

STAFF REPORT
July 13, 2010

No. 10FV007 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Stephen and Angela Hall
PROPERTY OWNER	Stephen and Angela Hall
REQUEST	No. 10FV007 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot 11 of Block 13 of South Robbinsdale Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.17 acres
LOCATION	802 East Iowa Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/24/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback be approved.

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 Hawthorne Avenue. The applicant is requesting approval to construct a 6 foot high wooden privacy fence set back 8 feet from the west property line along Hawthorne Avenue. The fence is partially constructed. The property is located on a corner lot requiring that a 25 foot setback be required on both the south and west property lines. A 4 foot high chain link fence currently exists along the west property line that is to be removed with the construction of the proposed fence.

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The property is located at 802 East Iowa Street which is located on the north side of Iowa Street, east of Hawthorne Avenue. 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:

Setbacks: 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. As previously stated, the applicant's property is located on a corner lot with street frontage along the south property line along Iowa Street and the west property line along Hawthorne Avenue. Section 17.10.50 states that lots having frontage on more than one street shall provide the required front yards along those streets.

However, the existing house on the property was constructed in 1954, at which the Zoning Ordinance required that for lots having frontage on more than one street, "no street wall of a principal building other than its front wall shall be required to be further from the corresponding street line than one-half (1/2) of the distance that would be required by the provisions of this section were such street line the front lot line." The required front yard setback for the property at the time of construction was 25 feet. As such, the required setback along the adjacent street frontage was not required to be more than 12.5 feet. The existing residence is setback approximately 13 feet from the west property line, thereby making it a legal non-conforming structure based on the current Zoning Ordinance.

Fence location: The fence is proposed to be located beginning at the north building line and will be located along the side, or east, property line as well as the rear, or north, property line. A 6 foot high fence is permitted along side and rear lot lines. The proposed fence will setback 8 feet from the west property line along Hawthorne Avenue. The fence will extend past the north building line three feet before turning eastward and connecting to the existing house. Property-line sidewalk is located along the west property line along Hawthorne Avenue. The proposed fence will be setback 8 feet from the sidewalk and as such, will not negatively affect pedestrians utilizing the sidewalk.

Adjacent properties: The proposed fence will be installed along the west, north and east property lines. Adjacent residences are located to the north and east of the property adjacent to the rear and side lot lines. A 6 foot high fence is permitted along rear and side lot lines. The west property line is adjacent to Hawthorne Avenue. As such, the proposed 6 foot high fence will not impact adjacent property owners to the west in regards to receiving adequate light and air circulation on the property.

Design features: The applicant has submitted details of the proposed fence with the application. The submitted fence details indicate that the fence will be a 6 foot tall wooden privacy fence. The fence will be dog-eared in style and will be light tan in color.

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Existing fence: There is an existing 4 foot high chain link fence located on the west property line. This fence is located on the property line abutting the sidewalk. The applicant has indicated that the existing 4 foot high chain link fence will be removed with the construction of the proposed 6 foot high wooden fence.

Sight Triangles: As previously stated the proposed fence will be setback from the west property line 8 feet. In addition, the fence will be set back from the south property approximately 48 feet. As such, the proposed location of the fence will not place it in any vehicular or pedestrian sight triangles.

Easements: The proposed fence will not be located within any utility or drainage easements.

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.