



PW041012-17

# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

## Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: [www.rcgov.org](http://www.rcgov.org)

TO: Public Works Committee  
FROM: Brandon Quiett  
Engineering Project Engineer  
DATE: March 27, 2012  
RE: Request to waive requirement to install sidewalk per City Ordinance 12.16.080  
3110 Haines Ave.  
Lot 3, Block 9, McMahon Industrial Park No. 2, located in Section 24, T2N, R7E,  
BHM, Rapid City, South Dakota

A request was received in the Public Works Office on September 7, 2011 requesting the requirement to install sidewalk per City of Rapid City Ordinance 12.16.080 be waived. This request is associated with a building permit for a welding shop addition. A 4 foot sidewalk is required to be constructed one foot from the property line along Haines Avenue as per the Rapid City Municipal Code.

The City of Rapid City Code of Ordinances, 12.16.080 New or Relocated Residential or Commercial Buildings, section (A) states:

*"The construction of a permanent sidewalk fronting or abutting all streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential or commercial buildings within the city..."*

Section (C) states:

*"Application for variance. Any person aggrieved by any decision of the Building Official under this section may apply in writing to the Common Council for a variance from the requirements of this section."*

Therefore, as allowed by ordinance, see the attached written request from the land owner to the Common Council.

The subject property is located on the east side of Haines Avenue in the McMahon Industrial Park No. 2 Subdivision, approximately 700 feet south of Kathryn Avenue. Haines Avenue has no sidewalk on the east in the location of the subject property. The nearest sidewalk on the east side of Haines Avenue is approximately 1,150 feet to the south of this site, along the frontage of 2710 Haines Avenue. There is an 8 foot bike path on the west side of Haines Avenue which runs north and south through this entire area. The subject property has approximately 100 feet of frontage.



EQUAL OPPORTUNITY EMPLOYER

There appears to be no topographical conditions or City utilities that would complicate installation of a 4 foot property line sidewalk.

**Staff Recommendation:** Staff acknowledges that the east side of Haines Avenue has limited sidewalk, and an 8 foot bike path exists along the entire west side in this area. Staff recommends a WORP be signed if this variance is approved.



**Leo Schaeffbauer**

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**From:** Leo Schaeffbauer <leos.landl@midconetwork.com>  
**Sent:** Tuesday, January 31, 2012 11:41 AM  
**To:** 'brandon.quiatt@rcgov.org'  
**Subject:** request to waive sidewalk requirement at 3110 Haines Ave.

Leo & Linda Schaeffbauer  
25 Nebraska St.  
Rapid City, So. Dak. 57701

To: Public Works Committee

From: Leo & Linda Schaeffbauer

Date: January 31, 2012

Re: Request to waive requirement to install sidewalk per City Ordinance 12.16.080

Legal Description: Lot 3, Block 9, McMahon Industrial Park No. 2 Pennington County (Street address is 3110 Haines Ave.)

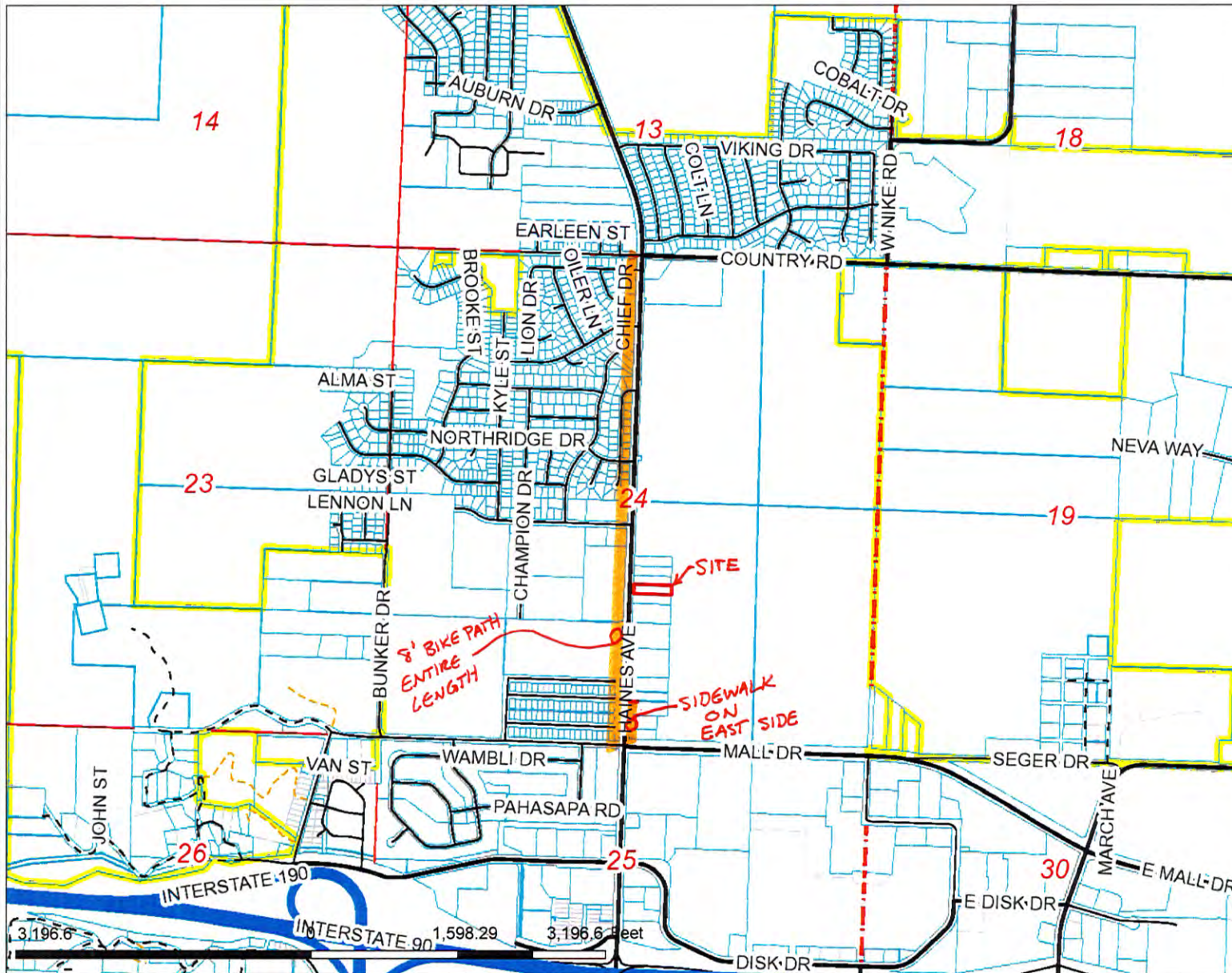
We, Leo and Linda Schaeffbauer, the owners of the above-referenced property are requesting the requirement to install sidewalk per City Ordinance 12.16.080 be waived.

1. There are no sidewalks on any of the adjacent properties.
2. There is a continuous sidewalk on the west side of Haines Ave. which was installed when the road work was done on Haines Ave. a few years back.
3. The west side of Haines Ave. in this area is where the residential areas are and therefore where the foot traffic is needed.
4. The east side of Haines Ave. in this area is commercial and therefore no foot traffic.
5. We have had our business located at 3190 Haines Ave. for many years and I have seen little if any foot traffic go by on this side of the street.

Thank you for your consideration in granting us the above variance request.

Sincerely,

Leo and Linda Schaeffbauer


**Legend**

- Roads**
- Not classified
  - Interstate
  - US Highway
  - SD Highway
  - County Highway
  - Main Road
  - Minor Arterial
  - Collector
  - Ramp
  - Paved Road
  - Unpaved Road
  - FS Unpaved Road
  - Driveway
  - Paved Alley
  - Unpaved Alley
  - Unimproved Road
  - Trail
  - Not yet coded
- Township/Section Lines**
- TOWNSHIP
  - SECTION
- Tax Parcels**
- Lot Lines**
- <all other values>
  - Lot Line
  - Parcel Line
- ☐ County Line



Scale: 1: 19,179

**Map Notes:**

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