

STAFF REPORT
September 26 2013

No. 13PD035 - Final Planned Development Overlay to allow a second residence as a guest house **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Kent Kennedy - Kennedy Design Group Inc.
PROPERTY OWNER	Timothy and Carrie Linde
REQUEST	No. 13PD035 - Final Planned Development Overlay to allow a second residence as a guest house
EXISTING LEGAL DESCRIPTION	Lots 22 and 23 and the south 1/2 of the vacated alley north and adjacent to said lots of Block 122 of the Original Town of Rapid City, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.17 acres
LOCATION	820 South Street
EXISTING ZONING	High Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Central Business District
South:	High Density Residential District
East:	Central Business District
West:	High Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	August 22, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a second residence as a guest house be approved with the following stipulations:

1. An Exception is hereby granted to increase the maximum lot coverage from 30% to 32.8% for the existing structures only;
2. An Exception is hereby granted to decrease the minimum required side yard setback to the dwelling from 12 feet to 3 feet for the existing structure only;
3. An Exception is hereby granted to decrease the minimum required side yard setback to an accessory structure from 5 feet to 3 feet for the existing structure only;
4. An Exception is hereby granted to decrease the minimum required rear yard setback to

STAFF REPORT
September 26 2013

No. 13PD035 - Final Planned Development Overlay to allow a second residence as a guest house **ITEM 4**

5. an accessory structure from 5 feet to 0 feet for the existing structure only; A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a building permit, Historic Preservation Committee approval shall be obtained as necessary for any construction;
7. All provisions of the High Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
9. The Final Planned Development Overlay shall allow for a second residence to be used as a guest house on the property. The second residence shall not be used as a rental unit. The previously approved Bed and Breakfast use shall no longer be allowed. Any change in use that is a permitted use in the High Density District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow a second residence as a guest house. In particular, there is an existing second floor above the detached garage that the home owner uses as a spare bedroom and den. The applicant is proposing to add a bathroom and has stated that the space will not be rented. In addition, the applicant is requesting Exceptions for the currently legal non-conforming structures located on the property as follows:

- An Exception from Chapter 17.14.040(G) of the Rapid City Municipal Code to increase the maximum lot coverage from 30% to 32.8%;
- An Exception to Chapter 17.14.040(B)1 of the Rapid City Municipal Code to decrease the minimum required side yard setback to the dwelling from 12 feet to 3 feet;
- An Exception from Chapter 17.14.040(B)4 of the Rapid City Municipal Code to decrease the minimum required side yard setback to an accessory structure from 5 feet to 3 feet; and,
- An Exception to Chapter 17.14.040(C)3 of the Rapid City Municipal Code to decrease the minimum required rear yard setback to an accessory structure from 5 feet to 0 feet.

On November 15, 1993, the City Council approved with stipulations a Conditional Use Permit (File #UR1231) to allow a Bed and Breakfast to be located on the property. The use has since ceased.

The property is located approximately 275 feet northwest of the intersection of Mount Rushmore Road and South Street. Currently, there is a two story single-family dwelling with a detached garage/ coach house located on the property.

STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

STAFF REPORT
September 26 2013

No. 13PD035 - Final Planned Development Overlay to allow a second residence as a guest house **ITEM 4**

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is approximately 7,405 square feet in size and is located in the West Boulevard Historic District. Currently, the existing structures located on the property are legal non-conforming as to setbacks and lot coverage.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The property is located in the West Boulevard Historic District and the dwelling is identified as a contributing building. The applicant is not requesting to expand the structures located on the property. The existing structures are legal non-conforming as to lot coverage, side yard and rear yard setbacks. In order to bring the property into compliance with the Zoning Ordinance, the applicant is requesting to increase the maximum lot coverage from 30% to 32.8%, to decrease the side yard setback to the dwelling from 12 feet to 3 feet, to decrease the side yard setback to an accessory structure from 5 feet to 3 feet and to decrease the rear yard setback to an accessory structure from 5 feet to 0 feet. The buildings are approximately 100 years old and contribute to the West Boulevard Historic District. As such, in order to bring the legal non-conforming structures into compliance with the Zoning Ordinance, staff recommends that the Exceptions to increase the maximum lot coverage, to decrease the minimum side yard setback to a dwelling, to decrease the minimum side yard setback to an accessory structure and to decrease the minimum rear yard setback to an accessory structure be granted for the existing structures only.

In addition, the applicant is proposing to use the existing second story of the detached garage as a guest house. The applicant is proposing to install a bathroom and has stated that the space will not be rented and is solely for the use of the property owners. The Zoning Ordinance states that one principal building is allowed on a residential property. In order to obtain a building permit for the proposed bathroom a Final Planned Development must be approved. The applicant has stated the space will not be used as a rental and that installing a bathroom is for convenience of use. As such, the Final Planned Development Overlay will allow for a second residence to be used as a guest house on the property. The second residence must not be used as a rental unit. Any change in use that is a permitted use in the High Density District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the High Density Residential District will require the review and approval of a Major Amendment to the Planned Development.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

The property is located in the West Boulevard Historic District and the dwelling is identified as a contributing building. The applicant is not requesting to expand the structures located on the property. The existing structures are legal non-conforming as

STAFF REPORT
September 26 2013

No. 13PD035 - Final Planned Development Overlay to allow a second residence as a guest house **ITEM 4**

to lot coverage, side yard and rear yard setbacks. In order to bring the property into compliance with the Zoning Ordinance, the applicant is requesting to increase the maximum lot coverage from 30% to 32.8%, to decrease the side yard setback to the dwelling from 12 feet to 3 feet, to decrease the side yard setback to an accessory structure from 5 feet to 3 feet and to decrease the rear yard setback to an accessory structure from 5 feet to 0 feet. The buildings are approximately 100 years old and contribute to the West Boulevard Historic District. As such, in order to bring the legal non-conforming structures into compliance with the Zoning Ordinance, staff recommends that the Exceptions to increase the maximum lot coverage, to decrease the minimum side yard setback to a dwelling, to decrease the minimum side yard setback to an accessory structure and to decrease the minimum rear yard setback to an accessory structure be granted for the existing structures only. All provisions of the High Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The property is located in the West Boulevard Historic District and the dwelling is identified as a contributing structure. The applicant is not requesting to expand the structures located on the property. The applicant is requesting to bring the existing legal non-conforming structures into compliance with the Zoning Ordinance and to allow a second residence to be used as a guest house.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The applicant is requesting to allow a second residence on the property to be used as a guest house. The structures located on the property are legal non-conforming as to lot coverage, side yard and rear yard setbacks. The property is located in the West Boulevard Historic District and the principal dwelling is identified as a contributing building. The applicant has stated that the guest house will not be rented and will be used solely by the owners of the dwelling. As such, staff recommends that the Exception request be granted.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. The property is located in the West Boulevard Historic District and the primary dwelling is identified as a contributing structure. As such, prior to issuance of a building permit, Historic Preservation Committee approval must be obtained as necessary prior to construction.

STAFF REPORT
September 26 2013

No. 13PD035 - Final Planned Development Overlay to allow a second residence as a guest house **ITEM 4**

Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

Parking: The property is currently being used as a single-family dwelling. A single-family dwelling requires a minimum of two off-street parking spaces. The applicant is proposing to use the existing second floor above the garage as a guest house for the sole use of the occupants of the dwelling. The applicant has stated that the guest house will not be rented. However, since the proposed use is for guests, at least one more off-street parking will be needed. The applicant has submitted a site plan identifying four parking spaces. The proposed parking plan is in compliance with the Zoning Ordinance.

Use: The property is zoned High Density Residential District. A single-family dwelling is a permitted use in the district. The Zoning Ordinance states that one principal building is allowed on a residential property. A Final Planned Development is required to allow two principal structures on a residential property. Staff would not support the proposed guest house if the property were zoned Low Density Residential District where single-family homes are the primary use. However, because the structures are existing and the property is zoned for higher densities, staff recommends that the Final Planned Development to allow a second residence as a guest house be approved.

Notification: The first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the September 26, 2013 Planning Commission meeting if this requirement has not been met.