

STAFF REPORT
June 7, 2007

No. 07UR010 - Conditional Use Permit to allow a garage in excess of 1,500 square feet **ITEM 34**

GENERAL INFORMATION:

PETITIONER	Boschee Engineering for Don Schooley
REQUEST	No. 07UR010 - Conditional Use Permit to allow a garage in excess of 1,500 square feet
EXISTING LEGAL DESCRIPTION	Lot 4 of Tract 1 of Par Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.52 acres
LOCATION	Tartan Court
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	None
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

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

1. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
2. All applicable provisions of the International Fire Code Shall be continually met;
3. 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.
4. The addition 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 has submitted a Conditional Use Permit request to allow a garage in excess of

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1500 square feet. The subject property is located at 851 Catron Boulevard. The subject property was annexed into the City on September 24, 1997 (# 1192). Currently a single family residence, and an accessory building are located on the subject property. The subject property is zoned General Agricultural District.

STAFF REVIEW:

The applicant has submitted a Conditional Use Permit request to allow a garage in excess of 1500 square feet. Section 17.04.315 states that "an accessory building, or part of a main building used primarily for storage" is defined as a private garage. A 4840 square foot accessory building is currently located on the subject property. The accessory building is located 135 feet south of the single family residence also located on the subject property. This accessory building exceeds the maximum 1500 square feet requirement for private garages. Staff has noted that this accessory building was in existence prior to annexation of the property into the City. Currently the accessory building is a legal nonconforming structure however the applicant proposes to construct a garage addition to the single family residence, and therefore must obtain a Conditional Use Permit to allow the construction of the additional garage area on the subject property.

Staff has noted that the applicant plans to construct a 1292 square foot two, vehicle garage that will be attached to the single family residence. The applicant has submitted elevations identifying that the garage will match the exterior of the existing single family residence, and will be consistent with the scale of the single family residence. Staff has also noted that the proposed garage will have a rear yard setback of 52 feet. Because the subject property is located on a corner lot the garage addition is required to meet the setback requirement of 25 feet on the front yard setback, and 25 feet for the side yard setback that abuts Catron Boulevard. Staff has noted the front yard setback for the proposed garage is 107 feet, and the side yard setback is 570 feet. In addition staff has also noted that the proposed garage expansion will not exceed the 30% maximum lot coverage for primary and accessory buildings in a General Agriculture Zoning District.

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 issuance of a Building Permit.

NOTIFICATION:

As of this writing the required receipts of the certified mailings have not been returned to the Growth Management Department. Staff will notify the Planning Commission at the June 7, 2007 meeting if these requirements have not been met. Staff has not received any comments regarding this Conditional Use Permit at the time of this writing. The required sign has been posted on the subject property.

Staff finds that the subject property has ample room for expansion of a garage addition to the single family residence. In addition the applicant has indicated all setback requirements for a General Agriculture Zoning District will be met. Staff recommends that the Conditional Use Permit be approved assuming compliance with the stipulations.

