

STAFF REPORT
May 11, 2004

No. 04FV005 - Fence Height Exception to allow a six foot privacy fence in the front yard setback

GENERAL INFORMATION:

PETITIONER	Scott and Diane O'Connor
REQUEST	No. 04FV005 - Fence Height Exception to allow a six foot privacy fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot 6, Block 8, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .24 acres
LOCATION	4304 Titan Drive
EXISTING ZONING	Low Density Residential District w/PRD
SURROUNDING ZONING	
North:	Low Density Residential District w/PRD
South:	Low Density Residential District w/PRD
East:	General Agriculture District (County)
West:	Low Density Residential District w/PRD
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/07/2004
REVIEWED BY	Todd Tucker

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant is seeking approval for a six foot high wood privacy fence located within the front yard setback of the property, adjacent to West Nike Road. The subject property is located between Titan Drive and West Nike Road. The rear yard of the subject property is located adjacent to West Nike Road. The existing fence was constructed in violation of the fence height provisions of Section 15.40 of the Rapid City Municipal Code. A complaint was received by Rapid City Code Enforcement about the fence. A Code Enforcement Officer notified the applicant that the fence was in violation of City code and explained that a fence height exception is required for a fence located within the required front yard setback which exceeds the permitted four feet. There is approximately 150 linear feet of existing six foot high wood privacy fence located on the property within the required 25 foot front yard setback.

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STAFF REVIEW: A fence with a maximum height of four feet is allowed within the required front yard setback in residentially zoned areas. The subject property has two frontages, one on Titan Drive and one on West Nike Road. The applicant is requesting an exception to allow an existing six foot high wood fence within the required front yard setback.

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. The existing fence is not located within the sight triangle. West Nike Road is identified as a collector road on the Major Street Plan and may be expanded to a three lane facility as additional development occurs in the area. As such a six foot high fence located in such close proximity to the street will result in a negative visual impact for the surrounding neighbors and any vehicles traveling along West Nike Road. As such Staff is recommending this request for a fence height variance be denied.