

STAFF REPORT
February 23, 2006

No. 06UR002 - Conditional Use Permit to allow an oversized garage in a Medium Density Residential District **ITEM 32**

GENERAL INFORMATION:

PETITIONER	Lon Nygaard
REQUEST	No. 06UR002 - Conditional Use Permit to allow an oversized garage in a Medium Density Residential District
EXISTING LEGAL DESCRIPTION	The East 16.5 feet of Lot 17 and all of Lots 18 and 19, South Park Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .170 acres
LOCATION	240 East Meade Street
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	1/18/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of an oversized garage in a Medium Density Residential District be approved with following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the garage;
2. Prior to issuance of a Building Permit, the applicant must submit an elevation certificate to show the proposed building is not effected by the 100 year storm;
3. Prior to issuance of a Building Permit, 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 Office;
4. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

STAFF REPORT
February 23, 2006

No. 06UR002 - Conditional Use Permit to allow an oversized garage in a Medium Density Residential District **ITEM 32**

GENERAL COMMENTS: The applicant is requesting a Conditional Use Permit to allow the construction of an oversized garage on his property. The subject property is located north of Meade Street between Michigan Avenue and Elm Avenue. In 1957, a Building Permit was issued for the existing house. In 1985 a variance was granted to reduce the side yard setback from 8 feet to 3 feet to allow the construction of an attached garage. The existing single family residence is 912 square feet with a 504 square foot attached garage. The applicant is now proposing to construct an 816 square foot detached garage. The square footage of the proposed detached garage plus the square footage of the existing attached garage will total 1,128 square feet which is in excess of the footprint of the dwelling.

The applicant is requesting approval of a Conditional Use Permit to allow the construction of a garage which exceeds 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 building elevation plans for the proposed addition. It appears that the color and materials proposed for the construction of a proposed garage will be consistent with the existing single family residence located on the subject property.

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 personal vehicles and for storage purposes. These uses appear to be incidental to the principle uses of the property which are residential. As discussed in item number five below, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Courthouse prior to the issuance of a Building Permit.

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

The proposed garage addition will be located approximately 75 feet from the front property line adjacent to East Meade Street. The proposed garage addition will also meet all other building setback requirements. The proposed addition is located next to a neighbor's existing detached garage. Due to the location of the proposed garage addition and the provision that it will be of the same general character of the existing structure, no additional landscaping or fencing will be required to screen the garage from the neighboring properties.

4. The applicant submits a site plan with elevation drawings in addition to information on

STAFF REPORT
February 23, 2006

**No. 06UR002 - Conditional Use Permit to allow an oversized garage
in a Medium Density Residential District**

ITEM 32

what types of building materials will be used for the garage.

As previously noted, the applicant has submitted building elevation plans for the proposed detached garage. Staff noted the garage siding will be hardboard lap siding.

Staff noted that the proposed detached garage shall be constructed of the same general materials and the same color(s) as the existing residence.

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 for commercial purposes. Staff is recommending that 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 Office prior to the issuance of a Building Permit.

As of this writing, the green cards from the required notification of surrounding property owners have not been returned. The sign stating that a Conditional Use Permit has been requested has been posted on the property. Staff will notify the Planning Commission at the February 23, 2006 Planning Commission meeting if the mailing notification requirement has not been completed.

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