

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Rapid City
300 Sixth Street, Rapid City, SD 57701-2724

Phone: (605) 394-4120

Fax: (605) 394-6636

Web: www.rcgov.org

**APPLICATION FOR
A VARIANCE****Written statement describing the proposed and/or intended use and detailing the Variances(s) being requested:**

The Property owner, with assistance from GBA inc. , obtained a variance (# CIVAR14-0012) to construct a 20 lf addition onto the structure at 404 St. Onge street in 2014. GBA inc. obtained a building permit and completed construction of the addition in 2015 (Permit No. CIBP14-0476) . At the conclusion of the construction project it was identified that an error existed in the original drafting and property site plan development and the variance approved did not support a 20 lf addition as indicated on the plans and as constructed.

A mistake was made in the plan development process that was not made evident until completion of construction. We are seeking approval of a Variance and a Vacation of Right of Way to bring the existing building structure into compliance with city ordinance and allow the building owner to occupy their facility. As it exists, the north end of the existing building structure lies 1.9' into the right of way and over the property line.

We will approach the process first with a request for a variance to allow a zero set back on the West Rapid Street Property Boundary. Our intent will be to follow up after approval of a variance with a request to vacate 1.9' ,of the existing 64' Right of Way, located on West Rapid Street. This will allow compliance of the improvements included in the original Building Permit for the project.

Applicant's Justification:

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:

Criteria:	Applicant Response:
1. Granting the Variance is not contrary to the public interest;	<i>Not contrary to public interest:</i> We have verified that no utilities, public or private are located within the land included in the variance request or vacation of right of way request. We have also verified that all adjacent properties in the block are already served by water, sewer, power, gas and communications infrastructure and none of these facilities are located within the lands impacted by the proposed variance or vacation of right of way. The proposed Variance would not prohibit a adjacent property from performing improvements on their site.
2. Special conditions on the property will result in an unnecessary hardship for the applicant;	<i>Special Conditions result in undue hardship for applicant:</i> The structure is existing and serves the need of the building owner, without approval of variance the building size would be reduced to a size not serving the needs of the business at a financial loss not able to be supported.
3. Granting the Variance is in the spirit and intent of the Zoning Ordinance, and;	<i>In the spirit and intent of the ordinance:</i> Granting of this variance will allow adaptation of an existing structure to be compliant with local ordinance. The Owner has made improvements to the property and enhanced the neighborhood and community. The project is compliant with all other ordinance and building code requirements.
4. Granting the Variance will serve substantial justice.	<i>Will Serve substantial justice:</i> In the absence of approval demolition of existing structure will be required causing financial hardship, loss of revenue and decrease the functionality of the business to the point that any growth will require a new location.

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AUG 17 2015