

STAFF REPORT

December 19, 2002

No. 02VE025 - Vacation of Note on Plat

ITEM 17A

GENERAL INFORMATION:

PETITIONER	Rick Harter
REQUEST	No. 02VE025 - Vacation of Note on Plat
EXISTING LEGAL DESCRIPTION	Lot 19 of Block 4 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .210 acres
LOCATION	4906 Butte Circle
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Water and Sewer: Rapid Valley Sanitary District
DATE OF APPLICATION	12/13/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends approval of the vacation of the 25 foot setback note for that portion of the existing structural encroachment on Lot 19 of Block 4 of County Heights Subdivision as shown on Exhibit A.

GENERAL COMMENTS:

The applicant is proposing to vacate a note on platted property which is legally described as, Lot 19 of Block 4 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. An application to vacate a plat note on Lot 19 of Block 4 of County Heights Subdivision was submitted by the applicant on December 13, 2002. The note was included on the plat when the plat was recorded in 1980. The plat note in question reads as follows:

“All buildings shall be set back a minimum of 25 feet from street property lines.”

STAFF REVIEW:

The applicant intends to construct an attached garage on to the existing residence. Before

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a building permit is issued by Pennington County, the encroachment of the existing residence into the front building setback must be resolved. Additionally, the existing dwelling occupies approximately one foot by 24 feet of an existing eight foot wide utility and drainage easement located along the northeast lot line of the subject property (Companion Item No. 02VE014). The applicant has indicated that the Pennington County Zoning Board of Adjustment will consider the variance to the zoning requirement if this application and the aforementioned companion item are approved by the City Council.

Due to the limited encroachment of the existing structure, this request appears to have no significant impact on the welfare of the neighborhood. However, the applicant should be aware that the City of Rapid City encourages adherence to the Rapid City Municipal Code and the Pennington County Zoning Ordinance, and may not support future requests.

Upon review of the information submitted, staff recommends approval of the vacation of the 25 foot setback note on the plat for that portion of the existing structural encroachment on Lot 19 of Block 4 of County Heights Subdivision as shown on the attached Exhibit.