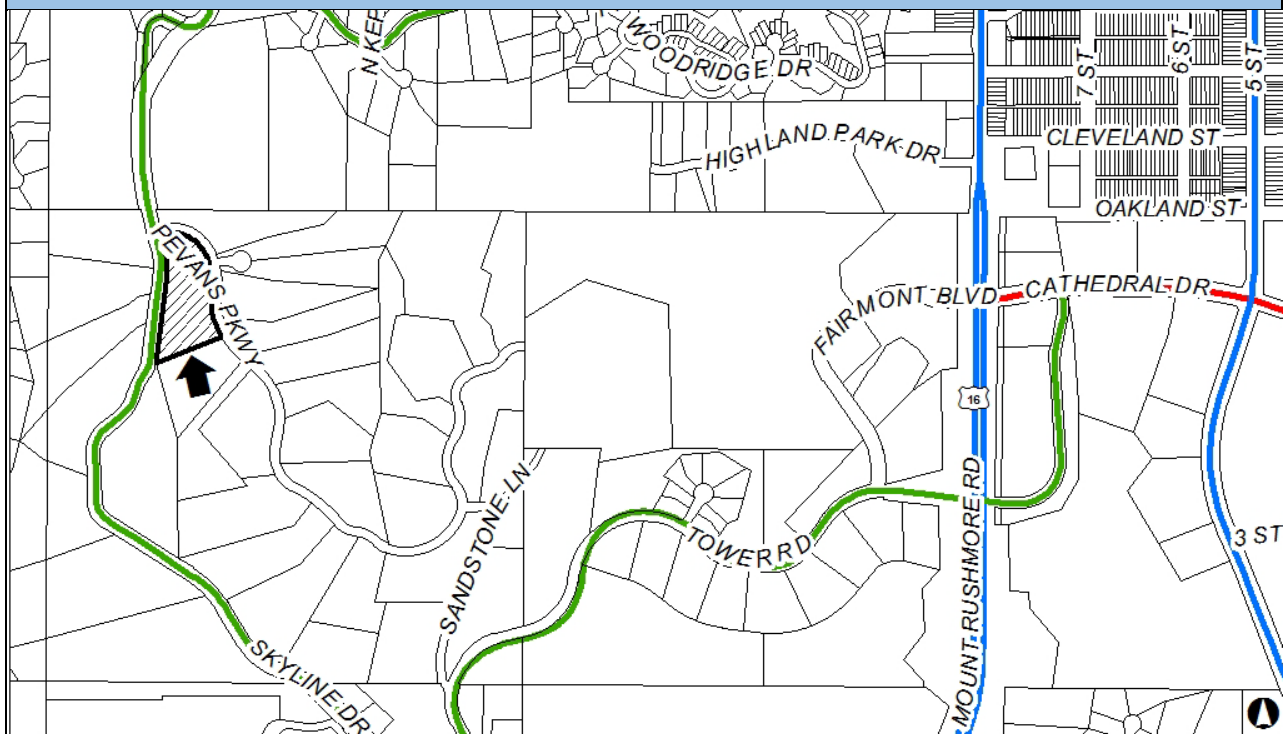
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	PF	FC	Single-family dwelling
Adjacent North	PF	FC	Single-family dwelling
Adjacent South	PF	FC	Single-family dwelling
Adjacent East	PF	FC	Single-family dwelling
Adjacent West	PF	FC	Single-family dwelling



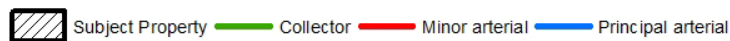
Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			

Relevant Zoning District Regulations		
Park Forest District	Required	Proposed
Lot Area	3 acres	Requesting a Variance to reduce the minimum require lot size from 3 acres to 2.555 acres and 1.038 acres
Lot Width	Minimum 100 feet at the front building line	Approximately 260 feet and 330 feet
Maximum Building Heights	2.5 stories, 35 feet	Two story
Maximum Density	25%	3%
Minimum Building Setback:		
• Front	20 feet	128 feet
• Rear	25 feet	110 feet
• Side	30 feet	132 feet
• Street Side	25 feet	99 feet
Minimum Landscape Requirements:		
• # of landscape points	N/A	N/A
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:		
• # of parking spaces	2	2
• # of ADA spaces	"0"	"0"
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):
1. The granting of the variance will not be contrary to the public interest.	The quality + appearance of the home built will be in harmony with surrounding properties + will enhance the value of surrounding properties.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	Allowing us this variance would allow us the opportunity if need be to construct a separate residence to house our aging parents rather than placing them in a costly long term facility.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The spirit of the ordinance will be observed as the home built will be of equal or quality in value to other homes in the neighborhood.
4. By granting the variance substantial justice will be done.	Yes, by granting this variance another home will generate additional property taxes for the city and create jobs for construction industry.

Board of Adjustment Criteria and Findings for Approval
Should the Board of Adjustment grant the variance for a reduction in the required side yard setback, 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.	A single-family dwelling is a permitted use the Park Forest District.
Conditions of Approval	
1. Prior to issuance of a Building Permit, a Final Plat shall be approved.	

Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment decide to deny the variance for a reduction in the required side yard setback, the following criteria would be applicable:	
Criteria:	Findings:
1. The variance is the minimum adjustment necessary for the reasonable use of the land.	The subject property is currently developed with a single-family dwelling with an attached garage. The property is approximately 3.86 acres in size which meets the minimum required lot size of 3 acres. Reasonable use of the land exists. Adjacent properties are also zoned Park Forest District and range in size from 3.03 acres to 5.62 acres.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is approximately 3.86 acres in size and is located on the southeast corner of the intersection of Skyline Drive and Pevans Parkway. Skyline Drive is identified as a Collector Street on the City's Major Street Plan and as a South Dakota State Scenic Byway. The future land use designation of the property is Forest Conservation District. The intent of the Park Forest District zoning designation and the Forest Conservation future land use designation is to preserve open lands for natural beauty and open character. The property is currently in compliance with the Zoning Ordinance and the adopted Comprehensive Plan. There are no special circumstances that support the granting of the Variance.
3. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The property is currently developed with a single-family dwelling in compliance with the Zoning Ordinance and the adopted Comprehensive Plan. Reasonable use of the land exists without the granting of the Variance.
4. 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 Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. The purpose of Chapter 17.08.040 of the Rapid City Municipal Code is to ensure that single-family development in the Park Forest District preserves open land and does not detract from the natural beauty and open character of the area. Skyline Drive is also identified as a South Dakota State Scenic Byway which also supports larger residential lots. The future land use designation of the property is Forest Conservation District which supports large lots with a minimum size of 3 acres for single-family development. The requested Variance is in conflict with the Zoning Ordinance, the South Dakota Scenic Byway designation, and the adopted Comprehensive Plan for the development of the City.

Summary of Findings
The applicant is requesting a Variance to reduce the minimum required lot size for a parcel of land zoned Park Forest District from 3 acres to 1.038 acres and 2.555 acres respectively. The applicant has also submitted a Preliminary Subdivision Plan to subdivide an existing lot into two residential lots. The intent of the Park Forest District is to provide the City with an area to be preserved for its natural beauty and open character. Skyline Drive is identified as a South Dakota State Scenic Byway. In addition, the future land use designation of the property is Forest Conservation District which promotes large lot single-family development with a minimum lot size of 3 acres to preserve open spaces, natural areas, and natural beauty. The subject

property is approximately 3.86 acres in size and is developed with a single-family dwelling in compliance with the Zoning Ordinance and the adopted Comprehensive Plan. Surrounding properties are also a minimum of 3 acres in size and developed with single-family dwellings. There are no special circumstances for the granting of the Variance and reasonable use of the land exists today. As such, staff recommends that the Variance to reduce the minimum required lot size from 3 acres to 1.038 acres and 2.555 acres to create an additional buildable lot be denied.