

STAFF REPORT  
February 22, 2007

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**No. 07VE001 - Vacation of eight foot utility and minor drainage easement**      **ITEM**

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GENERAL INFORMATION:

PETITIONER	Tim Wishard
REQUEST	<b>No. 07VE001 - Vacation of eight foot utility and minor drainage easement</b>
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 2 of Skyview North Subdivision in the NE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.108 acres
LOCATION	2026 Harney Drive
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Water and Sewer
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Vacation of a portion of an eight foot minor drainage easement be approved with the following stipulations:

1. Prior to approval by City Council, the applicant shall submit a revised Exhibit A showing the existing ten foot access easement on the north property line, the existing fifteen foot wide access and utility easement on the west property line, and the existing drainage easement near the western boundary of the subject property.
2. Prior to approval by City Council, the applicant shall submit for review and approval a revised Exhibit A showing the building footprint, and the portion of the drainage easement that was encroached by the structure.

GENERAL COMMENTS:

The applicant has submitted a vacation of easement request to vacate a one foot by three

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hundred fifty five feet portion of a minor drainage easement that measures eight feet by three hundred fifty five feet. The subject easement lies along the southern boundary of Lot 4 of Block 2 of Skyview North Subdivision. Current zoning of the subject property is Low Density Residential with a Planned Residential Development (04PD051). A single family residential structure currently resides on Lot 4. The applicant is requesting this vacation because a portion of the structure on Lot 4 encroaches into the minor drainage easement; more specifically a post from a deck located on the rear of the structure encroaches into the minor drainage easement.

STAFF REVIEW:

Staff has reviewed the request for vacation of easement and noted the following considerations:

Lot 4/ Minor Drainage Easement

The applicant submitted a structural survey of the property showing the encroachment into the minor drainage easement. The applicant has requested that a one foot by three hundred fifty five foot portion of the easement be vacated. Staff has noted that only the area around the actual encroachment of the deck needs to be vacated. Staff has also noted that the submitted survey did not show the existing ten foot wide utility easement on the north property line, the existing fifteen foot access and utility easement on the west property line, and the existing major drainage easement along the western property line.

Staff has determined the single family residential structure to be one story in height. Current zoning is Low Density Residential Zoning District which requires an eight foot side yard setback for a structure of one story. Section 17.50.250 (11) of the Rapid City Municipal Code allows the encroachment into the required setback by decks as long as it does not exceed six feet. The submitted structural survey shows the encroachment at one foot, therefore the single family residence is in conformance with the underlying zoning designation which requires an eight foot side yard setback for a one story single family residence.

Utilities: The Vacation of Easement request requires the permission of all affected utility companies. All of the affected utility companies have responded, and all utilities company have approved the request.

Staff has reviewed the request for the vacation of a portion of a minor drainage and has determined that the easement will not affect future development if granted. As such, Staff recommends that the vacation of the portion only in which the deck encroaches into the Minor Drainage be approved.