

STAFF REPORT  
July 26, 2005

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**No. 05FV007 - Fence Height Exception to allow a six foot high fence in the required 25 foot front yard setback**

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GENERAL INFORMATION:

PETITIONER	Stephen Mechem
REQUEST	<b>No. 05FV007 - Fence Height Exception to allow a six foot high fence in the required 25 foot front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 11, Block 7, Mallridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .18 acres
LOCATION	4445 Dolphin Lane
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	6/13/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot high fence in the required 25 foot front yard setback be approved with the following stipulations:

1. Prior to Public Works Committee approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 10 feet to the east of the west property line as it abuts Haines Avenue to ensure adequate separation from the street if Haines Avenue is expanded in the future;
2. Staff is recommending that a revised site plan be submitted, for review and approval, showing a landscaping buffer between the proposed fence and Haines Avenue, prior to Public Works Committee approval; and,
3. The finished sides of the fence shall face Haines Avenue and Country Road.

GENERAL COMMENTS: The subject property is located north of Bengal Drive and south of Viking Drive between Haines Avenue and Dolphin Lane. The subject property has two frontages, one on Dolphin Lane and one on Haines. The applicant is proposing to construct

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a six foot high wood privacy fence within the required 25 foot front yard setback along Haines Avenue.

The proposed fence is approximately 185 feet in length with approximately 125 linear feet located within the front yard setback adjacent to Haines Avenue. The applicant is seeking approval to construct a six foot high wood privacy fence located within the required front yard setback of the property adjacent to Haines Avenue.

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:

As previously indicated, the proposed six foot high fence is located within the required 25 foot front yard setback along Haines Avenue. The City Council has approved five similar Fence Height Exception requests in the general area. Those exceptions were granted for the properties located at 4342 Mile High Avenue (04FV003), 4304 Titan Drive (04FV005), 4203 Three Rivers Drive (04FV006), 147 Soldier Field Court (04FV009) and 4406 Titan Drive (05FV001).

Location: Haines Avenue is identified as a principal arterial on the Major Street Plan. Haines Avenue currently has a right-of-way width of 100 feet which is the minimum width for arterial streets. Previously, the City Council has approved similar Fence Height Exceptions along Sheridan Lake Road, Country Road and West Nike Road with the provision that the proposed fences be set back from the property lines to accommodate any future expansion of the street. Due to the possible future expansion of Haines Avenue, which will reduce the distance between the proposed fence and street, it is recommended that the proposed fence be located a minimum of 10 feet to the east of the west property line as it abuts Haines Avenue to ensure adequate separation if Haines Avenue is expanded in the future.

Landscaping: As previously mentioned, the City Council approved similar Fence Height Exceptions along Sheridan Lake Road, Country Road and West Nike Road with the provision of a landscape buffer. In order to provide an aesthetic buffer between the fence and the right-of-way, the City Council required landscaping on the outside of the fence as it abuts the public right-of-way. 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 Haines Avenue, prior to Public Works Committee approval.

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