

STAFF REPORT
September 14, 2004

No. 04FV017 - Fence Height Exception to allow a six foot high fence in the front yard setback

GENERAL INFORMATION:

PETITIONER	Jadon Construction for James L. Oconnell
REQUEST	No. 04FV017 - Fence Height Exception to allow a six foot high fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot 5, Block 1, Sioux Park Addition, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .18 Acres
LOCATION	2318 Lance Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District/General Commercial 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	8/3/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION: Staff recommends that the Fence Height Exception to allow a six foot high fence in the front yard setback be approved with the following stipulations:

1. The fence will have a maximum height of six feet;
2. Prior to City Council approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 15 feet from the property line abutting Jackson Boulevard;
3. Prior to City Council approval, a revised site plan shall be submitted for review and approval showing a landscaping buffer, located on the applicant's property, between the proposed fence and Jackson Boulevard; and,
4. The finished sides of the fence shall face Jackson Boulevard.

GENERAL COMMENTS: The subject property is located on the south side of Jackson Boulevard between Mountain View Road and Lodge Street. The subject property has two frontages, one on Lance Street and one on Jackson Boulevard. The subject property has a swimming pool located in the rear yard. The applicant is proposing to construct a six foot high wood screening fence along the rear property line as it abuts Jackson Boulevard.

STAFF REPORT
September 14, 2004

No. 04FV017 - Fence Height Exception to allow a six foot high fence in the front yard setback

The applicant is requesting an exception to the fence height requirements to allow a six foot high fence located within the required front yard setback in the Low Density Residential Zoning District.

STAFF REVIEW: 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. Staff has reviewed the proposed Fence Height Exception as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Swimming Pool: As previously indicated the subject property has a swimming pool located in the rear yard. Section 17.50.320 requires that swimming pools be fenced or walled by a fence or wall not less than five feet in height.

Location: Jackson Boulevard is identified as a principal arterial on the Major Street Plan. Previously the City Council has approved similar Fence Height Exceptions along Sheridan Lake Road and Haines Avenue, other principal arterials, with the provision that the fence be setback from the property line to accommodate future widening of the street and to insure that the fence does not encroach into the sight triangle. The applicant's site plan shows the proposed fence does not encroach into any sight triangles. The applicant's site plan shows the fence to be located approximately twenty five feet from Jackson Boulevard. The applicant has indicated that Jackson Boulevard may be expanded in the future which will reduce the distance between the proposed fence and the street. Due to the future expansion of Jackson Boulevard, staff is recommending that a revised site plan be submitted showing the proposed fence located 15 feet from the property line abutting Jackson Boulevard.

Landscaping: Previously the City Council has approved similar Fence Height Exceptions along Sheridan Lake Road and Haines Avenue, with the provision of a landscape buffer between the fence and the street. In order to provide an aesthetic buffer between the fence and the street, the City Council required landscaping on the outside of the fence as it abuts the street. As such, staff is recommending that a revised site plan be submitted, for review and approval, showing a landscaping buffer between the proposed fence and Jackson Boulevard, prior to City Council approval.

Staff is recommending that the Fence Height Exception be approved with the previously stated stipulations.