

STAFF REPORT  
October 31, 2006

---

**No. 06VE024 - Vacation of a portion of a Utility Easement**

**ITEM**

---

GENERAL INFORMATION:

PETITIONER	Dean Scott for Robin Silk
REQUEST	<b>No. 06VE024 - Vacation of a portion of a Utility Easement</b>
EXISTING LEGAL DESCRIPTION	Lot 9, Block 1, County Heights, located in the SW1/4 SW1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.236 acres
LOCATION	4741 Hamlin Court
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	9/29/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Vacation of a portion of a Utility Easement be approved with the following stipulation:

1. Prior to City Council approval, documentation from US West Communications shall be submitted indicating no objection to the vacation.

GENERAL COMMENTS:

The applicant has submitted a Vacation of Utility Easement request to vacate a portion of an eight foot wide utility easement located along the north lot line of the subject property.

The property is located at the northern terminus of Hamlin Court. Currently, a single family residence and storage shed(s) are located on the property. The applicant is proposing to construct a garage in the area of the vacated utility easement.

STAFF REVIEW:

Staff has reviewed the Vacation of Utility Easement request and has noted the following considerations:

STAFF REPORT  
October 31, 2006

---

**No. 06VE024 - Vacation of a portion of a Utility Easement**

**ITEM**

---

Utilities: The Vacation of Utility Easement requires the permission of all the affected utility companies. All of the utilities have indicated concurrence with the request with the exception of US West Communications. As of this writing, they have not submitted written notification indicating their position. As such, staff is recommending that prior to City Council approval, documentation from US West Communications be submitted indicating no objection to the vacation.

Building Permit: The Pennington County Planning Department has indicated that a Variance from the Pennington County Zoning Board of Adjustment must be obtained to allow the garage to be located within the side yard setback as proposed. In addition, the Pennington County Planning Department has indicated that the two sheds located along the rear lot line of the property must be relocated to meet the minimum setbacks as required by the Pennington County Zoning Ordinance. Prior to issuance of a building permit, the above referenced issues must be addressed as identified.

Staff is recommending that the Vacation of Utility Easement request be approved with the stipulation of approval as identified above.