

STAFF REPORT
October 7, 2004

No. 04UR016 - Conditional Use Permit to allow a garage in excess of 1500 feet and in excess of the footprint of the dwelling unit **ITEM 26**

GENERAL INFORMATION:

PETITIONER	Carson Aasen
REQUEST	No. 04UR016 - Conditional Use Permit to allow a garage in excess of 1500 feet and in excess of the footprint of the dwelling unit
EXISTING LEGAL DESCRIPTION	Lot 7, Block 1, Baker Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.08 acres
LOCATION	1525 Forest Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Park Forest District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/8/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION: Staff recommends that the Conditional Use Permit to allow a garage in excess of 1500 feet and in excess of the footprint of the dwelling unit 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 of the garage;
2. Prior to Planning Commission approval, a description of the types of building materials to be used on the exterior of the structure shall be submitted for review and approval;
3. Prior to issuance of a Building Permit, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Courthouse;
4. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

STAFF REPORT
October 7, 2004

No. 04UR016 - Conditional Use Permit to allow a garage in excess of 1500 feet and in excess of the footprint of the dwelling unit **ITEM 26**

GENERAL COMMENTS: The applicant is requesting a Conditional Use Permit to allow an oversized garage on his property. In 1975, a Building Permit was issued for the existing house and attached garage. The existing single family residence is 1,463 square feet with a 434 square foot attached garage. The applicant is now proposing to construct a 1,344 square foot detached garage. The square footage of the proposed detached garage plus the square footage of the existing attached garage will total 1,778 square feet which is greater than the footprint of the dwelling unit, and larger than the allowed 1,500 square feet for accessory structures.

The applicant is now requesting approval of a Conditional Use Permit to allow the construction of a garage in excess of 1,500 square feet and larger than the footprint of the dwelling unit.

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 issues:

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 the proposed addition. It appears that the color and materials proposed for the construction of a proposed garage will be consistent with the existing single family residence located on the subject property. However, to satisfy item number four below, a description of the types of building materials to be used on the exterior of the structure must be submitted for review and approval prior to Planning Commission approval.

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

The applicant has indicated that the garage will be used for parking personal vehicles and for storage purposes. These uses appear to be incidental to the principle uses of the property which are residential. As discussed in item number five below, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Courthouse prior to the issuance of a Building Permit.

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

The proposed garage addition will be located approximately 200 feet from the front property line adjacent to Forrest Court. The proposed garage addition will also meet all other building setback requirements. The proposed addition is not located in close proximity to any other structures or adjacent properties. However, it will be in direct view from the adjacent property to the south. The subject property has numerous trees that will act as a screening buffer from the adjacent properties.

STAFF REPORT
October 7, 2004

No. 04UR016 - Conditional Use Permit to allow a garage in excess of 1500 feet and in excess of the footprint of the dwelling unit **ITEM 26**

Due to the location of the proposed garage addition and the provision that it will be of the same general character of the existing structure, no additional landscaping or fencing will be required 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 detached garage. However, no information of what types of building materials to be used for the garage was submitted with the application. As such, the applicant must submit, for review and approval, information regarding what types of building materials will be used for the garage prior to Planning Commission approval.

Staff noted that the proposed detached garage shall be constructed of the same general materials and the same color(s) as the existing residence.

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. Staff is recommending that a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Courthouse prior to the issuance of a Building Permit.

The green cards from the required notification of surrounding property owners have not been returned nor has a sign stating that a Conditional Use Permit has been requested been posted on the property. Staff will notify the Planning Commission at the October 7, 2004 Planning Commission meeting if these requirements have not be completed.

Staff recommends approval of the Conditional Use Permit with the above stated stipulations.