

STAFF REPORT

June 21, 2001

No. 01UR020 - Use on Review to allow a garage in excess of 1000 square feet **ITEM 5**

GENERAL INFORMATION:

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| 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 continued to the **July 5, 2001** Planning Commission meeting to allow the applicant time to submit additional required information.

GENERAL COMMENTS: 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:

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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. As discussed below, a 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 building construction on the site drainage.

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.

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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 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.