

STAFF REPORT  
September 23, 2010

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**No. 10UR024 - Conditional Use Permit to allow an oversized private residential garage in the Low Density Residential Zoning District**

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**ITEM 21**

GENERAL INFORMATION:

APPLICANT	Randy & Bobbie Greenway
PROPERTY OWNER	Randy & Bobbie Greenway
REQUEST	<b>No. 10UR024 - Conditional Use Permit to allow an oversized private residential garage in the Low Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of R&B Subdivision located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.439 acres
LOCATION	3204 Falls 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	8/25/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

1. Prior to issuance of a Building Permit for the proposed garage, a revised site plan must be submitted confirming the availability of a fire hydrant at the intersection of Falls Drive and Wonderland Cutoff;
2. 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 and a copy shall be submitted to the Growth Management office;
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

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- Amendment to the Conditional Use Permit; and,
5. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit; and,
  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.

GENERAL COMMENTS: The applicant has submitted a Conditional Use Permit request to allow an oversized garage in the Low Density Residential Zoning District. In particular, the applicant is proposing to construct an 864 square foot garage on the property located at 3204 Falls Drive. The property is located in the Low Density Residential Zoning District and garage(s) that do not meet the definition of a private residential garage is a Conditional Use.

The property is located at 3204 Falls Drive, on the east side of Falls Drive and west of Wonderland Cutoff. A single family residence with an attached garage is located on the property.

A Conditional Use Permit (#01UR046) was previously approved with stipulations for the property to allow an oversized garage. The approved garage was identical in size, 864 square feet, and in location as the proposed garage. However, Chapter 17.54.030 of the Rapid City Municipal Code states that a Conditional Use Permit expires when, "the primary use proposed under the conditional use permit has not been undertaken and completed according to the terms and conditions of the conditional use permit within 2 years of the approval of the conditional use permit." The previous Conditional Use Permit was approved by the Rapid City City Council on September 17, 2001 and the garage has not been constructed. As a result Conditional Use Permit 01UR046 has expired and the applicant has submitted this new Conditional Use Permit request.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of Section 17.10.030 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. The proposed garage will be sided with cedar siding and grey asphalt shingles to match the existing residence. In addition, the proposed garage will be a loft style to match the residence. The applicant had previously obtained approval for the proposed garage on the property. As a part of that approval, the applicant obtained a Variance to allow the garage to be 19 feet in height in lieu of the maximum 15 feet for an accessory structure. The staff review at that time found that a 19 foot garage would architecturally match the existing residence and be consistent with the residential character of the property. The proposed garage is identical in height to the previously approved garage. The design of the proposed garage appears to be consistent with the residential character of the property.

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

The applicant has indicated that the proposed garage will be used for vehicle and household storage. 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.

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

The property is located at the intersection of Falls Drive and Wonderland Cutoff such that it has street frontage on both the east, west and north sides of the property. As such, a minimum 25 foot setback must be maintained on the east, west and north property lines. The proposed garage will be located approximately 25 feet from the east property line and approximately 60 feet from the north property line. The area surrounding the proposed location of the garage is heavily wooded with large trees which will serve as adequate screening for the proposed garage. 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 elevations for the proposed garage. The proposed garage will be sided with cedar siding and grey asphalt shingles to match the existing residence. In addition, the proposed garage will be a loft style to match the residence. The garage is proposed to be 19 feet in overall height.

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. 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.

Chapter 17.10.030: A Conditional Use Permit (#01UR046) was approved with stipulations on September 17, 2001 to allow a private residential garage in excess of 1,000 square feet in the Low Density Residential Zoning District. On March 18, 2002 the City Council directed staff to bring forth an Ordinance Amendment to Chapter 17.10.030 of the Rapid City Municipal Code that would increase the maximum cumulative size of private residential garage(s) from 1,000 square feet to 1,500 square feet or 30 % of the size of the gross floor

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area of the dwelling unit(s), whichever is greater. The Ordinance Amendment (#02OA005) was approved by the Planning Commission on April 25, 2002 and became effective on August 28, 2002.

The garage proposed with this application is 864 square feet. In addition to the existing attached garage on the property, the cumulative size of the garages on the property will be 1,440 square feet. However, the existing residence is 2,136 square feet resulting in the existing and proposed garages being 67% of the gross floor area of the dwelling units. As such, the proposed garage requires a Conditional Use Permit as per Section 17.04.315 of the Rapid City Municipal Code.

Driveway Access: The submitted site plan indicates that access to the proposed garage will be taken from Falls Drive via an asphalt driveway. The applicant had previously submitted a Variance (#5481) request to the Zoning Board of Adjustment to waive the requirement to pave the driveway to the garage. The Variance request was denied on November 4, 2008. The Public Works Department staff has indicated the asphalt driveway was installed during the spring of 2009.

Garage Height: As previously stated, the proposed garage will be 19 feet in height. Chapter 17.10.060 states that accessory structures shall not exceed 15 feet in height. The applicant obtained a Variance from the Zoning Board of Adjustment as part of the previously approved Conditional Use Permit for the oversized garage. The Variance request was approved to allow the proposed garage to be 19 feet in height in lieu of a maximum 15 feet on September 4, 2001. The garage elevations submitted with this request are identical to the previous plans and indicate that the proposed garage will be 19 feet in height.

Covenant Agreement: 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.

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: All applicable provisions of the currently adopted International Fire Code shall be continually met. In addition, prior to issuance of a Building Permit for the proposed garage, a revised site plan must be submitted confirming the availability of a fire hydrant at the intersection of Falls Drive and Wonderland Cutoff.

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 September 23, 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 an oversized private residential garage in the Low Density Residential Zoning District be approved with the stipulations as identified above.