

STAFF REPORT

July 5, 2001

No. 01UR020 - Use on Review to allow a garage in excess of 1000 square feet **ITEM 27**

GENERAL INFORMATION:

PETITIONER	Lawrence Lynde
REQUEST	No. 01UR020 - Use on Review to allow a garage in excess of 1000 square feet
LEGAL DESCRIPTION	Lot 8, Block 9, Cloverdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	.27
LOCATION	2210 Hoefer Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use on Review to allow a garage in excess of 1000 square feet be **approved with the following stipulations:**

Building Inspection Division Recommendations:

1. A building permit shall be obtained prior to any construction and a Certificate of Completion shall be obtained prior to occupancy;

Urban Planning Division Recommendations:

2. A statement declaring that the garage cannot be used for commercial purposes must be signed by the property owner and filed with the Register of Deeds prior to issuance of a building permit;
3. Prior to City Council approval, the applicant shall provide elevation drawings of the garage;
4. Prior to issuance of a Building Permit, the applicant shall provide a landscaping plan that identifies sufficient landscaping to buffer the property to the east
5. That the garage shall be constructed of the same materials and the same color(s) as the existing residence; and,
6. That no plumbing shall be allowed in the garage.

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GENERAL COMMENTS: **This Staff Report has been revised. New or revised text is shown in bold print.** The applicant is requesting Use on Review approval to construct a 24 foot by 40 foot addition to the existing 18 foot by 24 foot garage. The total area of the garage will be 1,392 square feet. The site plan submitted shows the 960 square foot addition will extend to the east into the rear yard of the subject property. The existing garage was constructed in 1967 and is located 5 feet from the north side lot line. The site plan shows that the north wall of the garage addition will extend to the east along the same line as the north wall of the existing garage. A Use on Review is required when the cumulative square footage of all garages and/or carports exceeds 1,000 square feet or exceeds 30% the size of the gross floor area of the dwelling unit, whichever is greater.

STAFF REVIEW: Staff has reviewed this request with respect to the five criteria established in Section 17.12.030:

1) That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood.

The provision of siding, shingles and a pitched roof identical to the existing residence will ensure that the garage will be consistent with the residential character of the property and the surrounding neighborhood.

2) That the proposed garage shall be used only for residential purposes incidental to the principal use of the property.

The applicant has indicated that the intended use of this garage is for a personal hobby shop and storage of vehicles. **However, a neighboring property owner has indicated to staff that the applicant has performed auto repair in the existing garage. Staff has explained to the applicant that home occupations are not allowed in residential garages. The applicant has verified that he is willing to sign a statement declaring that the garage will not be used for commercial purposes. The statement declaring that the garage cannot be used for commercial purposes will need to be signed by the petitioner and filed at the Pennington County Courthouse prior to the issuance of a building permit.**

3) That landscaping or fencing may be required to screen the garage from neighboring properties.

The existing garage and the garage addition when completed will be located five feet from the side lot line. Currently a wooden fence screens the existing garage from the neighboring property. Staff is concerned with the potential impact the large garage addition in such close proximity to the side lot line will have on the neighboring property. Therefore staff is requesting that the applicant provide a site plan indicating the distance to the nearest neighboring structure. This information and the required drainage information will also allow the Engineering staff to more fully address the impacts of the proposed

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building construction on the site drainage. **The applicant has submitted the requested drainage and site information. The Engineering Division reviewed the drainage information and has approved the applicant's design.**

4) That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage.

As previously mentioned, the existing garage is located five feet from the north side lot line and three feet into the required side yard setback. However, this structure was constructed prior the adoption of the Zoning Ordinance requiring eight foot side setbacks in the Low Density Residential District. The Municipal Code allows the expansion of legally nonconforming properties provided that the expansion does not further encroach into the required setback beyond the building line established by the existing building. The site plan submitted by the applicant shows that the north side of the proposed garage will not encroach further into the side yard setback and that the proposed garage will meet all other building setback requirements.

The applicant has indicated that the garage will have the same type and color of siding as the existing garage and residence and that the pitch of the garage roof will be the same as the existing garage. However the applicant has not submitted elevation drawings. Staff is requesting that the applicant provide elevation drawings to verify that the proposed garage addition will be in keeping with the residential character of the neighborhood.

5) That the applicant shall file a notice with the Register of Deeds indicating that the garage only be used for residential purposes.

Staff will ensure that this notice is filed prior to the building permit being issued for the structure.

Staff has also reviewed this Use on Review request with respect to all other applicable requirements and has noted the following concerns:

Drainage: The Engineering Staff has expressed concern that storm water drainage from the proposed garage will impact the adjacent property. Therefore, the applicant must submit a drainage plan for review and approval by the Engineering Staff. **As mentioned previously the requested drainage information has been received and reviewed by the Engineering Division.**

Size: Staff has concerns with the size of garage the applicant is proposing. **As mentioned previously, when complete the total square footage of garage space on the property will be 1,392 square feet while the square footage of the dwelling is 1,272 square feet. However, the proposed garage addition will be constructed behind the existing garage and should have a minimal visual impact on the surrounding properties with exception to the properties to the north and east. The applicant has indicated that a screening fence will be constructed between the**

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proposed garage and the property to the north and that existing landscaping provides a buffer between the property to the east and the proposed garage. Staff is concerned that the existing trees may not provide a sufficient buffer or that some of the landscaping may be removed during construction of the garage. Therefore, Staff is recommending that prior to issuance of a Building Permit, the applicant provide a landscaping plan that identifies sufficient landscaping to buffer the property to the east. Further, the applicant has provided a detailed drainage study and plan to mitigate any storm water drainage concerns. Therefore, staff is recommending approval of this Use On Review request to allow a garage in excess of 1000 square feet.

As of this writing, documentation of completion of the certified mailing has submitted by the petitioner. The required Use On Review sign has been posted on the property.