

STAFF REPORT
September 22, 2011

No. 11FV007 - Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback

GENERAL INFORMATION:

APPLICANT	Kevin Bourne
PROPERTY OWNER	Kevin Bourne
REQUEST	No. 11FV007 - 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 33R of Block 8 of Knollwood Heights Subdivision No. 4 Revised located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .19 acres
LOCATION	1525 Racine Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	8/29/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

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 with the following stipulations:

1. Reconstruction of the fence shall be at the expense of the home owner if removal of the fence is needed in order to install and/or repair utilities;
2. Prior to Public Works Committee approval, the applicant shall submit written documentation from the City Engineer indicating concurrence with the request to place a fence in the easement.

GENERAL COMMENTS: On August 29, 2011, the applicant submitted a request for an exception for the height and location of a fence. Specifically, the applicant is requesting an exception to allow an existing six foot tall, wood-constructed fence to continue to be located in the front yard of their double-frontage lot. In addition, the applicant is seeking to allow the

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fence to be located within an easement.

The property is comprised of approximately 0.19 acres of land located at 1525 Racine Street in northeast Rapid City. A single-family residence is currently 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:

Double-Frontage Lot: 1525 Racine Street is located on a double-frontage lot on the corner of Racine Street and Crestwood Drive. Rapid City Municipal Code 15.40.030.A states, "On corner lots and double frontage lots, fences shall be no more than 4 feet in height in the required front yard; however, fences no more than 8 feet in height may be allowed in a second front yard when setback a minimum of 10 feet from the property line." The fence is located within 10 feet from the property line and is 6 feet tall in lieu of the allowable 4 feet in a front yard. As such, this Fence Height Variance has been requested.

Design: The fence is of wood construction and is 6 feet tall. There are no gates in the portions of the fence located within the easements or within 10 feet of the right-of-way. In addition, the fence is not located within any sight triangles and there is no development or roadway located north of the fence.

Easements: Chapter 15.40.070 of the Rapid City Municipal Code states, "No fence or wall shall be placed in designated easements unless approved in writing by the City Engineer." As of this writing, the City Engineer has not submitted this approval. Prior to Public Works Committee approval, the applicant must submit written documentation from the City Engineer indicating concurrence with the request to place a fence in the easement.

Staff recommends that the Fence Height Variance be approved with the stipulations outlined above.