

STAFF REPORT

February 21, 2002

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**No. 01PD061 - Major Amendment to a Planned Residential Development to allow a 0' front yard setback for the existing deck from the east property line, to allow a 4 foot front yard setback for the existing residence from the east property line, to allow a 1 foot front yard setback for the proposed garage from the east property line, to allow a 6 foot front yard setback for the proposed garage from the north property line, to allow a 16.3 foot front yard setback for the existing residence from the west property line, to allow a 12.4 foot rear yard setback for the existing residence from the south property line and to allow for 32.5% lot coverage**

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**ITEM 21**

GENERAL INFORMATION:

PETITIONER	Patrick D. Coady
REQUEST	No. 01PD061 - Major Amendment to a Planned Residential Development to allow a 0' front yard setback for the existing deck from the east property line, to allow a 4' front yard setback for the existing residence from the east property line, to allow a 1' front yard setback for the proposed garage from the east property line, to allow a 6' front yard setback for the proposed garage from the north property line, to allow a 16.3' front yard setback for the existing residence from the west property line, to allow a 12.4' rear yard setback for the existing residence from the south property line and to allow for 32.5% log coverage
EXISTING LEGAL DESCRIPTION	Lot 2P, Block 2, Chapel Lane Village, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately .12 acres
LOCATION	3054 Lodgepole Place
EXISTING ZONING	Low Density Residential District (PRD)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District (PRD)
East:	Low Density Residential District (PRD)
West:	Low Density Residential District

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PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/14/2001
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be continued to the March 7, 2002 Planning Commission meeting to allow time for completion of the required mailing.

GENERAL COMMENTS:

The applicant is seeking approval of this Major Amendment to a Planned Residential Development in order to obtain a building permit to construct a 12 foot by 20 foot addition to the north side of the existing residence located on the subject property. In addition, approval of the Major Amendment will bring the existing building into compliance with the requirements of the Low Density Residential Zoning District. A plat of the subject property was filed with the Register of Deeds in December, 1972. This plat identified all the streets and open space as common area and noted that all the common area identified on the plat was to be used for utilities, surface drainage and access. The subject property is bounded on the west by Morningside Drive, the east by Lodgepole Place and the north by common area. Based on the fact that the plat identified that the common area was to be used for access, the subject property has three front yards and one rear yard.

A Building Permit was issued by the Pennington County Planning and Zoning Department for the construction of a single family dwelling on the subject property on June 16, 1976. The site plan that was submitted with the Building Permit request in 1976 noted that the northeast corner of the building would be setback from the east property line five feet and the southeast corner would be setback 18 feet from the east property line. The site plan also shows a ten foot by twelve foot deck attached to the west side of the residence.

On April 4, 1978 the City of Rapid City annexed the Chapel Lane Village and Chapel Valley Subdivision. The Chapel Village Subdivision was zoned Low Density Residential with a Planned Residential Development overlay on June 19, 1978. It is unclear when but at some time another deck was add to the east side of the residence. Staff was unable to locate records indicating that either the City of Rapid City Building Inspection Department or Pennington County Planning and Zoning issued a building permit for the deck attached to

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the east side of the residence. The applicant has indicated that the site survey showed that the deck on the east side of the residence was constructed across the property line and encroaches into the adjacent common area.

In October, 2001 the applicant obtained a Building Permit to remodel a portion of the existing residence and construct a twelve foot by seventeen foot eight inch addition to the north side of the residence, a permit to work in the right of way and a Building Permit to construct a driveway approach from Morningside Road. The site plan submitted with the Building Permit request showed that the addition would be constructed eight feet from the east property line and approximately 25 feet from the north property line. At the time these permits were issued staff did not recognize that the common area was designated for access and required a minimum setback of 25 feet. Further, staff was not aware that a portion of the structure actually encroached into the common area. Therefore, based on the determination that all property lines adjacent to common area are front property lines, the Building Permit for the addition was issued in error.

STAFF REVIEW: The required mailing to all property owners within the Chapel Village Planned Residential Development has not been completed; therefore, staff is recommending that the Major Amendment be continued to the March 7, 2002 Planning Commission meeting.