

STAFF REPORT  
August 10, 2004

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**No. 04FV014 - Fence Height Exception to allow a six foot fence in the front yard setback**

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GENERAL INFORMATION:

PETITIONER	Michael Altstiel
REQUEST	<b>No. 04FV014 - Fence Height Exception to allow a six foot fence in the front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Block 1, Mall Ridge Subdivision No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .17 acres
LOCATION	504 Lion Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Neighborhood Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/9/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION: Staff recommends that the Fence Height Exception to allow a six foot fence in the front yard setback 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 and 15 south of the north property line feet to ensure that it will not encroach into any sight triangles;
3. Prior to City Council approval, a revised site plan shall be submitted, for review and approval, showing a landscaping buffer between the proposed fence and Haines Avenue and Country Road;
4. Prior to City Council approval, a revised site plan shall be submitted showing the proposed fence located outside of the utility and drainage easement; and,
5. The finished sides of the fence shall face Haines Avenue and Country Road.

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GENERAL COMMENTS: The subject property is located on the west side of Haines Avenue between Lion Drive and Country Road. The subject property has three frontages, one on Lion Drive, one on Haines Avenue and one on Country Road. There is an existing four foot high chain link fence located on the north, west, and east property lines of the subject property. The applicant is now proposing to construct a six foot high wood privacy fence.

The proposed fence is approximately 205 feet in length with 170 linear feet located within the front yard setback adjacent to Haines Avenue and Country Road. The applicant is seeking approval to construct a six foot high wood privacy fence located within the required front yard setback of the property, adjacent to Haines Avenue and Country 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:

Location: Haines Avenue is identified as a principal arterial on the Major Street Plan and may be expanded as additional development occurs in the area. Country Road is identified as a Collector Street as it abuts the subject property. Previously the City Council has approved similar Fence Height Exceptions along Sheridan Lake Road, another principal arterial, with the provision that the proposed fences be set back from the property lines to accommodate the future expansion of the street. Due to the future expansion of Haines Avenue and Country Road, which will reduce the distance between the proposed fence and street, it is recommended that the proposed fence be located a minimum of 15 feet to the west of the east property line as it abuts Haines Avenue and 15 feet south of the north property line as it abuts Country Road to ensure that it will not encroach into any sight triangles.

Sight Triangles: Staff noted that the applicant's site plan shows the proposed fence located within the sight triangle at the corner of Haines Avenue and Country Road. The safety hazard associated with encroachment of the proposed fence into the sight triangle will likely increase with the future widening of Haines Avenue or Country Road. Staff is recommending that prior to City Council approval, a revised site plan be submitted showing the proposed fence located a minimum of 15 feet to the west of the east property line and 15 south of the north property line feet to ensure that it will not encroach into any sight triangles.

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 proposed fence and Haines Avenue and Country Road, prior to City Council approval.

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Easements: The applicant's site plan shows an eight foot wide utility and drainage easement located on the side (west) and rear (north) property lines. Staff noted that there are existing utility boxes located within the easement and the proposed fence runs through the existing utility pad. A note on the plat states that all drainage easements shown hereon shall be kept free of all obstructions including but not limited to, buildings, walls, fences, hedges, trees and shrubs. As such, staff is recommending that prior to City Council approval a revised site plan be submitted showing the proposed fence located outside of the utility and drainage easement.

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