

STAFF REPORT
November 18, 2010

No. 10VE013 - Vacation of a note on a Plat

ITEM 18

GENERAL INFORMATION:

APPLICANT	Joe and Shelby Keeton
PROPERTY OWNER	Joe and Shelby Keeton
REQUEST	No. 10VE013 - Vacation of a note on a Plat
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 3 of Wildwood Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.05 acres
LOCATION	5480 Pine Tree 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 water and septic
DATE OF APPLICATION	10/19/2010
REVIEWED BY	Jim Flaaen / Karley Halstad

RECOMMENDATION:

Staff recommends that the Vacation of a note on a Plat be approved.

GENERAL COMMENTS: The applicant has submitted a Vacation of a Note on a Plat request to vacate a note from the Plat of Lots 6, 7 and 8 of Wildwood Subdivision. In particular, the applicant is seeking to vacate General Note #1 which states, "Minimum Building Setback Requirements Unless Otherwise Noted: 25' – Front & Rear, 8' – Sides".

On October 19, 2010, the Zoning Board of Appeals approved a Variance request to reduce the front yard setback on the applicant's property to 24 feet in lieu of the required 25 feet for the existing residence. The applicant has indicated that they wish to vacate the note so as to not affect future sale(s) of the property by providing a clean title.

The property was originally platted in 1978. 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.

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The applicant's property is located at 5480 Pine Tree Drive, on the south side of Pine Tree Drive, north of Wildwood Drive and west of Sheridan Lake Road. The proposed Vacation of a Note will affect properties located at 5480 and 5545 Pine Tree Drive and 5568 Wildwood Drive. Single family residences are located on the properties.

STAFF REVIEW: Staff has reviewed the request to Vacate a Note on a Plat and has noted the following issues:

Plat: As previously stated, the original plat document known as, "Plat of Lots 6, 7 & 8, Block 3, Wildwood Subdivision, located in the NW ¼ SE ¼, Section 21, T1N, R7E, B.H.M., Pennington County, South Dakota" identifies a 25 foot front and rear yard setback and 8 foot side yard setback requirement. The proposed Vacation of a note on a Plat will remove the setback requirement from the plat of all three lots.

Variance: As previously stated, the applicant obtained a Variance from the Zoning Board of Adjustment on October 19, 2010 to allow a 24 foot front yard setback in lieu of the required 25 foot front yard setback as required in the Low Density Residential Zoning District.

Setback(s): The property is located in a Low Density Residential Zoning District. Twenty-five foot front and rear yard setbacks in the Low Density Residential District are required for main buildings. In addition, an 8 foot side yard setback is required for one-story structures and a 12 foot side yard setback is required for two-story structures.

The removal of the note from the plat will not change the setback requirements as outlined in the Zoning Ordinance for the property. As such, staff recommends that the Vacation of a note on a Plat be approved.