

STAFF REPORT  
April 27, 2004

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**No. 04FV003 - Fence Height Exception to allow a six foot fence in a Low Density Residential District**

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GENERAL INFORMATION:

PETITIONER	Roy and Lynne Hix-Jencks
REQUEST	<b>No. 04FV003 - Fence Height Exception to allow a six foot fence in a Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lot 15 of Block 8, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .24 acres
LOCATION	4342 Milehigh Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	03/25/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot fence in a Low Density Residential District be denied.

GENERAL COMMENTS:

The applicant is seeking approval for a six foot high wood privacy fence in the front yard of the property, adjacent to Bengal Drive. The property is located on the southeast corner of Milehigh Avenue and Bengal Drive. The existing fence was constructed in violation of the fence height provisions of Section 15.40 of the Rapid City Municipal Code. A complaint was received by Rapid City Code Enforcement about the fence. A Code Enforcement Officer notified the applicant that the fence was in violation of City code and explained that a fence height exception is required for a front yard fence which exceeds the permitted four feet. There is approximately 104 linear feet of existing six foot high wood privacy fence located on the property within the required 25 foot front yard setback.

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STAFF REVIEW: A fence with a maximum height of four feet is allowed in the front yard in residentially zoned areas. The applicant is requesting an exception to allow an existing six foot high wood fence in the front yard.

Section 15.40.040 of the Rapid City Municipal Code states that, a variance to the fence height requirements can be granted by the City Council if the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood.

As previously stated, the existing fence is located within the required front yard setback, and is approximately one inch from the sidewalk adjacent to Bengal Drive. The existing fence is not located within the sight triangle; however, a six foot high fence located in such close proximity to the sidewalk and street results in a negative visual impact for the surrounding neighbors and any vehicles traveling along Bengal Drive. As such Staff is recommending this request for a fence height variance be denied.