

STAFF REPORT
June 5, 2008

No. 08FV005 - Fence Height Exception to allow a fence over four feet in the front and side yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT	Loren & Roberta Symonds
AGENT	Al Luond for Luond, Inc.
PROPERTY OWNER	Loren & Roberta Symonds
REQUEST	No. 08FV005 - Fence Height Exception to allow a fence over four feet in the front and side yard setback
EXISTING LEGAL DESCRIPTION	Lots 11 thru 13 of Block 3 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.22 acres
LOCATION	1404 West Boulevard
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/Sewer
DATE OF APPLICATION	5/9/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a fence over four feet in the front and side yard setback be approved.

GENERAL COMMENTS: The property is located at 1404 West Boulevard which is located west of West Boulevard and south of Saint James Street. A single family residence is currently located on the property. The existing house was built in 1933, and a garage addition was built in 2006. The applicant is proposing to construct a five foot wrought iron fence in the required front yard. The proposed fence will extend 18 feet north from the corner of the existing residence toward Saint James Street. The proposed five foot wrought iron fence will then extend east 18 feet along Saint James Street to meet up with the corner of an existing

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utility shed located on the north east corner of the property. The proposed fence will be constructed of wrought iron and will include a five foot tall twenty inch wide square concrete column. The property is currently zoned Low Density Residential. An existing wooden fence surrounds the remainder of the back yard from the shed south along the adjacent alley.

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, fences 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 five foot high fence exceeds the maximum four feet that is allowed in the required front yard. Staff would not typically support a fence over four feet in height that encroaches into the required front yard setback. However, in this case, an existing brick shed that matches the residence already exists in the required front yard set back. The house was built in 1933. Staff could not find any building permit that had been issued for the shed, although it appears to have been constructed at about the same time as the original house. The Director of Equalization records did not identify any information about the time frame for the construction of the shed as well. The proposed fence will be built in line with the existing shed extending west to the driveway of the residence. The surrounding neighborhood contains an abundant amount of large bushes that extend closer to St. James Street than the proposed fence. After examining the proposed fence location and studying the surrounding neighborhood it does not appear that the proposed exception will be contrary to the public interest or injurious to the neighborhood.

Existing Fence: Upon reviewing the site, staff noted that a nonconforming six foot wooden fence exists on the property. The existing wooden fence has been constructed along the eastern lot line of the property adjacent to the alley that connects St. James Street and St. Cloud Street. After reviewing the records it was confirmed that an exception was not obtained for the existing wooden fence. Typically, a six foot fence would only be permitted from the building line of the house which is set back 25 feet from the front property line. However, in this case an existing shed already encroaches into the required front yard set back and the existing fence only extends to the rear corner of the shed. As such, it does not appear that the existing fence is contrary to the public interest or injurious to the surrounding neighborhood. In addition, the alley to the east is lined with large bushes that block the view of the fence from the adjacent neighbors.

Site Triangles: The existing shed and the proposed fence originally raised concerns about the site triangle for pedestrian and vehicle traffic entering and exiting the alley east of the

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property. However, after reviewing the site plan it was determined that no site triangle issues exist on the property.

Elevations: The elevations that were submitted for this project do not include the proposed brick column. Prior to Public Works approval the applicant must submit elevations for the brick column for review and approval.

Site plan: A complete site plan and survey were not submitted for this project. Prior to Public Works approval a complete site plan including the location of all sidewalks, utilities, dedicated easements and right-of-ways must be submitted for review and approval.