

STAFF REPORT
May 29, 2007

No. 07FV002 - Fence Height Exception to allow a six foot high within the required 25 foot front yard setback

GENERAL INFORMATION:

PETITIONER	Steve and Helen Duffy
REQUEST	No. 07FV002 - Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lots 20 and 22 of Block 13, West Boulevard, Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .22 acres
LOCATION	1622 West Boulevard
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	4/18/2007
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 proposed six foot fence must be removed from the sight triangle;
2. The applicant shall lower the portion of the six foot high fence to match the height of the existing four foot fence until it is adjacent to the south side of the existing residence; and,
3. The gate shall swing into the property and not out into the right-of-way.

GENERAL COMMENTS: The subject property is located north of Saint Charles Street and west of West Boulevard. The subject property has two frontages, one on Saint Charles Street and one on West Boulevard. The applicant is proposing to replace an existing four foot high chain link fence with a six foot high brick and wood privacy fence within the required 25 foot front yard setback along Saint Charles Street.

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The proposed fence is approximately 93 feet in length with all 93 linear feet located within the front yard setback adjacent to Saint Charles Street. The applicant is seeking approval to allow a six foot high brick and wood privacy fence located within the required front yard setback of the property, adjacent to Saint Charles 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 approximately the easterly eight feet of the proposed six foot fence adjacent to Saint Charles Street is within the sight triangle of the alley and Saint Charles Street. Staff recommends that prior to City Council approval, a revised plan shall be submitted for review and approval relocating the proposed fence outside of the site triangle or a zoning variance shall 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 residence is located approximately twenty-one feet from the property line adjacent to Saint Charles Street and there is an existing four foot high chain link fence in the proposed location of the six foot high fence. Staff would recommend that the applicant shall lower the portion of the six foot high fence to match the height of the existing four foot fence until it is adjacent to the south side of the existing residence.

Right-of-Way: Staff noted that the proposed gate appears to swing into the Saint Charles Street right-of-way and potentially block the existing sidewalk. Staff would recommend that the gate be mounted to swing into the property and not out into the right-of-way.

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 above stated stipulations.