

STAFF REPORT  
July 31, 2007

---

**No. 07FV005 - Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence**      **ITEM**

---

GENERAL INFORMATION:

PETITIONER	Waltar Whittemore
REQUEST	<b>No. 07FV005 - Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence</b>
EXISTING LEGAL DESCRIPTION	Lots 11 and 12 and the west six feet of Lot 13 of Block 11 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.252 acres
LOCATION	502 E. Denver Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City
DATE OF APPLICATION	6/26/2007
REVIEWED BY	Loren Fuhrmann / Todd Peckosh

RECOMMENDATION:

Staff is recommending that the Fence Height Exception to allow a six foot high fence in the required 25 foot front yard setback be denied.

GENERAL COMMENTS:

The property is located at 502 East Denver Street, at northeast corner of the intersection of East Denver Street and Racine Street. This property contains approximately 0.25 acres and fronts on both Racine Street and Denver Street. There is an existing single family residential structure and a garage located on the property. Both structures face onto Denver Street.

The applicant is proposing to construct a six foot high wood fence on the property line lying adjacent to and within the 25 feet of the Racine Street right-of-way. The Applicant is requesting approval to construct a six foot high fence in lieu of the maximum four foot high fence allowed within the required 25 foot front yard setback.

STAFF REPORT  
July 31, 2007

---

**No. 07FV005 - Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence**      **ITEM**

---

STAFF REVIEW:

Staff has reviewed the proposed six foot high wood screening fence located within the required 25 foot front yard setback to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Front Yard Setback:

Section 15.40.020 (A) of the Rapid City Municipal Code, allows a maximum four foot high fence to be located in the front 25 feet of the property. Further, the Municipal Code allows a fence with a height of six feet to be located in the front yard setback extending along the current building setback line. The applicant's site plan shows the existing house is located approximately 16 feet from the west lot line. In this case the applicant is allowed to construct a six foot fence sixteen feet from the Racine Street property line. However, the applicant is requesting a variance to allow the six foot tall fence to be constructed at the property line.

Section 15.40.050 of the Rapid City Municipal Code states that the Common Council may approve exception to the fence height requirements if it is determined that the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood. The design and materials of the fences shall be subject to prior approval by the Common Council.

Staff has concerns that a wood fence with a height of six feet located so close to the sidewalk and the public right-of-way may result in a negative visual impact for the surrounding neighbors and any vehicles traveling along Racine Street or pedestrians traveling along the sidewalk. It appears that with the 16 foot setback following the existing building line, an adequate private yard area is available to the residents of the property.

Sight Triangle:

The applicant's site plan shows the proposed fence will be located in the required sight triangle at the intersection of Racine Street and the public alley, Locating a solid wood fence within the sight triangle violates Section 15.40.080 (A), Section 17.50.335 (B) and Section 17.50.335 (H) of the Rapid City Municipal Code. Location of the fence at this location will create a safety issue. Any solid fence constructed at this location will create a potential safety issue.

Staff is recommending that the Fence Height Exception to allow a six foot high fence in the required 25 foot front yard setback be denied.