



Rapid City Zoning Board of Adjustment Variance Project Report

February 25, 2016

Applicant Request(s)
Case #16VA001, a Variance request to reduce the minimum required front yard setback from 10 feet to 10 inches for a ground sign as per Chapter 17.50.100(B)3 of the Rapid City Municipal Code
Companion Case(s) # N/A

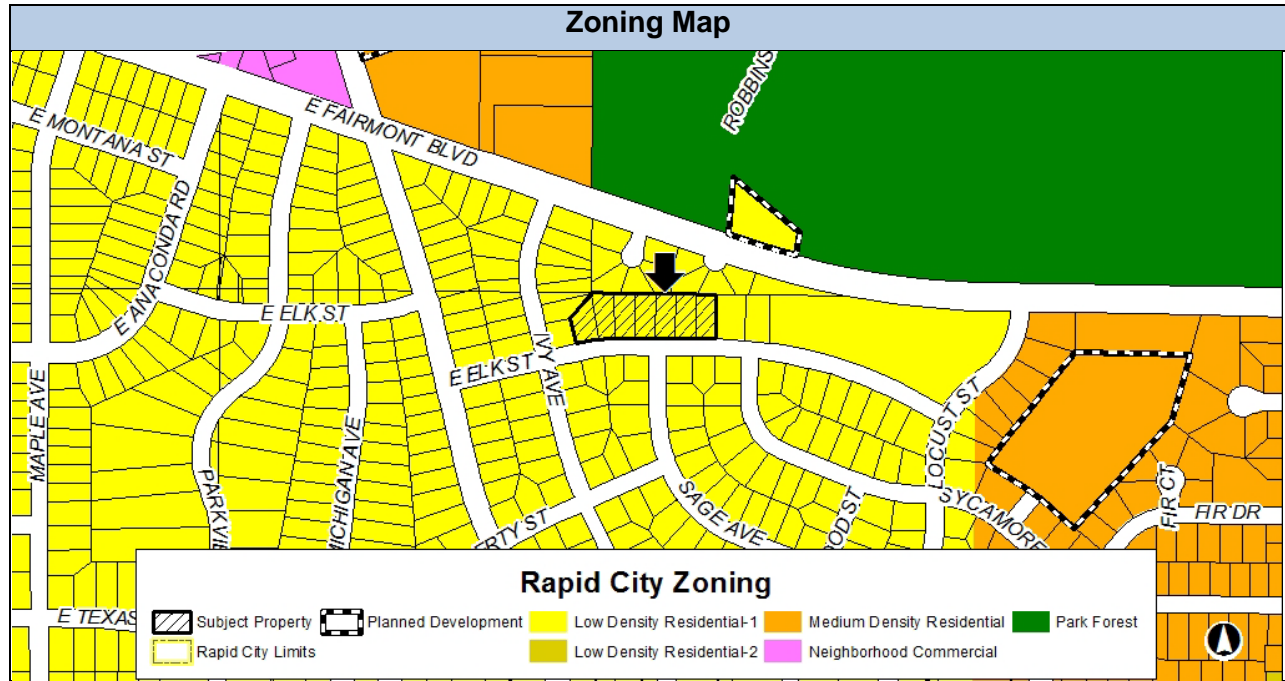
Development Review Team Recommendation(s)
The Development Review Team recommends that the requested Variance be denied.

Project Summary Brief
The applicant has submitted a request to reduce the minimum required front yard setback for a ground sign from 10 feet to 10 inches as per Chapter 17.50.100(B)3 of the Rapid City Municipal Code. The applicant is proposing to erect a ground sign measuring approximately 5 feet wide by 6 feet high on the south side of the property. The proposed sign will read "Black Hills Community Church" with hours of operation and a website name. There is an existing church located on the property.

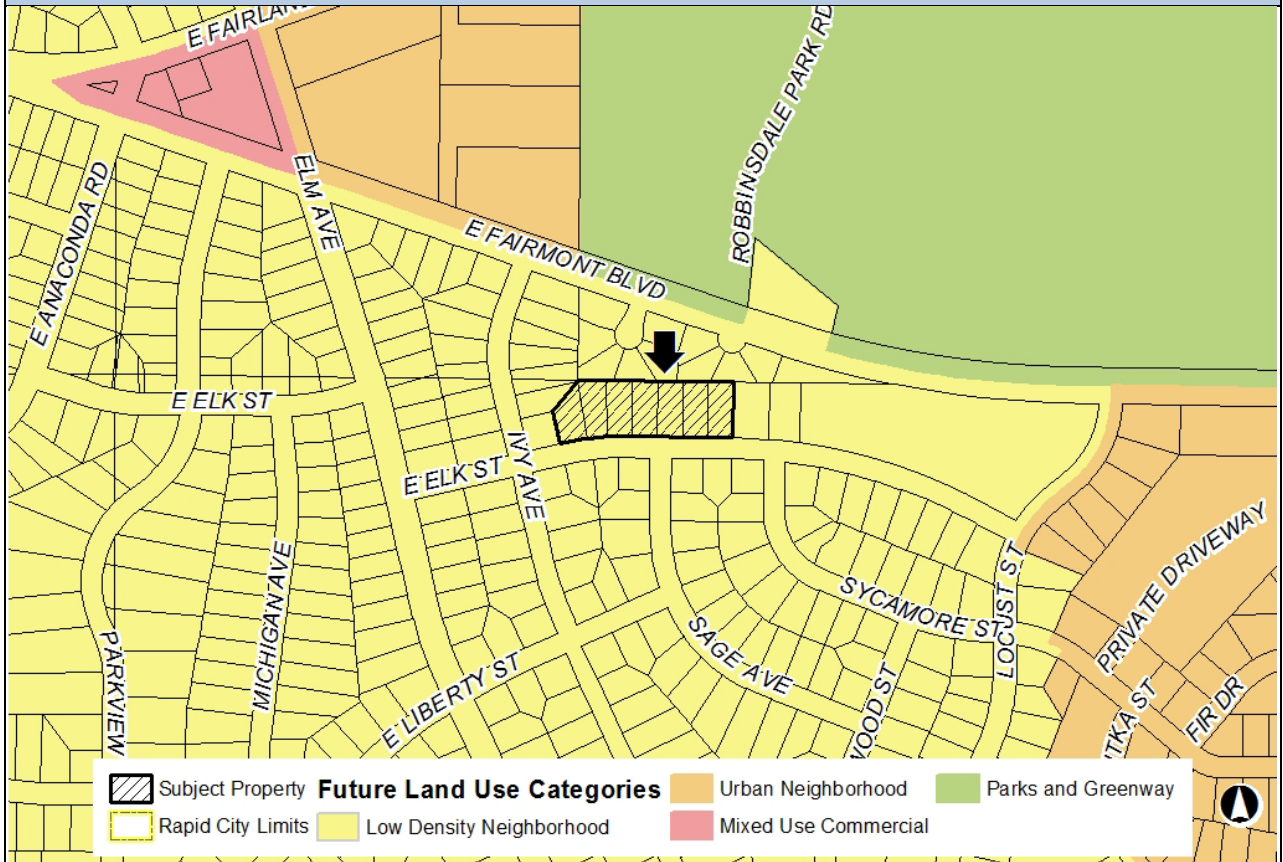
Applicant Information	Development Review Team Contacts
Applicant: Black Hills Community Church Inc.	Planner: Fletcher Lacock
Property Owner: Black Hills Community Church Inc.	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Nicole Lecy
Other: N/A	Sewer: Nicole Lecy

Subject Property Information	
Address	618 East Elk Street
Neighborhood	Downtown Skyline Drive and South Robbinsdale
Subdivision	Robbinsdale #8
Land Area	Approximately 1.74 acres (75,795 square feet)
Existing Buildings	Church
Topography	Slopes downward to east and west from the middle of the property
Primary Access	East Elk Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU

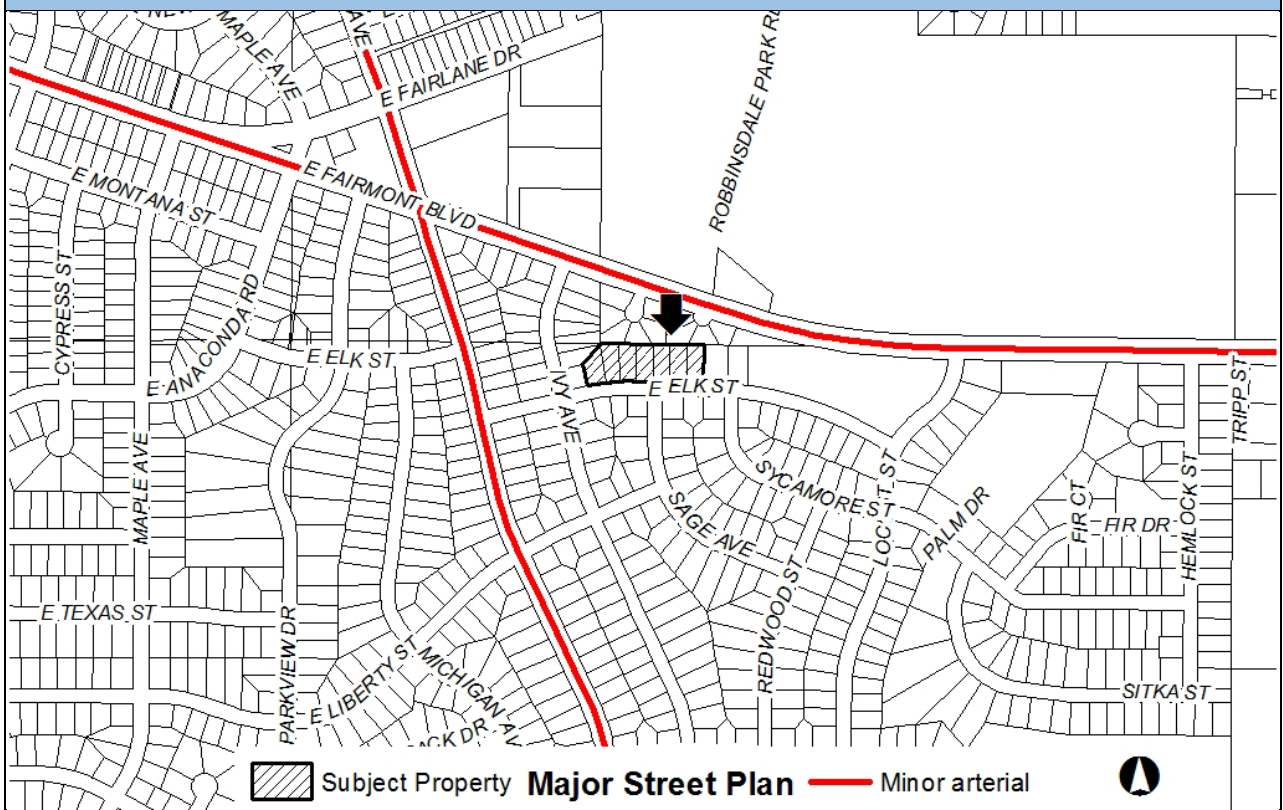
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR	LDN	Church
Adjacent North	LDR	LDN	Single-family dwellings
Adjacent South	LDR	LDN	Single-family dwellings
Adjacent East	LDR	LDN	Single-family dwellings
Adjacent West	LDR	LDN	Single-family dwellings



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
UR148	4/7/1975	Conditional Use Permit to allow a church	City Council approved

Relevant Zoning District Regulations		
Low Density Residential District	Required	Proposed
Lot Area	6,500 square feet	Approximately 75,795 square feet
Lot Frontage	Minimum 50 feet at the front building line	Approximately 488 feet
Maximum Building Heights	2.5 stories, 35 feet	One story
Maximum Density	30%	Existing
Minimum Building Setback:		
• Front	20 feet	Existing
• Rear	25 feet	Existing
• Side	8 feet	Existing
• 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	44	44
• # of ADA spaces	2	2
Signage	Pursuant to RCMC	Requesting a Variance to reduce the front yard setback from 10 feet to 10 inches
Fencing	Pursuant to RCMC	None proposed

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, the applicant 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.	Rapid City Ordinances related to on-premises signs impliedly recognize a public interest in having adequate on-premises ground signs located at public or private institutions, including churches. Such signs serve the public interest by effectively providing information that gives the public helpful knowledge related to an institution's or church's identity. Without the granting of a Variance in this particular situation, no adequate frontage sign could be erected to provide such information due to the existing facility placement (i.e. building and parking area).
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	Literal enforcement of the sign set-back restriction would require any frontage sign at this church to be placed within the existing parking area in such a way as to create a hardship. It would reduce needed off street parking for church gatherings and would likely result in additional use of street-front parking. More importantly, placement of a sign within the parking area would restrict vehicle movement in such a way as to create a possible

	vehicle hazard. The alternative of placing no frontage sign would result in an unnecessary hardship by hindering the provision of helpful community church identifying information.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The spirit of the City's sign ordinances seems to be to promote the use of identifying signs which are helpful to the public, tasteful, and safe. The granting of this Variance would not interfere with the spirit of the City's Zoning Ordinance.
4. By granting the variance substantial justice will be done.	Substantial justice would be promoted by granting the Variance in that a substantial number of private and public on-premises public signs already exist within the City that are located within a 10 foot set-back requirement. This particular sign, which would be located in a predominately residential area, would promote a public interest, as do the other such signs, without creating public harm.

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 ground sign. Public or private institutions, school, nonprofit membership organizations, and philanthropic institutions that are educational, cultural religious or recreational in nature may display on-premises signs.
Conditions of Approval	
1. Upon submittal of a Building Permit, a surveyed site plan shall be submitted showing the 10 inch setback from 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 75,795 square feet in size. There is an existing church approximately 5,984 square feet in size located on the property. The applicant is requesting a Variance to reduce the minimum required front yard setback from 10 feet to 10 inches for a proposed ground sign. The property is large enough that a ground sign could be located outside of the parking lot area without needing the Variance request. A sign on either the east side or the west side of the property would be visible from the street even with the sloping of the property from the center to the east and west.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	There is an existing wall sign located on the church facing East Elk Street. The applicant could construct a sign on either side of the existing church and maintain visibility. Reasonable use of the land does exist with the church .
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The property is over one-acre in size. There is real estate on either side of the existing church in which to locate a sign and meet the 10 foot setback requirement while maintaining visibility from the east and west. The applicant is proposing to locate the sign between two approaches. Though it does not appear that the proposed sign will interfere with sight triangles, any visual obstruction will have negative impact when traffic increases

	during church operations.
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.	The minimum required front yard setback provides open space and separation between structures and adjacent streets. The applicant could propose to construct the sign on either side of the existing church and meet all setbacks. The proposed location of the sign places a visual obstruction between two approach locations. The property is also located in a residential area and a prominent sign is not in keeping with the character of the neighborhood.

Summary of Findings	
<p>The applicant is proposing to construct a ground sign with a 10 inch setback in lieu of the minimum required 10 foot front yard setback. The proposed sign will be located between two approach locations and will be approximately 5 feet wide and 6 feet high. Any obstruction may have a negative impact on traffic especially when church is in session. However, Public Works staff has indicated that the proposed sign will not interfere with sight triangles. The applicant could construct the proposed sign on either side of the existing structure and meet all required setbacks while having visibility from either the east or west. The proposed sign location is not in character with the residential nature of the neighborhood and may be injurious to the public by obstructing visibility. Staff recommends that the requested Variance be denied as reasonable use of the land exists and an alternative location for the proposed sign could be used without needing the Variance.</p>	