

STAFF REPORT  
March 10, 2005

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**No. 05SV011 - Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** **ITEM 30**

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying and Consulting Engineers for Donald Potts
REQUEST	<b>No. 05SV011 - Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	SW1/4 SW1/4 SE1/4 and SE1/4 SW1/4 SE1/4 less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.48 acres
LOCATION	Northwest of the intersection of Haugo Drive and Catron Boulevard
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Patsy Horton / Curt Huus

RECOMMENDATION:

**Staff recommends that the Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.**

GENERAL COMMENTS: (Updated March 2, 2005. All revised and/or added text is shown in bold print.) The applicant is platting immediately adjacent to this subject property (04PL191). The property owner located adjacent to the applicant has refused to sign the petition to vacate the section line as proposed by the applicant. The applicant is now requesting the Variance to the Subdivision Regulations to allow platting one-half of a right-of-way be denied without prejudice (correspondence attached). The section

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**line highway right-of-way adjacent to the subject property located west of Covenant Drive will remain.**

The applicant has submitted a Variance to the Subdivision Regulations to allow platting one-half of a right-of-way for the section line adjoining the applicant's property to the south, west of Haugo Drive. The applicant is also requesting a Variance to the Subdivision Regulations to vacate the section line highway on the applicant's property (04SV013) and vacate the section line east of Haugo Drive and west of Catron Boulevard (05SV001) as it abuts the subject property. On December 10, 2004, the applicant submitted a Preliminary Plat (04PL191) to subdivide the subject property into two lots. The Preliminary Plat was approved with stipulations at the January 6, 2005 Planning Commission meeting.

The property is located just west of Catron Boulevard, north of Haugo Drive. Currently, a single family residence is located on proposed Lot 1.

**STAFF REVIEW:**

Staff has reviewed the Variance to the Subdivision Regulations and recommends that it be continued to allow the applicant an opportunity to work with the affected property owner for concurrence in the request.

**Legal Notification Requirement:** The receipts from the certified mailings have been returned. Staff has not received any calls or inquires regarding this proposal.