

STAFF REPORT

March 9, 2004

No. 04FV001 - Fence Height Exception to allow a six foot fence in a Low Density Residential District

GENERAL INFORMATION:

PETITIONER	Michael D. Letcher
REQUEST	No. 04FV001 - Fence Height Exception to allow a six foot fence in a Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 2 of Robbinsdale #7 Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .21 acres
LOCATION	221 E. Fairmont Boulevard
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	02/05/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence in a Low Density Residential District be denied.

GENERAL COMMENTS: The applicant is seeking approval for a six foot high wood fence in the front yard of the property, adjacent to Maple Avenue. The property is located on the southeast corner of East Fairmont Boulevard and Maple Avenue. The existing fence was constructed in violation of the fence height provisions of Section 15.40 of the Rapid City Municipal Code. An anonymous complaint was received by Rapid City Code Enforcement about the fence. A Code Enforcement Officer notified the applicant that the fence was in violation, and explained that a fence height exception is required for a front yard fence which exceeds the permitted four feet. There is approximately 55 linear feet of an existing six foot high wood fence located on the property within the required 25 foot front yard setback. The applicant has indicated the existing fence was installed in 2001.

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STAFF REVIEW: A fence with a maximum height of four feet is allowed in the front yard in residentially zoned areas. The applicant is requesting an exception to allow an existing six foot high wood fence in the front yard.

Section 15.40.040 of the Rapid City Municipal Code states that, a variance to the fence height requirements can be granted by the City Council if the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood.

As previously stated, the existing fence is located within the required front yard setback, and is approximately one foot from the sidewalk adjacent to Maple Avenue. The existing fence is not located within the sight triangle; however, a six foot high fence located in such close proximity to the sidewalk would result in a negative visual impact for the surrounding neighbors. As such Staff is recommending this request for a fence height variance be denied.