

STAFF REPORT
August 27, 2009

No. 09FV011 - Fence Height Exception to allow a six foot high fence in the front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Amie Kelly
PROPERTY OWNER	Amie Kelly
REQUEST	No. 09FV011 - Fence Height Exception to allow a six foot high fence in the front yard setback
EXISTING LEGAL DESCRIPTION	The west 62 feet of the south 10 feet of Lot 14 and the west 62 feet of Lots 15 and 16 of Block 10 of North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.09 acres
LOCATION	624 Adams Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	8/12/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot high fence in the front yard setback be approved with the following stipulation:

1. That the 6 foot fence be located no closer to the front property boundary than at the front building line.

GENERAL COMMENTS: The property is located at 624 Adams Street, between 7th Street and Farlow Avenue. The applicant has installed a 6 foot high wood privacy fence on the front property line.

The house is located on a small lot containing 0.09 acres. The existing residential structure is setback approximately 8 feet from the front property line. The applicant is seeking

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approval to allow a 6 foot high privacy fence to be located with no setback from the front property boundary and within the required front yard setback of the property.

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:

Front Yard Setback: Fences and walls may be erected or maintained, provided that no fence or wall over 4 feet in height shall be erected or maintained in any front yard as per Section 15.40.020 of the Rapid City Municipal Code. The location of the 6 foot tall fence at the front property boundary results in a negative visual impact for the surrounding neighbors and pedestrians traveling along the sidewalk. In addition, the gate leading into the yard from the front currently swings out onto the sidewalk. As that is a potential hazard to the walking public, the gate must be reconstructed to swing inward unless the fence is relocated.

Staff has noted that the existing site is a small lot and the existing residence is setback only 8 feet from the front property boundary. Section 15.40.020 states that "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 setback." Although this property is not a corner lot, it is a small lot with reduced setbacks. As such, staff is recommending that the 6 foot fence be allowed at or behind the building line of the residence. Any fencing located in front of the building line must be no taller than 4 feet in height.

Staff Recommendation: Staff recommends that the Fence Height Exception to allow a 6 foot high fence in the front yard setback be approved with the stipulation that the 6 foot fence is located no closer to the front property boundary than at the front building line.