



Rapid City Zoning Board of Adjustment

Variance Project Report

September 21, 2017

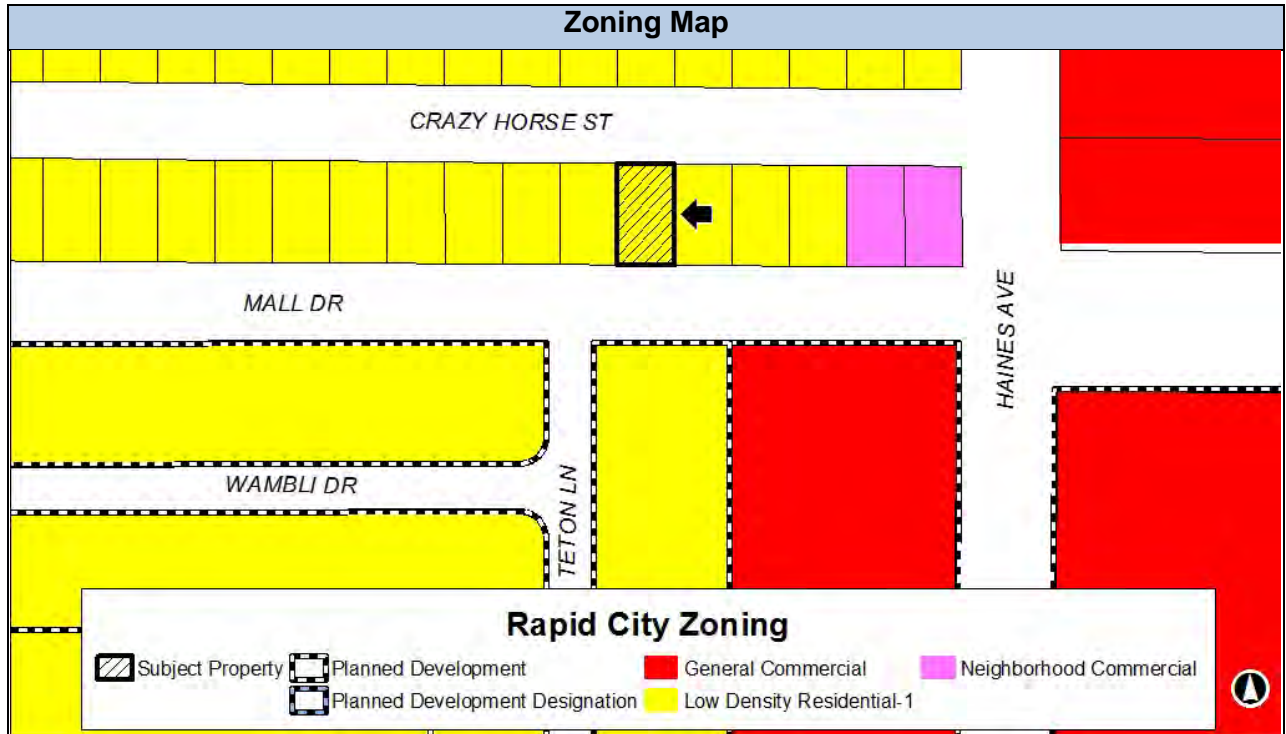
Item #2
Applicant Request(s)
Case #17VA009, a Variance request to reduce the minimum required front yard setback from 35 feet to 5 feet and the side yard setback from 8 feet to 3 feet as per Chapter 17.10.050 of the Rapid City Municipal Code
Companion Case(s) N/A

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

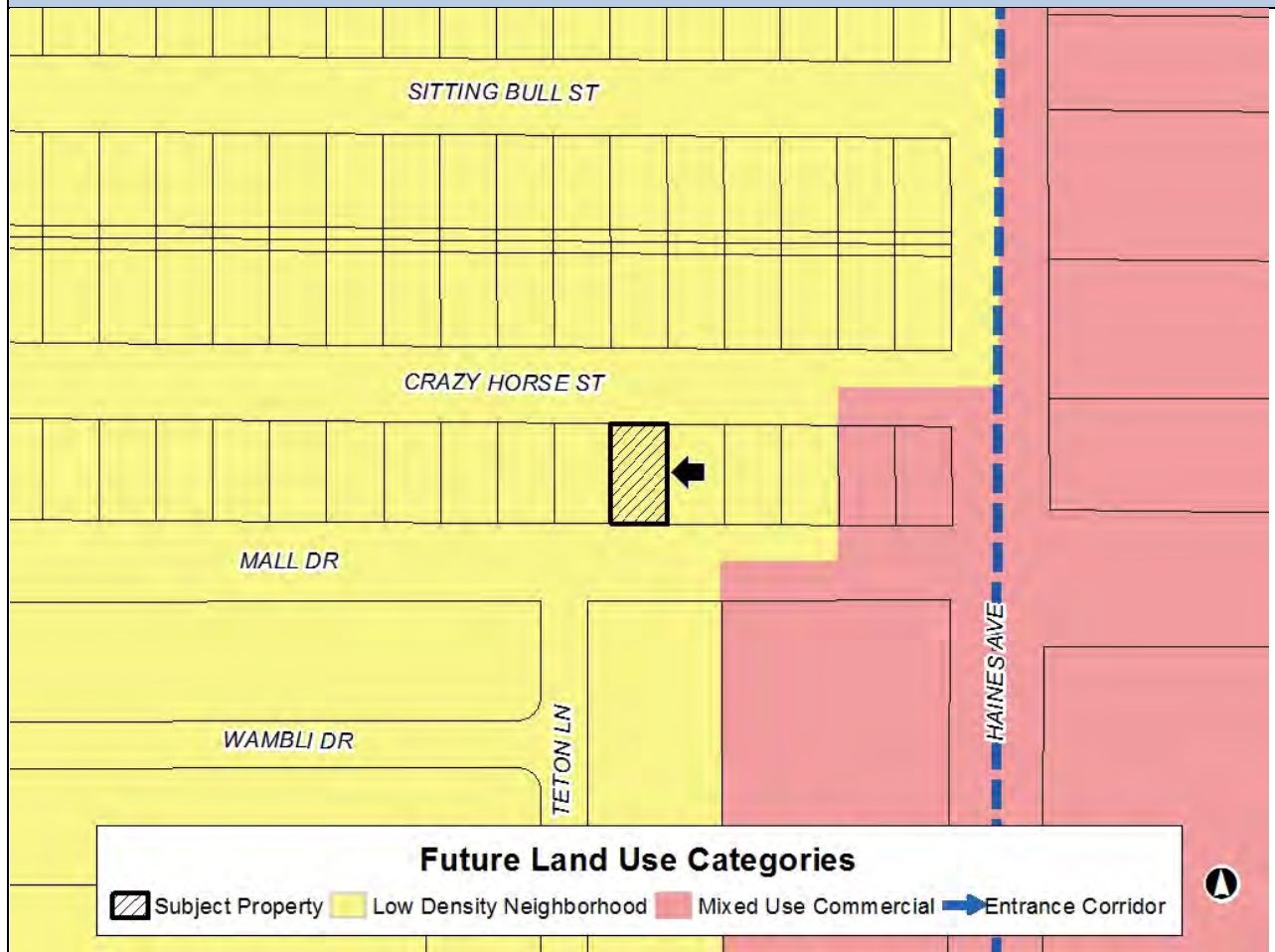
Project Summary Brief	
<p>The applicant has submitted a Variance request to reduce the minimum required front yard setback from 35 feet to 5 feet and the side yard setback from 8 feet to 3 feet as per Chapter 17.10.050 of the Rapid City Municipal Code. In particular, the applicant is proposing to construct a carport measuring 18 feet by 20 feet using the existing driveway for the parking pad. A single-family dwelling is currently located on the property.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Lorene Triebwasser	Planner: Fletcher Lacock
Property Owner: Lorene Triebwasser	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/Location	524 Mall Drive
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Dakota Subdivision #1
Land Area	Approximately 6,100 square feet
Existing Buildings	Single-family dwelling / shed
Topography	Relatively flat
Access	Mall Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

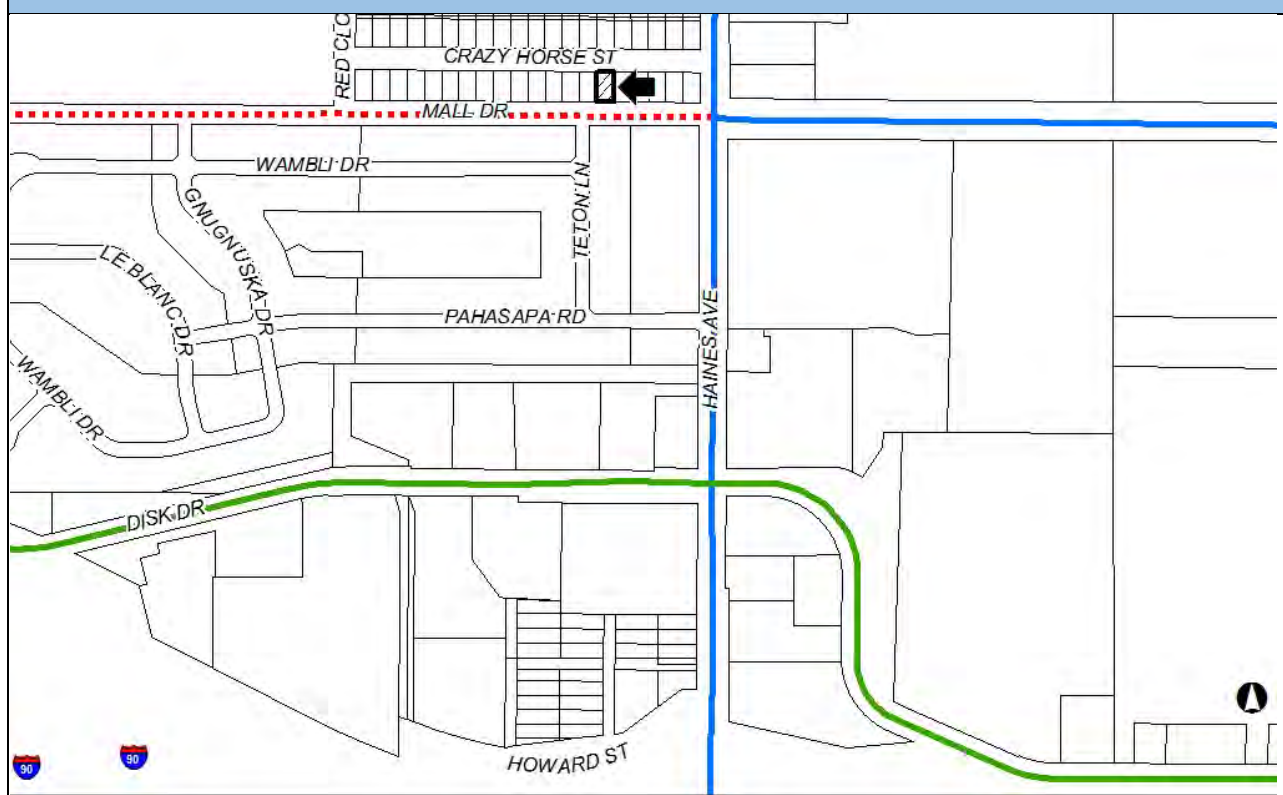
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Single-family dwelling
Adjacent North	LDR	LDN	Single-family dwelling
Adjacent South	LDR-PD	LDN	Single-family dwelling
Adjacent East	LDR	LDN	Void of structural development
Adjacent West	LDR	LDN	Void of structural development



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Principal arterial
- Proposed minor arterial

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	6,100 square feet	
Lot Frontage	Minimum 50 feet at the front building line	60 feet	
Maximum Building Heights	2.5 stories, 35 feet / 15 feet for accessory structures	1 story	
Maximum Density	30%	27%	
Minimum Building Setback:			
• Front	25 feet / 35 feet for accessory structures	Requesting an Exception to allow a 5 foot front yard setback for a carport	
• Rear	N/A	N/A	
• Side	8 feet / 12 feet	Requesting an Exception to allow a 3 foot side yard setback	
• Street Side	20 feet	Non-conforming 8 foot setback from Crazy Horse Street	
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	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 Variance would not be contrary to Public Interest because it would be entirely on my property. It is not a solid structure so it does not block drivers view of traffic.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	The concrete pad is already there so having to re-do the pad would be a hardship. Also by placing the carport on existing I do not have to put it right under my picture window and destroy my lawn.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	I will comply with the provisions of the variance as granted by the Zoning Board.
4. By granting the variance substantial justice will be done.	With the variance granted, not only will my property value increase, but also the surrounding property values will be increased.

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 with detached carport is identified as a permitted use in the Low Density Residential District.
Conditions of Approval	
N/A	

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. Reasonable use of the land exists.
2. The variance is the minimum adjustment necessary for the reasonable use of the land.	East Mall Drive is identified as a Minor Arterial Street on the City's Major Street Plan requiring a minimum right-of-way width of 100 feet. Mall Drive is currently constructed within 80 feet of right-of-way. A minimum of 10 feet of additional right-of-way may be needed for Mall Drive. The proposed 5 foot front yard setback for the proposed carport would be within the 10 feet needed for Mall Drive. Staff cannot support the requested Variance request. Reasonable use of the land exists.
3. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The subject property is a double frontage lot with Mall Drive to the south and Crazy Horse Street to the north. Both streets require a minimum 35 foot setback for accessory structures. However, there is an existing single-family dwelling located on the property. Reasonable use of the land exists.
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 of the Rapid City Municipal Code is to ensure the separation of structures from adjacent properties and rights-of-way. The proposed carport is in conflict with the adopted Comprehensive Plan which supports deemphasizing the prominence of garages.

Summary of Findings
The applicant has submitted a Variance request to reduce the minimum required front yard setback from 35 feet to 5 feet and the side yard setback from 8 feet to 3 feet. The subject property is zoned Low Density Residential District and is approximately 6,100 square feet in size. There is a single-family dwelling currently located on the property. The applicant is proposing to construct a carport measuring 18 feet by 20 feet to be located along the south property line adjacent to Mall Drive. Mall Drive is identified as a Minor Arterial Street on the City's Major Street Plan requiring a minimum right-of-way width of 100 feet. Mall Drive is currently constructed within 80 feet of right-of-way. If Mall Drive is constructed to arterial street standards, 10 additional feet of right-of-way would be needed from the subject property. The applicant is requesting a 5 foot setback from Mall Drive. Reasonable use of the land exists. The proposed carport is in conflict with the adopted Comprehensive Plan which supports deemphasizing the prominence of garages. For these reasons, staff recommends that the

Variance request be denied.