

STAFF REPORT
May 9, 2006

No. 06FV003 - Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence **ITEM**

GENERAL INFORMATION:

PETITIONER	Paul G. Laughhunn
REQUEST	No. 06FV003 - Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence
EXISTING LEGAL DESCRIPTION	Lot 11 of Block 4, South Robbinsdale Addition No. 2, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .15 acres
LOCATION	435 E. Idaho Street
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	4/6/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence be approved with the following stipulations:

1. A building permit shall be obtained for all fences over 6 feet in height; and,
2. An eight foot high fence shall be constructed only along the south property line and transition from eight feet in height to six feet in height within the first five feet of the southeast and southwest corners of the proposed fence.

GENERAL COMMENTS: The subject property is located south of East Idaho Street between Willow Avenue and Ivy Avenue at 435 East Idaho Street. The applicant is seeking approval to construct an eight foot high wood privacy fence located within the required rear yard and side yards of a property located within the Low Density Residential Zoning District.

STAFF REVIEW: Section 15.40.050 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

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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:

Building Permit: Staff noted Section 15.40.060 of the Rapid City Municipal Code states that, a building permit is required for all fences over 6 feet in height.

Side or Rear Yard: Fences and walls located along side or rear yards shall not exceed a height of 6 feet as per Section 15.40.020 of the Rapid City Municipal Code. The applicant is requesting a fence height that exceeds the maximum six foot fence height allowed in the Low Density Residential Zoning District. Staff noted that there is approximately two feet of elevation change between the rear yard of the subject property and the rear yard of the adjacent property to the south. Staff also noted that the east and west side yards of the subject property are at the same elevation as the neighbors' property. As such, staff recommends that the Fence Height Exception request be approved with the stipulation that an eight foot high fence shall be constructed only along the south property line and transition from eight feet to six feet within the first five feet of the southeast and southwest corners of the proposed fence.

Staff recommends that the Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence be approved with the above stated stipulations.