

STAFF REPORT
March 11, 2008

No. 08FV002 - Fence Height Exception to allow a six foot high fence in the front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Benjamin Christensen
PROPERTY OWNER	Benjamin D. Christensen
REQUEST	No. 08FV002 - Fence Height Exception to allow a six foot high fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lots 19 and 20 and the Vacated east 10 feet of Sixth Street abutting Lot 19 of Block 28 of South Boulevard Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.21 acres
LOCATION	519 Indiana Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City Water/ Sewer
DATE OF APPLICATION	2/6/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant is requesting approval of a six foot high solid wood fence located within the required 25 foot front yard setback along Sixth Street.

The property is located at the corner of Sixth Street and Indiana Street in a Low Density Residential District. Sixth Street is classified as a local street. There is an existing single family residence and garage located on the property. This issue came to the attention of the staff as a result of a complaint made to Code Enforcement that a six foot solid wood fence has been partially constructed on the property and in the public right-of-way. The solid wood fence is also located in the sight distance triangle at the intersection of the alley and Sixth

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Street.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that an Exception to the fence height requirements may 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:

Front Yard Setback: Fences and walls may be erected or maintained provided that no fence or wall over four feet in height shall be erected or maintained in any front yard as per Section 15.40.020 of the Rapid City Municipal Code. On corner lots, a six foot fence shall be permitted in one of the front yards provided the fence does not extend any closer to the public right-of-way than the building line of a principal building which has been permitted within the standard front yard set-back as per Section 15.40.020 of the Rapid City Municipal Code. The proposed fence has been partially constructed in the public right-of-way in violation of the Rapid City Municipal Code. The fence may be relocated to align with the existing residential structure 16.4 feet from the front property line lying adjacent to the Sixth Street. In no case may the six foot fence be authorized for private purposes in the right-of-way. The proposed six feet high fence does not comply with the Rapid City Code of Ordinances.

Section 15.40.080: Section 15.40.80 states that no fence, wall, plant material or earthen berm shall be placed or maintained which obstructs the required sight triangle as provided in the Rapid City Code of Ordinances Chapter 17.50.335. The proposed solid wood fence violates the required sight triangle and physically blocks the view of vehicles entering Sixth Street from the alley creating a significant public safety hazard.

It appears that the proposed six foot solid wood fence is not in the public interest due to its construction in the right-of-way. Further, the fence would be injurious to the surrounding neighborhood by blocking the sight distance at both the alley and the driveway. For this reason, staff recommends denial of the fence height exception and recommends that the fence be relocated to 16.4 feet from the property line and located outside of the sight distance triangles.