

STAFF REPORT
March 23, 2006

No. 06UR004 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District **ITEM 23**

GENERAL INFORMATION:

PETITIONER	Karen Lamb
REQUEST	No. 06UR004 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 17 of Block 2, Vista Hills No. 2 Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.09 acres
LOCATION	5267 Pine Tree Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	private water and sewer
DATE OF APPLICATION	2/21/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of an oversized garage in a Low Density Residential District be approved with the 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. All construction shall comply with the approved plans and elevations;
3. The driveway must be improved with a hard surface and the hard surface must begin at the street or curb line and either extend to the garage or parking slab or a minimum of fifty feet as per Section 17.50.270 (I). The remainder of the driveway shall be an all weather surface;
4. Prior to issuance of a Building Permit, a Wild Fire Hazard Mitigation Plan must be submitted for review and approval;
5. Prior to issuance of a Building Permit, a Covenant Agreement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the

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- Pennington County Register of Deeds Office;
6. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; 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 applicant is requesting a Conditional Use Permit to allow the construction of an oversized garage. The subject property is located north of Wild Wood Drive, south of Skyview Drive and west of Pine Tree Drive. A single family residence with an attached garage exists on the site. The existing single family residence incorporates 1,056 square feet of floor area and the attached garage 648 square feet of floor area. The applicant is now proposing to construct a 1,200 square foot detached garage. The square footage of the proposed detached garage plus the square footage of the existing attached garage will total 1,848 square feet which exceeds the footprint of the dwelling unit and is greater than the allowed 1,500 square feet for an accessory garage.

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 and is in excess of 1,500 square feet.

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 and photos 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 storage purposes. These uses appear to be incidental to the principle uses of the property which is 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 150 feet from the front property line adjacent to Pine Tree Drive. The proposed garage addition will also meet all other building setback requirements. The proposed addition is not located in close proximity to

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any other structures or adjacent properties. The subject property has numerous trees that will act as a screening buffer from the adjacent properties. 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. The Fire Department has indicated that the properties are located within a moderate to high fire hazard area. The applicant must submit a Wild Fire Hazard Mitigation Plan for review and approval prior to issuance of a building permit.

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.

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 Covenant Agreement 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 March 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.