



Rapid City Zoning Board of Adjustment Variance Project Report

November 25, 2015

Applicant Request(s)

Case #15VA005, a Variance request to reduce the minimum required side yard setback from 8 feet to 4 feet for a detached garage as per Chapter 17.10.050(B)2 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 request to reduce the minimum required side yard setback for a detached garage from 8 feet to 4 feet as per Chapter 17.10.050(B)2 of the Rapid City Municipal Code. The applicant is proposing to construct a 24 foot by 24 foot garage on the southeast side of the property. There is an existing dwelling with an attached covered deck and a shed currently located on the property approximately 1,940 square feet in size. Currently, the driveway serves as parking for the dwelling.

Applicant Information

Applicant: Jacob T. Johnson
Property Owner: Jacob T. Johnson
Architect: N/A
Engineer: Davis Engineering Inc.
Surveyor: N/A
Other: N/A

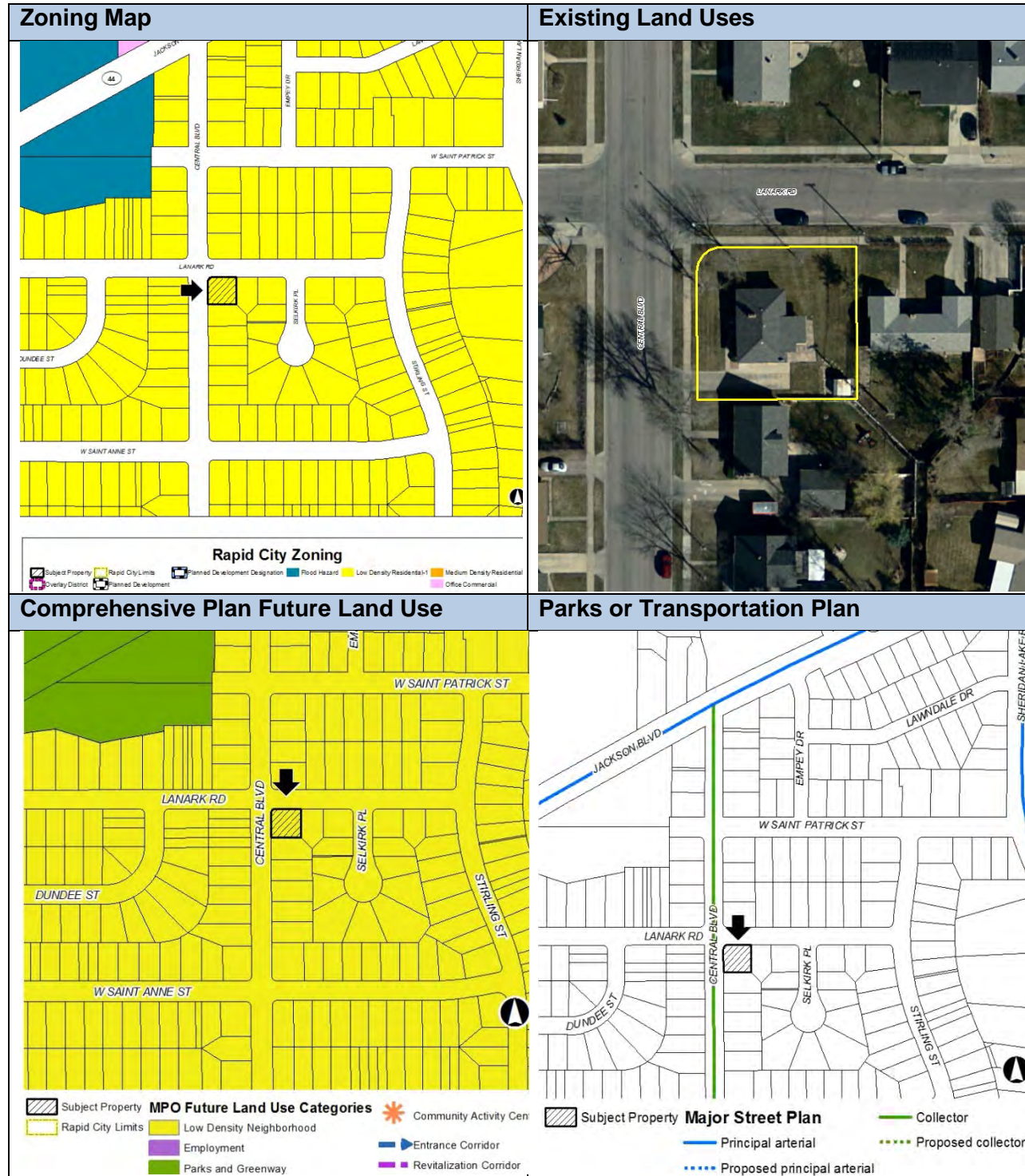
Development Review Team Contacts

Planner: Fletcher Lacock
Engineer: Dan Kools
Fire District: Tim Behlings
School District: N/A
Water: Dan Kools
Sewer: Dan Kools

Subject Property Information

Address	2002 Central Boulevard
Neighborhood	Sheridan Lake Road
Subdivision	Strathavon Addition Revised 1952
Land Area	Approximately 0.2 acres (8,501 square feet)
Existing Buildings	Single family residence
Topography	Generally level
Primary Access	Central Boulevard
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU

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



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

Relevant Zoning District Regulations		
Low Density Residential District	Required	Proposed
Lot Area	6,500 square feet	Approximately 8,501 square feet
Lot Frontage	Minimum 50 feet at the front building line	Approximately 175 feet
Maximum Building Heights	2.5 stories, 35 feet	One story
Maximum Density	30%	23%
Minimum Building Setback:		
• Front	20 feet	26 feet
• Rear	25 feet to primary structure / 5 feet to accessory structures	5 feet to proposed garage
• Side	8 feet	Requesting 4 feet
• Street Side	20 feet	27 feet
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:	
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:	Applicants Response (verbatim):
1. The granting of the variance will not be contrary to the public interest.	The granting of the variance will not be contrary to the public interest because it is a single story garage on private property and will not impact the neighborhood properties.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	The proposed garage needs to be built 4' off the southerly side yard lot line to match the existing driveway. This would allow for two vehicles to access the garage. If built at the 8' setback only one door will be accessible.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	A variance would allow for both garage doors to be accessed by vehicles. Otherwise building at the 8' setback only one vehicle can access the garage.
4. By granting the variance substantial justice will be done.	The owner will get maximum use of the garage by being able to park two vehicles under cover.

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.	The requested Variance is for a detached garage. A single-family dwelling with a detached garage is a permitted use in the Low Density Residential District. Public Works staff has indicated that there are no utility or drainage easements located on the interior lot lines. However, the applicant should be aware that an overhead power line is located along the east property line which may be located in a private easement. The applicant should ensure that any existing or future structures do not encroach into any easements.
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 the following: adequate, safe separation between structures, sufficient open space for the maintenance of side yards and the siding of structures, and adequate open space for light and aesthetics for a neighborhood. Building Inspection staff has indicated that structures within 5 feet of the property line are required to have a one-hour rated fire wall. The adopted Comprehensive Plan identifies the property as suitable for Low Density Neighborhood which identifies reducing the visual prominence of garages as a design principle. The proposed detached garage meets this standard. However, a 20 foot by 24 foot garage could be constructed in the same location and maintain the minimum required 8 foot side yard setback.
Conditions of Approval	
1. Upon submittal of a Building Permit, construction plans shall be submitted identifying a one-hour rated fire wall for the section of the garage located within 5 feet of the property line.	

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. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is approximately 8,501 square feet in size. The minimum required lot size is 6,500 square feet for a single-family dwelling. The applicant is requesting a Variance to reduce the minimum required side yard setback from 8 feet to 4 feet for a proposed 24 foot by 24 foot detached garage. The applicant has indicated that the location of the proposed garage is needed to align with the existing driveway. The applicant could construct a 20 foot by 24 foot detached garage aligned with the driveway and comply with all setback requirements.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	There is an existing one story single-family dwelling located on the property. As noted above, the property is in compliance with the minimum lot size requirement. A 20 foot by 24 foot detached garage could be constructed in the rear yard and comply with all setback requirements. Reasonable use of the land does exist with the single-family dwelling.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The applicant is proposing to construct a 24 foot by 24 foot detached garage on the southeast side of the property. The applicant could construct a 20 foot by 24 foot garage in the same location and comply with the minimum required 8 foot side yard

	setback. The requested Variance is not the minimum adjustment necessary for the reasonable use of the land. Reasonable use of the land exists.
--	--

Summary of Findings	
<p>The applicant has submitted a Variance request to allow a 4 foot side yard setback in lieu of the minimum required 8 foot side yard setback for a proposed 24 foot by 24 foot detached garage located on the southeast side of the property. The location of the proposed garage reduces the visual prominence of the garage as a design principle in keeping with the Comprehensive Plan. The applicant has indicated that the location of the proposed garage aligns with the existing driveway. However, the applicant could construct a 20 foot by 24 foot garage and meet the minimum required 8 foot side yard setback while maintaining alignment with the driveway. Reasonable use of the land exists with the single-family dwelling and the driveway currently used for parking. A detached garage measuring 20 feet by 24 feet would allow the applicant covered parking and maintain the minimum required setback. Staff recommends that the Variance request be denied. The applicant should be aware that there is an existing overhead power line located along the east property line and may be located in a private utility easement. The applicant should ensure that any existing or proposed structures do not encroach into any private easements.</p>	