

STAFF REPORT

May 6, 2010

No. 10UR007 - Conditional Use Permit to allow the construction of a garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code

ITEM 15

GENERAL INFORMATION:

APPLICANT	Todd LaCroix
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Todd LaCroix
REQUEST	No. 10UR007 - Conditional Use Permit to allow the construction of a garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot B of Lot 10 of Canyon Lake Heights, located in the NW1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.066 acres
LOCATION	3401 Fairhaven 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	Private water and septic system
DATE OF APPLICATION	4/9/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow the construction of a garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code 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 and a copy submitted to the Growth Management office;
2. Prior to issuance of a building permit, the site plan must be revised to show that the first

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- 50 feet of the proposed driveway be paved;
3. Prior to issuance of a building permit for the existing single family residence with attached garage, the encroached portion of the Section Line Right-of-Way be vacated or the encroachment shall be eliminated;
4. Prior to issuance of a building permit, a wild land fuel mitigation plan be obtained;
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.

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 at 3401 Fairhaven Drive, which is south of Jackson Boulevard and west of Park Drive. The property is currently zoned Low Density Residential District. The adjacent properties to the north, south, east and west are zoned Low Density Residential District. The applicant is proposing to construct a garage that is 28 feet wide by 38 feet long. The submitted floor plan indicates that the proposed garage will be used for vehicle storage and a shop.

The property is located on Fairhaven Drive, which is south of Jackson Boulevard and west of Park Drive. A single family residence with an attached garage is 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 elevations for the proposed garage. In addition, the applicant has submitted photographs and descriptions of the building materials to be used in the construction of the garage. The garage will be constructed with tan masonite siding, dark brown shingles and dark brown fascia and gutters that will match the existing house. It appears that the color and materials proposed for the construction of the proposed garage will be consistent with the existing single family residence located on the property.

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

The applicant has submitted a floor plan for the proposed garage indicating that the garage will be used for vehicle storage and a shop. These uses appear to be incidental to the principal residential uses of the property. The applicant should be aware that the garage may not be used for commercial purposes. Prior to the 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 Courthouse and a copy submitted to the Growth Management Department.

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

The proposed garage will be located 90 feet from the front property line and 26 feet from the side property line. During an inspection of the site on April 21, 2010, staff noted that the area surrounding the proposed garage and the along the side property line is heavily wooded and will be screened adequately from adjacent properties. As such, staff does not recommend requiring the installation of any additional landscaping or fencing 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, photographs and descriptions of the building materials for the proposed garage. Staff noted that the types of building materials to be used for the garage will be tan siding and dark brown shingles, fascia and gutters and matches 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 Section 17.10.030 of the Rapid City Municipal Code, the garage may not be used for commercial purposes. Prior to the issuance of a building permit, the applicant shall file notice with Register of Deeds indicating that the garage will only be used for residential purposes.

Access: The submitted site plan identified a 180 foot long by 12 foot wide driveway access to the proposed garage coming off of the existing driveway. The driveway will be widened to approximately 21 feet in the 20 feet immediately before the proposed garage. The applicant should be aware that the first 50 feet of the driveway must be paved. Staff has noted that the proposed driveway will serve as adequate access to the proposed garage.

Section Line: Staff review has noted that a portion of the existing residence with attached garage encroaches into the Section Line Right-of-Way. The applicant should be aware that prior to the issuance of a building permit on the existing residence or garage, the Section Line must be vacated or the portion of the existing garage in the right-of-way must be removed.

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

Fire Code: The Fire Department has indicated that it does not object to the proposed garage. However, the applicant should be aware that no public water is available to provide fire flow to the property. As such, firefighting efforts may be adversely affected should a fire incident occur. In addition, prior to issuance of a building permit, a wild land fuel mitigation plan be

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obtained.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 6, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit to allow the construction of a garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 be approved with the stipulations as outlined above.