

# STAFF REPORT

August 1, 2000

---

## **VAC #00VE010 - Vacation of Platted Setbacks**

---

### GENERAL INFORMATION:

PETITIONER	Sheila Tom
REQUEST	<b>VAC #00VE010 - Vacation of Platted Setbacks</b>
LEGAL DESCRIPTION	Lot 10 of Enchanted Hills Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.58 Acres
LOCATION	1356 Panorama Circle
EXISTING ZONING	Low Density Residential
SURROUNDING ZONING	
North:	Low Density Residential
South:	General Agriculture District
East:	Low Density Residential
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Vacation of Platted Setback be approved with the following condition:

### Urban Planning Division:

1. That any expansion(s) to the existing residence meet all required setbacks; or a variance be obtained.

GENERAL COMMENTS: The applicant is proposing to vacate a 25 foot platted setback located along the front lot line of the subject property.

Currently, a single family residence and a detached garage are located on the property. A recent structural survey of the property identified that the residence is located 18.6 feet from the front lot line. The structure encroaches 6.6 feet into the 25 foot platted setback. Ownership of the property has recently changed hands and the new owners would like to vacate the platted setback.

# STAFF REPORT

August 1, 2000

---

## VAC #00VE010 - Vacation of Platted Setbacks

---

STAFF REVIEW: Staff has reviewed this request and has noted the following considerations:

Zoning Ordinance Setback Requirements: The Enchanted Hills Subdivision was platted in 1977. At that time, it was common practice to specify setbacks on the plat. This practice is no longer used and setbacks are controlled through the adopted Zoning Ordinance. The property is zoned Low Density Residential District requiring a minimum 25 foot front yard setback. The existing residence is a legal nonconforming structure; however, any additional structures located and/or constructed on the property must maintain a minimum 25 foot front yard setback.

Visual Impact: The property is located on Panorama Circle. Panorama Circle curves along the front lot line of the property with the subject property located on the outside of the curve. A staff site inspection identified that the curvature and slope of Panorama Circle limits any negative visual impact the existing structure may create along Panorama Circle.

Safety: Panorama Circle is located within a 66 foot wide right-of-way. No sidewalks are constructed along the road; however, the 66 foot wide right-of-way appears to be wide enough to allow for the construction of sidewalks as well as for safe vehicular travel along Panorama Circle. The existing residence located 6.6 feet into the required 25 foot front yard setback does not appear to impact pedestrian and vehicular travel along this portion of Panorama Circle.

Open Space: The subject property is 2.26 acres in size. The surrounding properties range in size from 1.02 acres to 2.24 acres. Currently, single family residences and accessory structures are located on the adjacent lots. Sufficient open space exists to limit any negative impact the residence may have on the quality of light and air within the area.

Expansion: The Rapid City Municipal Code states that any expansion to a legal non-conforming structure may not encroach into the required front yard setback beyond the building line established by the existing structure. In order to limit any negative impact the residence may have on surrounding properties and the access road, staff is recommending that any expansion(s) to the existing residence meet all required setbacks. This would preclude any additional encroachments into the 25 foot front yard setback established by the Zoning Ordinance.

Staff recommends that the vacation of the platted setback be approved since the setback requirements are now controlled through the Rapid City Municipal Code with the condition that any expansion(s) to the existing residence meet all required setbacks; or a variance be obtained.