



Rapid City Zoning Board of Adjustment Variance Project Report

May 25, 2017

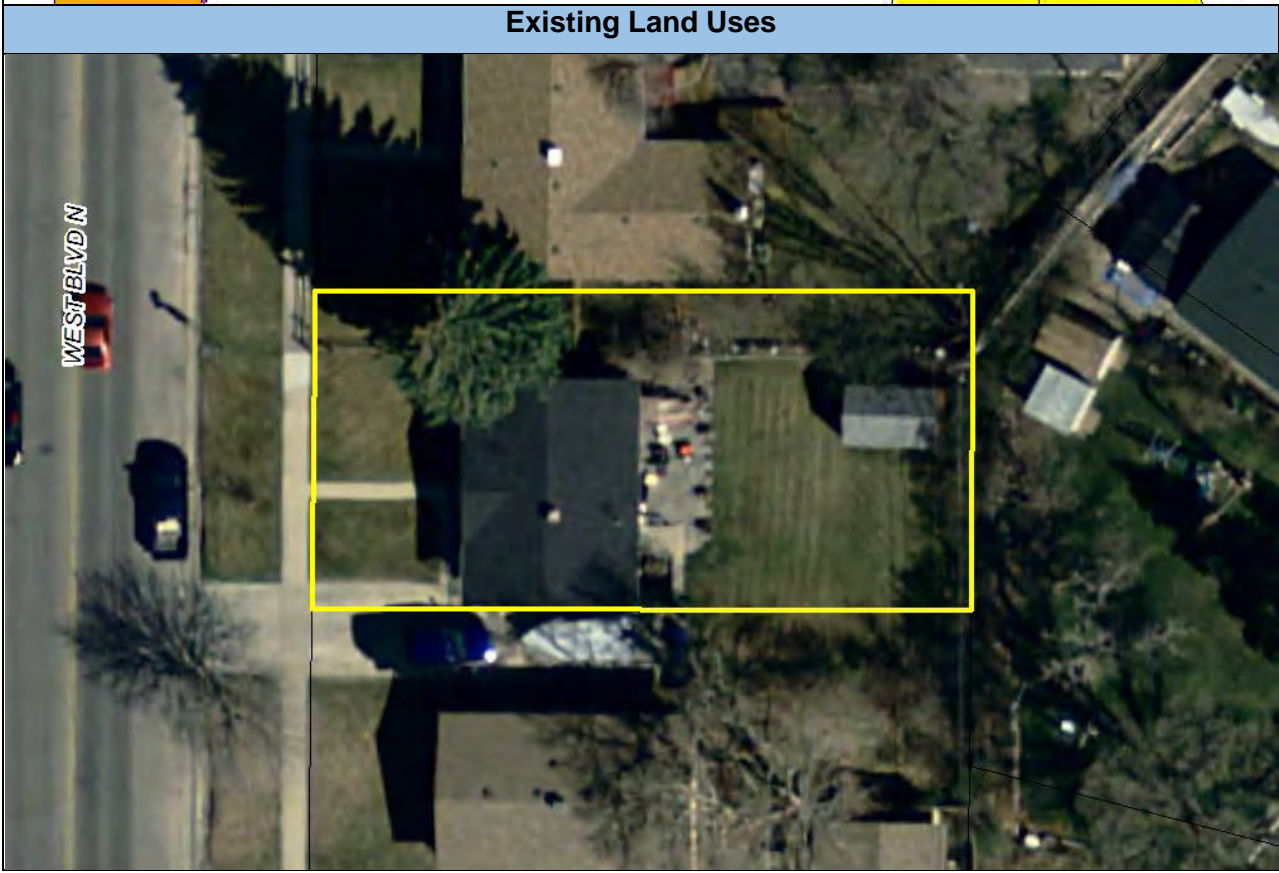
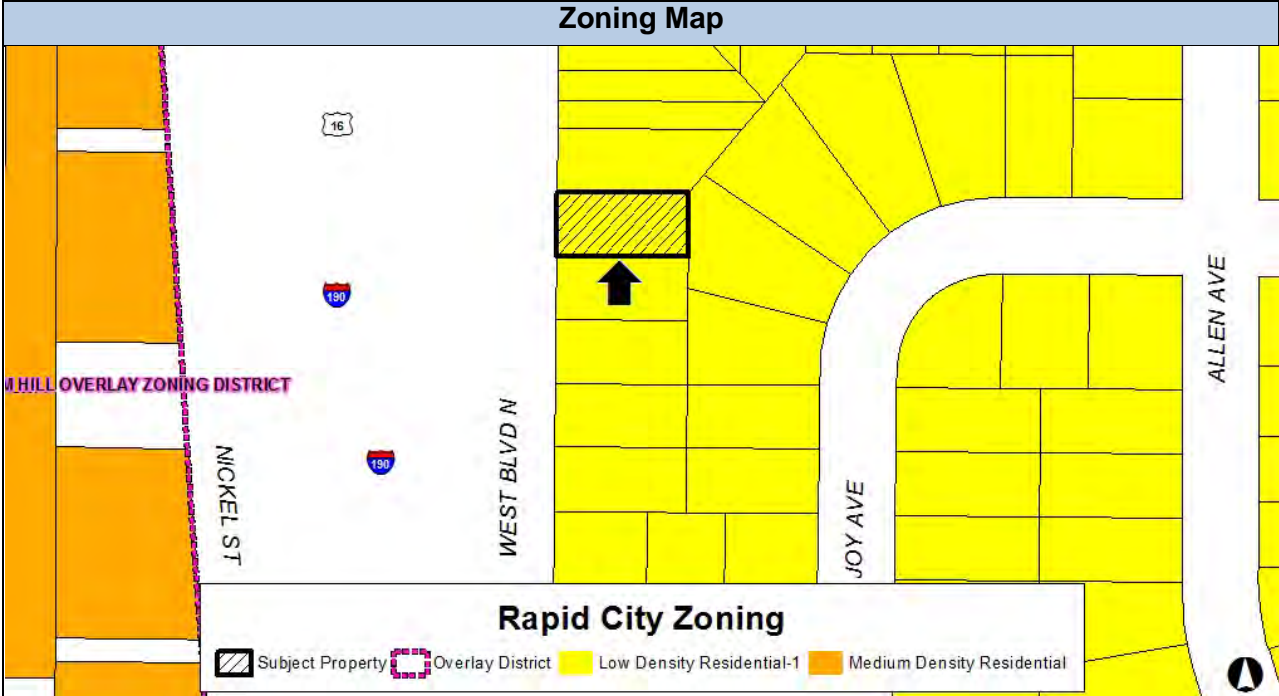
Item #2
Applicant Request(s)
Case #17VA004, a Variance request to reduce the minimum required side yard setback for a detached garage from eight feet to three feet as per Chapter 17.10.050(B)2 of the Rapid City Municipal Code
Companion Case(s) # N/A

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

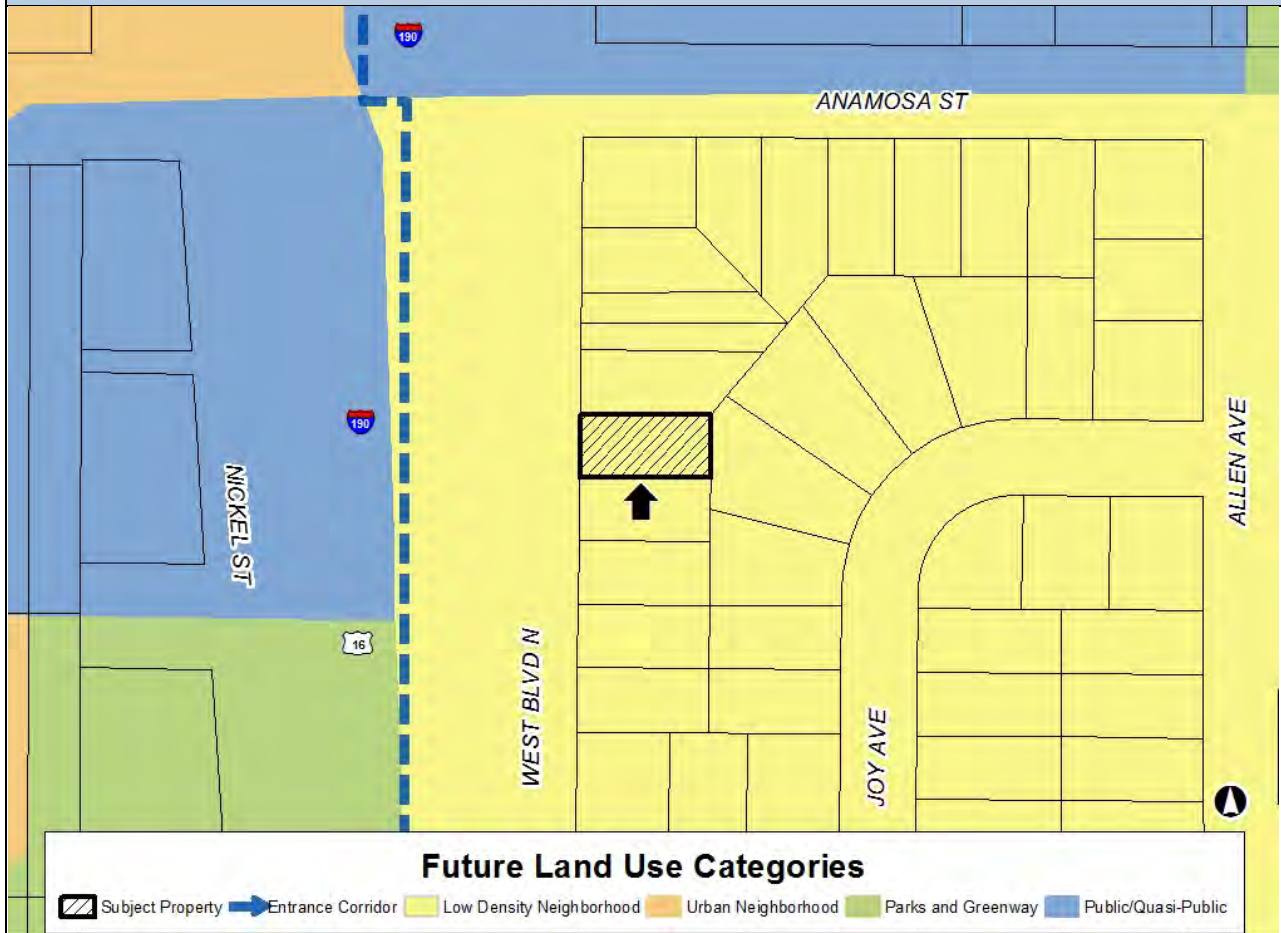
Project Summary Brief	
<p>The applicant has submitted a request to reduce the minimum required side yard setback for a detached garage from 8 feet to 3 feet. The applicant is proposing to construct a detached garage measuring 32 feet by 28 feet. There is an existing single-family dwelling and a shed located on the property. The existing shed is 160 square feet in size. The total garage area will be 1,056 square feet in size, larger than the footprint of the dwelling at 925 square feet.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Cassie and Jennifer Silbernagel	Planner: Fletcher Lacock
Property Owner: Cassie and Jennifer Silbernagel	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Dan Kools
Other: N/A	Sewer: Dan Kools

Subject Property Information	
Address	1104 West Boulevard North
Neighborhood	North Rapid
Subdivision	Canyon View Tract
Land Area	0.14 acres (approximately 6,233 square feet)
Existing Buildings	Single-family dwelling (925 square feet)
Topography	Relatively flat
Primary Access	West Boulevard North
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

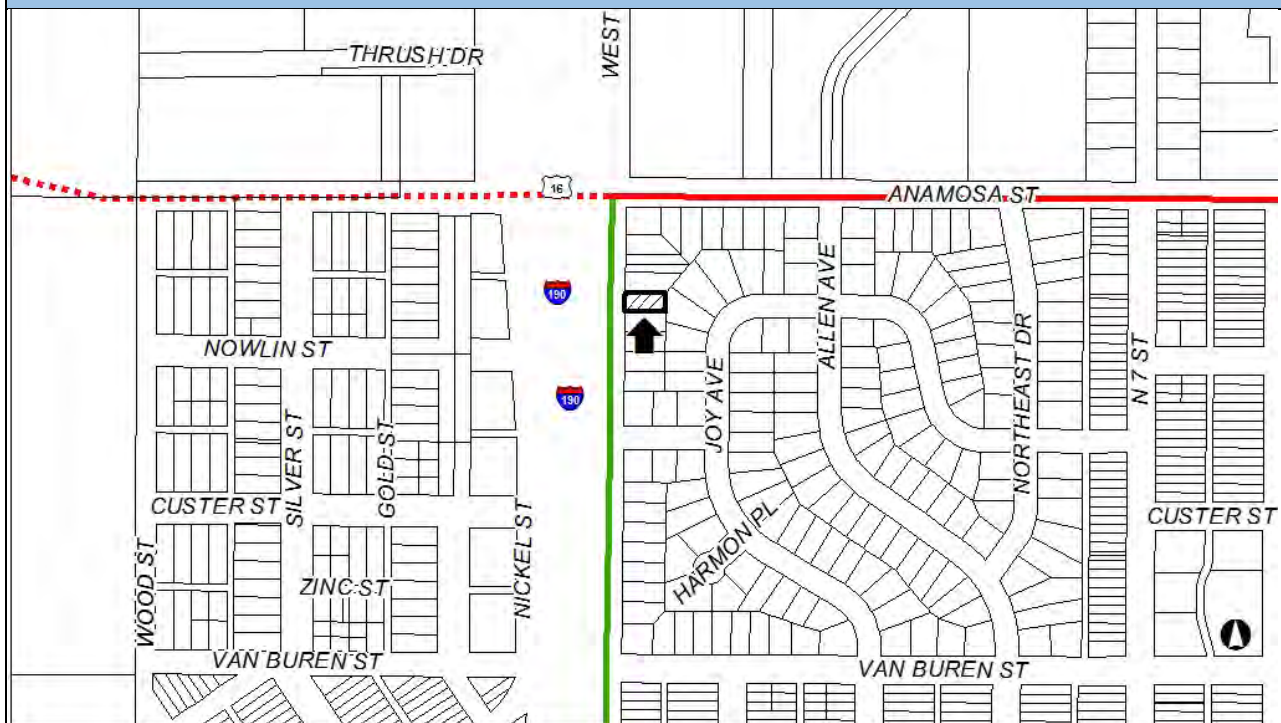
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Single-family dwelling
Adjacent North	LDR	LDN	Single-family dwelling
Adjacent South	LDR	LDN	Single-family dwelling
Adjacent East	LDR	LDN	Single-family dwelling
Adjacent West	MDR – M-Hill Overlay	LDN	U.S. Interstate 190



Comprehensive Plan Future Land Use



Parks or Transportation Plan



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

Relevant Zoning District Regulations		
Low Density Residential District	Required	Proposed
Lot Area	6,500 square feet	Approximately 6,233 square feet
Lot Width	Minimum 50 feet at the front building line	55 feet
Maximum Building Heights	2.5 stories, 35 feet	One story
Maximum Density	30%	29%
Minimum Building Setback:		
• Front	25 feet	30 feet
• Rear	25 feet to residence / 5 feet to accessory structures	5 feet
• Side	8 feet	Requesting an Exception to reduce the minimum required side yard setback from 8 feet to 3 feet
• Street Side	20 feet	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	2
• # of ADA spaces	N/A	N/A
Signage	Pursuant to RCMC	None proposed
Fencing	Six foot high fence in the second front yard setback 10 feet	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:</p>	
Criteria:	Applicants Response (verbatim):
1. The granting of the variance will not be contrary to the public interest.	The granting of this variance would not be contrary to the public interest. Many of the property owners in this neighborhood have constructed garages within the 8 foot right of way over the years since this area was developed. This is due to the fact that many of these lots within this area would either be smaller lots, or they do not have alley access. The proposed garage would be built tastefully and with modern products. The building of this garage would not only add to the value of my property but potentially add to the value of the property around me. The garage would not encroach on any current existing structures. The lot on the south side (where I am asking for the variance) already has a large shop/ garage structure built on the south rear corner of their lot. So my structure would not be impeding on their future construction plans or their current structures
2. Due to special conditions the literal enforcement of the zoning	Not granting this variance would require me to build my garage 8 foot off the south lot line. 8 foot off the south lot line would mean that my garage door would not start until I was approximately 10

<p>ordinance will result in unnecessary hardship.</p>	<p>foot from the south lot line, what this means for the usefulness of the structure is that I would only be able to park my boat inside of the garage. I would not be able to maneuver a vehicle into the northern side of garage door (my intent as you will see from the elevation drawing is to have on single oversized garage door positioned as far south as feasible). I thought about turning the garage and placing it on the north lot line, but this would all but eliminate any lawn type area from my backyard and also create a very difficult 90 turn to maneuver through. I don't believe that would be in the best public interest. So not granting this variance would cause me undue hardship and it would limit my ability to use my property in a reasonable manner.</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 spirit of the ordinance is upheld because I am not causing any unjust harm or difficulty for my neighbors, my neighborhood, the city, or the utility companies. The proposed garage when built will be under the square foot print of the house, and the combined house/garage footprint will be under the 30 percent of lot coverage. I am also not asking for a variance that exceeds what has already been constructed in the neighborhood. Many garages that were constructed in this area of town; if built today would be going through the proper process and validating their case, and asking for permission to build structures that do not conform to present setbacks. The spirit of ordinance is to keep things aesthetic and to not infringe on the right of your neighbor. In these manners, I believe the spirit of the ordinance is indeed upheld.</p>
---	--

<p>4. By granting the variance substantial justice will be done.</p>	<p>It is just to allow this variance. Without this variance, I will not be able to construct a garage capable of storing a boat and a vehicle in the back yard while still maintaining an area of useful greenery. Granting this variance allows me the same use of my property that many other home owners enjoy having, an enclosed area that they have easy access to for storing their personal possessions. Improving property like mine in an area of town like north rapid, helps to entice more people to want to own homes in that area. Homeowners generally take great pride in their homes and they help keep entire neighborhoods thriving. Allowing this variance also offers me the availability to keep my things stored inside here at my residence where I can easily access them.</p>
--	--

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:
<p>1. The variance is for a use allowed in the zoning district.</p>	<p>A single-family dwelling with a detached garage is a permitted use in the Low Density Residential District.</p>

Conditions of Approval

1. Prior to issuance of a Building Permit, the applicant shall coordinate with the Rapid City Fire Department to provide fire protection measures; and,
2. Prior to issuance of a Building Permit, the existing shed located on the property shall be removed or a Conditional Use Permit to allow an oversized garage 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 applicant is proposing to construct a 32 foot by 28 foot detached garage and is requesting a Variance to reduce the minimum required side yard setback from 8 feet to 3 feet. The applicant could construct a smaller garage and meet the eight foot setback or could remove the existing shed and provide the required setback.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is approximately 6,233 square feet in size and zoned Low Density Residential District. The property is an existing small lot. As such, the applicant is not requesting a Variance to reduce the minimum required side yard setback for the existing house as a four foot setback is allowed as per Chapter 17.52.065 of the Rapid City Municipal Code. However, the side yard setback for a detached garage is eight feet. The applicant could construct a smaller garage or remove the existing shed to accommodate the setback. The applicant should be aware that the shed must be removed prior to issuance of a Building Permit or a Conditional Use Permit to allow garage and storage area that exceeds the square footage of the dwelling must be obtained.
3. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The applicant could construct a smaller garage that meets the minimum required eight foot side yard setback. The applicant could also remove the existing shed which would allow the proposed garage to be moved to meet the required setback. The applicant should be aware that the square footage of the shed and the garage exceeds the square footage of the dwelling and requires that a Conditional Use Permit to allow an oversized garage be obtained. If the applicant removes the shed, then the Conditional Use Permit is not required.
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 17.10.050(B) 2 of the Rapid City Municipal Code to ensure that there is a minimum separation between structures on adjacent properties for maintenance and to provide open space. The applicant could construct a smaller garage and meet the minimum required side yard setback. The applicant should be aware the a Conditional Use Permit to allow an oversized garage must be obtained prior to issuance of a Building Permit or the existing shed must be removed from the property. The combination exceeds the size of the dwelling.

Summary of Findings

The applicant is requesting a Variance to reduce the minimum required side yard setback for a detached garage from eight feet to three feet as per Chapter 17.10.050(B)2 of the Rapid City Municipal Code. The requested setback does not meet the intent of the Zoning Ordinance which is to provide a separation between structures on adjacent properties for open space and maintenance. The applicant could construct a smaller garage or remove the shed and meet the required setback. In addition, the existing shed and proposed detached garage are larger than the existing dwelling. As such, prior to issuance of a Building Permit, the applicant must remove the shed from the property or obtain a Conditional Use Permit to allow an oversized garage. Chapter 17.10.050(B)2 of the Rapid City Municipal Code states that when a detached structure is located 90 feet back from the front property line, a minimum five foot side yard setback is required. The proposed garage is set back 80 feet from the front property line. As such, if the Zoning Board of Adjustment deems that the Variance request is justified, staff would

recommend that the Variance be granted to reduce the minimum required side yard setback from eight feet to five feet with the stipulations that the applicant coordinate with the Rapid City Fire Department and that the shed be removed from the property or a Conditional Use Permit to allow an oversized garage be obtained prior to issuance of a Building Permit.