

STAFF REPORT

November 7, 2002

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**No. 02SV035 - Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code**

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**ITEM 36**

GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Ralph and Kathleen Rice
REQUEST	<b>No. 02SV035 - Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 9 Rev. and Lot 10 A Vaughn's Subdivision all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	1/2 mile north of the Rushmore Mall and west of 143rd Avenue
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	Suburban Residential District (County)
East:	Low Density Residential District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	07/11/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry

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sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code be **denied without prejudice as requested by the applicant.**

GENERAL COMMENTS:

**This item has been continued several times since the August 22, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat. This Staff Report has been revised as of October 26, 2002. All revised or added text is shown in bold print.** The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve Neva Way and a shared access easement as identified above. The applicant has also submitted a Preliminary and Final Plat to reconfigure two lots as a companion item. (See associated item #02PL078.)

Currently, a single wide mobile home and a garage are located on existing Lot 10A and a shed and a barn are located on Lot 9A Revised. Replatting the property as proposed will result in the shed and barn being located on proposed Lot 10A Revised. Proposed Lot 9A Revised Revised will then be void of any structural development.

On July 13, 2001, the applicant submitted Preliminary and Final Plat #01PL074 to subdivide the subject property as shown on this plat. On August 20, 2001, the City Council denied without prejudice the Preliminary and Final Plat at the applicant's request.

STAFF REVIEW:

The Variance to the Subdivision Regulations application does not include the request to waive the requirement to install water lines. **As such, the Planning Commission recommended that the Variance to the Subdivision Regulations be continued to the November 7, 2002 Planning Commission meeting to allow the applicant to revise the application to include waiving the requirement to install water line(s). Please note, to date letters notifying property owners within 250 feet of the property of the Variance to the Subdivision Regulations request as required have not been sent out by the applicant.**

**On October 22, 2002 the applicant submitted a letter requesting that the Variance to the Subdivision Regulations as well as the associated Preliminary and Final Plat be denied without prejudice. Staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice as requested.**