

STAFF REPORT

November 9, 2000

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**UOR #00UR033 - Use on Review to allow a private residential garage and accessory structures in excess of 1,000 square feet**

**ITEM 6**

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GENERAL INFORMATION:

PETITIONER	Jeff's Construction for Bob & Tina Mysliweic
REQUEST	<b>UOR #00UR033 - Use on Review to allow a private residential garage and accessory structures in excess of 1,000 square feet</b>
LEGAL DESCRIPTION	Lot 23, Block 4 of Springbrook Acres, located in the SE1/4 of SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.18 Acres
LOCATION	2611 Mountain Meadow Road
EXISTING ZONING	Low Density Residential
SURROUNDING ZONING	
North:	Low Density Residential
South:	Mobile Home Residential
East:	Low Density Residential
West:	Low Density Residential
PUBLIC UTILITIES	City Sewer and Water
REPORT BY	Bill Lass

RECOMMENDATION: **Staff recommends that the Use on Review to allow a private residential garage and accessory structures in excess of 1,000 square feet be approved with the following stipulations:**

**Building Inspection Division Recommendations:**

- 1. Prior to construction, the petitioner shall obtain a Building Permit;**
- 2. Prior to building occupancy, the petitioner shall obtain a Certificate of Occupancy;**

**Urban Planning Division Recommendations:**

- 3. The maximum height of the garage shall be fifteen feet as defined by the Zoning Ordinance;**

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4. **Prior to issuance of a building permit, the petitioner shall have filed the notice with the Pennington County Register of Deeds indicating that the garage will only be used for residential purposes;**
5. **No plumbing shall be permitted in the new garage;**
6. **Approval of this Use on Review shall expire if the use for which it was granted has ceased for a period of two years or more, or if the use as approved has not been completed within two years of approval of the Use on Review;**

**Engineering Division Recommendations:**

7. **Prior to approval of this request by the Planning Commission, the petitioner shall have identified the location of the existing on-site wastewater disposal system to ensure that no conflicts exist between the location of the garage and the septic system; and,**
8. **Upon issuance of the Building Permit, applicable Arrowhead Drainage Basin Fees shall be paid.**

**GENERAL COMMENTS: This Staff Report has been revised as of October 31, 2000. New or revised text is identified in bold print.** The applicants **originally** submitted this Use on Review application to construct a detached twenty-four foot square garage near the rear of their lot in Springbrook Acres. There is an existing 574 square foot attached garage currently located on the property. The addition of the new detached garage will result in **excess of 1,000 square feet** for all garages and outbuildings. **The Zoning Ordinance allows a maximum of 1,000 square feet of garages, carports, or outbuildings as a Permitted Use while over 1,000 square feet is allowed only as a Use on Review.**

The applicant has indicated that the garage will be used initially for long-term storage of a vehicle plus storage of other lawn equipment and residential items. Long-term, the applicant has expressed an interest in parking a motor home within the garage structure.

**This Use on Review request was continued at the October 5 and October 26, 2000 Planning Commission meetings because the petitioners were in the process of developing a new site plan. The revised site plan now submitted by the petitioners proposes to move the garage further to the north on the lot and extend the existing driveway part way to the garage in order to meet all Fire Department requirements for emergency access to the building. The revised site plan also has increased the size of the proposed garage from 576 square feet to 720 square feet.**

**STAFF REVIEW: Staff has reviewed this request and has noted the following issues. A complete itemization of all applicable stipulations is found in the Staff Recommendation portion of this Staff Report.**

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**Residential Use:** The Zoning Ordinance requires that all private residential garages be accessory to the residential use of the property. Staff has discussed this matter with the petitioners who have indicated that they intend to use the garage only for storage of vehicles and other equipment accessory to their home. To ensure that the garage is not used as a residence, Staff is recommending the standard stipulation that no plumbing be permitted in the garage. Also, the petitioners will be required to sign and file the standard notice with the Register of Deeds indicating that the garage cannot be used for any business purposes.

**Location of Septic System:** The Engineering Division has noted that prior to Planning Commission approval of this Use on Review, the petitioner needs to identify the location of the existing septic tank and drainfield to ensure that the new garage does not encroach into these utilities.

The required Use on Review sign has been posted on the property and the receipts from the certified mailing have been returned. **Staff has received three verbal inquiries regarding this request, however, no opposition was stated. Also, one letter has been received (enclosed). Also, one area property owner testified before the Planning Commission on October 5, 2000 and expressed concerns with the garage proposal.**