

STAFF REPORT

October 1, 2002

No. 02FV009 - Fence Height Exception to allow a six (6) foot privacy fence along Minnesota Street

GENERAL INFORMATION:

PETITIONER	Seth Keene
REQUEST	No. 02FV009 - Fence Height Exception to allow a six (6) foot privacy fence along Minnesota Street
EXISTING LEGAL DESCRIPTION	Lot A of Lot 34 of Block 7 of Robbinsdale Addition No. 10, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .176 acres
LOCATION	408 E. Minnesota Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District w/Planned Residential Development
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	08/20/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the Fence Height Variance to allow a six foot fence in a front yard be denied.

GENERAL COMMENTS: The applicant is proposing to construct a six foot high privacy fence in a front yard setback at a residence located at 408 East Minnesota Street. The property is located at the intersection of East Minnesota Street and Wingate Court. The property has two front yards: one located adjacent to East Minnesota Street and the other located adjacent to Wingate Court.

The applicant has indicated that he wishes to build the privacy fence in the East Minnesota Street front yard setback. One end of the proposed fence starts approximately 16.3 feet east of the southwest corner of the residence; then south toward East Minnesota Street 27 feet; then west along East Minnesota Street 57 feet; then 10 feet north along the rear yard

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setback line. It appears the proposed fence is positioned approximately two and one half feet north of the property line along East Minnesota Street.

A single-family residential structure is located on the subject property. The property is zoned Medium Density Residential District. The property to the north is zoned Low Density Residential District, to the south is Medium Density Residential District with Planned Residential Development, and to the east and west is Medium Density Residential District.

The exception is required because the maximum height for a fence in a front yard is four feet. The Rapid City Municipal Code states that the City Council may approve exceptions to the fence 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.

STAFF REVIEW: There are no other residences located on East Minnesota Street within view of the subject property which have privacy fences constructed in a front yard setback. The absence of privacy fences in the front yards gives the appearance of open space. The height of the proposed fence would appear to create a barrier, significantly reducing the open space appearance, which staff considers inappropriate in the residential neighborhood.

More importantly, the safety issues which become apparent from the proposed privacy fence are of primary concern. The Rapid City Long Range Transportation Plan classifies East Minnesota Street as a minor arterial street. The street has a posted speed limit of 30 miles per hour. According to the Street Design Criteria Manual, the passenger car sight triangle for this street ranges from 320 feet to 360 feet, depending on sight direction. Additionally, the segment of East Minnesota Street which intersects Wingate Court is the radius of a curve, and not a straight line segment, impeding the sight triangle, especially looking west down East Minnesota Street from Wingate Court. The proposed fence location significantly reduces the sight triangle looking west down East Minnesota Street from Wingate Court. Additionally, the sight triangle from Winfield Court looking east is also reduced.

Staff has reviewed the fence height variance request and cannot recommend approval due to the aforementioned issues. The absence of privacy fences in the front yards gives the appearance of open space. The proposed privacy fence would set a precedent in this area along East Minnesota Street to allow the reduction of open space. The proposed fence would create significant traffic safety concerns, especially when considering traffic speed on East Minnesota Street, the curve in East Minnesota Street to the west of the subject property, and the significant reduction in the sight triangles from intersecting streets.

As of this writing, the green cards from the required certified mailing have not yet been returned by the petitioner. Staff will advise the City Council at the October 1, 2002 Public Works meeting if the mailings have not been returned. Staff has not received any comments or concerns regarding this application.