Description: Sidewalk installation in adjacent streets is required prior to the issuance of a certificate of occupancy for a structure on the lot, as required by Section 12.08.060 of the Rapid City Municipal Code. Section 12.08.060.C of the Rapid City Municipal Code allows for a person to apply for a variance from the requirement to construct sidewalk from the City Council.

Procedure for requesting a sidewalk variance:

1. Prepare a written request addressed to the City Council for a variance from the requirements to install sidewalks. The written request shall include the following information:
   a. Name of person requesting sidewalk variance, affiliation to project (property owner, builder, etc.), phone number, and email address.
   b. Type of permit that requires the installation of sidewalk (single family residential building permit, commercial building permit, commercial building expansion, etc.), and the building permit number associated with the request if one has been issued.
   c. Adjacent streets that require sidewalk installation.
   d. Justification for not wanting to construction the sidewalk (topographic constraints, proximity to other existing sidewalks, type of street, right-of-way constraints, etc.).
   e. Distance to and location of the nearest existing sidewalks.
   f. Include the following statement “The variance request is submitted as allowed for by Section 12.08.060.C of the Rapid City Municipal Code.”

2. Submit the written request to the Engineering Services Department, Development Review Group at the above address or by email to EngineeringDevelopmentGroup@rcgov.org.

3. The request will be put on the next Public Works Committee Meeting Agenda for consideration. The Public Works Committee will make a recommendation to the City Council for approval or denial of the request. The City Council will consider the request at the next City Council meeting. A Staff member will contact the applicant to inform them of the dates of the meetings in which the request will be considered. A representative of the request is encouraged to attend the meetings in order to speak towards the request, and address any questions. The City Council will make the final determination about the request.

4. There is no fee associated with this request.
Public Works – Engineering Services

Sidewalk Variance Request

I would like to build an additional garage on the west side of my property, and would like to request a variance for a sidewalk installation on my property.

Answers to Procedure Request

1a. Hollie Bergeron, Property Owner
    605-390-6716
    bredarwill@gmail.com
B. Building permit for a garage.
C. Timberline Trail
D. There are no existing sidewalks in the area. There is no curb or gutter on the street.
E. The closest street with existing sidewalks is Berry Blvd. 1050 ft. away.
F. The variance request is submitted as allowed for by Section 12.08.060.C of the Rapid City Municipal Code.

Thank you -
Hollie Bergeron
Parcel Information

Parcel ID: 2032152017

Property Address: 5424 TIMBERLINE TRL

Legal: LOT 1 OF LOT A OF LOT 4; LOT E OF LOT 5; LOT 1 OF LOT F OF LOT 5

Block: Subdivision: TIMBERLINE SUBD

Section: 32 Township: 2 N Range: 07 E

Acres: 0.46

Owner Last Name: BERGERON

First Owner: HOLLIE

Second Owner:

Mailing Address: 5424 TIMBERLINE TRL

Mailing City: RAPID CITY State: SD Zip Code: 57702-1806

Land Value: 54500

Non-ag Structure Value: 222200 Ag Structure Value: 0

Total Value: 276700

Land Use Code: N Land Type Code: D

Commercial Use Code:

Subdivision Code: 8200 Improvements Code: 1

Ambulance District: Fire Department: RC

Civil District: Fire District:

Sanitary Sewer District: Road District:

Deed Filing Date (mm/dd/yy): 121216 Water District: West Dakota Water District

Deed Type: QC

Deed Book: Deed Page: 201617353

This document is a user generated static output from an Internet mapping site and is for reference only. Information that appears on this document may or may not be accurate, current, or otherwise reliable.
IMPROVEMENT LOCATION SURVEY
LOT 1 OF LOT A OF LOT 4, LOT 1 OF LOT F OF LOT 6 AND LOT E OF LOT 5,
TIMBERLINE SUBDIVISION,
SECTION 32, T2N, R7E, B.H.M.,
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

THE SUBJECT PROPERTY IS ZONED
LOW DENSITY RESIDENTIAL
DISTRICT 1
AND SUCH ZONING HAS SETBACKS
AS FOLLOWS:
FRONT: 25'
SIDE YARDS: 8'
REAR YARDS: 25'

NO ENCROACHMENT OR
OVERAGES WERE FOUND.

We, Howe Land Surveying, do hereby declare to ReMax Realty of Rapid City,
First American Title Company of South Dakota and Black Hills Federal Credit
Union, that we have performed an "Improvement Location Survey" of the
conditions that were found at the time of the survey of the property shown
hereon on January, 2016.

This document DOES NOT constitute a boundary survey and is subject to any
Inaccuracies that a subsequent property survey may disclose. No property
corners were set and this drawing may not be used to establish any fences,
structure or any other improvements, property dimensions shown heron are
based upon unverified record information.

Howe Land Surveying is not extending any intent or warranty to the present or
future owners or occupants. This property is SUBJECT TO ALL easements,
conditions, restrictions, reservations and right-of-ways of record and those not
of record.

ADDRESS: 5424 TIMBERLINE TRAIL
JOB #: 16001
DESC: IMPROVEMENT LOCATION EXHIBIT
DATE: JANUARY 12, 2016
DRAWN BY: JNH
streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or existing buildings within the city, except in the following circumstances:

1. When the Common Council, pursuant to Chapter 17.50 of this code, approves a planned unit development or planned residential development incorporating a sidewalk plan unique to the development;

2. When the lot has a frontage in excess of 200 feet per dwelling unit located on the lot and is in the general agricultural zoning district; however, if the lot abuts or is adjacent to a lot with existing sidewalk, this exception shall not apply;

3. When the property has frontage along an interstate highway, a sidewalk will not be required along the interstate;

B. Variances granted by Council. The Common Council, in its sole discretion, may approve a variance from sidewalk requirements.

1. Unless otherwise provided by the Common Council in approving the variance, a variance under this section remains valid only until such time as a building permit is sought to construct an additional structure or parking lot on the property, to enlarge by 20% or more an existing structure or parking lot on the property, or to increase the occupant load by 20% or more, except for in the urban commercial district where an enlargement shall be defined by a 40% increase in the square foot gross floor area of a building. If such a building permit is sought, then sidewalks must be provided or a new variance must be approved.

2. For the purposes of determining what constitutes an expansion or enlargement of 20%, or 40% if located within the urban commercial district, any additions or increases since the variance was granted are considered cumulatively.

3. If no work is completed or improvements made on the property within 2 years of receipt of a variance, or if the development plan submitted with the variance request is replaced or abandoned, then the variance expires.

4. The granting of a variance does not limit the City Council's ability to order the installation of sidewalk in accordance with the provisions of § 12.08.020.

12.08.060 City Ordinance 12.08.060 C

C. All property with existing development on the effective date of these regulations which is not in compliance with the provisions of these regulations shall be considered nonconforming and allowed to continue until such time as a building permit is granted to construct a new structure or parking lot on the property, to enlarge by 20% or more an existing structure or parking lot on the property, or to increase the occupant load by 20% or more. For properties with existing development in the urban commercial district that are located along pedestrian oriented streets as defined in § 17.04.542, compliance with these regulations is required when a building permit is granted to construct a new structure or parking lot on the property, or to enlarge the square foot gross floor area of an existing structure or parking lot by 40% or more. Nothing in this section shall limit the City Council's ability to order the installation of sidewalk in accordance with the provisions of § 12.08.020.

D. Inspection prerequisite to certificate of occupancy-bond. No certificate of occupancy shall be issued nor shall a water meter be released until a final inspection by the Building Official confirms that the sidewalks were installed pursuant to this chapter, a variance was granted, or security in an amount equal to the estimated cost of construction of the sidewalk was provided, whereby the sidewalk will be constructed without cost to the city in the event of default by the builder, owner or developer of the property. All bonds and other methods of guarantee shall be approved by the City Attorney.

E. 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 an exception from the requirements of this section.

(Ord. 6236 (part), 2018: Ord. 6139 (part), 2016: Ord. 5793 (part), 2012)