

STAFF REPORT

April 1, 2003

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**No. 03FV001 - Fence Height Exception to allow a six foot privacy fence in the front yard setback**

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GENERAL INFORMATION:

PETITIONER	Linda Swanson
REQUEST	<b>No. 03FV001 - Fence Height Exception to allow a six foot privacy fence in the front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 1-2 of Block 19, Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .240 acres
LOCATION	421 Racine 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 Sewer and Water
DATE OF APPLICATION	3/10/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant has requested a fence height variance to allow a six foot wood privacy fence in a front yard at the single family residence located at 421 Racine Street. The property includes Lots 1 and 2, a corner parcel which abuts East Denver Street on the north and Racine Street on the east. The subject property and surrounding properties are zoned Medium Density Residential District.

Currently, the subject property is surrounded by a 42 inch high chainlink fence. The applicant is requesting the fence height exception to allow the construction of a six foot wood privacy fence to prevent pedestrians along East Denver Street from making contact with the pet dog owned by the applicant. The privacy fence is proposed to begin near the

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northwest corner of the existing residence, and then continue north approximately 25 1/2 feet to the existing chainlink fence. From this point, the fence would continue to the west approximately 56 feet along the sidewalk, and then continue to the south approximately four feet where it would be terminated. The remainder of the chainlink fence at the subject property would stay in place.

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 proposed six foot wood privacy fence would appear to create a barrier, reducing the open space appearance in a 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.

As of this writing, the green cards from the required certified mailing have not been returned by the petitioner.