

STAFF REPORT  
May 8, 2008

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**No. 08UR003 - Conditional Use Permit to allow an oversized garage in a Low Density Residential Zoning District**      **ITEM 57**

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GENERAL INFORMATION:

APPLICANT/AGENT	Richard Crist
PROPERTY OWNER	Richard and Nancy Crist
REQUEST	<b>No. 08UR003 - Conditional Use Permit to allow an oversized garage in a Low Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 17 of Enchanted Hills Subdivision No. 2, Section 23, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.460 acre
LOCATION	1416 Panorama Circle
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District
East:	General Agriculture District
West:	Low Density Residential District
PUBLIC UTILITIES	City Water/ On-Site Sewer
DATE OF APPLICATION	4/7/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an oversized garage in a Low Density Residential Zoning 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. All construction shall comply with the approved plans and elevations;
3. All applicable provisions of the International Fire Code shall be continually met;
4. 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;
5. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence;
6. Any additional garage or storage space to be constructed on the lot shall require a Major

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- Amendment to the Conditional Use Permit;
7. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing the elimination of one of the driveways or an Exception shall be obtained to allow more than one driveway for a single family residence; and,
  8. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing paving on the first fifty feet of the driveway or a Variance from the Zoning Board of Adjustment shall be obtained to waive the requirement.

GENERAL COMMENTS: The applicant is requesting a Conditional Use Permit to allow the construction of an oversized garage on the property. The property is located east of Panorama Circle and south of Ridgeview Road. A Building Permit was issued for the existing house in 1991. The existing single family residence is 1,632 square feet. The applicant is now proposing to construct a 1,216 square foot detached garage. The square footage of the proposed detached garage is 74 percent of the gross floor area of the dwelling unit and is greater than the allowed 30 percent 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 garage. 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, 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.

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

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The proposed garage addition will be located 79.5 feet from the front property line adjacent to Panorama Circle. The proposed garage will also meet all other building setback requirements. The proposed garage is not located in close proximity to any other structures or adjacent properties. Due to the location of the proposed garage 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.

*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 garage. Staff noted the types of building materials to be used for the garage were not included with the elevations. Prior to Planning Commission approval, the applicant shall submit revised plans showing the same general materials and the same color(s) as the existing residence for review and approval.

*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 be signed by the applicant and filed at the Pennington County Register of Deeds Office prior to the issuance of a Building Permit.

Driveway: The applicant's site plan shows a circle driveway with two entrances. According to the Rapid City Code of Ordinances only one driveway is allowed for each single family residence. Prior to the issuance of a building permit, the applicant must eliminate one driveway entrance or an Exception must be obtained to allow more than one driveway entrance for a single family residence. In addition, the site plan shows a gravel driveway leading to the proposed garage. The Rapid City Municipal Code requires that the first fifty feet of a driveway be paved. Prior to the issuance of a building permit, the applicant must submit a revised site plan showing the first fifty feet of the driveway paved or a variance to the Zoning Ordinance must be obtained from the Zoning Board of Adjustment.

Notification Requirement: 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 May 8, 2008 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.