

STAFF REPORT
April 20, 2006

No. 06UR009 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District **ITEM 38**

GENERAL INFORMATION:

PETITIONER	Gary G. Barber for Roger & Janice Knutsen
REQUEST	No. 06UR009 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 2BR of Block 1, Revised of St. Cloud Subdivision of Forest Hills Subdivision, located in the NE1/4 SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.428 acres
LOCATION	1518 Forest Hills 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	City water and sewer
DATE OF APPLICATION	3/22/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

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;
2. Prior to Planning Commission approval the applicant shall submit revised plans for review and approval or obtain a variance to the height regulation of an accessory building;
3. All construction shall comply with the approved plans and elevations;
4. Prior to issuance of a Building Permit, a Wild Fire Hazard Mitigation Plan must be submitted for review and approval;
5. All applicable provisions of the International Fire Code shall be continually met;
6. 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

STAFF REPORT
April 20, 2006

No. 06UR009 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District **ITEM 38**

- Pennington County Register of Deeds Office;
7. The addition shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
 8. 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 on the subject property. The subject property is located north of Forest Drive and west of 12th Street. In 1955, a Building Permit was issued for the existing house and in 1991 a Building Permit was issued for the detached garage. The existing single family residence is 2,380 square feet with a 990 square foot attached garage and a 1,280 square foot detached garage. The applicant is now proposing to construct an addition to the residence and convert the existing attached garage to a garden room and storage. With the addition to the residence the gross floor area of both levels will be 7,728 square feet. The applicant is also proposing to construct an 800 square foot addition to the existing detached garage for RV storage. The square footage of the existing and proposed detached garage plus the square footage of the existing and proposed attached garage will total 4,428 square feet which is 57 percent of the size of the gross floor area of the dwelling unit and is greater than the allowed 30 percent of the size of the gross floor area of the dwelling unit.

The applicant is requesting approval of a Conditional Use Permit to allow the construction of a garage greater than the allowed 30 percent of the size of the gross floor area 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 the proposed addition 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, a garden room 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 Covenant Agreement 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.

STAFF REPORT
April 20, 2006

No. 06UR009 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District **ITEM 38**

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

The proposed garage additions will be located at least 240 feet from the front property line adjacent to Forest Drive. The proposed garage addition will also meet all other building setback requirements. The proposed addition is not located in close proximity to 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 is necessary 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. The Fire Department also stated that fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than 1,500 gpm at 20 psi. If minimum fire flows cannot be met then the house shall be fully fire sprinkled as per the 2003 International Fire Code.

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 addition. Staff noted the types of building materials to be used for the garage were brick, steel horizontal lap siding and asphalt shingles. Staff also noted that the proposed addition to the detached garage is approximately 18 feet in height. Staff noted that Section 17.10.060 of the Rapid City Municipal states that accessory buildings shall not exceed fifteen feet in height. Prior to Planning Commission approval the applicant shall submit revised plans for review and approval or obtain a variance to the height regulation of an accessory building.

Staff noted that the proposed additions 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 April 20, 2006 Planning Commission meeting if the mailing notification requirement has not

STAFF REPORT
April 20, 2006

No. 06UR009 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District **ITEM 38**

be completed.

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