



# Rapid City Zoning Board of Adjustment Variance Project Report

July 9, 2015

Applicant Request(s)
Case #15VA001, a request to reduce the minimum required side yard setback from 12 feet to 8 feet on the property.
Companion Case(s) # N/A

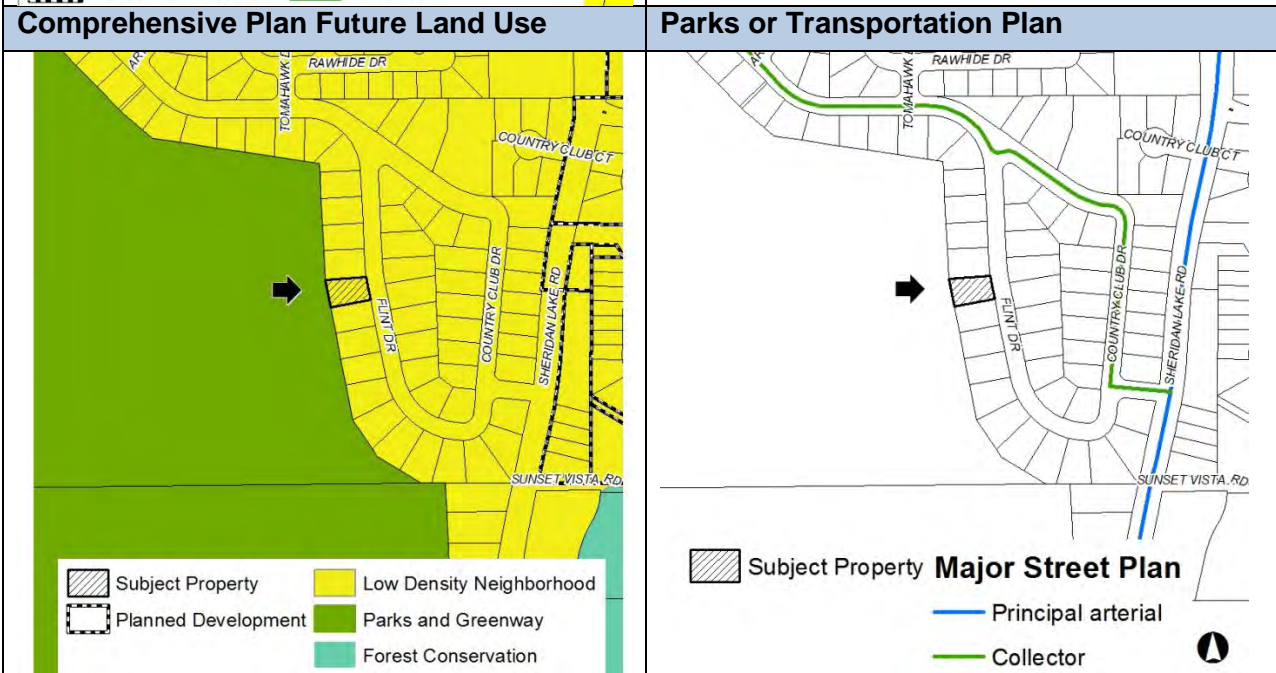
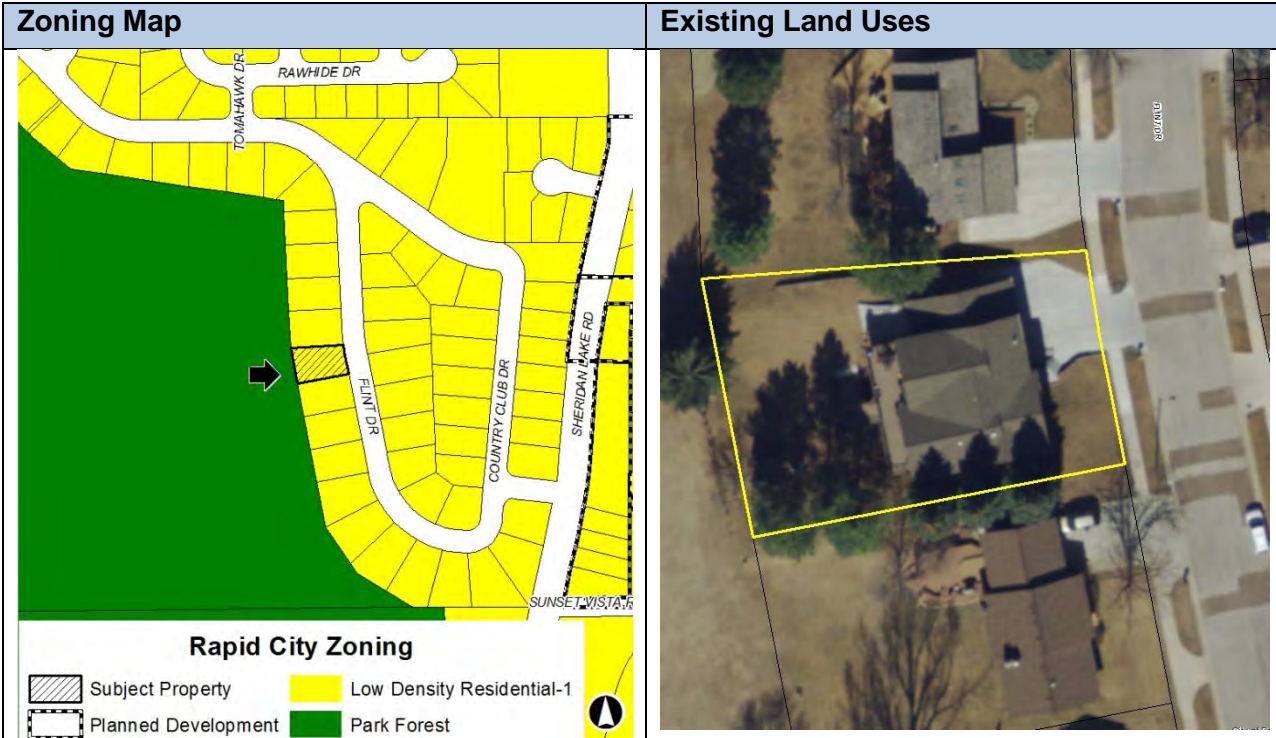
Development Review Team Recommendation(s)
<b>The Development Review Team recommends that the requested Variance be denied.</b>

Project Summary Brief
<p>The applicant has submitted a request to reduce the required side yard setback on property located within the Low Density Residential District from 12 feet to 8 feet. The existing single family detached residence includes an attached three stall garage located on the north side of the structure. The garage is one story tall, requiring a minimum setback of 8 feet from the side lot line. The applicant is proposing to construct an addition to the residence over the existing garage which would result in a two story tall structure located 8 feet from the northern lot line. In the Low Density Residential District, a minimum 12 foot side yard setback is required for two story tall structures. The applicant has requested this Variance to reduce the minimum required side yard setback for a two storied structure in the Low Density Residential District from 12 feet to 8 feet. No other Variances have been requested.</p>

Applicant Information	Development Review Team Contacts
Applicant: Shane Crecelius	Planner: Robert Laroco
Property Owner: Nathaniel and Amy Larson	Engineer: Ted Johnson
Architect: J Scull Construction	Fire District: Tim Behlings
Engineer: Fisk Land Surveying & Consulting Engineers, Inc.	School District: N/A
Surveyor: Fisk Land Surveying & Consulting Engineers, Inc.	Water: Ted Johnson
Other:	Sewer: Ted Johnson

Subject Property Information	
Address	3119 Flint Drive, approximately 410 feet south of the intersection of Country Club Drive and Flint Drive
Neighborhood	Sheridan Lake Road Neighborhood
Subdivision	Country Club Heights Subdivision
Land Area	0.28 ac (12,196.8 sq ft)
Existing Buildings	Single family residence with an existing 3 stall garage
Topography	Generally level
Primary Access	Flint Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	None Identified
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Single family residence
Adjacent North	LDR	LDN	Single family residence
Adjacent South	LDR	LDN	Single family residence
Adjacent East	LDR	LDN	Single family residence
Adjacent West	PFD	PG	Golf course



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

Relevant Zoning District Regulations		
Low Density Residential District	Required	Proposed
Lot Area	Minimum 6,500 sq ft	12,196.8 sq ft
Lot Frontage	Minimum 50 ft at the front building line	Appx 81 ft
Maximum Building Heights	2.5 stories, 35 ft.	2 stories, less than 35 ft
Maximum Density	30%	Appx 27.11%
Minimum Building Setback:		
• Front	20 ft	28 ft
• Rear	25 ft to primary structure/5 ft to accessory structures	Appx 74 ft to primary structure/ appx 5 ft to accessory structure
• Side	12 ft	8 ft
• 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	2.0	Minimum 3 provided
• # of ADA spaces	N/A	N/A
Signage	Pursuant to RCMC	None proposed
Fencing	Pursuant to RCMC	None proposed

Applicant's Justification:	
<p><b>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:</b></p>	
Criteria:	Applicants Response (verbatim):
1. The granting of the variance will not be contrary to the public interest.	This addition will not be any concern with public interest. Nothing out of the ordinary will be built and it will be a short time framed project.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	Due to the zoning ordinance the Larson's will be unable to add the additional two bedrooms to make room for new family members.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	Yes it is understood that the zoning ordinance is placed for unnecessary build purposes, yet the Larson's are out of options to build elsewhere.
4. By granting the variance substantial justice will be done.	Yes the addition will be added without disturbance to the neighbors. The project will be built to city code and without any further zoning issues.

<b>Board of Adjustment Criteria and Findings for Approval</b>	
<b>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:</b>	
<b>Criteria:</b>	<b>Findings:</b>
1. The variance is for a use allowed in the zoning district.	The requested Variance is for an expansion of the existing single family residence. A single family residence is a permitted use in the Low Density Residential District.
<b>Conditions of Approval</b>	
1. Prior to issuance of a building permit, construction plans shall be submitted showing that a residential fire sprinkler protection system is being provided in the garage and the proposed addition. Plans shall also show that the proposed addition is being constructed with approved fire resistant materials and that the window proposed on the eastern portions of the northern wall is being removed	

<b>Board of Adjustment Criteria and Findings for Denial</b>	
<b>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:</b>	
<b>Criteria:</b>	<b>Findings:</b>
1. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property consists of 0.28 acres of property on a generally level, grass covered lot. The property abuts a golf course to the west, but property to the north, east, and south is fully developed with single family residences. The residential structure on property to the north is a two story structure and is located approximately 17 feet from the southern lot line. There are no conditions on the property which do not apply to the district in general.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The property is already developed with a single family residence with a three stall garage. A reasonable use of the land currently exists. There are no conditions on the property which would result in an unnecessary hardship for the applicant if the Variance is not granted.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	Given the size of the property and the available space located to the west of the existing residence, it appears that the existing structure could be remodeled to accommodate the proposed expansion elsewhere on the property while still meeting minimum setback requirements. The proposed Variance does not address an existing limitation on the property, nor is it the minimum adjustment necessary for the use of the land. Granting the Variance does not service substantial justice.
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.	Side yard setbacks exist to provide adequate, safe separation between structures. As the mass of a structure increase due to the addition of stories, the separation between structures must increase in order to maintain adequate separation. The applicant's requested reduction in the side yard setback would allow the mass and scale of the structure to increase without a similar increase in the amount of space between the structures. The result is not in character with the rest of the neighborhood and reduces the perceived amount of open space in a residential neighborhood. The requested Variance is contrary to the public interest and is not in the spirit and intent of the Zoning Ordinance.  The requested Variance does not promote a balanced, priority-driven approach to identifying opportunities for reinvestment and

	<p>infill development opportunities. The residential character of this neighborhood is well-established and is not currently in need of revitalization efforts. The proposed addition will result in a residential structure which is not compatible with adjacent buildings and the character of the surrounding neighborhood. Granting the requested Variance does not support the stated neighborhood goal of conserving natural features and limiting impacts on the natural environment. The increased mass and scale of the resulting building is a reduction in open space.</p> <p>The requested Variance is not in compliance with the City's adopted Comprehensive Plan.</p>
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