

STAFF REPORT  
January 10, 2012

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**No. 11FV010 - Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence in the front yard setback**

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GENERAL INFORMATION:

APPLICANT	James Bialota
PROPERTY OWNER	James Bialota
REQUEST	<b>No. 11FV010 - Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence in the front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 10 of Knollwood Heights Subdivision No. 2 located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .18 acres
LOCATION	1502 Downing 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:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/16/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence in the front yard setback be approved with the following stipulation;

1. The fence shall be redesigned or relocated as shown and noted on the applicant's revised site plan to ensure the fence is located outside of the public right-of-way and any pedestrian sight triangles.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception to allow an existing 6 foot high fence to remain in a front yard setback in lieu of a maximum 4 foot high fence.

The property is located at 1502 Downing Street, in the northeastern section of the City. The address is a double frontage lot with front-yard setback requirements on the western and southern property lines. Rapid City Municipal Code Chapter 15.40.020 states that on a

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residential lot with two lot frontages, fences no more than 6 feet in height may be allowed in the second front yard when set back a minimum of 10 feet from the property line. The fence is currently located within the required front yard setback on Crestwood Drive. As such, the applicant has submitted a request for a Fence Height Exception to allow a 6 foot tall fence to be located within the front yard setback.

The existing fence is of wood construction, approximately 6 feet tall, and is 100 percent opaque. Currently, a single-family residence and accessory structures are located on the property.

STAFF REVIEW: Staff has reviewed the request for a fence height exception and has noted the following considerations:

Right-of-Way: Staff inspected the fence on the property and it appeared that the fence was located in the Crestwood Drive right-of-way. Rapid City Municipal Code Chapter 15.40.070 states that no fence may be erected in the public right-of-way. On January 3, 2012, the applicant submitted a revised site plan showing that a redesigned fence will be located outside the public right-of-way. Staff recommends that the Fence Height Exception be approved with the stipulation that the fence be relocated outside of the right-of-way as shown on the applicant's revised site plan.

Sight Triangles: From the applicant's originally submitted plans, it appeared portions of the fence in proximity to the driveway were located in pedestrian sight triangles. Rapid City Municipal Code Chapter 15.40.080 prohibits fences located within sight triangles. On January 3, 2012, the applicant submitted a revised site plan showing that a redesigned fence will be located outside of the pedestrian sight triangles. Staff recommends that the Fence Height Exception be approved with the stipulation that the fence be relocated outside of the pedestrian sight triangle as shown on the applicant's revised site plan.

Notification Requirements: As of this writing, the green cards and white receipts from the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Public Works Committee at the January 10, 2012 Public Works Committee meeting if this requirement has not been met. At this time, there has been one inquiry voicing support for the request.