

STAFF REPORT

March 13, 2002

No. 02FV003 - Fence Height Variance to allow an existing 6 foot fence along Cherry Street to remain at existing height and location **ITEM**

GENERAL INFORMATION:

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| PETITIONER | Lyle Henriksen for WellSpring, Inc. |
| REQUEST | No. 02FV003 - Fence Height Variance to allow an existing six foot fence along Cherry Street to remain at existing height and location |
| EXISTING LEGAL DESCRIPTION | Lot 1-5 of Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.239 acres |
| LOCATION | 1205 East St. James Street |
| EXISTING ZONING | Medium Density Residential District/Flood Hazard District |
| SURROUNDING ZONING | |
| North: | Medium Density Residential District/Flood Hazard District |
| South: | Medium Density Residential District |
| East: | Flood Hazard District |
| West: | Medium Density Residential District |
| PUBLIC UTILITIES | City Sewer and Water |
| DATE OF APPLICATION | 01/30/2002 |
| REPORT BY | Karen Bulman |

RECOMMENDATION:

Staff recommends that the Fence Height Variance to allow a six foot fence along Cherry Street be approved with the following stipulation:

Engineering Division Recommendations:

1. A ten foot sight triangle, formed by the sidewalk and the driveway adjacent to the southwest corner of the property, be continually maintained.

GENERAL COMMENTS: The petitioner has requested a variance for an existing six foot wood fence along Cherry Street. The fence provides security and privacy for the occupants of WellSpring, Inc., a counseling center for youth. A driveway providing access to an adjacent apartment complex is located south of the subject property. A mobile home park is located

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across the street to the west. Land to the north and east is dedicated parkland and used for recreation purposes including soccer and polo fields.

STAFF REVIEW: The Rapid City Municipal Code 15.40.050 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". At this time, no comments regarding the existing six foot fence have been received from the area landowners.

Staff is concerned that the sight triangle at the southwest corner of the subject property on Cherry Street be maintained. The driveway providing access to the adjacent apartment complex currently takes access from Cherry Street. A new site plan was provided by the applicant, showing the ten foot minimum sight triangle that currently exists at that location. Due to the concerns of pedestrian safety from the sidewalk when vehicles are accessing the driveway, staff is requesting that the required ten foot minimum sight triangle be continually maintained.

As of this writing, the receipts from the required certified mailing have not yet been returned by the petitioner. Staff will notify the City Council if the required notices are not sent. Staff has reviewed this variance and is recommending approval with the stipulation of maintaining the ten foot sight triangle at the driveway entrance and the sidewalk.