January 5, 2021

Mayor Allender and Members of the Common Council
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

RE: Variance From The Requirement to Install Sidewalks
    Proposed Lots 1 and 2 of JN Subdivision
    Owners: Dr. James Nelson, DDS

Mayor Allender and Council Members:

On behalf of owner Dr. James Nelson, DDS we are submitting this Variance request to waive the requirement to install sidewalks along all rights-of-way (Nemo Road Bittersweet Road and undeveloped section line ROW) and the existing and proposed Private Access Easements for the properties/residences known as 8204 and 8208 Nemo Road.

This project consists of the reconfiguration of 2 existing rural residential parcels with no resulting increase in lot density. The proposed parcel modifications will better reflect the existing development and proposed uses of the property.

The parcels/proposed lots in question are located over 2 miles west of the municipal limits of Rapid City off Nemo Road. The lots are larger estate sized lots (10.01 and 12.70 acres) located in a rural residential setting. Nemo Road is maintained by Penning County and is constructed with a typical rural road/street section - roadway surface, shoulders and ditch sections in lieu of curb and gutter with storm sewers. Nemo Road is an arterial roadway with speed limits of up to 50 mph, with changes in alignment and elevation and an absence of protective barriers (curb and gutter) that would present hazards to pedestrian traffic if sidewalks were to be required.

The easements in question are Private Access Easements that serve as a common driveway and are maintained by the respective landowners. The section line right-of-way is undeveloped based on topographic constraints and alternate access exists to the adjoining parcels.

The nearest public sidewalks would be located 2+ miles east in Rapid City along South Canyon Road.
Based on the size of the lots, the topography of the area, no increase in density, the rural character of this area and the road system, the private nature of the easements, and the significant distance to existing sidewalks, we are asking for your support and approval of this Variance request to waive sidewalk installation along all rights-of-way and easements for Lots 1 and 2 of JN Subdivision.

This variance request is submitted as allowed for by Section 12.08.060C of the Rapid City Municipal Code.

Sincerely,
FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.

Janelle L. Finck
President

jlf
encl