



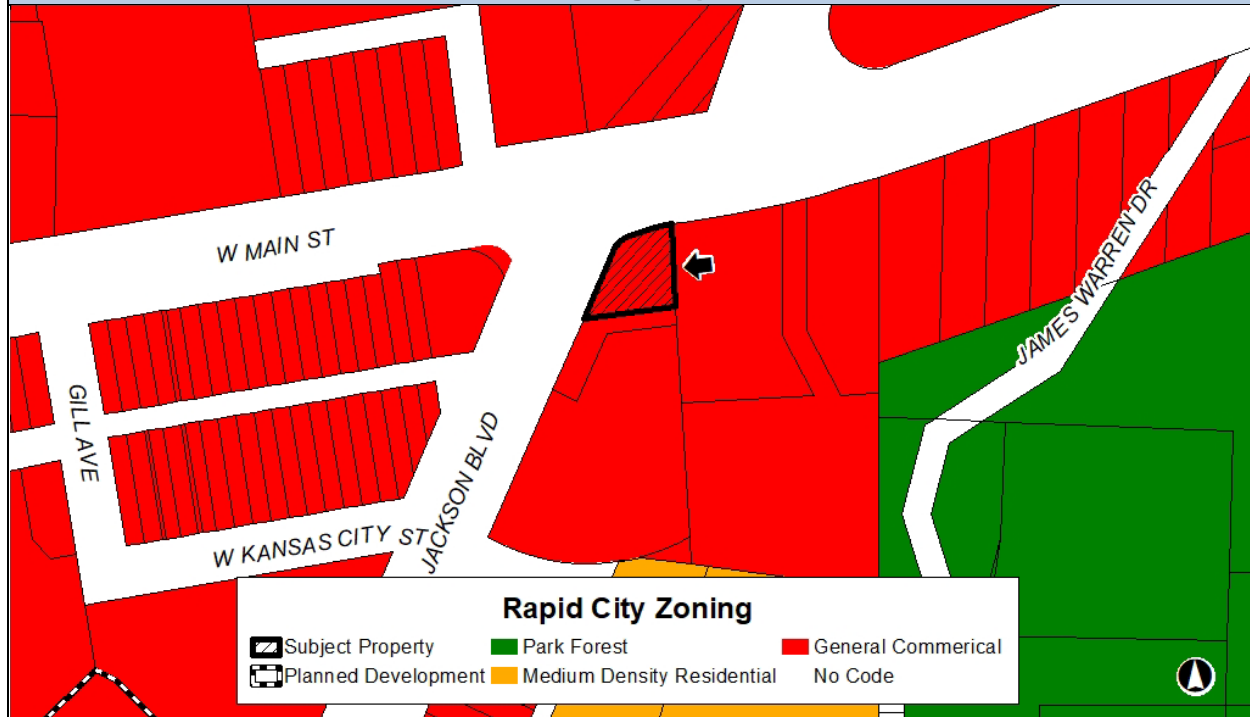
Rapid City Zoning Board of Adjustment Variance Project Report

May 7, 2020

Item #1	
Applicant Request(s)	
Case #20VA002, a Variance request to reduce the required off-street parking from 26 spaces to 5 spaces for a retail store	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Variance request to reduce the required off-street parking from 26 spaces to 5 spaces for a retail store with stipulations as noted below.	
Project Summary Brief	
The applicant has submitted a Variance request to reduce the required off-street parking from 26 spaces to 5 spaces for a home design store for the property located at 1739 West Main Street. The subject property is zoned General Commercial District and is approximately 0.16 acres in size. Specifically, the applicant has requested to reduce the parking requirement for "At Home Design", a home design consulting store that will offer consulting services to select clients. The applicant has indicated that business will be conducted by appointment only and that it will only be staffed by three employees at any given time. The applicant's site plan identifies five parking spaces that span two adjacent parcels located southwest of the subject property that are all under the same ownership. The applicant will be required to enter into a Developmental Lot Agreement and a Parking and Access Covenant Agreement to legally utilize the proposed parking spaces if the Variance is approved.	
Applicant Information	Development Review Team Contacts
Applicant: At Home Design	Planner: John Green
Property Owner: Shaver-Nielsen Properties Limited	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Todd Peckosh
Other: Shannon Brinker	Sewer: Tod Peckosh
Subject Property Information	
Address/Location	1739 West Main Street
Neighborhood	West Rapid Neighborhood Area
Subdivision	Shaver Tract
Land Area	0.16 acres or 6,970 square feet
Existing Buildings	10,378 square feet (basement included)
Topography	Relatively flat
Access	Jackson Boulevard
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Retail/Office
Adjacent North	GC	MUC	Retail/Office
Adjacent South	GC	MUC	Retail/Office
Adjacent East	GC	MUC	Retail/Office
Adjacent West	GC	MUC	Retail/Office

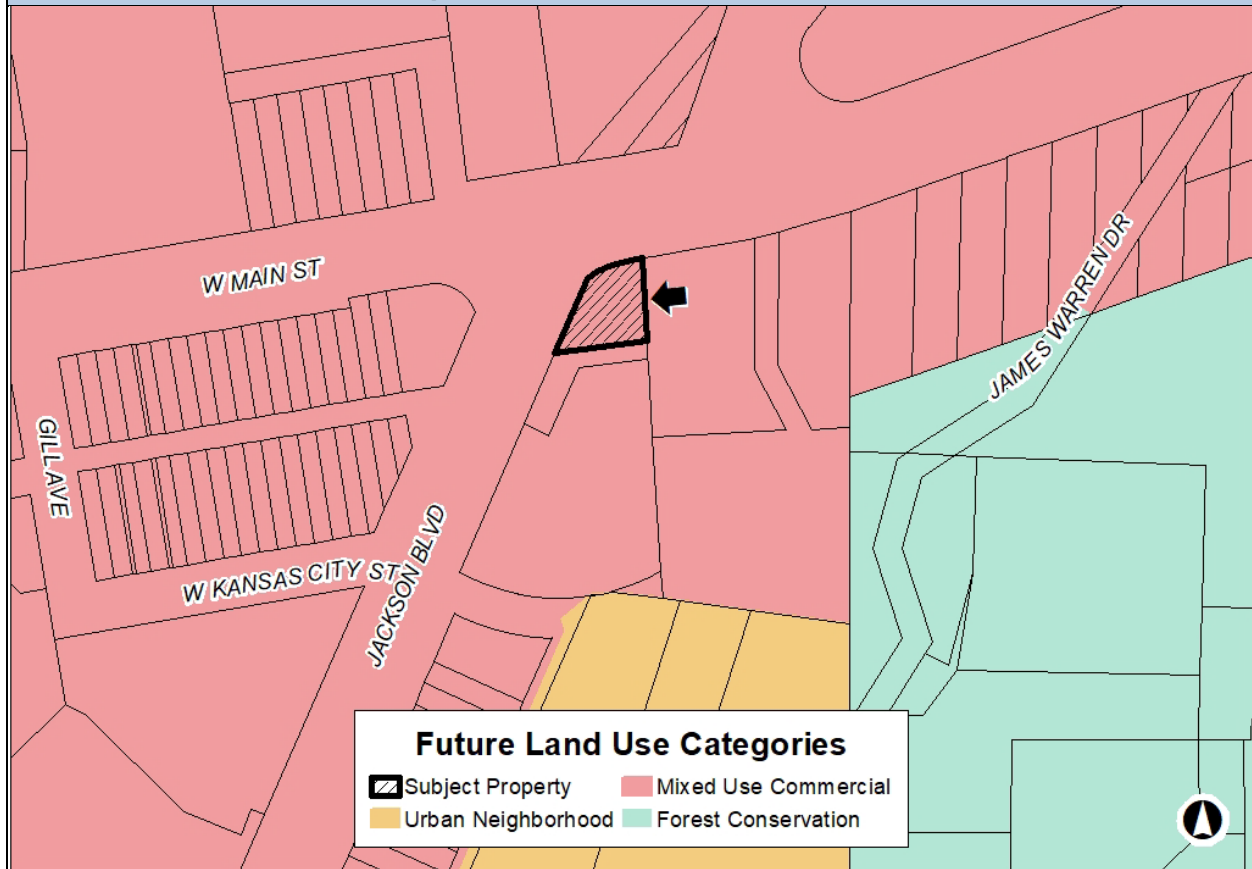
Zoning Map



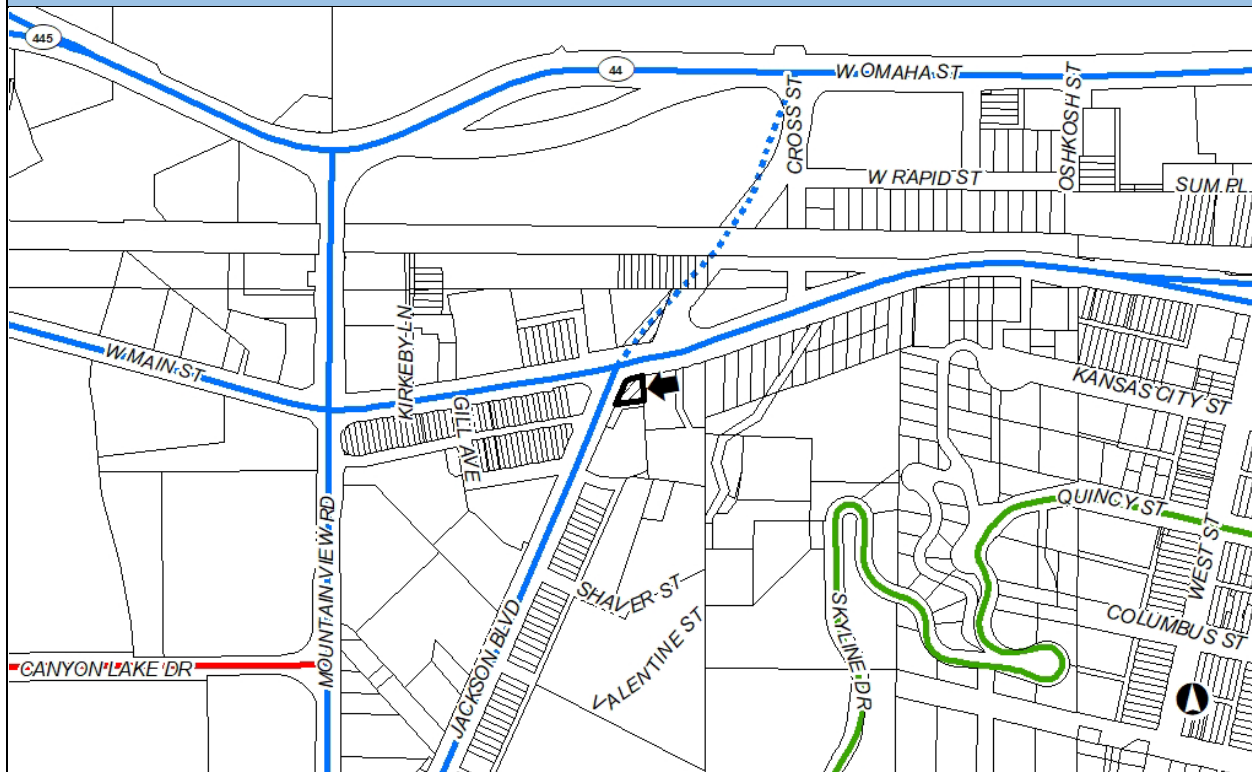
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

Subject Property
 Collector
 Minor arterial
 Principal arterial
 Proposed principal arterial

Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
General Commercial District		Required	Proposed/Existing
Lot Area		N/A	0.16 acres or 6,970 square feet
Lot Frontage		N/A	Approximately 149.3 feet
Maximum Building Heights		4 stories or 45 feet	1 story
Maximum Density		75%	74.4%
Minimum Building Setback:			
• Front		25 feet	10 feet (Legal Non-conforming)
• Rear		0 feet	0 feet
• Side		0 feet	0 feet
• Street Side		25 feet	0 feet (Legal Non-conforming)
Minimum Landscape Requirements:			
• # of landscape points		1784 points	0 points (Legal Non-conforming)
• # of landscape islands		1 per 50 spaces	N/A
Minimum Parking Requirements:			
• # of parking spaces		26 spaces	Requesting a Variance to allow 5 spaces in lieu of 26 spaces required
• # of ADA spaces		2 spaces (1 ADA “Van Accessible” space)	0 legal spaces
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.		This building is at the corner of W. Main and Jackson Blvd. The owner and tenants will improve the interior and exterior of the property. This is a highly visible corner and having improvement will enhance the look of the entire area. It will also be a benefit to the adjacent property owners because it will improve the area’s image.	
2. There are special conditions attached to the property that do not generally apply to other properties in the district.		This property had parking spaces taken away when the road was widened. This was out of the owner’s control but has impacted greatly the number of parking spaces.	
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship.		There is no way to add additional parking spaces. Without a parking variance the building will not have any use or value.	
4. By granting the variance contrary to the provisions of this title, the spirit of this title will be observed; and		The city wants a vibrant and attractive retail climate. This allows a property In a highly visible location to serve a vital function in the community and to enhance and improve the value of adjacent properties. The property has also been attracting vagrants and vandals because it has been vacant.	

5. By granting the variance substantial justice will be done.	In the past, this building had adequate parking, but because the land was taken from this lot to widen the streets the property owner is in this situation through no fault of their own.
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Board of Adjustment Criteria and Findings for Approval	
Should the Board of Adjustment grant the Variance for minimum lot size, the following criteria, findings, and conditions of approval would be applicable:	
Criteria:	Findings:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The subject property is approximately 0.16 acres in size and is zoned General Commercial District. Currently, the lot is occupied by a 5,186 square-foot building footprint, which leaves a very limited amount of space for off-street parking. The subject property is legal non-conforming as to parking, landscaping, and the setback requirement along Jackson Boulevard. However, since the use of the building has changed from a lower intensity use to a higher intensity office use, the property was required to come into compliance with off-street parking requirements prior to issuance of a Building Permit. Currently, there are no legal parking spaces located on the subject property itself and only five spaces present on the two adjacent parcels southwest of the subject property which are also under the same ownership as the subject property. Based on the proposed use and square footage of the building, a minimum of 26 off-street parking spaces are required. The applicant's operational plan identifies that five spaces are sufficient for the proposed use. Denial of the Variance would deny reasonable use of the land.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	There are no legal parking spaces that exist on the subject property and there is not sufficient land area or access onto Jackson Boulevard or West Main to create additional parking. The five proposed spaces are located on the adjacent two properties southwest of the subject property and will meet the applicant's needs for the proposed use contingent upon a Developmental Lot Agreement being secured. Specifically, the applicant has indicated that the business will be staffed by a maximum of three employees and that it will operate by appointment only for design consulting, limiting the number of people utilizing the parking at any given time. As such, the requested Variance is the minimum adjustment necessary to provide reasonable use of the land.
Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment decide to deny the Variance, the following criteria would be applicable:	
Criteria:	Findings:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The subject property is approximately 0.16 acres in size and is zoned General Commercial District. Currently, the lot is occupied by a 5,186 square-foot building footprint, which leaves a very limited amount of space for off-street parking. The subject property is legal non-conforming as to parking, landscaping, and the setback requirement along Jackson Boulevard. However, since the use of the building has changed from a lower intensity use to a higher intensity office use, the property was required to come into compliance with off-street parking requirements prior to issuance of a Building Permit. Currently, there are no legal parking spaces located on the subject property itself and only five spaces present on the two adjacent parcels southwest of the subject property which are also under the same ownership as the subject property. Based on the proposed use and square footage

	of the building, a minimum of 26 off-street parking spaces are required. The applicant's operational plan identifies that five spaces are sufficient for the proposed use. Denial of the Variance would deny reasonable use of the land.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.)	The subject property is located at the intersection of Jackson Boulevard and West Main Street. Additional parking previously existed along the frontage of the building adjacent to Jackson Boulevard, but was removed in order for the street to be widened, limiting the number of parking spaces available to the business.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	There are no legal parking spaces that exist on the subject property and there is not sufficient land area or access onto Jackson Boulevard or West Main to create additional parking. The five proposed spaces are located on the adjacent two properties southwest of the subject property and will meet the applicant's needs for the proposed use contingent upon a Developmental Lot Agreement being secured. Specifically, the applicant has indicated that the business will be staffed by a maximum of three employees and that it will operate by appointment only for design consulting, limiting the number of people utilizing the parking at any given time. As such, the requested Variance is the minimum adjustment necessary to provide reasonable use of the land.
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 proposed Variance is in harmony with the intent of the zoning ordinance and goals outlined in the Comprehensive Plan for redevelopment. Additionally, it does not appear to be injurious to the neighborhood or harmful to adjacent properties if operated in compliance with the submitted operations plan.
Summary of Findings	
The applicant has submitted a Variance request to reduce the required off-street parking spaces from 26 spaces to 5 spaces for a home design consulting business. Currently, there are no legal parking spaces located on the subject property and reasonable use of the land for commercial purposes is not possible without a Variance to utilize the five parking spaces located on the adjacent two properties that are under the same ownership as the subject property. The applicant has indicated that the existing five spaces will adequately serve their needs. However, due to concerns regarding access to the building and the potential for future tenants to cause a parking shortage on the property, staff is recommending approval of the Variance request specific to the "At Home Design" operations plan. As such, if a future tenant occupies the space and cannot legally utilize the five existing parking spaces available pursuant to requirements set forth in Section 17.50.270 of the Rapid City Municipal Code, a new Variance will be required. Therefore, to provide reasonable use of the land, staff recommends that the Variance request to reduce the required off-street parking spaces from 26 spaces to 5 spaces be approved with stipulations.	
Staff Recommendation	
Staff recommends that the Variance request to reduce the required off-street parking spaces from 26 spaces to 5 spaces be approved with the following stipulations:	
1.	Prior to issuance of a Building Permit, a Developmental Lot Agreement and Parking and Access Covenant Agreement between Lot 39 Less H-1, Lot A of Lot 40, and Lot 40 Less Lot A of Lot 40 shall be entered into and recorded and a copy of the recorded document shall be submitted with the Building Permit application, or the property shall be re-platted;
2.	Prior to issuance of a Building Permit, the site plan shall be redesigned to show a

	minimum of 1 ADA "Van Accessible" space located within the parking identified on the site plan. The ADA "Van Accessible" space shall be designed in compliance with ADA standards, including a minimum 8-foot wide access aisle located on the passenger side of the vehicle; and,
3.	The requested Variance shall be applicable to the operations plan of "At Home Design" as submitted with this application. Any change in the operations plan or change in tenant shall require the review and approval of a separate Variance prior to issuance of a Building Permit.