

STAFF REPORT

June 1, 2004

No. 04FV009 - Fence Height Exception to allow a six foot fence in the front yard setback

GENERAL INFORMATION:

PETITIONER	Michael Sekellick
REQUEST	No. 04FV009 - Fence Height Exception to allow a six foot fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot 11, of Block 4 of Northbrook Village, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .270 acres
LOCATION	147 Soldier Field Court
EXISTING ZONING	Low Density Residential District w/Planned Development Designation
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Development Designation
South:	Low Density Residential District w/Planned Development Designation
East:	Low Density Residential District w/Planned Development Designation
West:	Low Density Residential District w/Planned Development Designation
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/14/2004
REVIEWED BY	Todd Tucker / Dave Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot 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 Three Rivers Drive. The subject property is located at the southeast corner of Three Rivers Drive and Soldier Field Court. 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

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permitted four feet. There is approximately 109 linear feet of existing six foot high wood 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 Three Rivers Drive and one on Soldier Field Court. The applicant is requesting an exception to allow an existing six foot high wood fence within the required front yard setback abutting Three Rivers Drive.

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. 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 Three Rivers Drive. Recently, the City Council has approved three similar Fence Height Exception requests in the immediate area. Those exceptions were granted for the properties located at 4342 Milehigh Avenue (File #04FV003), 4304 Titan Drive (File #04FV005) and 4203 Three Rivers Drive (File #04FV006).

Staff is recommending this request for a Fence Height Exception to allow a six foot high fence in the front yard setback be denied.