

STAFF REPORT  
August 6, 2009

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**No. 09UR021 - Conditional Use Permit to allow an oversized garage in the Low Density Residential District**      **ITEM 16**

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GENERAL INFORMATION:

APPLICANT/AGENT	Bryan Schnell
PROPERTY OWNER	Bryan Schnell
REQUEST	<b>No. 09UR021 - Conditional Use Permit to allow an oversized garage in the Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Tract D of Schnell Subdivision and Lot 14 of Lot F of Morning View Heights all of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.26 acres
LOCATION	3705 Western Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Flood Hazard 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	7/8/2009
REVIEWED BY	Patsy Horton / Ted Johnson

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

1. Prior to Planning Commission approval, the applicant shall obtain an exception to allow three driveways on one lot or the site plan shall be revised to identify one driveway in accordance with the adopted City Standards;
2. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating the proposed access is designed in compliance with Section 17.50.270 (I);
3. Prior to issuance of a Building Permit, a developmental lot agreement must be obtained to tie Tract D of Schnell Subdivision and Lot 14 of Lot F of Morning View Heights

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- together, or the properties must be platted into one lot;
4. Prior to 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;
  5. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street right-of-way;
  6. Prior to initiation of construction, a Building Permit shall be obtained
  7. Prior to the issuance of a Certificate of Occupancy, the first 50 feet of the driveway access to the oversized garage shall be paved;
  8. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct an approved emergency vehicle turnaround as required by the international Fire and Building Code;
  9. All applicable provisions of the currently adopted International Fire Code shall be continually met;
  10. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
  11. The garage shall be constructed and maintained with the elevations and information as submitted and hereby approved; and
  12. 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.

GENERAL COMMENTS: The property is located at 3705 Western Avenue and is currently zoned Low Density Residential District. The adjacent properties to the south, east and west are all zoned Low Density Residential District. The property to the north is zoned Flood Hazard District. The applicant is proposing to construct a 1,200 square foot garage addition that is approximately 12 feet in height, inclusive of two 6 foot overhangs on the east and west ends of the structure.

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 a proposed oversized garage. The submitted elevations indicate that the garage will be constructed of earth-toned metal siding and consistent with the existing garage and single family residence on the property. The existing structures are tan in color. 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 the surrounding properties in the neighborhood.

2. *The proposed garage shall be used only for residential purposes incidental to the*

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*principle use of the property.*

The applicant has indicated that the garage will be used for personal storage, replacing numerous existing structures from the early 1950s. This use appears to be incidental to the principle residential uses 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 Planning Commission approval.

*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 will be setback approximately 5 feet from the south property line and approximately 30 feet from the west property line. It will be located approximately 37 feet from any existing structures. 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 earth tone metal siding consistent with the existing garage and single family residence on the property. The existing residence is tan in color. 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 Planning Commission approval.

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

Developmental Lot/Platting: Staff noted that primary access to the residence and vehicular garage is obtained from Western Avenue. The Leedy Irrigation Ditch traverses east to west through the property just south of the residence. Staff also noted that access to the proposed storage/garage is obtained through Lot 14 of Lot F, Morning View Heights Subdivision, which is located adjacent to the southeast boundary of the subject property and Meadowbrook Drive. Prior to issuance of a Building Permit, a developmental lot agreement must be obtained to tie Lot 14 of Lot F, Morning View Heights Subdivision to Tract D of

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Schnell Subdivision, or the properties must be platted into one parcel.

Site Plan: A grading permit was issued in 2002 to allow construction of a driveway from Meadowbrook Drive to access existing structures. Based on construction of the new structure, Section 17.50.270 (I) of the Rapid City Municipal Code states that hard surface improvements on driveways must begin at the street or curb line, and either extend to the garage or parking slab or a minimum of 50 feet. All portions of the required paving for parking shall be outside of the public right-of-way. As such, staff recommends that prior to Planning Commission approval, a revised site plan demonstrating the proposed access in compliance with Section 17.50.270 (I) of the Rapid City Municipal Code be submitted for review and approval or a Variance from the Zoning Board of Adjustment shall be obtained for the required paving.

Driveways: Staff noted that the existing residential paved driveway approach is obtained from Western Avenue and the proposed access for the proposed oversized garage/storage is obtained from Meadowbrook Drive. Additionally, access to 2917 Meadowbrook Drive also crosses Lot 14 of Lot F, Morning View Heights Subdivision, thereby creating three residential driveways for one residential lot. Based on Section 8.2.1(H) of the Street Design Criteria Manual, not more than one driveway will be allowed to any single residence. As such, staff recommends that prior to Planning Commission approval the applicant shall obtain approval of an exception to the driveway requirements or the plan shall be revised to comply with the adopted City Standards. Additionally, it is recommended that the applicant work with the adjacent owner to secure an access easement across Lot 14 of Lot F, Morning View Heights Subdivision to resolve the existing driveway encroachment.

Setbacks: Staff noted that the proposed garage and existing single family residence appear to meet the minimum setback requirements of the Low Density Residential District.

Fire Code: Staff noted that the distance from Meadowbrook Drive to the proposed oversized garage/storage facility is approximately 225 feet. As such, the applicant will also need to construct an approved emergency vehicle turnaround as required by the international Fire and building 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 and the sign stating that a Conditional Use Permit has been requested has not been posted on the property. Staff will notify the Planning Commission at the August 6, 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 stated stipulations.