

STAFF REPORT
September 28, 2010

**No. 10FV014 - Fence Height Exception to allow a 6 foot high fence
in lieu of a 4 foot high fence in the 25 foot front yard setback**

GENERAL INFORMATION:

APPLICANT	Jason and Kelly Roach
PROPERTY OWNER	Jason and Kelly Roach
REQUEST	No. 10FV014 - Fence Height Exception to allow a 6 foot high fence in lieu of a 4 foot high fence in the 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lot 7 of Block 5 of Eastridge Estates Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .19 acres
LOCATION	124 Savoy Circle
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Public District
East:	Medium Density Residential District (Planned Residential Development)
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/9/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot high fence in lieu of a 4 foot high fence in the 25 foot 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 a copy of the written approval shall be submitted to the Growth Management

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- Department; and,
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: The applicant has submitted a Fence Height Exception to allow a 6 foot high fence in the required 25 foot front yard setback along Savoy Circle. The property is located on a corner lot allowing a maximum 4 foot high fence to be located in the 25 foot setback on both the south property line and the southern 25 feet along the west property line. The 6 foot high wooden privacy fence is proposed to be located 4 feet north of the existing sidewalk along the south property line and along the west and north property lines.

The property is located at 124 Savoy Circle which is located on the north and west side of Savoy Circle, and south of Enchanted Pines Drive. 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 Savoy Circle.

Fence Location: The fence is proposed to be located along the south, west and north lot lines. The fence will extend south from the existing residence approximately 26 feet before turning west and extending approximately 48 feet to the rear, or west, property line. The fence would be setback from the existing sidewalk along the south property line 4 feet to the north. The fence would span the entire 86 foot length of the rear property line before turning eastward an additional 40 feet. The fence would extend south for 14 feet before connecting to the existing residence. The proposed fence will be set back approximately 60 feet from the east property line along Savoy Circle.

Design Features: The applicant has submitted details of the proposed fence with the request. 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.

Utility Easement: Staff noted that there is an existing 8 foot drainage and utility easement located on the interior side of the north and west 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

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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.

Adjacent Properties: The proposed fence is installed along the north, south and west property lines. Adjacent residences are located to the north and west of the property adjacent to the side and rear lot lines. A 6 foot high fence is permitted in a residential zoning district along side and rear lot lines provided it is placed outside of the required 25 foot setback abutting a street. As such, the proposed 6 foot high fence will not impact adjacent property owners to the north and west in regards to receiving adequate light and air circulation on the property.

Sidewalk: An existing property-line sidewalk is located north and east of the property along Savoy Circle. The proposed 6 foot high fence is located inside of the existing sidewalk 4 feet. As such, the proposed fence will not negatively affect pedestrians using the sidewalk along Savoy Circle.

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.