

STAFF REPORT

May 15, 2002

No. 02FV004 – Fence Height Variance to allow a ten foot high fence **ITEM**

GENERAL INFORMATION:

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| PETITIONER | Dream Design International, Inc. for Chase LP II |
| REQUEST | No. 02FV004 – Fence Height Variance to allow a ten foot high fence |
| EXISTING LEGAL DESCRIPTION | Lots 1-3, Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately .35 acres |
| LOCATION | 225 East Watertown Street |
| EXISTING ZONING | Medium Density Residential District |
| SURROUNDING ZONING | |
| North: | Medium Density Residential District |
| South: | General Commercial District |
| East: | Medium Density Residential District |
| West: | Medium Density Residential District |
| PUBLIC UTILITIES | City Water and Sewer |
| DATE OF APPLICATION | 04/12/2002 |
| REPORT BY | Karen Bulman |

RECOMMENDATION: Staff recommends that the Fence Height Variance to allow a ten foot fence in two front yards be denied.

GENERAL COMMENTS: The applicant is proposing to construct a ten foot high fence in the two front yards of the residence located at 225 East Watertown Street. The property is located at the intersection of Milwaukee Street and East Watertown Street. The variance is required because the maximum height for a fence in a front yard is four feet. The applicant has indicated that he wishes to build the ten foot fence for security reasons. The fence will be constructed of wrought iron. The Rapid City Municipal Code states that the City Council may approve exceptions to the 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.

There is a multi-family residential structure located on the subject property and the property

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is zoned Medium Density Residential District. The surrounding properties to the north, east, and west are also located in Medium Density Residential Zoning Districts, although single family homes are located on the properties. There is a casino located to the south of the subject property and across an alley in a General Commercial Zoning District.

STAFF REVIEW: Staff has reviewed the fence height variance request and has concerns regarding the height of the fence. Although the fence would not be a solid fence, the wrought iron fence creates a vision of solidarity and enclosure. The height of this proposed fence would appear to create a barrier, which is not appropriate in the front yard in a residential neighborhood.

Staff cannot recommend approval of a ten foot fence in the two front yards due to the negative impact of a barrier on the surrounding neighborhood. One adjacent property owner has called concerning this fence. The caller thought the wrought iron fence would be attractive, but felt the 10 foot height of the fence would not fit with the character of the surrounding neighborhood and was opposed to the variance. As of this writing, the green cards from the required certified mailing have not yet been returned by the petitioner. Staff will advise the City Council at the May 15, 2002 Public Works meeting if the mailings have not been returned.