Case No. 21VA008

Legal Description:

Lot 15 of Block 4 of Highpointe Ranch Subdivision, located in Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
NOTE: (from plat)
Utility and Minor Drainage Easements: 8' on the interior sides of all lot lines.

LEGAL DESCRIPTION: Lot 15 of Block 4 of Highpointe Ranch Subdivision,
Rapid City, Pennington County, SD

PROPERTY ADDRESS: 5936 Cloud Peak Drive

SURVEYOR'S STATEMENT
I, James P. Heald, Registered Land Surveyor No. 2199 in the State of South Dakota, do hereby state that on May 25, 2021, the improvement location shown hereon was made by me or under my direct supervision and was made from the recorded bearings and distances shown on the original plat or description. This improvement location was prepared to satisfy the needs of a lender or insurer, only. This document does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. No property corners have been set and the information shown hereon should not be used to establish any fence, structure or other improvements. James P. Heald, doing business as Heald Land Surveying, is not extending a warranty to the present or future owners or occupants. Any easements or restrictions of miscellaneous record or private agreements that are not known to me are not shown hereon.

SPECIAL NOTE: House appears to extend into utility and minor drainage easement.
MAP OF VACATION OF PORTION OF UTILITY AND MINOR DRAINAGE EASEMENT ON LOT 15 OF BLOCK 4 OF HIGHPOINTE RANCH SUBDIVISION
Located in SE¼ of SE¼ of Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Plat of Lot 15 of Block 4 of Highpointe Ranch Subdivision recorded in Document A201812100
House foundation was poured with the back corner of garage within the setback. This is the side yard and farthest corner from the street. Requesting a reduced sideyard setback.

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>
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<tbody>
<tr>
<td>1. The granting of the Variance will not be contrary to the public interest;</td>
<td>The reduced sideyard setback will not obstruct any sight paths. This home and the adjacent home will have interior fire suppression installed. The adjacent land owner does not object this variance.</td>
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<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 foundation was placed in the excavation site out of square causing the building to corner to fall within the setback.</td>
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<td>3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;</td>
<td>5.5 ft setback is being provided. To move the foundation would require demolition and foundation/roof design changes.</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>The setback variance will not affect the overall development of the area. There is significant green space in the rear of this property and the neighboring properties.</td>
</tr>
<tr>
<td>5. By granting the Variance, substantial justice will be done.</td>
<td>The project is 100% complete and ready for occupancy by the family that is purchasing.</td>
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