



Rapid City Zoning Board of Adjustment Variance Project Report

April 7, 2016

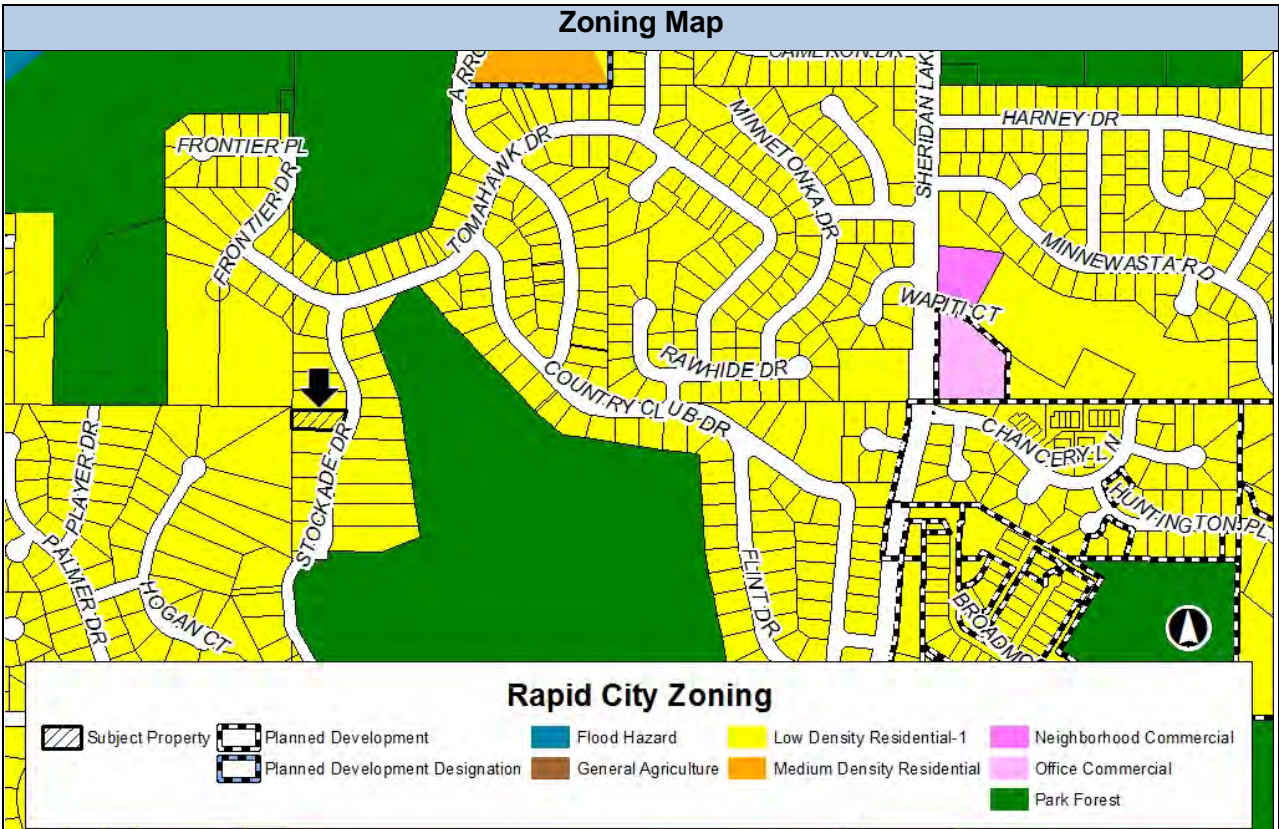
Item #2
Applicant Request(s)
Case #16VA002, a Variance request to reduce the minimum required side yard setback from 12 feet to 7.5 feet as per Chapter 17.10.050(B)1 of the Rapid City Municipal Code
Companion Case(s) # N/A

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

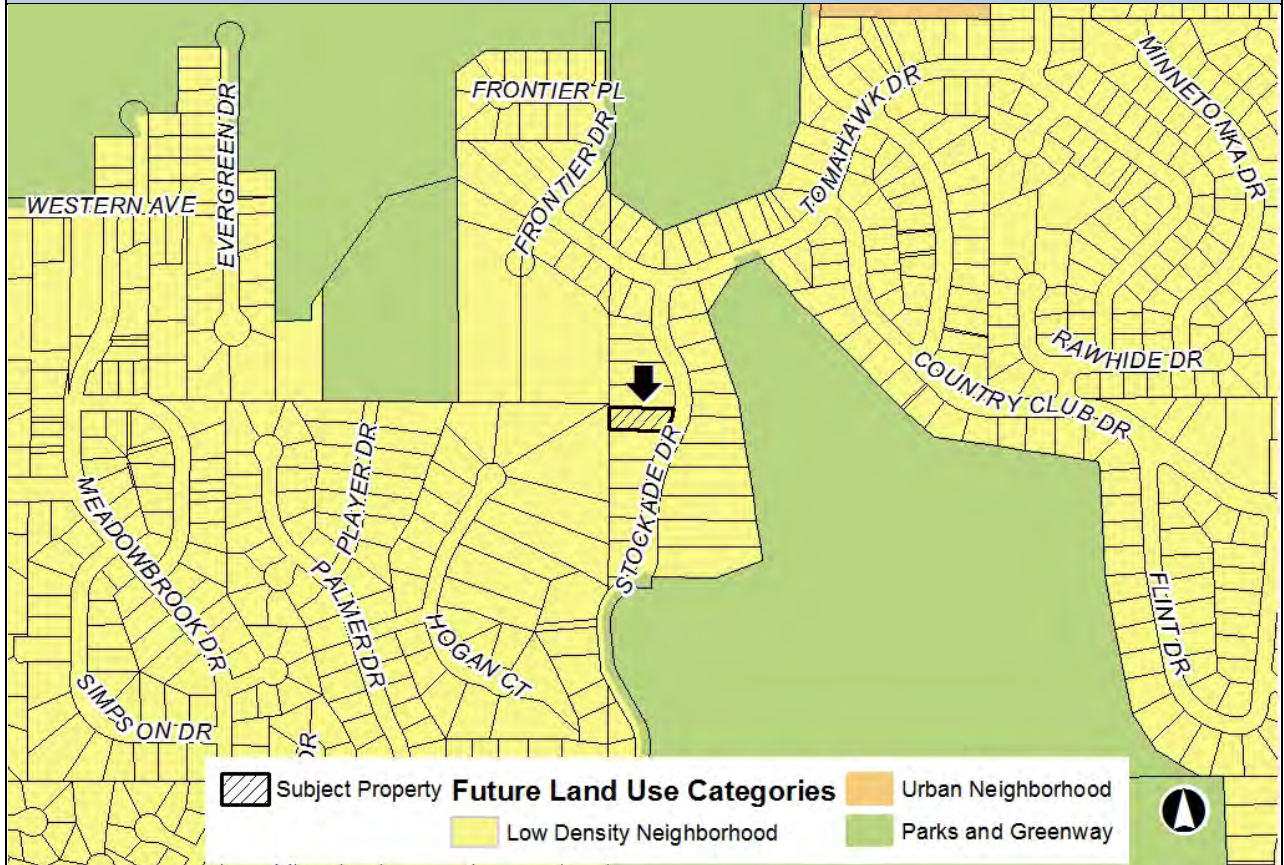
Project Summary Brief	
<p>The applicant has submitted a request to reduce the minimum required side yard setback from 12 feet to 7.5 feet for a two story structure as per Chapter 17.10.050(B)1 of the Rapid City Municipal Code. In particular, the applicant is proposing to construct an addition above the existing garage. The addition will include a walk-in closet and a den. The minimum required setback for a two story structure is 12 feet. The existing two story dwelling is approximately 2,668 square feet in size and has a non-conforming 7.5 foot side yard setback. A Building Permit was issued in 1980 showing an eight foot side yard setback to the garage. The applicant has stated that the proposed addition is for a home occupation, "Black Hills Yoga School".</p>	
Applicant Information	Development Review Team Contacts
Applicant: Michael Huot	Planner: Fletcher Lacock
Property Owner: Michael Huot	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	3001 Stockade Drive
Neighborhood	Sheridan Lake Road
Subdivision	Country Club Heights
Land Area	0.43 acres (approximately 18,730 square feet)
Existing Buildings	Single-family dwelling
Topography	Relatively flat on east side of property / A hill is located on west side of property
Primary Access	Stockade Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

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



Comprehensive Plan Future Land Use



Parks or Transportation Plan



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 18,730 square feet
Lot Frontage	Minimum 50 feet at the front building line	Approximately 84.5 feet
Maximum Building Heights	2.5 stories, 35 feet	Two story
Maximum Density	30%	Approximately 17.8%
Minimum Building Setback:		
• Front	20 feet	25.4 feet
• Rear	25 feet	60.1 feet to an accessory structure
• Side	8 feet	Requesting a Variance to allow a 7.5 foot setback in lieu of 12 feet on the north side of the property / 15.6 foot from the south property line
• 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	2
• # of ADA spaces	"0"	"0"
Signage	Pursuant to RCMC	None proposed
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.	This addition will not be contrary to the public interest. This project will be very low profile, nothing out of the ordinary for the neighborhood and will be done in a short time frame.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	Due to the zoning ordinance the Huot's will be unable to use there property in a reasonable way. Not having space in the home for an in-home office and storage space, to run their small business, has been a hardship for them.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	By granting this variance the spirit of the zoning ordinance will be observed. This is a unique situation in which only a small corner of the current residence is 7.6 feet off the lot line, this is unique because this is one of the few houses, that for looks, is parallel to the street which makes it crooked on the lot putting this small corn the only portion of the addition that would need a variance.
4. By granting the variance	Yes the addition will be added without disturbance to the

substantial justice will be done.	neighbors. The project will be built to city code and without any further zoning issue.
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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.	A single-family dwelling is a permitted use in the Low Density Residential District. However, the Building Permit issued in 1980 identifies that an eight foot side yard setback was being maintained. The existing 7.6 foot side yard setback is non-conforming. The applicant should be aware that a home occupation is a permitted use provided that the criteria of Chapter 17.50.350 of the Rapid City Municipal Code are met.

Conditions of Approval

1. Prior to issuance of a Building Permit, a Home Occupation Certificate shall be submitted to Community Planning demonstrating that the proposed home occupation is in compliance with the criteria as per Chapter 17.50.350 of the Rapid City Municipal Code; and,
2. 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.

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 18,730 square feet in size. There is an existing two story single-family dwelling approximately 3,347 square feet in size located on the property. The applicant is requesting a Variance to reduce the minimum required side yard setback from 12 feet to 7.5 inches for a proposed second story addition. The minimum required side yard setback for a two story structure is twelve feet. The existing structure has a legal non-conforming side yard setback 7.5 feet. Reasonable use of the land exists.
2. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	There is an existing two story single-family dwelling with a legal non-conforming 7.5 foot side yard setback located on the property. Reasonable use of the land exists without constructing the addition above the garage.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	As noted above, there is an existing single-family dwelling with an attached two stall garage located on the property. Reasonable use of the land exists.
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	The Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. The existing two story single-family dwelling has a non-conforming 7.5 foot side yard setback. Chapter 17.10.050(B)1 of the Rapid City Municipal Code requires a 12 foot side yard setback for a two story dwelling. A Building Permit was issued in 1980 identifying an eight foot side yard setback. The intent of the Zoning Ordinance is to provide separation between structures on adjacent properties to maintain

comprehensive plan for development.	residential character and open space. The requested Variance is not in harmony with the Comprehensive Plan.
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Summary of Findings

The applicant is requesting a Variance to construct a second story addition onto an existing two story single-family dwelling with an existing legal non-conforming setback. The existing setback is non-conforming at 7.5 feet. A Building Permit was issued in 1980 identifying an eight foot side yard setback. Chapter 17.10.050(B)1 of the Rapid City Municipal Code requires a minimum 12 foot side yard setback for a two story structure. The existing single-family dwelling with an attached two stall garage is reasonable use of the land. The requested Variance is not in harmony with the Comprehensive Plan. Staff recommends that the Variance request be denied for the proposed expansion. Since the existing structure has a non-conforming side yard setback, staff recommends that a Variance be granted to allow a 7.5 foot side yard setback for the existing structure.