May 12, 2022

City of Rapid City  
Attn: City Council  
300 6th Street  
Rapid City, SD  57701

Subj: Request for Sidewalk Variance Adjacent to  
Lot A of Tract A of Block 3, McMahon Industrial Park  
Haines Avenue Apartments Building Permit  
Permit No. CIBP22-0846  
Routing No. 22-077  
Rapid City, South Dakota

Members of the City Council:

This letter shall serve as our written request for a variance to the requirement to install sidewalk. Specifically, the variance request is to not install sidewalk on the south side of Country Road, east of the Haines Avenue intersection, and fronting Lot A of Tract A of Block 3, McMahon Industrial Park, Rapid City, Pennington County, South Dakota. In accordance with the City’s Sidewalk Variance Request Criteria we offer the following information:

1. **Person Requesting the Variance:** Muth Holdings, LLC  
   Attn: Joe Muth, Member  
   Phone: (605) 391-2426  
   joemuth@rapidnet.com

2. **Type of Permit:** Commercial Building Permit

3. **Adjacent Streets:** Country Road (Principal Arterial)  
   Haines Avenue (Principal Arterial)

4. **Justification:** This building permit application proposes to install sidewalk along Haines Avenue for the frontage length of the property. Haines Avenue is a fully urbanized street section. The variance request is to not install sidewalk along the south side of Country Road for the frontage length of the property. Approximately 40-feet of Country Road is a fully urbanized street section, transitioning into a rural section. The rural section of Country Road has a steep ditch which conveys storm water to a detention cell located along this lots’ east property line. Without significant grading in the right-of-way, a property line sidewalk in this location would be at the elevation of the floor of the existing detention
cell, and approximately 5-feet below the elevation of existing Country Road. We also understand that the City intends to re-construct Country Road in the future to make it a fully urbanized street section. That reconstruction will require raising the centerline elevation of Country Road immediately adjacent to this lot.

5. **Distance and Location to Nearest Sidewalks:** Sidewalk will be constructed on Haines Avenue as part of this project. No sidewalk exists on Country Road east of the Haines Avenue intersection, as it is a rural street section. Reference "Exhibit A"

6. **Statement:** The variance request is submitted as allowed for by Section 12.08.060.C of the Rapid City Municipal Code.

If you have any questions or require additional information do not hesitate to contact me at (605) 391-2426.

Joe Muth  
Member  
MUTH Holdings, LLC

Attachments: Exhibit “A”