Case No. 20VA007

**Legal Description:**

Lot 2 of Mallridge Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
City of Rapid City  
300 Sixth Street, Rapid City, SD 57701-2724  
Phone: (605) 394-4120  
Fax: (605) 394-6636  
Web: www.rcgov.org

**APPLICATION FOR A VARIANCE**

**Written statement describing the proposed and/or intended use and detailing the Variances(s) being requested:**

I would like to reduce the side yard setback from 8 feet to 3.3 feet. The non-conforming setback is due to the builder of the house building in the wrong spot back in 1995. I am submitting this application to get a building permit for a garage on the north end of my property. The garage will be in compliance with setbacks.

**RECEIVED**  
AUD 31 2020

**Applicant's Justification:**

Pursuant to Chapter 17.54.020.D of the Rapid City Municipal Code, before the Board shall have the authority to grant a Variance, the applicant must adequately address the following criteria:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The granting of the Variance will not be contrary to the public interest;</td>
<td>No. The granting of the Variance will not be contrary to the public interest as the setback is the side yard and does not encroach into any sight triangles.</td>
</tr>
<tr>
<td>2. There are special conditions attached to the property that do not generally apply to other properties in the same district;</td>
<td>The special condition is that the original builder built the house in the wrong place creating a non-conforming setback and encroaching into an easement. A vacation of easement application has been submitted to ensure that the utility companies comply with the vacation of the easement.</td>
</tr>
<tr>
<td>3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;</td>
<td>No, there will not be any unreasonable hardships. The current non-conforming setback is due to the builder of the house building in the wrong place.</td>
</tr>
<tr>
<td>4. By granting the Variance contrary to the provisions of this title, the spirit of this title and the city's Comprehensive Plan will be observed; and</td>
<td>Yes, the city's comprehensive plan will be observed.</td>
</tr>
<tr>
<td>5. By granting the Variance, substantial justice will be done.</td>
<td>Yes, by granting the variance substantial justice will be done.</td>
</tr>
</tbody>
</table>

5/31/2019
EXHIBIT A
VACATION OF PORTION OF UTILITY & MINOR DRAINAGE EASEMENT

LEGAL DESCRIPTION

LOT 2 IN BLOCK 2 OF MALL RIDGE SUBDIVISION
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

Project # 18.1588
Date: 8/28/20

Surveyed by: M.R.H.
Drafted by: M.R.H.

HANSON SURVEYING & MAPPING
MICHAEL R. HANSON - R.L.S.
832 HORACE MANN DRIVE
RAPID CITY, SD 57701
605-388-9652

SCALE: 1"=20'

RECEIVED
JUL 31 2020
RAPID CITY DEPARTMENT OF
COMMUNITY DEVELOPMENT

SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that I have surveyed the above described property and that the information shown hereon is an accurate representation of the information gathered at the time of the inspection of the subject property.

Michael R. Hanson - SD Reg. #6251