

STAFF REPORT
August 21, 2014

No. 14PD022 - Major Amendment to a Planned Development to reduce side yard setbacks **ITEM 6**

GENERAL INFORMATION:

APPLICANT	Travis Jones
AGENT	AcV2 Architecture
PROPERTY OWNER	Travis B and Marne Jones
REQUEST	No. 14PD022 - Major Amendment to a Planned Development to reduce side yard setbacks
EXISTING LEGAL DESCRIPTION	Lot 18 of Block 4 of Chapel Valley, located in Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	4931 Steamboat Circle
EXISTING ZONING	Low Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Low Density Neighborhood
SURROUNDING ZONING	
North:	Park Forest District (Planned Development)
South:	Low Density Residential District (Planned Development)
East:	Low Density Residential District (Planned Development)
West:	Low Density Residential District (Planned Development)
PUBLIC UTILITIES	Chapel Valley water/ Rapid Canyon sewer
DATE OF APPLICATION	July 25, 2014
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to reduce side yard setbacks be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required side yard setback for the proposed two-story living space addition from 12 feet to 5 feet provided that the structure be fire sprinkler protected throughout or a no-build easement be obtained from the adjacent property owner to the southwest;
2. All applicable provisions of the adopted International Fire Code shall continually be met;
3. A Building Permit shall be obtained prior to any structural construction and final approval of the Building Permit shall be obtained prior to occupancy;

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4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment; and,
5. The Major Amendment to a Planned Development shall allow for a single-family dwelling. Any uses permitted in the Low Density Residential District in compliance with the minimum requirements of the Zoning Ordinance shall require a Building Permit. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment.

GENERAL COMMENTS:

The applicant has requested a Major Amendment to the Planned Development to reduce the minimum required side yard setback for a two-story structure from 12 feet to five feet. Currently, an approximately 2,356 square foot single-family dwelling is located on the property. The applicant is proposing to construct a 450 square foot attached garage, a 240 square foot deck and a two-story 924 square foot living space addition. The property was annexed into the City in 1978 and zoned Low Density Residential District with a Planned Development (File #PD1978). The existing five foot side yard setback is not in compliance with the current Zoning Ordinance. The applicant is proposing to continue the existing five foot side yard setback for the living space addition.

The property is located approximately 354 feet west of the intersection of Powderhorn Drive and Steamboat Circle. The back yard of the property abuts Red Rock Canyon Road. There is an existing single-family dwelling located on the property.

STAFF REVIEW:

Staff has reviewed the request for a Major Amendment to the Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is approximately 14,375 square feet in size and is a double frontage lot abutting Steamboat Circle on the south and Red Rock Canyon Road on the north. There is an existing single-family dwelling located on the property that was constructed in Pennington County prior to annexation into the City. The existing structure has a footprint of approximately 2,356 square feet. The applicant is proposing to construct an attached garage approximately 450 square feet in size, a back deck approximately 240 square feet in size, and a two-story living space addition approximately 924 square feet in size. The applicant is proposing to extend the existing five foot side yard setback from the adjacent property to the southwest for the living space addition and is requesting a reduction in the minimum required side yard setback for a two-story structure from 12 feet to 5 feet.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

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The single-family dwelling was constructed in Pennington County prior to annexation into the City in 1978. The five foot side yard setback to the existing structure is non-conforming with the current Zoning Ordinance. The applicant is proposing to construct a two-story addition onto the existing structure extending the 5 foot side yard setback. As such, the applicant is requesting a reduction in the minimum required side yard setback from 12 feet to 5 feet.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

The applicant is requesting an Exception to reduce the minimum required side yard setback from 12 feet to 5 feet for a building addition; which is the setback to the existing structure as well. The dwelling located on the adjacent property is approximately 100 feet away. However, a detached accessory structure could be constructed on the adjacent property with an 8 foot side yard setback leaving 13 feet between structures. The Rapid City Fire Department has indicated that in order to support the reduction in the side yard setback, the applicant must either fire sprinkler protect the existing structure and proposed additions or obtain a 15 foot wide no-build easement from the adjacent property in order to maintain a minimum 20 foot separation between structures on the adjacent property. As such, staff recommends that the Exception be granted provided that the structure be fire sprinkler protected throughout or a no-build easement be obtained from the adjacent property owner to the southwest.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. Chapter 17.10.050 of the Rapid City Municipal Code requires a minimum 12 foot side yard setback for a two story structure. The existing five foot side yard setback is not in compliance with the current Zoning Ordinance. The applicant is requesting a reduction in the minimum required side yard setback from 12 feet to 5 feet for a two-story addition onto the existing single-family dwelling. The intent of the Zoning Ordinance is to provide separation between structures and adjacent properties and rights-of-way. The Rapid City Fire Department has indicated that in order to support the reduction in the side yard setback the applicant must either fire sprinkler protect the existing structure and proposed additions or obtain a 15 foot wide no-build easement from the adjacent property in order to maintain a minimum 20 foot separation between structures on adjacent properties. As such, staff recommends that the Exception be granted provided that the structure be fire sprinkler protected throughout or a no-build easement be obtained from the adjacent property owner to the southwest.

All provisions of the Low Density Residential District must be continually maintained

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unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment. Any uses permitted in the Low Density Residential District in compliance with the minimum requirements of the Zoning Ordinance will require a Building Permit. Any conditional uses in the Low Density Residential District will require a Major Amendment.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The intent of the Zoning Ordinance is to ensure adequate separation between structures and adjacent properties and rights-of-way. The applicant is proposing to extend the existing non-conforming side yard setback for the living space addition. Staff recommends that the Exception be granted provided that the structure be fire sprinkler protected throughout or a no-build easement be obtained from the adjacent property owner to the southwest which should achieve the objectives of the Zoning Ordinance.

Notification Requirements: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the August 21, 2014 Planning Commission meeting if this requirement has not been met.