

## STAFF REPORT

November 28, 2001

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### **No. 01FV001 - Fence Height Variance to allow a six foot high fence in the front yard setback**      **ITEM**

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#### GENERAL INFORMATION:

PETITIONER	Kelly Brassfield
REQUEST	<b>No. 01FV001 - Fence Height Variance to allow a six foot high fence in the front yard setback</b>
LEGAL DESCRIPTION	Lot 1 of Block 2 of Minnekahta Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .17 acres
LOCATION	2106 Elmhurst Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

#### RECOMMENDATION:

Staff recommends that the fence height variance to allow a six foot high fence in the front yard setback be denied.

GENERAL COMMENTS: The applicant is requesting a variance to construct a six foot high wood fence in the front yard on Elmhurst Drive and Minnekahta Drive. The variance is required because the maximum height for a fence in a front yard is four feet. The applicant noted on the application that the fence would provide a barrier between her large dogs and the surrounding neighborhood activities. The dogs bark when pedestrians and other animals are in the neighborhood and she feels that if the dogs cannot see what is going on in the neighborhood that they will not bark. She has also indicated that pedestrians often cut across the yard because of the absence of sidewalks along the frontage of her property and the fence would discourage the pedestrians from crossing her property.

The site plan submitted with this request provided two fencing options. On November 13, 2001 the applicant submitted a revised fencing plan for review. The revised fencing plan shows the six foot high fence extending south for 46 feet from the southwest corner of the existing residence, four feet back of the Minnekahta Drive property line and adjacent to the

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side and rear property lines. The site plan also shows that the applicant intends to construct a detached garage north of the existing residence.

STAFF REVIEW: Staff has reviewed this request with respect to Section 15.40.050 of the Rapid City Municipal Code. This portion of the code pertaining to fences states that "...the City Council may approve exceptions to the height requirements if it is determined that the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood...".

The subject property is located at the intersection of Elmhurst Drive and Minnekahta Drive. The intersection of Elmhurst Drive and Minnekahta Drive is not a typical 90 degree intersection. Engineering Staff met with the applicant and identified the required sight triangle for the intersection. The revised site plan submitted on November 13, 2001 showed the proposed six foot high fence outside of the required sight triangle. However, the subject property is located in residential neighborhood composed of single family homes and staff finds that the construction of six foot wood fence within the required front yard setback may block the view and light of adjacent properties negatively impacting the neighborhood.

Elmhurst Drive is a very narrow street with no sidewalks and only 18 feet of platted right of way. The site plan submitted with this request shows that currently a six foot high wooden fence is located on the north side of the existing residence within the required front yard. Staff is concerned for the safety of pedestrians walking along Elmhurst Drive and is recommending that the applicant remove the existing illegal fence from the front yard.

The green cards from the required notification of surrounding property owners have been returned by the applicant. Staff has spoken to an adjacent property owner and two letters have been received from neighboring property owners. All expressed concern that the proposed six foot fence in the front yard setback at the intersection of Minnekahta Drive and Elmhurst Drive will limit visibility at the intersection and will be unsightly (see attached public comment).