

STAFF REPORT
October 28, 2008

No. 08FV009 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Lucas Scott
PROPERTY OWNER	Lucas Scott
REQUEST	No. 08FV009 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 1 of Kensington Heights Subdivision, Section 18 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.19 acres
LOCATION	4316 Henry Court
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	9/15/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence in lieu of a four foot fence be denied.

GENERAL COMMENTS: The property is located at 4316 Henry Court, north of Field View Drive and east of Henry Court. The property is currently zoned Low Density Residential. The adjacent properties to the north, south, east, and west are zoned Low Density Residential. The applicant has constructed a wood fence that is six feet in height in the required front yard setback adjacent to Field View Drive. The newly constructed fence extends southeast from the side of the house to the property line along Field View Drive. The fence then extends east to the western property line. The applicant is seeking a Fence Height Exception to allow a six foot fence in the front yard setback in lieu of the allowed four foot fence. Construction of the fence has been completed.

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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. To avoid any prejudice in reviewing this request, staff has considered the application as if it has been submitted prior to the work being completed. 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 six foot high fence exceeds the maximum four feet that is allowed in the required front yard setback and extends beyond the building line of the principal building. A building permit was issued for the house on February 2, 2006. A fence was not shown on the approved site plan.

Several new homes have been constructed in the neighborhood over the last several years; a few of the homes have fences within the rear yard but, none of the existing homes have fences located in the required front yard setback. The fence that has been constructed on the property does not match the existing residential character of the neighborhood.

The front yard view from the single family residences located across the street from this property is of the six foot high fence. It also is located adjacent to the front yard of the property located immediately to the west. Due to the height and location of the fence, the viewshed of the single family residences is impacted. In addition, maintenance of the fence will have a continued impact on the adjacent properties. As such, staff can not support allowing a six foot high fence along the front lot line as proposed.

Utility and Minor Drainage Easement: An existing eight foot wide minor drainage and utility easement is located along the interior of all lot lines of the property. The fence has been constructed within the previously platted eight foot wide minor drainage and utility easement. To date, the easement has not been vacated. The fence has been constructed around the utility pedestals located in the utility easement. The fence could negatively affect access to the utilities during maintenance activities.

Site Distance Triangle: The fence has been constructed outside of the site distance triangle. However, the fence is located within the front yard setback, which is not in compliance with Chapter 15.40.040 as noted above. As such, staff is recommending that the Fence Height Exception be denied.

Staff recommends that the Fence Height Exception to allow a six foot fence in lieu of a four foot fence be denied.

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