

STAFF REPORT
August 31, 2004

**No. 04FV016 - Fence Height Exception to allow a ten foot fence in
the General Commercial Zoning District**

GENERAL INFORMATION:

PETITIONER	Ty and Melissa Ferley
REQUEST	No. 04FV016 - Fence Height Exception to allow a ten foot fence in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	The north 95 feet of Lots 3-8, Block 9 of Lampert's Addition No. 2, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .6 Acres
LOCATION	1607 West Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/29/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION: Staff recommends that the Fence Height Exception to allow a ten foot fence in the General Commercial Zoning District be approved with the following stipulations:

1. No signage shall be allowed on the existing fence; and,
2. A Building Permit for the fence shall be obtained if the Fence Height Exception is granted as requested.

GENERAL COMMENTS: The subject property is located on the north side of West Main Street between James Warren Drive and West Street. The existing fence was constructed in violation of the fence height provisions of Section 15.40 of the Rapid City Municipal Code. The applicant indicated that the fence was constructed to screen a dilapidated unused building from the traffic traveling along West Main Street. The applicant is now requesting an exception to the fence height requirements to allow a ten foot high fence within the General Commercial Zoning District.

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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:

Location: The location of the existing fence is not within the required front yard setback. The fence is elevated approximately ten feet from the street by retaining walls. The fence will not encroach into any sight triangles and should not cause any negative affects on traffic.

Advertising: The proposed use of the site is a retail sales and service establishment for a ceramic tile store and showroom. Staff expressed concerns that the existing fence may be used for signage for the retail use of the property. As such, staff is recommending that no signage be allowed on the existing fence.

Fire Safety: After a site inspection by the Fire Department, staff noted that the existing fence will not impede access to any structures on the subject property.

Building Permit: Staff noted that Section 15.40.060 of the Rapid City Municipal Code requires that a Building Permit be obtained for all fences over six feet in height. As such, a Building Permit for the fence must be obtained if the Fence Height Exception is granted as requested.

Zoning Requirements: The applicant should be aware that the use of the site as a tile store and showroom constitutes a change in use. As such, additional off-street parking requirements and other Municipal Code requirements may apply.

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