

STAFF REPORT  
August 1, 2006

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**No. 06FV007 - Fence Height Exception to allow a six foot fence height in the front yard setback**

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GENERAL INFORMATION:

PETITIONER	Melissa M. Stetser
REQUEST	<b>No. 06FV007 - Fence Height Exception to allow a six foot fence height in the front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 12, Block 15, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.24 acres
LOCATION	5029 Elmer Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (Pennington County)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/23/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence height in the 25 foot front yard setback be denied.

GENERAL COMMENTS: The subject property is located south of Elmer Street and west of Carl Avenue. There is an existing single family residence located on the subject property. The applicant is requesting approval to construct a six foot high wood screening fence located within the required 25 foot front yard setback along Carl Avenue.

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:

Sight Triangle: Staff noted that the fence in question is proposed to be located in the sight

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triangle in violation of Section 17.50.335 of the Rapid City Municipal Code. Staff noted that approximately fourteen feet of the proposed fence would be located in the sight triangle at the intersection of Carl Avenue and Elmer Street. A revised sight plan must be submitted showing the proposed fence outside of the sight triangle or a zoning variance must be obtained.

Carl Avenue and Elmer Street: Carl Avenue and Elmer Street are identified as sub-collector streets as they abut the subject property. Due to a lower level of traffic on a sub-collector street the need for a screening fence along a sub-collector is reduced.

Front Yard Setback: Section 15.40.020 of the Rapid City Municipal Code precludes the installation of a fence over four feet in height in the front yard. The applicant noted three examples in the neighborhood with fences six feet in height located within the front yard setback, two of the properties are within 300 feet of the subject property and one was located approximately 1,000 feet from the subject property. All of those properties are located in Pennington County and are not within the city limits of Rapid City. There will be approximately eighty feet between the proposed fence and the side of the garage on the adjacent property. Staff has concerns that a fence with a height of six 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 Carl Avenue or pedestrians traveling along the sidewalk. As such, staff is recommending that the Fence Height Exception to allow a six foot high fence in the required 25 foot front yard setback of a Low Density Residential Zoning District be denied.