

STAFF REPORT
May 6, 2004

No. 04PD027 - Major Amendment to a Planned Residential Development to reduce the required setbacks **ITEM 12**

GENERAL INFORMATION:

PETITIONER	Ron and Donna Bunnell
REQUEST	No. 04PD027 - Major Amendment to a Planned Residential Development to reduce the required setbacks
EXISTING LEGAL DESCRIPTION	Lot 15P, Block 2, Chapel Lane Village, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .16 acres
LOCATION	3208 Kirkwood
EXISTING ZONING	Low Density Residential District (PRD)
SURROUNDING ZONING	
North:	Low Density Residential District (PRD)
South:	Low Density Residential District (PRD)
East:	Low Density Residential District (PRD)
West:	Low Density Residential District
PUBLIC UTILITIES	Chapel Valley water and City sewer
DATE OF APPLICATION	04/08/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow a two foot front yard setback for the proposed garage, to allow a four foot side yard setback for the proposed garage, to allow a four foot front yard setback for the existing residence and to allow a three foot rear yard setback for the existing residence be approved with the following stipulations:

1. The garage shall be constructed in compliance with the proposed elevations and sided to match the residence;
2. A Building Permit shall be obtained prior to any construction; and
3. A Major Amendment to the Planned Residential Development shall be obtained prior to any further encroachments into the required setbacks.

GENERAL COMMENTS:

The applicant is seeking approval of a Major Amendment to the Chapel Valley Planned Residential Development in order to obtain a building permit to construct a 13 foot X 24 foot

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garage onto the east side of an existing residence located on the subject property.

The subject property is located northern terminus of Kirkwood Drive. Currently, a single family residence with an attached one stall garage is located on the property. The applicant is proposing to construct a second stall onto the existing garage.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Residential Development and has noted the following considerations:

Residence: A Building Permit was issued by the Pennington County Planning Department for the construction of the residence with the attached garage in 1976. On April 4, 1978, the City annexed Chapel Valley Subdivision. The subdivision was subsequently zoned Low Density Residential District with a Planned Residential Development. The existing residence is considered legal nonconforming and, as such, staff is recommending that the front yard setback and the rear yard setback be approved for the existing residence.

Garage: Chapter 17.52 of the Rapid City Municipal Code states that a building with a legal nonconforming setback may be expanded contingent upon the expansion not further encroaching into any required setback beyond the building line established by the existing building or structure. Extending the building line of the existing residence would create a zero foot front yard setback for the proposed garage since the property is located along a cul-de-sac bulb. As such, the applicant's site plan identifies the garage located two feet back from the building line of the residence in order to provide a two foot front yard setback. Chapter 17.52, as noted above, allows the encroachment into the front yard setback since it does not expand the building beyond the established building line and, as such, staff is recommending that the front yard setback be reduced to allow the proposed garage.

Staff has noted that topographic constraints located along the west side of the residence preclude the construction of a garage in this area of the property. The site plan identifies that a pie shaped portion of the garage measuring four feet X 10 feet encroaches into the minimum eight foot side yard setback along the east side of the subject property. The balance of the garage is shown to be located outside of the side yard setback. Topographic contours also identify that the property located directly east of the proposed garage has a significantly higher elevation. In addition, a retaining wall has been constructed on the adjacent property and will serve as a buffer to the proposed garage. As such, staff is recommending that the side yard setback be reduced from eight feet to four feet for that portion of the garage encroaching into the setback. The applicant should be aware that a Major Amendment to the Planned Residential Development must be obtained prior to any further encroachments into the required setbacks. Staff has also noted that even though the retaining wall is not located on the subject property, the applicant must take care when constructing the garage to insure that it does not jeopardize the stability of the retaining wall located on the adjacent property.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the May 6, 2004 Planning Commission meeting if this requirement

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has not been met.