

STAFF REPORT
May 11, 2004

No. 04FV004 - Fence Height Exception to allow a seven foot six inch fence in a Low Density Residential District

GENERAL INFORMATION:

PETITIONER	Dennis and Jolene Smith
REQUEST	No. 04FV004 - Fence Height Exception to allow a seven foot six inch fence in a Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 9 of Tract P of Tract F, Block 10, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	approximately .20 acres
LOCATION	728 Wright Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/08/2004
REVIEWED BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a seven foot six inch fence in a Low Density Residential District be approved with the following stipulation:

1. Prior to initiation of construction of the fence, a Building Permit shall be obtained; and,
2. The height of the fence shall be consistent with the existing fence located on the property to the south.

GENERAL COMMENTS: The applicant is seeking approval for a seven foot six inch high wood privacy fence in the rear yard of the property. The subject property is located at the west end of Wright Court on the cul-de-sac. A Building Permit was issued for the existing house on the property in 1977. The applicant has indicated that the existing fence was constructed in conjunction with the construction of the house. The existing fence is approximately 150 feet in length and is located on the rear property line. The rear property

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line of the subject property abuts the rear property line of the Pleasant Hill Village apartment complex located at 1720 North Seventh Street. Due to the condition of the existing fence, the applicant is proposing to remove the existing seven foot six inch high wood privacy fence and replace it with a new seven foot six inch high wood privacy fence.

STAFF REVIEW: Staff has reviewed this request for a fence height exception with respect to Section 15.40.050 of the Rapid City Municipal Code. This portion of the code pertaining to fences 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..." Staff has noted the following issues:

Topography: The elevation change from the subject property to the abutting property on the west side of the fence is approximately one foot. The height of the fence as viewed from the abutting property will be approximately six feet six inches.

Location: The proposed fence will be located along the rear property line of the subject property. The proposed fence will not abut a street, but will form a buffer from the parking lot provided for the Pleasant Hill Village apartment complex located to the west of the subject property.

Building Inspection: The Building Inspection Division noted that Section 15.40.060 requires a Building Permit to be obtained for all fences over six feet in height.

Staff finds that based on the recommended stipulations of approval, the proposed exception to the fence height requirements is not contrary to the public interest and that the exception will not be injurious to the surrounding neighborhood. Staff recommends approval of the Fence Height Exception with the above stated stipulations.