

STAFF REPORT

October 29, 2002

No. 02FV012 - Fence Height Exception to allow a six foot chainlink fence in the front yard **ITEM**

GENERAL INFORMATION:

PETITIONER	Russell Oubre
REQUEST	No. 02FV012 - Fence Height Exception to allow a six foot chainlink fence in the front yard
EXISTING LEGAL DESCRIPTION	Lot 3 thru 5, Blakes Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .20 acres
LOCATION	129 East Philadelphia Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	10/11/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the Fence Height Variance to allow a six foot fence in a front yard be denied.

GENERAL COMMENTS: Currently, a six foot high chain link fence exists in the front yard at the single family residence located at 129 East Philadelphia Street. The property includes Lots 3, 4 and 5 which abut East Philadelphia Street on the north and an alley on the south. The subject property and surrounding properties are zoned Medium Density Residential District.

According to the applicant, the existing six foot high chain link fence was constructed in June 2002 to prevent a neighbor's activities and personal property from encroaching onto the applicant's property. Additionally, the fence was constructed to prevent trespass by children in the neighborhood.

The fence is constructed along the west property line. One end starts approximately at the

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northwest property corner and continues along the west property line 28 feet to the south. The remaining fence at the subject property is four feet in height.

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 fences in excess of four feet in front yards gives the appearance of unconfined, open space. The height of the fence at the subject property appears to create a barrier, reducing the open space appearance, which staff considers inappropriate in the residential neighborhood.

Staff has reviewed the fence height variance request and cannot recommend approval due to the effect on open, unconfined space in a residential district. The existing six foot high chain link fence would set a precedent in this area to allow the reduction of open space.

As of this writing, a significant percentage of the green cards from the required certified mailing have been returned by the petitioner. Staff has received one written comment regarding this application. The property owner of 135 East Philadelphia expressed his opposition to the existing six foot fence.

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Staff recommends that the 02FV012 be

Engineering Division Recommendations:

1.

Fire Department Recommendations:

Traffic Engineering Division Recommendations:

Transportation Planning Division Recommendations:

Urban Planning Division Recommendations:

GENERAL COMMENTS:

STAFF REVIEW:

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No. 02FV012 - Fence Height Exception to allow a six foot chainlink fence in the front yard ITEM
