



Rapid City Zoning Board of Adjustment

Variance Project Report

January 7, 2016

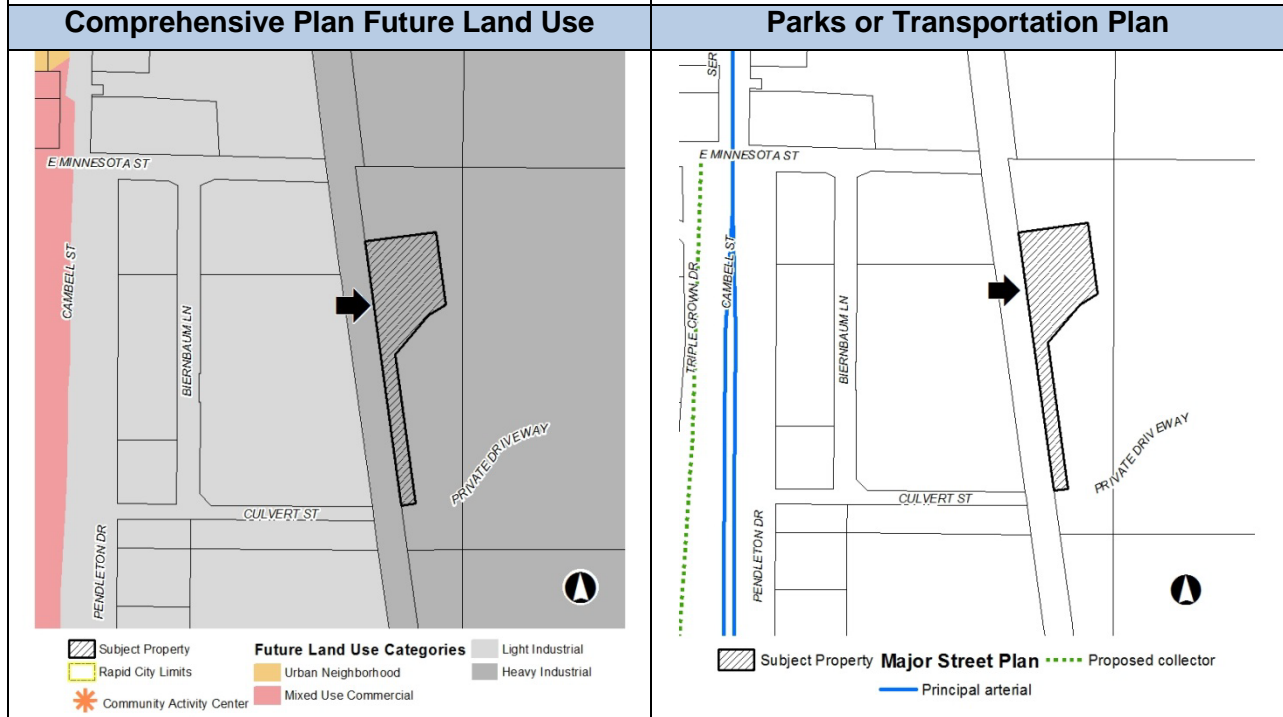
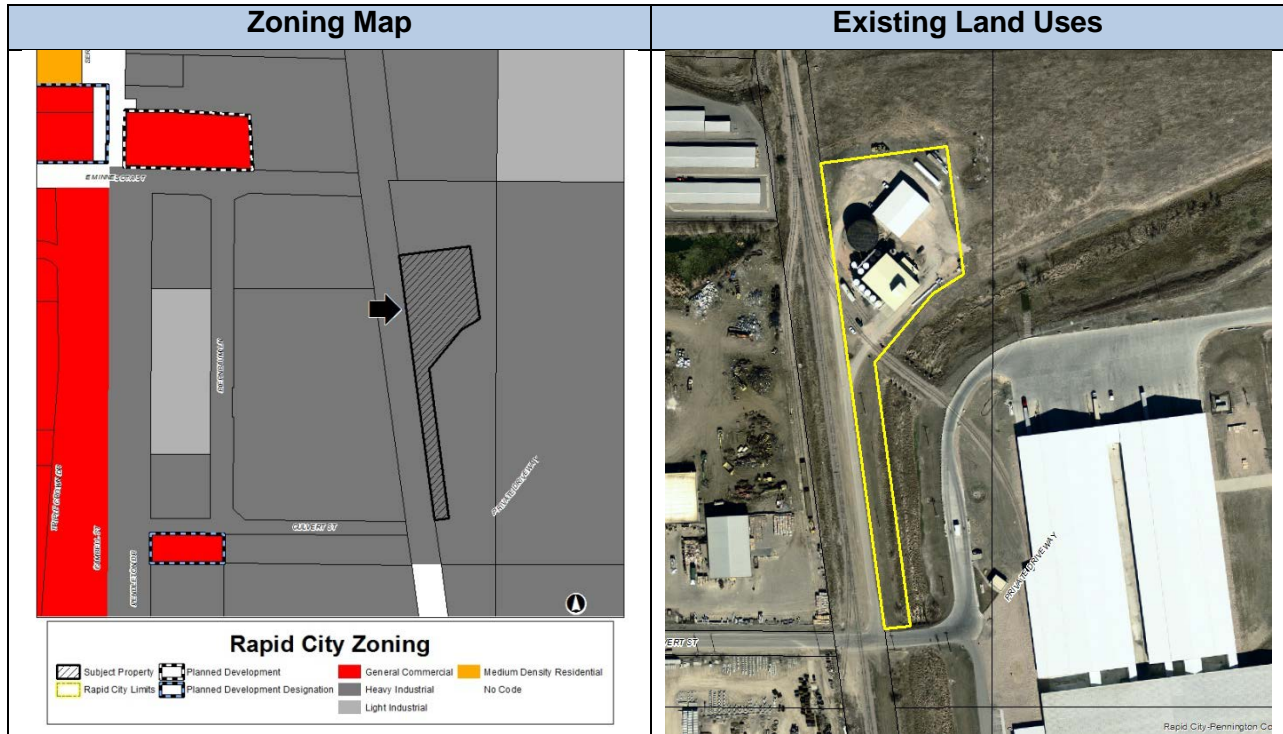
Applicant Request(s)
Case #15VA006, a Variance request to temporarily waive the requirement to pave circulation and parking
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the request to temporarily waive the requirement to pave circulation and parking be approved with the stipulations noted below.

Project Summary Brief	
<p>The applicant has submitted a request for a Variance to Chapter 17.50.270.G.1(3) of the Rapid City Municipal Code to temporarily waive the requirement to pave circulation and parking for the existing chemical manufacturing facility. In 2014 the applicant obtained a building permit for expansion of a warehouse and office for the development located at 1654 Culvert Road. The permit application identified that all parking and circulation on the site would be paved. The temporary Certificate of Occupancy expired on October 28, 2015 without the completion of portions of the necessary paving. Building Services has noted that a bond in the amount of \$8,000 is currently being held for the paving. The applicant has indicated a willingness to complete the paving once asphalt plants reopen. Until such time, Building Services does not have the authority to waive the required paving on a temporary basis and the property owner cannot obtain a Certificate of Occupancy for the property. As such, the applicant has requested this Variance to temporarily waive the requirement to pave the circulation and parking on the site in order to allow them to obtain a temporary Certificate of Occupancy. Once asphalt plants reopen, the applicant intends to complete the paving.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Kugler Oil Company	Planner: Robert Laroco
Property Owner: Kugler Oil Company	Engineer: Dan Kools
Architect: None	Fire District: Tim Behlings
Engineer: None	School District: N/A
Surveyor: None	Water: Dan Kools
Other:	Sewer: Dan Kools

Subject Property Information	
Address/Location	1654 Culvert Street, north of the eastern terminus of Culvert Road
Neighborhood	Southeast Connector Neighborhood
Subdivision	D B Western Subdivision
Land Area	2.48 acres, approximately 108,029 square feet.
Existing Buildings	Existing industrial manufacturing and storage
Topography	Level
Primary Access	Culvert Street
Water Provider	Rapid City water
Sewer Provider	Rapid City sewer
Electric/Gas Provider	Black Hills Power/ Montana Dakota Utilities
Floodplain	500 and 100 Year Federally designated floodplain
Other	

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	HI	HI	Existing chemical manufacturing
Adjacent North	HI	HI	No structural development
Adjacent South	HI	HI	Dakota Panel furniture manufacturing
Adjacent East	HI	HI	Dakota Panel furniture manufacturing
Adjacent West	HI	HI	Junk/scrap processing



Relevant Case History			
Case/File#	Date	Request	Action
CIVAR14-0004	3/18/14	Variance to reduce the required side yard setback from 25 ft to 10 ft.	Approved by ZBA
14UR018	9/4/14	Major Amendment to the Conditional Use Permit to allow construction of a warehouse and storage tank	Approved with stipulations by PC

Relevant Zoning District Regulations		
Heavy Industrial District	Required	Proposed
Lot Area	Minimum 1.0 acres	2.48 acres
Lot Frontage	No minimum required	Approximately 50 ft.
Maximum Building Heights	4 stories/45 ft	18 ft.
Maximum Density	80% structures, parking, loading and unloading	12.33 %
Minimum Building Setback:		
• Front	35 ft	>100 ft
• Rear	25 ft	25 ft
• Side	10 ft (per previous Variance)	10 ft
• Street Side	N/A	N/A
Minimum Landscape Requirements:		
• # of landscape points	87,439	87,600
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:		
• # of parking spaces	8	8
• # of ADA spaces	1 van accessible	1 van accessible
Signage	N/A	N/A
Fencing	N/A	N/A

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, <u>the applicant</u> 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.	No.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	No.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	Yes.
4. By granting the variance substantial justice will be done.	Yes.

Board of Adjustment Criteria and Findings for Approval

Should the Board of Adjustment grant the variance temporarily waive the requirement to pave all circulation and parking, 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 to allow the existing chemical manufacturing facility to continue operation. Chemical manufacturing is a permitted use in the Heavy Industrial District.
2.	The variance is the minimum adjustment necessary for the reasonable use of the land.	The applicant has indicated a willingness to pave the site as required once an appointment with asphalt companies can be secured. In addition, the city does currently hold a bond for improvements in the event that the applicant does not complete the paving. It appears a temporary waiver of the requirement to pave the parking until the spring time is the minimum adjustment necessary for the reasonable use of the land.
3.	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 Parking Ordinance exists in order to provide safe, efficient parking and circulation for customers and employees on commercial and industrial sites. However, given the very limited number of customers visiting this site and that employee parking is already paved, it appears that the impacts of temporarily waiving the requirement to pave portions of the circulation will have minimal impact on the neighborhood and the public welfare. However, the required paving should be completed by the end of the 2016 construction season. In addition, surety should be maintained through the end of the season to ensure that the required paving is completed.
5.	Granting the Variance is not contrary to the public interest.	Granting the Variance will allow the existing facility to obtain a temporary Certificate of Occupancy and continue operations while resulting in minimal impact to the neighborhood and the City at large. Granting the Variance is not contrary to the public interest.
6.	Special conditions on the property result in an unnecessary hardship	Due to limitation on the times of year for operation of asphalt plants combined with a high demand, the applicant was unable to complete the required paving within this paving season. The Building Official may not issue another temporary Certificate of Occupancy until the required paving is completed. Special conditions do exist which result in an unnecessary hardship for the property.
7.	By granting the Variance, the spirit of the ordinance will be observed.	The applicant is requesting a temporary waiver of the requirement to pave the parking and circulation. Given the intent of the applicant to complete the paving as well as restrictions on available times to pave, granting the Variance does observe the spirit of the Ordinance.
8.	By granting the Variance, substantial justice will be done.	The requested Variance will allow the existing manufacturing plant to obtain a temporary Certificate of Occupancy while waiting for the start of the construction season and the opening of the asphalt plants. Retaining surety for the required paving and imposing an expiration on the Variance will ensure that substantial justice is done.

Board of Adjustment Conditions of Approval	
1.	Prior to issuance of a building permit, the submitted surety shall be updated to expire after November 30, 2016.
2.	The requested Variance shall temporarily waive the requirement to pave all circulation and parking on site through October 31, 2016. This Variance shall expire upon successful completion of all required paving or October 31, 2016, whichever occurs first.

Board of Adjustment Criteria and Findings for Denial		
Should the Board of Adjustment decide to deny the variance to temporarily waive the requirement to pave all circulation and parking on the property 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 level and fully developed within an established heavy industrial park. There are no special circumstances on the property that do not apply generally to the district in general.
2.	The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The Zoning Ordinance requires that all parking and circulation must be paved. However, due to restrictions on the times when asphalt plants can operate, the applicant has not been able to get the paving completed on the property within the timeframe established through the temporary Certificate of Occupancy. As such, the applicant has requested to temporarily waive the requirement to pave the parking and circulation until such time as the asphalt plants reopen in the spring. The application of the Zoning Ordinance does not deny a reasonable use of the land.