

STAFF REPORT

August 12, 2003

No. 03FV006 - Fence Height Exception to allow an eight foot high fence

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Chase LP II
REQUEST	No. 03FV006 - Fence Height Exception to allow a eight foot high fence
EXISTING LEGAL DESCRIPTION	Lots 1-3, Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	approximately .35 acres
LOCATION	225 East Watertown Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/01/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Based upon the City Council's previous approval of this similar request, Council may wish to approve this request, with the following stipulations:

Urban Planning Division recommendations:

1. The fence height exception shall be approved contingent on the approval of the corresponding vacation of right-of-way at the site;
2. The fence shall be constructed in accordance with the elevations submitted, and the location identified on the site plan; and,

Building Inspection Division Recommendation:

3. Prior to any construction at the site a building permit shall be obtained for the fence.

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GENERAL COMMENTS: The applicant is proposing to construct an eight foot high fence in the two front yards of the residence located at 225 East Watertown Street. A similar request was approved for this location by the City Council on May 15, 2002. The applicant has submitted a revised site plan showing the same proposed fence moved approximately 14 feet to the north (03VR009). The proposed location of the fence appears to abut the sidewalk.

The property is located at the intersection of Milwaukee Street and East Watertown Street. The variance is required because the maximum height for a fence in a front yard is four feet. The applicant has indicated that he wishes to build an eight foot fence for security reasons. The fence will be constructed of wrought iron. The Rapid City Municipal Code 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.

There is a multi-family residential structure located on the subject property and the property is zoned Medium Density Residential District. The surrounding properties to the north, east, and west are also located in Medium Density Residential Zoning Districts, although single family homes are located on the properties. There is a casino located to the south of the subject property and across an alley in a General Commercial Zoning District.

STAFF REVIEW: Staff has reviewed the fence height variance request and has concerns regarding the height of the fence. Although the fence would not be a solid fence, the wrought iron fence creates a vision of solidarity and enclosure. The height of this proposed fence would appear to create a barrier, which is not appropriate in the front yard in a residential neighborhood.

However, the City Council has previously approved a similar request for this location. 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 August 12, 2002 Public Works meeting if the mailings have not been returned.