

STAFF REPORT  
July 26, 2007

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**No. 07VE016 - Vacation of a Note on a Plat**

**ITEM 23**

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GENERAL INFORMATION:

PETITIONER	Duane and Gail Sudman
REQUEST	<b>No. 07VE016 - Vacation of a Note on a Plat</b>
EXISTING LEGAL DESCRIPTION	Lot 18 of Tract 2, Canyon Lake Heights Subdivision, located in the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.04 acres
LOCATION	3502 Wonderland Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City
DATE OF APPLICATION	6/13/2007
REVIEWED BY	Loren Fuhrmann / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Vacation of a Note on the Plat requiring a 25 foot front yard building setback along the north lot line and a 25 foot front yard building set back along the west lot line be approved.

GENERAL COMMENTS:

The property is located at 3502 Wonderland Drive, southeast of the intersection of Wonderland Drive and Cliff Drive. This property contains approximately 1.04 acres. The property is located within the municipal boundaries of the City of Rapid City.

The applicant is requesting to Vacate a Note on the Plat requiring a 25 foot front yard building setback along the north lot line and a 25 foot front yard building set back along the west lot line of the property. The applicant has submitted a vacation document prepared by a Registered Land Surveyor, identified as "Exhibit A", which identifies the property and the proposed note to be vacated.

The original plat document known as "Plat of a portion of Canyon Lake Heights Subdivision in the County of Pennington, including: Lot 3R (which includes Lot 3 and unplatted portion of Tract 1); and Lot 4R (which includes Lot 4 and an unplatted portion of Tract 1); and Lots 5 thru 18;

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and Well Lot, all in Tracts 1 and 2 of Canyon Lake Heights Subdivision, located in SE ¼ of SW ¼ of Section 9 and NE ¼ of Section 16, T1N, R7E, BHM, Pennington County, South Dakota”, identifies a front yard building setback of 25 feet along the north lot line and 25 feet along the west lot line of the property.

The current zoning of the property is Low Density Residential. A single-family dwelling is currently located on the property, which is a permitted use in a Low Density Residential District. The existing buildings located on the property as shown on the site plan submitted by the applicant, meets current setbacks except for the detached garage. The detached garage is located 20 feet from the north property line rather than the 25 foot front yard setback required by the note on the plat and the Rapid City Municipal Codes.

On October 11, 1983 the Rapid City Zoning Board of Adjustment granted a variance (Appeal #1663) for a detached garage (20' x 22'), located 20 feet from the north property line rather than the required 25 foot front yard setback. On October 24, 1983 a Building Permit was issued to construct a detached garage (20'x22). When a variance was obtained in 1983, the note on the plat was not vacated. The applicant is in the process of selling the property and wishes to be able to provide a clean title to the property.

**STAFF REVIEW:**

Staff has reviewed the request to Vacate a Note on a Plat and has noted the following.

**FRONT YARD SETBACK**

In the past setback notes were identified on plat documents. To avoid conflicts with the underlying zoning requirements, setbacks are no longer generally identified on final plat documents. Today Rapid City does not allow the setback notes to be shown on plat documents.

Setbacks requirements are no longer generally identified on final plat documents, as such Staff recommends that the Vacation of a Note on the Plat requiring a 25 foot front yard building setback along the north lot line and a 25 foot front yard building set back along the west lot line be approved.