

## STAFF REPORT

June 1, 2004

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### **No. 04FV010 - Fence Height Exception to allow construction of a six foot high fence within the twenty-five foot front yard setback**

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#### GENERAL INFORMATION:

PETITIONER	Leland L. Olson
REQUEST	<b>No. 04FV010 - Fence Height Exception to allow construction of a six foot high fence within the twenty-five foot front yard setback</b>
EXISTING LEGAL DESCRIPTION	The north 10 feet of Lot 44; all of lots 45 and 46, Block 3, Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.19 acres
LOCATION	1132 Blaine Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/30/2004
REVIEWED BY	Todd Tucker / Curt Huus

#### RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow construction of a six foot high fence within the twenty-five foot 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 Anamosa Street. The subject property is located in the southeast corner of Blaine Avenue and Anamosa Street. There is approximately 80 linear feet of existing six foot high wood privacy fence located on the property within the required 25 foot front yard setback. The applicant has indicated that he would like to remove the existing fence and replace it with a six foot wood privacy fence approximately 104 linear feet in length.

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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 and Site Triangle: 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 Blaine Avenue and one on Anamosa Street. As previously stated, the existing fence is located within the required front yard setback. The existing fence, as well as the proposed fence, is 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 Anamosa Street.

Future Street Improvements: Anamosa Street is identified as a minor arterial on the Major Street Plan. On May 6, 2004 the Planning Commission approved a Transportation Improvement Program which identified the reconstruction of Anamosa Street. The reconstruction of Anamosa Street will include widening it from two lanes to four lanes. The portion of Anamosa Street adjacent to the subject property is scheduled to be improved in 2009. The safety hazard associated with encroachment of the proposed fence into the sight triangle will likely increase with the future widening of Anamosa Street.

Staff is recommending that the Fence Height Exception be denied.