

STAFF REPORT

June 9, 2005

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**No. 05UR007 - Conditional Use Permit to allow the Construction of a Garage in excess of 1500 square feet and in excess of the footprint of the dwelling**

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**ITEM 48**

GENERAL INFORMATION:

PETITIONER	Clay Cline
REQUEST	<b>No. 05UR007 - Conditional Use Permit to allow the Construction of a Garage in excess of 1500 square feet and in excess of the footprint of the dwelling</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Happy Hill Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.883 acres
LOCATION	3350 Sunshine Trail
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	5/11/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of a garage in excess of 1,500 square feet and in excess of the footprint of the dwelling be approved with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained;
2. Prior to Planning Commission approval, elevation drawings of the proposed detached garage shall be submitted to insure architectural compatibility with the existing single family residence located on the subject property;
3. The existing gravel driveway shall be paved with a hard surface for a minimum length of 50 feet from the right-of-way line of Sunshine Trail or a Zoning Variance shall be obtained;
4. Prior to Planning Commission approval, a revised site plan shall be submitted showing the location of the existing private water system and wastewater system to insure appropriate separation from the proposed detached garage is maintained;

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5. The landscaping provided shall be large evergreen trees to ensure that a year round buffer is provided;
6. Prior to Planning Commission approval, a copy of the statement declaring that the garage cannot be used for commercial purposes, signed by the applicant and filed at the Pennington County Courthouse with the Register of Deeds shall be provided; and,
7. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:** The subject property is located at the western terminus of Sunshine Trail which is located on the west side Sheridan Lake Road between Chateaux Ridge Court and Wildwood Drive. The applicant is requesting a Conditional Use Permit to allow an oversized garage on his property. The existing single family residence is 1,008 square feet in size with a 952 square foot attached garage. The applicant is now proposing to construct a 952 square foot detached garage. The square footage of the proposed detached garage plus the square footage of the existing attached garage will total 1,904 square feet which is greater than the footprint of the dwelling unit and larger than the allowed 1,500 square feet for accessory structures. The applicant is requesting approval of a Conditional Use Permit to allow the construction of a garage in excess of 1,500 square feet and larger than the footprint of the dwelling unit.

**STAFF REVIEW:** Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal Code and has noted the following issues:

1. *The proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood.*

The applicant has submitted a copy of the garage contract for the proposed detached garage. The contract includes a materials list and construction details for the proposed building identifying that the proposed detached garage will be one story with tan siding to match the existing residence. The applicant has submitted photographs of the existing residence. However, the applicant has not submitted elevation drawings of the proposed detached garage to insure architectural compatibility with the existing single family residence. As such, staff is recommending that elevation drawings of the proposed detached garage must be submitted to insure architectural compatibility with the existing single family residence located on the subject property prior to Planning Commission approval. This is consistent with the requirements made of applicants for similar over size garage projects.

Staff also noted that Section 17.50.270 (I) requires that the hard surface improvements on driveways must begin at the street or curb line and either extend to the garage or parking slab or a minimum of 50 feet. The existing gravel driveway on the subject property is approximately 775 feet in length. The existing gravel driveway must be paved with a hard surface for a minimum length of 50 feet from the right-of-way line of Sunshine Trail or a

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Zoning Variance must be obtained.

Staff noted that the existing single-family residence located on the subject property is not connected to City water and sewer service. Prior to Planning Commission approval, a revised site plan must be submitted showing the location of the existing private water system and wastewater system to insure appropriate separation is maintained between the proposed detached garage and the private water and wastewater system.

*2. The proposed garage shall be used only for residential purposes incidental to the principle use of the property.*

The applicant has indicated that the garage will be used for parking a personal recreational vehicle and for storage purposes. These uses appear to be incidental to the principle use of the property which is a single-family residence. A statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds prior to Planning Commission approval.

*3. Landscaping or fencing may be required to screen the garage from the neighboring properties.*

The proposed garage addition will be located approximately 14 feet from the north property line and approximately 65 feet from the adjacent single family residence located on the property north of the subject property. The proposed detached garage is in compliance with all building setback requirements. The proposed detached garage will be in direct view from the adjacent properties to the north. To insure that the proposed garage will not have a negative visual impact on the adjacent properties to the north, the applicant is proposing to plant four large trees on the north side of the proposed detached garage. Staff is recommending that the landscaping be large evergreen trees to ensure that a year round buffer is provided.

*4. The applicant submits a site plan with elevation drawings in addition to information on what types of building materials will be used for the garage.*

The applicant has submitted information stating that the proposed garage will have a wood post frame with tan siding, a concrete floor and a reverse gable roof with a 4:12 pitch. However, as previously indicated, no elevation drawings of the proposed detached garage have been submitted. As such, staff is recommending that elevation drawings of the proposed detached garage be submitted to insure architectural compatibility with the existing single family residence located on the subject property prior to Planning Commission approval.

*5. The applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes.*

As per Ordinance 17.10.030 of the Rapid City Municipal Code, the garage may not be used

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for commercial purposes. The City Attorney's Office has prepared a written statement stating that the proposed garage will be used only for residential purposes. However, a copy of the document recorded at the Pennington County Register of Deeds office has not been submitted to City staff. As such, a copy of the statement declaring that the garage cannot be used for commercial purposes, signed by the applicant and filed at the Pennington County Courthouse with the Register of Deeds must be provided prior to Planning Commission approval.

The receipts from the required notification of surrounding property owners have been returned. However, the required sign stating that a Conditional Use Permit has been requested has not been posted on the property. Staff will notify the Planning Commission at the June 9, 2005 Planning Commission meeting if this requirement has not be completed.

Staff recommends approval of the Conditional Use Permit with the above stated stipulations.