

STAFF REPORT  
October 13, 2009

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**No. 09FV012 - Fence Height Exception to allow a six foot high fence in the 25 foot front yard setback**      **ITEM**

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GENERAL INFORMATION:

APPLICANT/AGENT	Bret Swanson
PROPERTY OWNER	Bret and Jacklyn Swanson
REQUEST	<b>No. 09FV012 - Fence Height Exception to allow a six foot high fence in the 25 foot front yard setback</b>
EXISTING LEGAL DESCRIPTION	The north 63 feet of Lots 16 thru 18 of Block 28 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.11 acres
LOCATION	1116 11th 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	9/11/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot high fence in the 25 foot front yard setback be denied.

GENERAL COMMENTS: The property is located at 1116 11th Street, between Clark Street and Fulton Street. The applicant has installed two 6 foot high wood privacy fences along both side property lines. The fences extend from the front property line approximately 22 feet back to the front of the house. The applicant is seeking approval to allow the two 6 foot high wood privacy fences to be located within the required 25 foot front yard setback of the property in lieu of the 4 foot fence allowed by City Ordinance.

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

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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 two 6 foot tall fences along the side property lines and within the front setback results in a negative visual impact for the surrounding neighbors and pedestrians traveling along the sidewalk.

Sight Triangles: Section 17.50.335 of the Rapid City Municipal Code states that an obstruction to vision shall not be allowed within the sight triangle. Any object is deemed an obstruction if it is located within the sight triangle and the object is between 2 ½ feet and 10 feet above the edge of the roadway. An alley is located adjacent to the fence installed along the north property line. This fence is located at the intersection of the alley and the sidewalk. At this intersection, a 10 foot pedestrian sight triangle must be maintained. A similar situation exists on the south property line as a driveway is located adjacent to the fence installed along the south property line. This fence is also located at the intersection of the driveway and the sidewalk and a 10 foot pedestrian sight triangle must also be maintained at this location. The sight triangle legs are to be measured from the intersecting edges of sidewalks and the paved or unpaved edge of an alley or of a driveway. Using these criteria, both fences are located within the sight triangles for the front sidewalk. A 10 foot distance extending from the sidewalk back toward the house must be maintained. Both the north and south fences are a potential hazard to the walking public as cars traveling along the alley or backing out of the driveway are unable to see pedestrians on the sidewalk.

Alley Driveway: The fence along the north property line is located adjacent to a driveway off the adjacent alley. This portion of the fence is located at the intersection of the driveway and the alley and is within the sight triangle. A 10 foot sight triangle must also be maintained at this location. The location of this fence is a potential hazard as cars traveling along the alley are not visible when backing out of the driveway.

Due to the potential safety hazard created by the location and design of the fences and the location of the fences in the required sight triangles, staff recommends that the Fence Height Exception to allow a 6 foot high fence in the front yard setback be denied.