

STAFF REPORT

April 7, 2011

No. 11UR006 - Conditional Use Permit to allow the construction of a ITEM 15 garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code

GENERAL INFORMATION:

APPLICANT	John Wright
PROPERTY OWNER	John Wright
REQUEST	No. 11UR006 - 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 C of Lot 1 in Block 3 of Grandview Tract, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.16 acres
LOCATION	3921 Ponderosa Trail
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 well and septic system
DATE OF APPLICATION	3/10/2011
REVIEWED BY	Karen Bulman / Karley Halsted

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 initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;
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;

STAFF REPORT

April 7, 2011

No. 11UR006 - Conditional Use Permit to allow the construction of a ITEM 15 garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code

3. All applicable provisions of the currently adopted International Fire Code shall be continually met;
4. Prior to the issuance of a Building Permit, the applicant shall coordinate with the Fire Department to establish a Wildland Fire Mitigation review and plan;
5. Prior to issuance of a Certificate of Occupancy Permit, the first 50 feet of the driveway shall be paved or a Variance shall be obtained from the Zoning Board of Adjustment to waive the paving requirement;
6. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
7. 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,
8. 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 on property at 3921 Ponderosa Trail. In particular, the applicant is proposing to construct an addition of 1,080 square feet to an existing 576 square foot garage for a total garage space of 1,656 square feet. 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 require a Conditional Use Permit.

The property is located at 3921 Ponderosa Trail, on the north side of Falls Drive and west of Wonderland Drive. A single family residence with a detached 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 17.10.030 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 oversized garage and photographs of the existing residence and garage. The proposed garage will be constructed with T111 Wood Cedar siding and tan shingles that will be consistent with the color and materials of the existing residence and garage.

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

STAFF REPORT

April 7, 2011

No. 11UR006 - Conditional Use Permit to allow the construction of a ITEM 15 garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code

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 on 1.16 acres of land along Ponderosa Trail. The proposed addition to the existing garage will be located over 100 feet from the front property line and approximately 40 feet from the rear property line. The side yard setback will be 15 feet on the west and over 100 feet on the east. 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.

- 3. 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 tan asphalt shingles to match the existing residence and garage. The existing garage has 8 foot walls and the proposed addition will have 10 foot walls. However, the proposed garage addition will remain under the 15 foot requirement for the height of a garage.

- 4. 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:

The garage proposed with this application is 1,080 square feet. In addition to the existing attached garage on the property, the cumulative size of the garages on the property will be 1,656 square feet. However, the existing residence is 2,800 square feet resulting in the existing and proposed garages being 59% of the gross floor area of the dwelling unit. As such, the proposed garage requires a Conditional Use Permit as per Section 17.04.315 of the Rapid City Municipal Code.

Building Permit and Certificate of Occupancy: Prior to initiation of construction, a Building

STAFF REPORT

April 7, 2011

No. 11UR006 - Conditional Use Permit to allow the construction of a ITEM 15 garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code

Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy.

Driveway Access: The submitted site plan indicates that access to the proposed garage will be taken from Ponderosa Trail. Prior to obtaining an occupancy permit, the first 50 feet of the driveway must be paved or a Variance to the Zoning Board of Adjustment must be approved by the Zoning Board of Adjustment to waive the requirement to pave the driveway.

Garage Height: Chapter 17.10.060 states that accessory structures shall not exceed 15 feet in height. The proposed garage will be two feet higher than the existing garage, but will not exceed the 15 foot requirement.

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.

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, the applicant must coordinate with the Fire Department to establish a Wildland Fire Mitigation review and plan.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the green receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 7, 2011 Planning Commission meeting if these requirements have 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 of the Rapid City Municipal Code be approved with the stipulations as identified above.