

STAFF REPORT
April 9, 2009

No. 09UR007 - Conditional Use Permit to allow an oversized garage in a General Agriculture District **ITEM 23**

GENERAL INFORMATION:

APPLICANT/AGENT	Donald R. Simonsen
PROPERTY OWNER	Donald R. Simonsen
REQUEST	No. 09UR007 - Conditional Use Permit to allow an oversized garage in a General Agriculture District
EXISTING LEGAL DESCRIPTION	Lot 5 of Tower Ridge Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.942 acres
LOCATION	1506 Enchantment Road
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	City water/ Private sewer
DATE OF APPLICATION	3/11/2009
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an oversized garage in a General Agriculture District 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 approved has ceased for a period of two years;

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6. All construction shall comply with the approved plan and elevations;
7. Prior to the issuance of a building permit the applicant must provide plans that indicate that only one access will be provided for the property; and,
8. The garage shall be constructed and maintained of the same general materials and the same colors as the existing residence.

GENERALCOMMENTS: The property is located at 1506 Enchantment Road east of South Dakota High Way 16 and north of Enchantment Road. The property is currently zoned General Agriculture District. The adjacent properties to the north, south, east and west are currently zoned General Agriculture District. The applicant is proposing to construct a detached garage that is 1,008 square feet in area. The existing single family residence located on the property is 2,160 square feet in area and includes an attached garage that is 672 square feet in area.

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 wood and will be green 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 existing structures located in 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 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 match the character of the existing home. There is an existing buffer of open space located on the adjacent property to the north. As such, it is not anticipated that the proposed garage addition will have a negative affect on the neighboring property. In addition, the design and character of the proposed garage is consistent with the

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existing residential structures located adjacent to the property. As such, it is not anticipated that the proposed garage will have a negative effect on the neighborhood and 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 that will be green in color and will match the color of the existing garage and residence located on the property. Staff noted the color and 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.

Driveway Access: The plans that were submitted with this application indicate that a circular driveway with two connections to Enchantment Road currently exist on the property. Section 8.2.1.H of the Rapid City Street Design Criteria states that no more than one driveway will be allowed to any single family residence. As such, prior to the issuance of a building permit the applicant must provide plans that indicate that only one access will be provided for the property.

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.