

STAFF REPORT
May 11, 2004

No. 04FV006 - Fence Height Exception to allow a six foot fence in a Low Density Residential Zoning District

GENERAL INFORMATION:

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| PETITIONER | Russ Ryherd |
| REQUEST | No. 04FV006 - Fence Height Exception to allow a six foot fence in a Low Density Residential Zoning District |
| EXISTING LEGAL DESCRIPTION | Lot 1, Block 6, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .26 acres |
| LOCATION | 4203 Three Rivers Drive |
| 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 | 03/31/2004 |
| REVIEWED BY | Todd Tucker |

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence in a Low Density Residential Zoning District be approved with the following stipulation:

1. Prior to City Council approval, a revised site plan shall be submitted for review and approval showing a landscape buffer between the existing fence and Country Road.

GENERAL COMMENTS: The applicant is seeking approval for a six foot high wood privacy fence located within the required front yard setback of the property, adjacent to Country Road. The subject property is located in the northwest corner of Country Road and Three Rivers Drive. 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 71 linear feet of existing six foot high wood

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privacy fence located on the property within the required 25 foot front yard setback.

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 Country Road and one on Three Rivers Drive. 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. Country Road is identified as a principal arterial on the Major Street Plan and may be expanded to a three or five lane facility as additional development occurs in the area. Previously the City Council approved similar Fence Height Exceptions along Sheridan Lake Road. In order to provide an aesthetic buffer between the fence and Sheridan Lake Road, the City council required landscaping on the outside of the fence as it abuts Sheridan Lake Road. As such, a revised site plan must be submitted, for review and approval, showing a landscaping buffer between the existing fence and Country Road, prior to City Council approval.

Staff is recommending that the Fence Height Exception be approved with the above stated stipulation.