Case No. 21UR011

**Legal Description:**

Lot 9 of Pine Hills Subdivision, located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
Reference:
1. Building Permit Application for “Lori’s House”, Lot 9 of Pine Hills Subdivision, 4305 Sturgis Rd, Rapid City, SD 57702, submitted the week of 5/31 – 6/4,
2. Based on a phone call with Chuck, 6/3, the ground/1st floor of the house plan set sheet 4 of 13, needs a conditional use permit.

Subject:
1. Transmittal of revision 1 of the transmittal dated June 7, 2021. Please replace the June 7, 2021 transmittal letter with this revision 1 transmittal letter.
2. Transmittal of requested submittals, supporting information, and discussion of our thoughts.

Kind Folks:

Please find requested submittals and supporting information:
1. Site Plan – 4 copies 24x36 & 1 copy 11x8-1/2,
2. Survey – 4 copies 11x17, 1 copy 11x8-1/2
3. Vicinity Sketch – 1 copy 11x8-1/2,
4. Lori’s House plan set – 2 copies 24x36 & 2 copies 11x17,
5. Armstrong Steel’s cover sheet – 4 copies 11x17 presents exterior building colors, materials.

We are requesting a conditional use permit for an oversized garage:

The reason we/I are submitting a request for a conditional use permit is that Chuck, of the Rapid City Building Department, looked at the garage/shop area, see sheet 4 of 13 plan set titled “Lori’s House”, and Chuck determined that the total garage area exceeded the 1500 square foot restriction.

I researched (with much appreciated help from Curt Bechtel, Rapid City Building Department) Rapid City’s ordinances and found the following:
17.04.315 defines a “private garage” as any part of a main building used for parking or storage or a permitted accessory use.
17.04.020 defines “accessory use” as customarily incidental, appropriate, and subordinate (uses) to the principal (garage) use.
17.08 & 10.030 provides features and states that the garage shall be used only for residential purposes incidental to the principal use of the property (zoned LDR district 1, residential).

I realize that an underlying principal of Rapid City Building Department plan is that if it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.

I am not a lawyer so I find 17.04.020’s definition of accessory use to be very vague. Basically any space within a residential single dwelling other than a kitchen, bedroom(s), parlor, living room, and/or family room can be considered accessory use. For example, office, bathroom, mechanical rooms/areas, laundry room, mud room, closets, etcetera can be found in residential garages and therefore can be considered accessory uses.
Support for approving an oversized garage conditional use concerning the ground/1st floor, sheet 4 of 13:

1. The plan set, titled “Lori’s Houses”, sheet 4 of 13 shows a ground/1st floor that has areas labeled garage, shop, bathroom, mechanical, stairwell, and entrance. Based on preliminary information from Chuck, we/I will enclose the stairwell and entrance so that the 2nd floor living area occupants will not egress through the garage,

2. I turned in the conditional use request paperwork to Karl Bauer, Rapid City Building Department. He performed an initial review and had the following concerns:
   2.1. using the shop area for a home business. We definitely do not want to use the shop for any type of home business. We have hobbies that need space!
   2.2. unauthorized accessory uses, please see below paragraph 3.

3. In addition to parking and storing vehicles we will use the area titled “shop” for the following accessory uses:
   3.1. welding,
   3.2. blacksmithing,
   3.3. woodworking,
   3.4. machining,
   3.5. restoration of antique equipment,
   3.6. and maybe a model train layout.

4. We show a 10 foot by 10 foot sectional door at the northwest corner (left hand wall/elevation of the shop).
   4.1. The primary use of the sectional door is for ventilation.
   4.2. The shop sectional door will also be used to allow access and egress of materials and equipment.
   4.3. Reference the site plan, notice that there is NO driveway providing access/egress to/from the shop’s sectional door.

5. Ordnance 17.08.030.J & 17.10.030.N, I did not see the difference between the two. Please note that the ground/1st floor is within the home’s foot print. Currently there are no structures on Lot 9. The proposed use of the proposed building is a residence containing a home and garage. The somewhat uniqueness of the home is the majority of the ground/1st floor is garage and all of the 2nd floor is living space.
   5.1. The building has two stories. The garage/shop is the ground/1st floor and the 2nd floor is the home, occupied/habitable/living space. Therefore, the material and color scheme of the garage/shop is the same as the residence; see the yellow highlighted portions of Armstrong Steel’s cover sheet.
   5.2. By 17.04.020 definition, the proposed garage/shop “accessory uses” are incidental to the principal use of the property.
   5.3. The home’s north side presents windows to the north adjacent neighboring property. The east side presents windows and a personnel door to Sturgis Rd. The south side presents 4 garage doors and windows to the neighboring property (4305 Sturgis Rd, which is owned by Connie & Fred Hilpert).
   5.4. Please reference the site plan for the setbacks and lot coverage and reference plan set sheet 2 of 13 for the height which meet the requirements of zoning LDR district 1.
   5.5. Please see the plan set sheet 2 of 13 for elevations and Armstrong Steel’s cover sheet for building materials.

Thanks for your time.

Fred Hilpert (Owner along with my wife Connie Hilpert)
4305 Sturgis Rd., Lot 9 & 10
Rapid City, SD 57702
Cell 772-579-9212
All fill material per NTI's soils and elevation observation report,
21UR011

2D. General

3. The house to be constructed has three major components – the "Longhouse"/"Main House" portion of the floor plan which has two garage doors and shop. The exterior shell of the house is pre-fabricated main house having 2 stories. The building has a rectangular footprint, 62 feet (19 m) x 35 feet (10.7 m) of total 2100 sq ft. The project will be constructed in two phases.

4. The first phase includes only that work required to allow building permits to be obtained for only the main house. The second phase will include construction of the garage and shop.

5. The second phase will include construction of the garage and shop.

6. The first floor has an Owner's option to complete the 1920 sq ft as shown.

7. The first floor has 3 phases and parts affecting only the 2nd floor. Part one, includes only that work required to allow the second floor to be completed. The building is under construction certification. Part one, is an Owner's option to complete the 1920 sq ft as shown.

8. The metal building including foundation is designed to meet the owners' schematic frame shape and external envelope. The applicable wind and snow criteria for the ASCB. Other forces are transferred in the architectural and structural members to the columns and piers, and then to the ground.

9. The building includes thestructural drawings and specifications is shown that is acceptable for design and construction. The applicable wind and snow criteria for the ASCB. Other forces are transferred in the architectural and structural members to the columns and piers, and then to the ground.

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