

We, the undersigned residents and property owners of Moon Meadows Road area, including North Star Road are asking the City of Rapid City to deny the variance of File No. 11SV008 by Tom and Sue Karlen at 8133 North Star Road, which reads:

**Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer, and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code.**

North Star Road is not up to City Codes or County Codes for this subdivision of property and, therefore, does not meet City standards.. There is a significant increase in traffic because there are six homes now and another lot waiting to be sold will be seven. This variance approval would add one more lot to an already high traffic area. It is the belief of the undersigned that the granting of this variance will make worse the existing road hazards creating additional safety hazards and reduce the value of the property owners in the subdivision. When all of the property owners purchased their property, they purchased it knowing that there would be a good buffer zone between lots. We all purchased buildable property as well as property unusable due to the terrain, all of which we pay taxes on. If this is approved, you will be setting precedence for other people to subdivide their property in the area. This variance will change the complete character of our neighborhood.

	NAME (PLEASE PRINT)	ADDRESS (PLEASE PRINT) OR LEGAL DESCRIPTION	SIGNATURE	DATE
1	Kari Aanderud	8407 North Star Rd <small>Rapid City, SD 57702</small>	<i>Kari Aanderud</i>	5/3/11
2	Denise Andersen	8376 North Star Rd. <small>Rapid City S.D. 57702</small>	<i>Denise Andersen</i>	5/3/11
3	Dave Andersen	8376 North Star Rd <small>Rapid City SD 57702</small>	<i>Dave Andersen</i>	5-3-11
4	Michael Aanderud	8407 North Star Rd <small>Rapid City SD 57702</small>	<i>Michael Aanderud</i>	5/3/11
5	Kathleen Duffield	8453 North Star Rd <small>Rapid City SD 57702</small>	<i>Kathleen Duffield</i>	5-3-11
6	MARSHALL BURGESS owner	3915 MOON MEADOWS DR <small>RAPID CITY 57702</small>	<i>Marshall Burgess</i>	5/4/11
7	Lidiya Burgess owner	3915 Moon Meadows Dr. <small>Rapid City 57702</small>	<i>Lidiya Burgess</i>	5/4/11
8	James H. Costlow	3975 Moon Meadows Dr <small>Rapid City 57702</small>	<i>James H. Costlow</i>	5/6/11
9	Judy Martewkus	3685 Moon Meadows Dr <small>RC SD 57702</small>	<i>Judy Martewkus</i>	5/04/11
10	Patti Zylstra (owner)	3290 Moon Meadows Dr. <small>RCSD 57702</small>	<i>Patti Zylstra</i>	5/4/11
11	Sally Kemner (owner)	2971 Moon Meadows Dr. <small>RCSD 57702</small>	<i>Sally Kemner</i>	5/4/11
12				

(★) 6 of 10 the people that received notice have signed the Petition.

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	NAME (PLEASE PRINT)	ADDRESS (PLEASE PRINT) OR LEGAL DESCRIPTION	SIGNATURE	DATE
1	ROBERT PARRIS	Lot 11 Block I Section 34 T Moon Meadows Estates IN-R7E	Robert Parris	5/3/11
2	LINDA PARRIS	" " "	Linda Parris	5/3/11
3	James Grebner	7955 Mt. Royal Ln. Owner Rapid City, SD 57702	James Grebner	5-3-11
4	Julie Grebner	" " " Owner	Julie Grebner	5-3-11
5	LADONNA Hummel	Moon Meadows Estates Block 3 Lot 16 RA	Ladonna Hummel	5-3-11
6	DENNIS ARP	MOON MEADOWS DR. BLK 3 LOT 15R	Dennis ARP	5-3-11
7	Joyce Whittington	3467 Moon Meadows OWNER RC, SD 57702	Joyce Whittington	5/3/11
8	Leticia Knick	3499 Moon Meadows Dr Rapid City SD 57702	Leticia Knick	5/3/11
9	Daniel E Pesicka	3521 Moon Meadows	Daniel E Pesicka	5-3-2011
10	DONNA R. PESICKA	3521 MOON MEADOWS	Donna Pesicka	5-3-2011
11	Lou Gose	4275 Mt Palomar Ln.	Lou Gose	5-3-2011
12	VICTORIA GOSE	8275 MT PALOMAR LANE	Victoria Gose	5-3-2011

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	NAME (PLEASE PRINT)	ADDRESS (PLEASE PRINT) OR LEGAL DESCRIPTION	SIGNATURE	DATE
1	MARK MORDUCOST MICHELLE MORDUCOST	1N 07E SEC 34 MOON MEADOWS ESTATES Block 1 LOT 12	Mark Morducost	5-3-2011
2	Jeff Beardt	1N 07E SEC 33 Moon Meadows Estates Block 3 Lot 8	Jeff Beardt	5-3-2011
3	Sharon Beardt	1N 07E SEC 33 Moon Meadows Estates Block 3 Lot 8	Sharon Beardt	5-3-2011
4	Loren L. Legge	T1N-R7E sec. 34 Moon Meadows Estates Block 3 Lot 18	Loren L. Legge	5-3-2011
5	Webster Legge	T1N-R7E sec. 34 Moon Meadows Estates Block 3 Lot 18	Webster Legge	5-3-2011
6	GREG BIEGLER	3415 Moon Meadows Dr. Rapid City, SD 57702	Greg Biegler	5-3-2011
7	GEORGE BEAL George Beal	T1W-R7E LOT 28-31 Moon Meadows Estates Block 3	George Beal	5-4-2011
8	Paul Hummel	Moon Meadows Estates Block 3 Lot 16 RA	Paul Hummel	5-4-2011
9	Kathleen Baumiller	3655 Moon Meadows DR	Kathleen Baumiller	5-4-2011
10	Robert Baumiller	3655 Moon Meadows DR	Robert Baumiller	5-4-2011
11	Ethel Georgan Jaeger	3865 Moon meadows Dr. (owner)	Ethel S. Jaeger	5-4-2011
12	John Jaeger	3865 Moon meadows Dr. (owner)	John Jaeger	5-4-2011

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1	STEVE MORGAN	7735 KITT PEAK RD, RC.	Steve Morgan	5/3/2011
2	DEV GOLNICK	8085 KITT PEAK RD RC	Dev Golnick	5/3/2011
3	Robert Golnick	8085 KITT PEAK RD RC	Robert Golnick	5-3-2011
4	DARLENE SMITH	8222 KITT PEAK RD, RAPID CITY	Darlene Smith	5-3-2011
5	Amy STAMPER	8265 KITT PEAK RD, Rapid City	Amy Stampler	5-3-2011
6	Beula Mason	8412 KITT PEAK RD, Rapid City	Beula Mason	5-3-2011
7	Jack Kemp	8580 KITT PEAK RD, RC, SD	Jack Kemp	5-3-2011
8	PAULA MELOY	4040 Mt. Locke Ln.	Paula A. Meloy	5/3/2011
9	Elizabeth Martin	3944 Mt. Locke Ln.	Elizabeth Martin	5/3/2011
10	Kim Haug	8357 KITT PEAK RD RC SD	Kim Haug	5/3/2011
11	TIM TAYLOR	8237 KITT PEAK RD, Rapid City, SD	Tim Taylor	5/3/2011
12	CHERYL TAYLOR	8237 KITT PEAK RD, RC, SD	Cheryl Taylor	5/3/11

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	NAME (PLEASE PRINT)	ADDRESS (PLEASE PRINT) OR LEGAL DESCRIPTION	SIGNATURE	DATE
1	Joe Maierhauser	3285 Moon Meadows (owner)		4 May 11
2	Aaron Welsh	8136 North Star Rd (owner)		5-4-11
3				
4				
5				
6				
7				
8			<b>RECEIVED</b>	
9			MAY 04 2011	
10			Rapid City Growth	
11			Management Department	
12				

**From:** aanderud [mailto:aanderud5@rap.midco.net]

**Sent:** Wednesday, May 11, 2011 8:28 PM

**To:** gmweb

**Subject:** 8133 North Star Rd Petition for a variance

I am writing in regard to Tom and Sue Karlen's petition for a variance to our subdivision regulations for their Lot 19 of Block 3 of Moon Meadows Estates. They are requesting this variance with the end process being subdividing their lot into two. Our covenants clearly state that this is not allowed. If they are able to do this, it will greatly affect our neighborhood. We all have private wells and septic systems. Allowing subdivision will put a strain on the existing water and sewage systems. Our road has 6 homes on it with an empty lot that can be built on to bring the total to 7. If the Karlen's are allowed to subdivide, it simply opens the door for other home owners to do the same. If there are many more homes on our road, North Star Rd, it will also create a hazard in case of a fire. Our road is one lane. Emergency personnel and homeowners won't be able to be driving in both directions should an emergency arise. Not only will this put a strain on our water and sewage, it will change the views and dynamics of all of Moon Meadows Estates. I strongly urge you to not allow this to happen. Thank you for your consideration in this matter,  
Mike and Karri Aanderud

May 1, 2011

11SV008 – 11PL023

Growth Mgmt. Dept.  
300 6th St.  
Rapid City, SD 57701

RE: May 5 & May 16 Hearings of Request for Variance by Tom & Sue Karlen

To whom it may concern:

We live across Moon Meadows Dr. from the Karlens at 3132 Moon Meadows Dr., which is 4.82 acres legally described as Lot 11, Block 1 of Moon Meadows Estates, Sec 34, T1NR7E, BHM.

Not that we like all the restrictions and regulations, but when everyone in Moon Meadows Estates bought their property, everyone agreed to their property rights being limited by Moon Meadows restrictions and city county regulations.

Density, privacy, noise, traffic, number of saleable lots and other expectations are based on the restrictions and regulations. We have been friendly with the Karlens until this past week Tom started calling us his enemies for considering our own interests and not being in lockstep with his plan to subdivide and sell to increase his profit on his way out of state .

What is the point of all the restrictions and regulations if they are not followed at all or only for select people? If the city grants all the variations requested by Karlens then the city must agree in writing to provide the same variations to all the rest of us when we sell and for the same lot size. If not, then we oppose Karlen's variation request.

If there are going to be any variations of restrictions and regulations, whatever they are they must be uniform for everyone to prevent the process being used as a tool. There should not be, as there has been, special deals for certain property flippers/builders or only the first few people making variation requests.

The problem is that builders/property flippers and perhaps Karlens, engage in land subdivision profiteering at the expense of long-term residents in the area. As a result of variances of regulations and restrictions, the expectations of area property owners are being eroded while property taxes are increased due to the artificially increasing number of land transactions. The sole benefit goes to the land flippers while we long term residents are left with increased density, noise, dust and taxes.

Furthermore, North Star Road is gravel. Five years ago there were two homes and now there are seven, With Karlens proposing eight. This road generates considerable dust already. Residents along north Star should solve the dust problem, not create further problems. Oil or used asphalt is not a solution. Paving is a solution. If this problem is not solved then we oppose Karlen's request for variations.

Sincerely,

Robert & Linda Parris

*Robert Parris*  
*Linda Parris*

To:

Debra &amp; Loren Legge

Robert &amp; Linda Parri's

This letter from  
Tom Karlen was  
inserted in the  
certified letter from  
the City of Rapid City  
Council Management  
Meeting

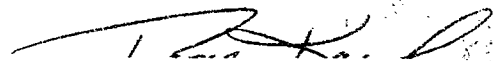
Received on  
4-28-11

Contrary what you think or want to believe,  
by making our property into 2 sites, or  
building an additional house will not raise  
your property taxes, that is my belief.

Property taxes are based on 2 things, market  
value and mill levy. Market value is made  
up of sales in a whole area, Redrock Meadows  
with about 200 sites, Whispering Pines, Kit Peak,  
and so on, not on the fact we may build  
a house.

If you need a further explanation, call the  
Director of Equalization, Shannon Rittburger, 394-2175,  
I did.

We are not hurting you in any way, or compromising  
your property. If you want us to be enemies,  
so be it.





THE HONORABLE COMMON COUNCIL  
OF CITY OF RAPID CITY  
300 6TH STREET  
RAPID CITY, S. D. 57901

DEAR SIRS AND MADAMS,

THE UNDERSIGNED AS PROPERTY OWNERS  
IN MOON MEADOW ESTATES DO HERBY OBJECT  
TO THE COMMON COUNCIL APPROVING THE PRO-  
POSED PLAT OF TOM AND SUE KARIEN TO  
SUBDIVIDE LOT 19 OF BLOCK 3 OF MOON MEADOWS  
ESTATE INTO TWO LOTS.

THE OBJECTION TO SAID SUBDIVING OF  
SAID LOT INTO TWO LOTS IS MADE FOR THE  
FOLLOWING REASONS:

1. THE DECLARATIONS OF RESTRICTIONS AND  
COVENANTS TO RUN WITH THE LAND FILED  
AGAINST MOON MEADOWS ESTATES DATED OCTOBER  
29, 1969, AND RECORDED IN THE OFFICE OF THE  
REGISTER OF DEEDS ON OCTOBER 30, 1969, IN  
BOOK 100 OF MISCELLANEOUS RECORDS ON PAGE  
565, IN PARAGRAPH 1, THEREOF PROVIDES THAT:

" NO MORE THAN ONE RESIDENCE SHALL  
BE CONSTRUCTED ON ANY LOT AND NO  
~~MORE~~ LOT SHALL BE FURTHER SUBDIVIDED."

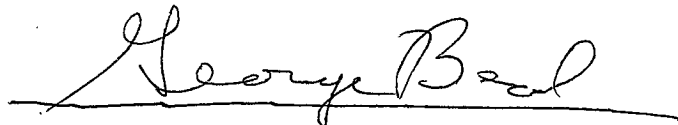
2. THE UNDERSIGNED AND OTHER OWNERS RELIED

UPON SAID RESTRICTIONS WHEN PURCHASING  
THEIR LOTS

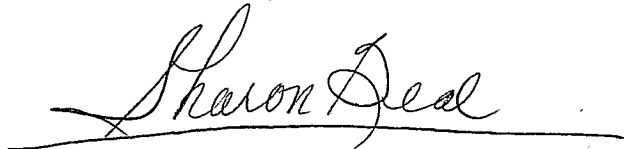
3. PERMITTING THIS SUBDIVISION WOULD  
CAUSE CONGESTION AND DESTROY "THE  
COUNTRY LIFE STYLE LIVING IN THE SUBDIVISION"  
MAKE THE LOTS LESS DESIRABLE, AND REDUCE  
THE VALUE OF SAID LOTS AND THE MANY  
HOMES CONSTRUCTED THEREON;

THE UNDERSIGNED RESPECTFULLY REQUEST  
THAT THE COUNCIL DENY THE SAID PLAT.

DATED THIS 9TH DAY OF MAY, 2011



GEORGE BEAL



SHARON BEAL

OWNERS OF RECORD OF

LOTS 28 THROUGH 31,

BLOCK 3, MOON MEADOWS ESTATES

May 12, 2011

Growth Management Dept  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

RE: Request for a variance to Moon Meadows' regulations by Tom & Sue Karlen

To Employees in the Growth Management Dept,

We are residents of Moon Meadows (Lot 12, Block 2) and would like to take this opportunity to express our opposition to the recent request for a variance to the regulations regarding our neighborhood.

We believe that allowing persons to subdivide lots in the neighborhood will lead to more traffic, noise, dust and generally transform our expectations of our neighborhood from a horse-friendly, country feel to that of a suburban neighborhood. We did not purchase property with a higher density of dwellings for that very reason. The covenants in effect for this area state that lots are not to be subdivided. That was our intent and expectation when we bought this property.

To quote the "Declarations of Restrictions and Covenants to Run with the Land" from Book 100, Page 565, "No more than one residence shall be constructed on any lot and no lot shall be further subdivided." Also earlier on this same page, "That for the purpose of maintaining fair and adequate property values and of continuing said property as a desirable residential part of Pennington County, South Dakota..."

Please do not allow a precedent to be set by allowing people to sell off portions of their Moon Meadows lot. We implore you to protect property owners in this area from unexpected and unwanted changes to their neighborhood.

Thank you.

Charles and Elizabeth Martin  
3944 Mount Locke Lane  
Rapid City, SD 57702

-----Original Message-----

From: Sue Karlen [mailto:slkarlen@yahoo.com]

Sent: Thursday, May 12, 2011 4:01 PM

To: Horton Patsy

Subject: May 16 City Council Meeting

To City Council Members,

We are Tom and Sue Karlen, who own the property at 8133 North Star Road, off of Moon Meadows. We are asking for final approval at the May 16 Council Meeting to make one additional site out of our 4.62 acres.

Some neighbors feel their taxes will go up if we build an additional house. This is not true, because taxes are based on mill levy and market value, including the 200 plus new homes built a mile away at Red Rock Meadows.

Neighbors worried about increased traffic should realize that Red Rock Meadows started building over 200 homes a mile away several years ago. That's increased traffic, not from us adding one lot. The worst hazard on North Star Road and Moon Meadows is people who drive too fast. This has nothing to do with a new lot.

In closing, Growth and Development recommended approval, and 9 of the 11 on the Planning Commission approved our application for one additional lot.

Other properties that have been split into two sites within a quarter mile of us include 3329 and 3337 Moon Meadows in 2001 into a .79 and 3.46 acre lots, and 2971 and 3025 Moon Meadows in 2005 into two 2 acre lots. We ask for your final approval as we are meeting all that is required by city regulations.

Respectfully submitted,

Tom and Sue Karlen

Growth Management Department  
300 Sixth Street  
Rapid City, SD 57701

12 May 2011

RE: Tom Karlen's request for variance in Moon Meadows Subdivision

I live in Moon Meadows subdivision (Lot 11, Block 2) and it has recently been brought to my attention that neighbors in my subdivision have requested a variance to the regulations of this subdivision. As I understand it, they would like to subdivide their lot and sell part of it.

The covenants for this area allow only one residence per lot. The principal reason many property owners in Moon Meadows purchased their property was because of the open space between homes. Allowing a higher density of homes in the area would contribute to more traffic, noise and dust as well as decreased property values.

Allow me to suggest that if a property owner wants to change the rules relating to his or her property, then he or she should be required to spend the time, effort and expense in order to change the rule in question. It should not be up to a property owner who is happy with the regulations that are in place to have to defend the existing regulations.

Please consider property owner's rights and expectations regarding rules set forth for Moon Meadows while making your decision in this case. Please deny the Karlen's request for a variance.

Thank you.

Kim Haug  
8357 Kitt Peak Road  
Rapid City, SD 57702