

STAFF REPORT
April 9, 2009

No. 09UR006 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District **ITEM 22**

GENERAL INFORMATION:

APPLICANT/AGENT	Charles Pike
PROPERTY OWNER	Charles Pike
REQUEST	No. 09UR006 - Conditional Use Permit to allow an oversized garage in a Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 17 of Block 1 of Copperfield Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.18 acres
LOCATION	1414 Copperfield 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	Rapid Valley Sanitary District
DATE OF APPLICATION	3/9/2009
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an oversized garage in a Low Density Residential District be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating that the proposed garage addition will be located outside of the Major Drainage easement located along the north property line or that a portion of the Major Drainage Easement be vacated;
2. 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;
3. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
4. All applicable provisions of the currently adopted International Fire Code shall be

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- continually met;
5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
 6. 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 approved has ceased for a period of two years;
 7. The garage shall be constructed and maintained of the same general materials and colors as the existing residence. All construction shall comply with the approved plan and elevations; and,

GENERAL COMMENTS: The property is located at 1414 Copperfield Drive, north of Lancer Drive and west of Copperfield Drive. The property is currently zoned Low Density Residential District. The adjacent properties to the north, south, east and west are also currently zoned Low Density Residential District. The applicant is proposing to construct an attached garage that is 714 square feet in area. The proposed garage will be attached to both the existing 400 square foot garage and to the existing 700 square foot single family residence located on the property creating a single structure. The applicant has indicated that the proposed garage will be constructed of wood and vinyl siding that are consistent with the existing garage and single family residence. In addition, the applicant has indicated that the proposed garage will be blue in color and will match the existing single family residence and garage currently located on the property.

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 wood and vinyl siding that is blue 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 and garage located on the property. In addition, the size and extent of the proposed garage appears to be consistent with existing structures located in the surrounding neighborhood. As such, it is not anticipated that the proposed garage will have a negative effect on the surrounding 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 principal residential use of the property. 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

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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 addition will be an extension of the existing garage and will match the character of the existing home. The existing garage is set back 11 feet from the property line and a 6 foot high wooden fence is located on the adjacent property to the north. In addition, the surrounding properties appear to have garages that are similar in size and style. It is not anticipated that the proposed garage will have a negative affect on the surrounding neighborhood. As such, 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. The elevations that were submitted indicate that the garage will be constructed of wood and will have vinyl siding material that is blue 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.

Major Drainage Easement: The proposed garage will not meet all of the building setback requirements for the property. The Final Plat for the property (File #1550) indicates that a 10 foot wide Major Drainage Easement exists on the northern property line. The proposed garage is only set back 9 feet from the property line to the north. The applicant must resubmit plans that indicate the proposed garage will be located outside the Major Drainage Easement or that portion of the Major Drainage Easement must be vacated.

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

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Use Permit has been requested has been posted on the property. Staff will notify the Planning Commission at the April 9, 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.