

STAFF REPORT  
September 14, 2010

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**No. 10FV013 - Fence Height Exception to allow a 6 foot high fence in lieu of a four foot fence in the front yard setback**      **ITEM**

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GENERAL INFORMATION:

APPLICANT/AGENT	Presston R. Gabel
PROPERTY OWNER	Michael & Vicki Koch
REQUEST	<b>No. 10FV013 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 30 of Block 2 of Edinborough Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.25 acres
LOCATION	1477 Edinborough Drive
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	City water and sewer
DATE OF APPLICATION	8/23/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot fence in lieu of a 4 foot fence in the 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;

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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; and,
3. Prior to approval by the Public Works Committee, an Exception application signed by the property owner shall be submitted to the Growth Management Department or the property owner shall be notified by certified return receipt mail.

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 Catron Boulevard and Wellington Drive. The 6 foot high wooden privacy fence is located approximately one foot inside of the north, west and south property lines. The fence is fully constructed. A 4 foot high white vinyl fence is currently located along the right-of-way along the north and west property lines. The 6 foot high fence has been constructed inside of the 4 foot high fence.

The property is located at 1477 Edinborough Drive which is located on the west side of Edinborough Drive, south of Wellington Drive and west of Catron Boulevard. 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 Catron Boulevard and Wellington Drive.

Utility Easement: Staff noted that there is an existing 8 foot drainage and utility easement located on the interior side of the north, west and south lot lines. 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. 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 utility companies identifying that they have no objections to the proposed fence must be returned.

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, 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.

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Fence Height Exception Application: The property owner has not signed the application. The applicant has indicated that he is leasing the property and that the property owner has been contacted and given a copy of the application for signature. As of this writing, an application signed by the property owner has not been returned. As such, prior to approval by the Public Works Committee, an Exception application signed by the property owner must be submitted or the applicant must notify the property owner by certified return receipt mail of the proposed Exception.

Adjacent Properties: The proposed fence is installed along the north and west property lines. Adjacent residences are located to the south of the property adjacent to the side lot line where a 6 foot high fence is permitted. The west property line is adjacent to Catron Boulevard and the north property line is adjacent to Wellington Drive. 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.

Existing Development Entryway Feature: As previously stated, an existing four foot white vinyl fence is located along the north and west property lines as an entryway feature to the development. The fence was previously installed as a part of the development of the residential neighborhood. The existing fence is constructed with 4 foot high white posts with three white rails running between the posts. The applicant has indicated that this fence does not provide significant privacy and screening from Catron Boulevard and Wellington Drive.

Staff review has identified strong concerns with the aesthetics of the two fences located on the property and the negative visual appeal for the surrounding properties as well as the quality of materials of the 6 foot high fence as company to the existing development entryway feature. In addition, the distance separating the two fences will make maintenance of the two fences difficult as well as upkeep of the land between the fences.

Sidewalk: A curbside sidewalk is located north of the property along the south side of Wellington Drive. The existing 4 foot high fence is located approximately 12 feet south of the sidewalk. The proposed 6 foot high fence is located inside of the existing 4 foot high fence and approximately 13 feet south of the sidewalk. As such, the proposed fence will not negatively affect pedestrians using the sidewalk along Wellington Drive.

Sight Triangles: The fence is not located within the pedestrian or vehicular sight triangle.

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.