

STAFF REPORT

April 4, 2002

No. 02UR004 - Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet

ITEM 23

GENERAL INFORMATION:

PETITIONER	Craig Dahlke
REQUEST	No. 02UR004 - Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet
EXISTING LEGAL DESCRIPTION	Lot 3, Block 1 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .15 acres
LOCATION	310 Kinney Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	02/20/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Conditional Use Permit to allow a private garage in excess of the allowable maximum cumulative size of 1,000 square feet be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, provide site, grading and drainage plans;
2. Prior to issuance of a Building Permit, provide retaining wall construction plans prepared by a Professional Engineer;
3. Obtain a right-of-way work permit prior to any work in the right-of-way;

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Building Inspection Department Recommendations:

4. Prior to any construction, the applicant shall obtain a Building Permit;

Urban Planning Division Recommendations:

5. No plumbing shall be allowed in the garage;
6. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and,
7. That the garage shall be constructed of the same materials and painted the same color as the residence.

GENERAL COMMENTS: The applicant is requesting a Conditional Use Permit for an oversized garage at 310 Kinney Avenue. The subject property is zoned Medium Density Residential Zoning District. The proposed garage will be over 1000 square feet in area requiring a Conditional Use Permit.

The applicant would like to remove an existing two car garage on site, and replace it with a three car garage with an upper level recreation room and storage area. The upper level would not have sewer or water facilities. The floor of the existing garage is located four and a half feet about street level. The proposed garage site would be excavated down to the street level. The applicant's property fronts Kinney Street and 32nd Street, so the applicant must conform to front yard setbacks on both streets. The applicant has submitted site plans and elevation drawings, as well as information on the types of building materials that will be used for the garage.

The applicant requested variances from the Zoning Board of Adjustment for three items: 1) A garage height of 19 feet 7 inches which exceeds the required 15 feet 0 inches, 2) Front yard setback of 10 feet 6 inches from the required 25 foot setback, and 3) Lot coverage exceeding the 30% requirement for main and accessory building. The applicant received the approval for the garage height as requested. The front yard setback request was approved for 12 feet 6 inches rather than the requested 10 feet 6 inches. By reducing the setback request by two feet, the lot coverage for the buildings is within the 30% maximum requirement, so the variance for lot coverage was no longer necessary. The applicant has submitted a revised site plan and elevation drawings to show the new variances that were granted by the Zoning Board of Adjustment.

STAFF REVIEW: Staff has reviewed this application with respect to the five criteria established in Section 17.10.03:

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 shingles and siding to match the existing residence will help to maintain

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the residential character of the property as well as alleviate any adverse impacts on the 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 the garage will be to store vehicles on the lower level, and a recreation area including pool table, foosball table, pin-pong table, and game table will be constructed on the upper level. The storage area will be used for seasonal and overflow personal items. This structure will not have water or sewer.

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

The south side of the proposed structure will be sloped and the existing driveway replaced with grass and flowerbeds. There is an existing six foot solid wood fence that drops to a four foot at the sidewalk. The north side ground will be grassed as well. There is a six foot chain link fence surrounding the north side of the neighbor's back yard.

- 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.*

The applicant has submitted an initial site plan and elevation drawings as well as a set of revised site plans and elevation drawings consistent with the conditions attached to the variances granted by the Zoning Board of Adjustment.

- 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 reviewed this Conditional Use Permit request with respect to all other applicable requirements. The applicant is planning to build a 22 ft by 40 ft two story garage, which would be a total of 1760 square feet in size. This is larger than the existing single story residential building, which is 1069 square feet. Staff has concerns regarding the size of the garage, which will be taller by one to three feet than the neighbor's structures and wider by two and one half feet than the residential building on the lot. However, the structures in the vicinity of the subject property are a mixture of one story and two story structures including some apartments. As of this writing, the receipts from the certified mailings have been returned. The Conditional Use sign has been posted on the property. Staff has received one letter from a neighboring property

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owner in support of this proposed garage. Based on the fact that the structure would not be inconsistent with the surrounding neighborhood and the surrounding neighbors have not objected to the proposed garage, Staff is recommending approval with stipulations.