

STAFF REPORT

June 1, 2010

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**No. 10FV005 - Fence Height Exception to allow a six foot high fence within the 25 front yard setback**

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GENERAL INFORMATION:

APPLICANT/AGENT	Sarah Baron Houy
PROPERTY OWNER	Sarah Baron
REQUEST	<b>No. 10FV005 - Fence Height Exception to allow a six foot high fence within the 25 front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot C of Lot 10 of Block 1 of Chapel Valley Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.22 acres
LOCATION	4515 Steamboat Circle
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	5/11/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot high fence within the 25 front yard setback be continued to the June 15, 2010 Public Works Committee meeting.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception to allow a 6 foot high fence in the required 25 foot front yard setback along Chapel Lane. In particular, the applicant is proposing to construct a 6 foot high wooden cedar privacy fence along the south property line along Chapel Lane and along the east property line.

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The property is located at 4515 Steamboat Circle which is located on the southeast side of Steamboat Circle, north of Chapel 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:

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 proposed fence is located within the front yard setback along Chapel Lane. The applicant has submitted an appeal to the Zoning Board of Adjustment (#5520) to appeal the determination of the Building Official of the definition of front yard as per Chapter 17.04.440 relating to fence height as per Chapter 15.40.020 in conjunction with this application.

Utility Easement: Staff noted that there is an existing 12 foot drainage and utility easement located on the interior side of the front lot line along Chapel Lane. A site inspection on May 21, 2010 identified that utilities exist within a portion of the easement. The applicant must obtain verification from utility companies that the proposed fence will not conflict with any existing utility lines and submit a copy to the Growth Management Department staff. As such, staff recommends that this item be continued to the June 15, 2010 Public Works Committee meeting to allow the applicant to obtain verification from the affected utilities.

Additionally, no fence or wall shall be placed in designated easements unless approved by the City Engineer. As of this writing, approval by the City Engineer has not yet been obtained. As such, staff recommends that this item be continued to the June 15, 2010 Public Works Committee meeting to allow the applicant obtain to approval from the City Engineer to locate a fence in the drainage and utility easement or the applicant shall vacate the existing 12 foot drainage and utility easement or the applicant shall submit a revised site plan identifying the location of the fence outside of the utility and drainage easement.

Staff recommends that the Fence Height Exception to allow a 6 foot high wood privacy fence in the required 25 foot front yard setback be continued to the June 15, 2010 Public Works Committee meeting.