

STAFF REPORT

April 11, 2006

No. 06FV002 - Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback **ITEM**

GENERAL INFORMATION:

PETITIONER	Michael and Molly Falk
REQUEST	No. 06FV002 - Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	The East half of Lot 19, all of Lot 20, Block 14, Wise Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .18 acres
LOCATION	222 East Monroe 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 water and sewer
DATE OF APPLICATION	3/24/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. The existing fence shall be removed from the sight triangle or a zoning variance must be obtained; and,
2. The first 12 feet of the fence as it extends west from Milwaukee Street shall be no greater than 4 feet in height to align with the existing garage.

GENERAL COMMENTS: The subject property is located north of East Monroe Street and west of Milwaukee Street. The subject property has two frontages, one on East Monroe Street and one on Milwaukee Street. The applicant replaced an existing five foot high fence with a six foot high wood privacy fence within the required 25 foot front yard setback along Milwaukee Street.

The existing fence is approximately 67 feet in length with 25 linear feet located within the

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front yard setback adjacent to Milwaukee Street. The applicant is seeking approval to allow a six foot high wood privacy fence located within the required front yard setback of the property, adjacent to Milwaukee Street.

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:

Sight Triangle: Staff noted that no fence shall be placed in the required sight triangle as provided in Section 17.50.335 except a fence may be allowed in the required sight triangle if the fence is not more than thirty percent solid as per Section 15.40.080 of the Rapid City Municipal Code. Staff also noted that any object shall be deemed an obstruction if it is located within any applicable sight triangle and the object is between two and one-half feet and ten feet above the edge of the roadway as per Section 17.50.335(B)(1) of the Rapid City Municipal Code. Staff noted that the easterly seven feet of the six foot fence and the four foot fence adjacent to Milwaukee Street are within the sight triangle of the alley and Milwaukee Street. The existing six foot fence must be removed from the sight triangle and the four foot fence must be relocated seven feet to the west to be outside of the sight triangle or a zoning variance must be obtained.

Front Yard Setback: Fences and walls may be erected or maintained; provided that no fence or wall over four feet in height shall be erected or maintained in any front yard as per Section 15.40.020 of the Rapid City Municipal Code. On corner lots, fences shall be permitted in 1 of the front yards provided the fence does not extend any closer to the public right-of-way than the building line of a principal building which has been permitted within the standard front yard set-back as per Section 15.40.020 of the Rapid City Municipal Code. Staff noted the existing garage is located approximately eleven and one-half feet from the property line adjacent to Milwaukee Street. Staff would recommend that the applicant shall lower the portion of the six foot high fence to a height of four feet until it is adjacent to the east side of the existing garage.