

STAFF REPORT

June 1, 2010

No. 10FV004 - Fence Height Exception to allow a fence that exceeds six feet in the rear yard setback

GENERAL INFORMATION:

APPLICANT/AGENT	Raymond Cornford, III
PROPERTY OWNER	Raymond and Amber Cornford
REQUEST	No. 10FV004 - Fence Height Exception to allow a fence that exceeds six feet in the rear yard setback
EXISTING LEGAL DESCRIPTION	Lot 6 of Block 1 of Plum Creek Subdivision, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.28 acres
LOCATION	4012 Rosewood Lane
EXISTING ZONING	Low Density Residential II District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)
South:	Low Density Residential II District (Planned Residential Development)
East:	Low Density Residential II District (Planned Residential Development)
West:	Low Density Residential II District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/4/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a fence that exceeds six feet in the rear yard setback be approved with the following stipulations:

1. Prior to approval by the Public Works Committee, the applicant shall obtain approval by the City Engineer to locate a fence in the drainage and utility easement, or shall vacate the drainage easement or shall submit a revised site plan relocating the fence outside of the drainage easement;
2. Prior to approval by the Public Works Committee, the applicant must submit a drainage

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- plan identifying the location of the existing downspouts and drainage arrows identifying the location and direction of the drainage flows; and,
3. A building permit shall be obtained prior to the start of construction.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception to allow a 6 foot 6 inch high fence in the rear yard setback in lieu of the maximum 6 foot high fence in the rear yard setback in a Low Density Residential II District.

The property is at located 4012 Rosewood Lane on the east side of Rosewood Lane, north of Willowbend Road and west of Jolly Lane. A single family residence is located on 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:

Fence: The applicant is proposing to construct a 6 foot 6 inch high privacy fence in the rear yard. In particular, the applicant has indicated that the proposed fence will be a composite fence made up of composite wood and plastic fiber material and will be dark brown in color.

Utility Easement: No fence or wall shall be placed in designated easements unless approved by the City Engineer. An existing 8 foot drainage and utility easement is located on the interior side of all lot lines. The applicant has submitted letters from Qwest, Midcontinent Communications, Montana-Dakota Utilities and Black Hills Power identifying that they have no objections to the proposed fence encroachment. However, approval by the City Engineer has not yet been obtained. As such, staff recommends that prior to approval by the Public Works Committee, the applicant obtain approval from the City Engineer to locate a fence in the drainage and utility easement or the applicant shall vacate a portion of the existing 8 foot drainage and utility easement or a revised site plan shall be submitted identifying the location of the fence outside of the drainage easements.

Drainage: The applicant has not submitted any drainage information. As such, prior to approval by the Public Works Committee, the applicant must submit a drainage plan showing the location of existing downspouts and drainage arrows identifying the location and direction of the drainage flows which shows that the proposed location of the fence within the minor drainage easement will not redirect existing site drainage onto adjacent properties.

Building Permit: Section 15.40.060 of the Rapid City Municipal Code states that a building permit is required for all fences over 6 feet in height. As such, prior to the start of construction, the applicant must obtain a building permit for the proposed fence.

Staff recommends that the Fence Height Exception to allow a 6 foot 6 inch high fence in the rear yard setback in lieu of the maximum 6 foot high fence in the rear yard setback be approved with the stipulations as identified above.