



Rapid City Zoning Board of Adjustment Variance Project Report

July 6, 2017

Item #3
Applicant Request(s)
Case #17VA008, a Variance request to reduce the minimum required side yard setback from 12 feet to 4 feet as per Chapter 17.10.050 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

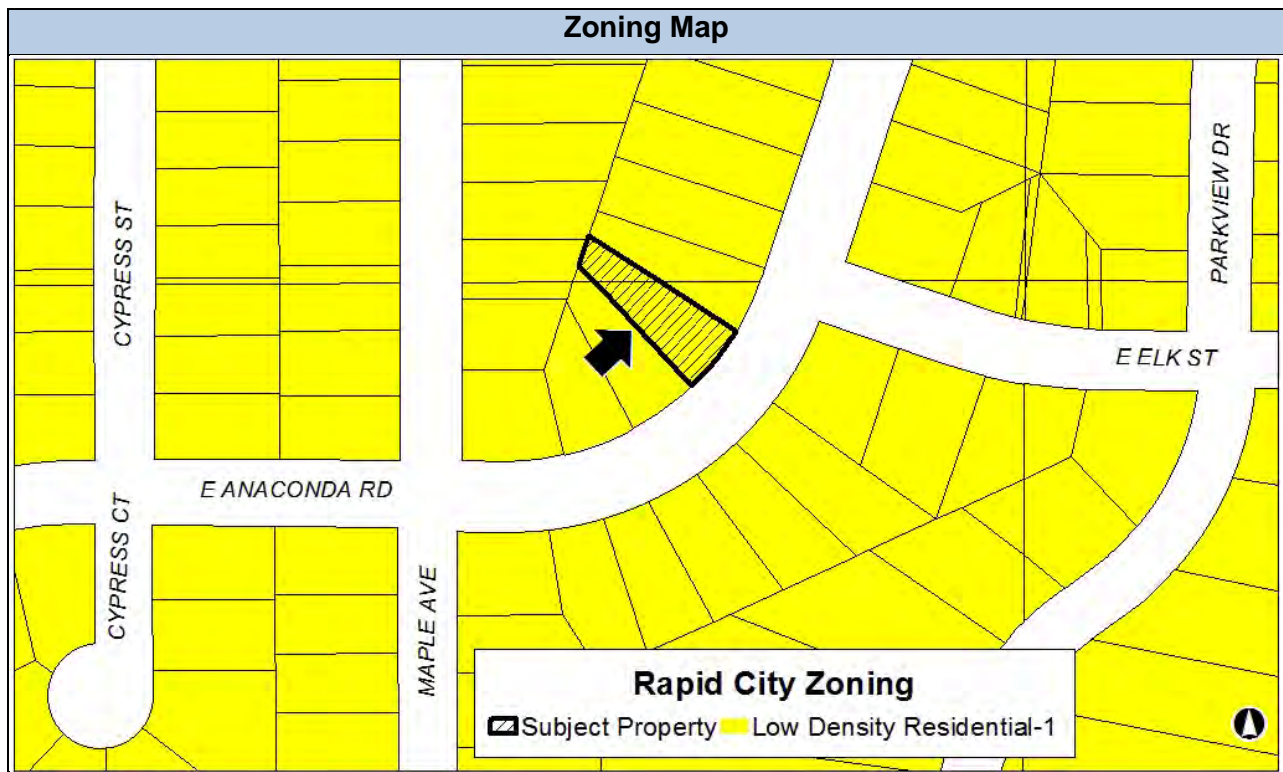
The applicant has submitted a Variance request to reduce the minimum required side yard setback from 12 feet to 4 feet. In particular, the applicant is proposing to connect the existing dwelling to the existing two-story garage with a six foot wide breezeway and renovating the second floor of the garage to include bedrooms and bathrooms for friends and guests. The minimum required side yard setback for a detached garage is 5 feet. The garage currently has a non-conforming 4 foot setback from the side lot line. The proposed breezeway would make the detached garage an attached garage requiring a 12 foot side yard setback for a two-story dwelling. The applicant is not proposing to expand the structures on the property other than the breezeway.

Applicant Information	Development Review Team Contacts
Applicant: Natlie Knudtson	Planner: Fletcher Lacock
Property Owner: Marvin Knudtson	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

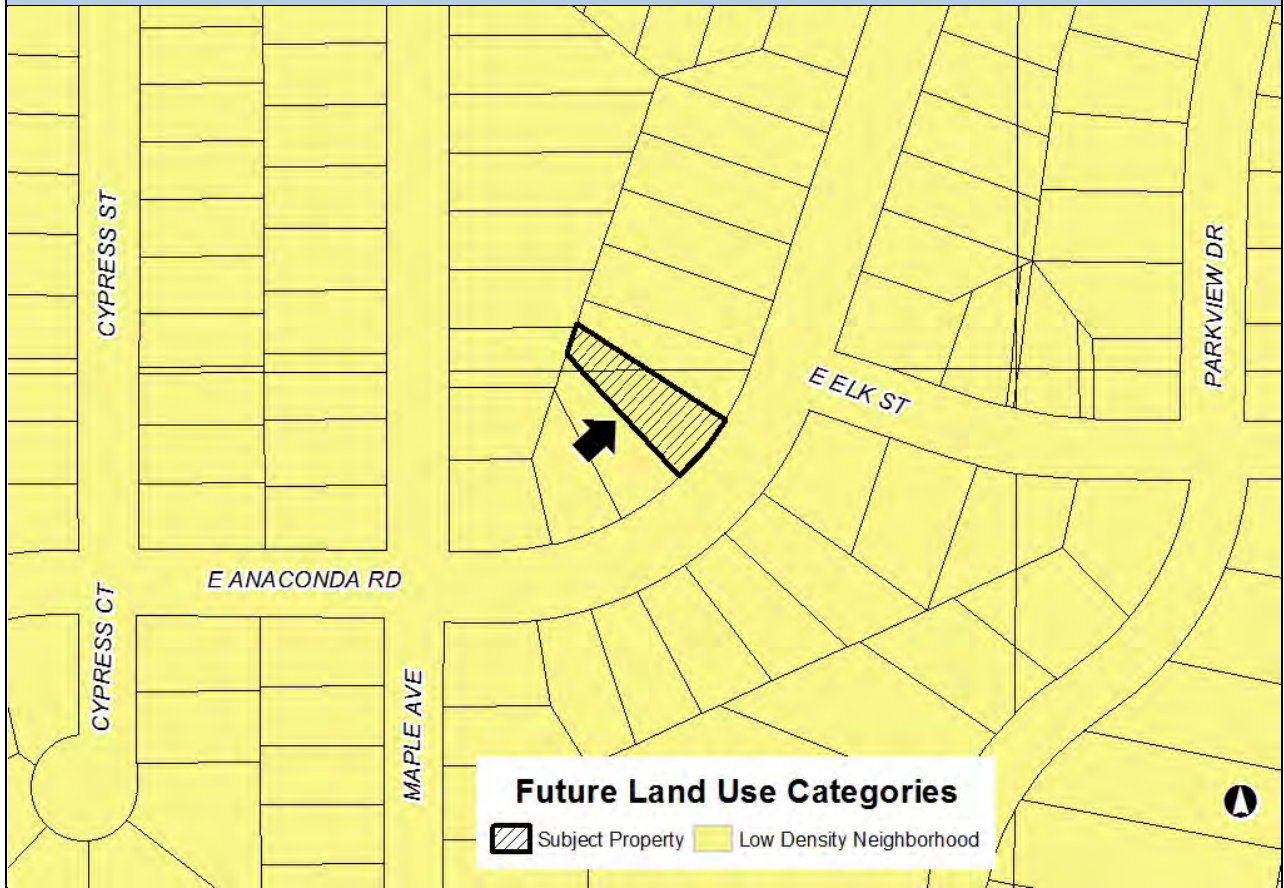
Subject Property Information	
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Address/Location	3407 East Anaconda Road
Neighborhood	Downtown/Skyline Drive and South Robbinsdale
Subdivision	Robbinsdale #7
Land Area	0.29 acres, approximately 12,632 square feet
Existing Buildings	Single-family dwelling with detached garage
Topography	Rises in elevation from southeast to northwest
Access	East Anaconda Road
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	Federally designated 500-year floodplain

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	LDR	LDN	Single-family dwelling



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/Existing
Lot Area	6,500 square feet	0.29 acres, approximately 12,635 square feet
Lot Frontage	Minimum 50 feet at the front building line	Approximately 75 feet
Maximum Building Heights	2.5 stories, 35 feet / 15 feet for accessory structures	2 story
Maximum Density	30%	Approximately 23%
Minimum Building Setback:		
• Front	20 feet	Approximately 25 feet
• Rear	25 feet to primary structure / 5 feet to accessory structures	Approximately 75 feet to the garage
• Side	8 feet / 12 feet	Requesting a Variance to reduce the side yard setback from 8 feet to 4 feet
• 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	3
• # 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):
1. The granting of the variance will not be contrary to the public interest.	Requesting to connect the existing house and garage with a breezeway. The purpose is to make some living space in the upstairs of the garage. No expansion will be added to either the house or garage. The setback moves from 8' to 12" because the garage would be considered part of the house. The garage footprint will not be expanding.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	Only one neighbor will be able to view the new breezeway. No other neighbors will be able to see the change. This breezeway will not impact the neighborhood in any way.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	No zoning ordinances will be negatively impacted or result in an unnecessary hardship. The existing zoning ordinance will be observed with this breezeway being added.
4. By granting the variance	The granting of the variance will make the upstairs of the garage

substantial justice will be done.	into living space. Currently the space is of no value as it is not used for anything other than a junk space.
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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 two-story single-family dwelling with an attached garage is identified as a permitted use in the Low Density Residential District.
Conditions of Approval	
1.	The second floor of the garage shall be not be converted into a second dwelling or used for commercial purposes.

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 strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	As noted above, the property is developed with a single-family dwelling with a detached garage. Reasonable use of the land exists.
2. The variance is the minimum adjustment necessary for the reasonable use of the land.	The applicant is proposing to construct a 6 foot wide breezeway to connect the exiting dwelling and detached garage. The existing detached garage has a non-conforming 4 foot side yard setback. By connecting the dwelling to the garage, a minimum 12 foot side yard setback is required. Reasonable use of the land exists without the granting of the Variance. The applicant could convert the second story of the garage into workshop space or living space without the granting of the Variance. The applicant should be aware that the property is not zoned appropriately for a duplex.
3. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The subject property is zoned Low Density Residential District and is approximately 12,632 square feet in size. The minimum required lot size is 6,500 square feet. The existing detached garage is non-conforming to height and to side yard setback. A maximum height for an accessory structure is 15 feet. The applicant is not proposing to expand the non-conforming structure other than by attaching it with a breezeway to the dwelling. As noted above, the applicant could use the existing second floor of the garage for several uses accessory to the residence without connecting the structures. The applicant should be aware that a duplex or guest home are not permitted uses in the Low Density Residential District. In addition, using the extra bedrooms and bathrooms for commercial purposes would not be allowed without the review and approval of a Conditional Use Permit.
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	The Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. The property is zoned Low Density Residential District and a single-family dwelling with a detached garage is a permitted use. The existing detached garage is non-conforming to setbacks and height. The applicant could currently convert the upstairs into uses accessory to the residence. A guest house is not a permitted use in the Low Density Residential District. Reasonable use of the land exists without the granting of the Variance.

development.

Summary of Findings

The applicant has submitted a Variance request to reduce the minimum required side yard setback from 12 feet to 4 feet. The applicant is proposing to connect the existing dwelling and detached garage with a 6 foot wide breezeway. The subject property is zoned Low Density Residential District and is approximately 12,632 square feet in size. There is a single-family dwelling with a detached garage currently located on the property. The minimum required side yard setback for a detached garage is 5 feet. The existing side yard setback for the detached garage is non-conforming at 4 feet. It is unclear when the garage was constructed or whether it was ever in compliance with setbacks or height. By connecting the dwelling and the garage, the minimum required side yard setback for a two-story primary structure is 12 feet. The applicant could use the second floor of the existing garage for a use accessory to the residence. The applicant's intent is to create bedrooms and bathrooms for family and guests. A guest house would not be a permitted use in the Low Density Residential District. The applicant should be aware that a guest home or duplex are not permitted uses in the Low Density Residential District. Any commercial use of the additional bedrooms and bathrooms requires the review and approval of a Conditional Use Permit. Since reasonable use of the property exists, staff recommends that the Variance request be denied.