

STAFF REPORT
May 25, 2006

No. 06UR012 - Conditional Use Permit to allow an oversized garage in the Low Density Residential Zoning District **ITEM 37**

GENERAL INFORMATION:

PETITIONER	Jerry Ludeman
REQUEST	No. 06UR012 - Conditional Use Permit to allow an oversized garage in the Low Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 7, Robbinsdale Addition No. 7, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .22 acres
LOCATION	At 3409 Wisconsin Avenue
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 (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/20/2006
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 following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained;
2. 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 Pennington County Register of Deeds Office;
3. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
4. 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

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construction of an oversized garage on his property. The subject property is located west of Wisconsin Avenue between Elk Street and Arizona Avenue. In 1974, a Building Permit was issued for the existing house and attached garage. The existing single family residence is 782 square feet in area with a 384 square foot attached garage. The applicant is now proposing to construct a 576 square foot detached garage. The square footage of the proposed detached garage plus the square footage of the existing attached garage will total 960 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 90 feet from the front property line adjacent to Wisconsin Avenue. The proposed garage addition will also meet all other building setback requirements. 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 what types of building materials will be used for the garage.

As previously noted, the applicant has submitted building elevation plans for the proposed

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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 and the 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 May 25, 2006 Planning Commission meeting if the mailing notification requirement and sign posting has not be completed.

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