

STAFF REPORT  
June 15, 2010

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

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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 **approved with the following stipulations:**

- 1. Prior to approval by the Public Works Committee, the applicant shall obtain approval of the affected utility companies identifying that they have no objections to the location of proposed fence in the easement, or shall vacate the drainage and utility easement or shall submit a revised site plan relocating the fence outside of the drainage easement; and,**

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2. **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.**

**GENERAL COMMENTS: (Updated June 7, 2010. All revised and/or edited text is shown in bold print.) This item was continued to the June 15, 2010 Public Works Committee meeting to allow the applicant to obtain approval of the utility companies to construct a fence in the utility and drainage easement and to obtain approval from the City Engineer to construct the fence in the utility and drainage easement.**

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.

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: (Updated June 7, 2010.) The applicant has indicated that letters to the utility companies seeking approval to construct a fence in the utility and drainage easement have been sent. However, as of this writing, all of the letters have not been returned. As such, prior to approval by the Public Works Committee, all letters from the affected utilities identifying that they have no objections to the proposed fence must be returned. In addition, prior to approval by the Public Works Committee, the applicant must obtain approval from the City Engineer to locate the 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 utility and drainage easements.**

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

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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.

**Topography:** The topography of the property results in Chapel Lane being located higher in elevation than the applicant's yard. The southeast corner of the applicant's property is situated approximately 6 feet lower in elevation than Chapel Lane and the sidewalk located on the north side of Chapel Lane. The southwest corner of the applicant's property is situated approximately 6 feet lower in elevation than Chapel Lane and the sidewalk located on the north side of Chapel Lane. In addition, the applicant's south property line is located approximately 45 feet from the centerline of Chapel Lane at the southeast corner. The proposed fence will be constructed approximately 30 feet north of the sidewalk at the southeast corner of the property and approximately 38 feet north of the sidewalk at the southwest corner of the property. The proposed location of the fence is located outside of vehicular and pedestrian sight triangles and will not negatively affect pedestrians utilizing the sidewalk.

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 **approved with the stipulations as identified above.**