

STAFF REPORT

October 29, 2002

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**No. 02FV010 - Fence Height Variance to allow a six foot high fence in the front yard**      **ITEM**

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GENERAL INFORMATION:

PETITIONER	Ronn and Sharlene Mitchell
REQUEST	<b>No. 02FV010 - Fence Height Exception to a six foot fence</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 2 of Copperfield Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .251 acres
LOCATION	1813 Copperdale Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	09/30/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the Fence Height Variance to allow a six foot fence in a front yard be approved for that portion of the southeast property line lying 25 feet southwest of the northeast property line.

GENERAL COMMENTS: The applicant is proposing to construct a six foot high wood privacy fence in a front yard along the northeast property line at a residence located at 1813 Copperdale Drive. The property is a corner lot located adjacent to Copperfield Drive, Copperdale Drive and Elk Vale Road rights of way.

The applicant has proposed to build a six foot wood privacy fence approximately three feet southwest of the Copperfield Drive property line. The fence would then be connected to the northeast corner of the residence.

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---

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A single-family residential structure is located on the subject property. The property is zoned Low Density Residential District. The property to the north is zoned Low Density Residential District, to the south is General Commercial District, and to the east and west is Low Density Residential District.

The exception is required because the maximum height for a fence in a front yard is four feet. The Rapid City Municipal Code states that the City Council may approve exceptions to the fence height requirements if it is determined that the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood.

STAFF REVIEW: The absence of privacy fences in front yards gives the appearance of open space. The height of the proposed fence would appear to create a barrier, reducing the open space appearance for residences to the north and west that front onto Copperfield Drive.

The Rapid City Long Range Transportation Plan classifies Elk Vale Road as a principal arterial street. According to the Street Design Criteria Manual, the passenger car sight triangle for this street ranges from 540 feet to 590 feet, depending on sight direction. Based on the proposed location of the fence in relation to rights of way of Copperdale Drive, Copperfield Drive and Elk Vale Road, the associated sight triangles appear to be unobstructed. Staff has contacted the South Dakota Department of Transportation to determine if any of the road reconstruction associated with Elk Vale Road will affect the sight distance triangles. To date, staff has received no response.

Staff has reviewed the fence height variance request and cannot recommend approval of the applicant's request due to the effect on open space and specifically the front yard areas along Copperfield Drive. The proposed privacy fence would set a precedent in this area. Staff is recommending approval of a six foot fence along the east property line adjacent to Elk Vale Road. Due to the high volume of traffic on Elk Vale Road (Heartland Express) and the associated truck traffic, staff believes it would be appropriate to allow a six foot wood privacy fence along the east property boundary. This would provide the applicant with a private area along the rear of the residence without impacting the front yards along Copperfield Drive.

As of this writing, approximately half of the green cards from the required certified mailing have been returned by the petitioner. Staff will advise the City Council at the October 29, 2002 Public Works meeting if the mailings have not been returned. Staff has not received any comments or concerns regarding this application.

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Transportation Planning Recommendations:

Prior to City Council approval, the applicant shall

Engineering Division Recommendations:

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