

STAFF REPORT

June 1, 2004

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**No. 04FV008 - Fence Height Exception to allow an eight foot fence  
in a Low Density Residential District**

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GENERAL INFORMATION:

PETITIONER	Larry L. Olson
REQUEST	<b>No. 04FV008 - Fence Height Exception to allow an eight foot fence in a Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Crocus View Addition in the NE1/4 SE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County
PARCEL ACREAGE	Approximately .305 acres
LOCATION	5611 Finch Court
EXISTING ZONING	Low Density Residential District w/Planned Development Designation
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/21/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow an eight foot fence in a Low Density Residential District be approved with the following stipulations:

1. The fence will have a maximum height of six feet:
2. Prior to City Council approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 15 feet to the west of the east property line;
3. Prior to City Council approval, a revised site plan shall be submitted, for review and approval, showing a landscaping buffer between the existing fence and Sheridan Lake Road;
4. The finished side of the fence shall face Sheridan Lake Road; and,
5. A Building Permit shall be obtained, if the Fence Height Exception is granted as requested.

GENERAL COMMENTS: The applicant is seeking approval for an eight foot high privacy fence located in a Low Density Residential Zoning District. The subject property is located

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at the northwest corner of Sheridan Lake Road and Finch Court. The proposed fence is approximately 211 feet in length with 135 linear feet located within the front yard setback adjacent to Sheridan Lake Road.

STAFF REVIEW: 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. Staff has reviewed the proposed Fence Height Exception as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Height: 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 Sheridan Lake Road and one on Finch Court. The applicant is requesting an exception to allow an eight foot high fence along the rear property line and within the required front yard setback along Sheridan Lake Road. Fences that exceed six feet in height are not allowed in a Low Density Residential District. As such, staff recommends that the height of the fence be limited to six feet.

Location: Sheridan Lake Road is identified as a principal arterial on the Major Street Plan and may be expanded as additional development occurs in the area. Previously the City Council approved similar Fence Height Exceptions along Sheridan Lake Road with the provision that the proposed fences be set back from the property lines to accommodate the future expansion of Sheridan Lake Road. Due to the future expansion of Sheridan Lake Road, which will reduce the distance between the proposed fence and Sheridan Lake Road, it is recommended that the proposed fence be located a minimum of 15 feet to the west of the east property line to ensure that it will not encroach into any sight triangles. The safety hazard associated with encroachment of the proposed fence into the sight triangle will likely increase with the future widening of Sheridan Lake Road. As such, it is recommended that a revised site plan be submitted showing the proposed fence located a minimum of 15 feet to the west of the east property line to ensure that it will not encroach into any sight triangles with the future widening of Sheridan Lake Road.

Landscaping: Previously the City Council approved similar Fence Height Exceptions along Sheridan Lake Road with the provision of a landscape buffer. 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, Staff is recommending that a revised site plan be submitted, for review and approval, showing a landscaping buffer between the existing fence and Sheridan Lake Road, prior to City Council approval.

Building Permit: Staff noted that Section 15.40.060 requires a Building Permit to be obtained for all fences over six feet in height. As such, a Building Permit for the fence must

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be obtained if the Fence Height Exception is granted as requested.

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