

STAFF REPORT
June 28, 2005

No. 05FV006 - Fence Height Exception to allow a seven foot high fence in the Low Density Residential Zoning District

GENERAL INFORMATION:

PETITIONER	Ingrid Lindberg
REQUEST	No. 05FV006 - Fence Height Exception to allow a seven foot high fence in the Low Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	Lot 22, Block 4, South Robbinsdale, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .15 acres
LOCATION	2422 Elm Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/27/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a seven foot high fence in the Low Density Residential Zoning District be denied.

GENERAL COMMENTS: The subject property is located on the east side of Elm Avenue between East Indiana Street and East Oakland Street. There is an existing single family residence located on the subject property. There is an existing seven foot high fence located within the required 25 foot front yard setback.

The existing fence is approximately 56 feet in length with 48 linear feet located within the front yard setback. The applicant is requesting approval to allow a seven foot high wood screening fence located within the required 25 foot front yard setback along Elm Avenue.

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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: A fence with a maximum height of four feet is allowed within the required front yard setback in residentially zoned areas. The applicant is requesting an exception to allow a seven foot high fence within the required front yard setback along Elm Avenue. Fences that exceed six feet in height are not allowed in a Low Density Residential Zoning District. As such, if the Fence Height Exception is approved, staff recommends that the height of the fence be limited to six feet.

Building Permit: Staff noted that Section 15.40.060 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.

Location: Previously, the City Council has approved similar Fence Height Exception requests along Sheridan Lake Road and Country Road with the provision that the proposed fences be set back from the property lines to accommodate the future expansion of the street. However, those streets are identified as principal arterial streets on the Major Street Plan. Elm Avenue in this area is identified as a minor arterial street which carries much less traffic.

Staff also has concerns that a fence with a height of seven feet located so close to the sidewalk and the public right-of-way may result in a negative visual impact for the surrounding neighbors and any vehicles traveling along Elm Avenue or pedestrians traveling along the sidewalk. As such, staff is recommending that the Fence Height Exception to allow a seven foot high fence in the required 25 foot front yard setback of a Low Density Residential Zoning District be denied.