

STAFF REPORT

March 26, 2009

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**No. 09UR004 - Conditional Use Permit to allow an oversized garage**

**ITEM 26**

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GENERAL INFORMATION:

APPLICANT/AGENT	Jeff and Nancy Johnson
PROPERTY OWNER	Jeff and Nancy Johnson
REQUEST	<b>No. 09UR004 - Conditional Use Permit to allow the construction of a garage that exceeds the square footage of the residence</b>
EXISTING LEGAL DESCRIPTION	Lot 25 of Block 5 of Strathavon No. 3 Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.19 acres
LOCATION	2309 Lockwood 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	2/17/2009
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of a garage that exceeds the square footage of the residence be approved with the following stipulations:

1. Prior to the issuance of a Building Permit the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;
2. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
3. All applicable provisions of the currently adopted International Fire Code shall be continually met;
4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as

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- approved has ceased for a period of two years;
6. All construction shall comply with the approved plan and elevations; and,
  7. The garage shall be constructed and maintained of the same general materials and the same colors as the existing residence.

GENERAL COMMENTS: The property is located at 2309 Lockwood Drive south of Cameron Drive and west of Lockwood Drive. The property is currently zoned Low Density Residential District. The adjacent properties to the north, south, east and west are all zoned Low Density Residential District. The applicant is proposing to construct a 520 square foot garage addition.

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 considerations:

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. The submitted elevations indicate that the garage will be constructed of smooth masonite material that is tan in color and consistent with the existing garage and single family residence on the property. 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 property. In addition, the size and extent of the proposed garage appears to be consistent with the surrounding properties in the neighborhood.

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 storing personal items. These uses appear to be incidental to the principle uses of the property which are residential. The applicant should be aware that the garage may not be used for commercial purposes. A Covenant Agreement declaring that the garage cannot be used for commercial purposes must 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 will meet all of the building setback requirements for the property. The proposed garage addition will be an extension of the existing garage and will match the character of the existing home. It is not anticipated that the proposed garage addition will have a negative affect on the neighboring property. The existing garage is set back 8 feet from the property line and is screened by several trees located on the adjacent property to the north. The proposed addition will extend the existing garage 20 feet to the west and will not encroach into the 8 foot setback from the property line to the north. As such, no

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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. The elevations that were submitted indicate that the garage will be constructed of smooth masonite material that is tan in color and will match the color of the existing garage and residence located on the property. Staff noted the color of building materials to be used for the garage will match the existing residence on the property.

*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. A Covenant Agreement declaring that the garage cannot be used for commercial purposes must be signed by the applicant and filed at the Pennington County Register of Deeds Office prior to the issuance of a Building Permit.

Building Permit and Certificate of occupancy: Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy.

Fire Code: All applicable provisions of the currently adopted International Fire Code shall be continually met.

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 March 26, 2009 Planning Commission meeting if the mailing notification requirement has not been completed.

Staff recommends that the Conditional Use Permit to allow an oversized garage be approved with the above mentioned stipulations.

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