

STAFF REPORT

April 29, 2003

No. 03FV002 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the twenty-five foot front yard

GENERAL INFORMATION:

PETITIONER	Henriksen Inc.
REQUEST	No. 03FV002 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the twenty-five foot front yard
EXISTING LEGAL DESCRIPTION	Tract A-1 of Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.71 acres
LOCATION	1051 East Minnesota Street
EXISTING ZONING	Office Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	Office Commercial District
South:	Medium Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	March 20, 2003
REPORT BY	Vicki Fisher

RECOMMENDATION:

If the City Council concurs with the applicant's request, then the City Council should approve the Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the twenty-five foot front yard.

GENERAL COMMENTS:

On March 27, 2003, the Planning Commission approved a Major Amendment to the Kirk Funeral Home Planned Commercial Development to allow for the construction of a 2,293 square foot expansion to the existing facility. The applicant indicated that the additional area will be used primarily for the storage of caskets and to provide parking for four vehicles.

During the review of the Major Amendment to the Planned Commercial Development, staff noted that a six foot high wood fence is located along the east lot line of the subject

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property. Chapter 15.40.030 of the Rapid City Municipal Code states that "...in commercial zoning districts, fences and walls may be erected or maintained; provided that no fence or wall over four feet shall be erected or maintained in any front yard". A portion of the six foot high wood fence is located within the front yard. A stipulation of approval of the Major Amendment to the Planned Commercial Development required that the first twenty five feet of the fence located along the east lot line be lowered from six feet to four feet or a Fence Height Exception be obtained. Prior to Planning Commission approval, the applicant submitted a revised site plan identifying that the fence will be lowered to four feet within the front yard if a Fence Height Exception is not obtained. On March 20, 2003 the applicant submitted this Fence Height Exception to allow the fence to remain within the front yard.

STAFF REVIEW:

The six foot high wooden fence currently separates the Dakota Ridge Development, an apartment complex, and Kirk Funeral Home. The property owner of the Dakota Ridge Development has submitted a letter requesting that the six foot high fence be allowed to remain and cites that the fence provides a level of privacy and separation between the two properties. In addition, three of the residents of the Dakota Ridge Development have submitted letters also requesting that the fence remain. The applicant has also submitted a site plan identifying that the existing fence does not encroach into the sight triangle distance required for the approach on the subject property located directly west of the wood fence.

Typically, staff does not support allowing a six foot high fence in a front yard; however, if the City Council concurs with the applicant's request, then the City Council should approve the Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the twenty-five foot front yard.