

STAFF REPORT
September 25, 2007

No. 07FV007 - Fence Height Exception to allow a six foot high fence in a front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Steve Storm
PROPERTY OWNER	Steven R. Storm
REQUEST	No. 07FV007 - Fence Height Exception to allow a six foot high fence in a front yard setback
EXISTING LEGAL DESCRIPTION	Lots 21 thru 23 of Block 2 of Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .26 acres
LOCATION	50 College Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Public District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	8/20/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception request to allow a six foot high fence in a front yard setback. The property is located at 50 College Avenue. More specifically the property is described as being located northwest of the intersection of College Avenue and Holcomb Avenue. The property consists of an 11,661 square foot lot with an 1,144 square foot single family residence located upon it. The property is currently zoned Medium Density Residential.

STAFF REVIEW:

Staff has reviewed the Fence Height Exception to allow a six foot high fence in a front yard

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setback and noted the following considerations:

Currently a six foot wood fence is located on the property. Because the property is a corner lot a front yard setback is required on each side that abuts a street. Section 15.30.020 states that no fence over four feet in height shall be placed in the front yard. On corner lots, fences shall be permitted in one 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.

Currently the six foot fence extends south into the front yard setback along College Avenue, and extends west into the front yard setback located along Holcomb Street. In addition while encroaching into both front yard setback lines the fence also extends over the applicant's property line and encroaches into the street right-of-way a distance of twenty feet. Staff has noted a fence is not allowed within the street right-of-way.

The six foot fence in the front yard setback(s) and the street right-of-way also encroaches into the pedestrian site triangle. A fence is allowed within the site triangle if it is not more than 30% solid. As noted the existing fence is made of wood and therefore does not meet this requirement. In addition General Beadle Elementary School is located south of the property, elevating concerns of the safety of school children with the limited site triangle visibility and the close proximity of the school.

Staff has noted that the applicant can legally construct a fence on the property. The applicant is allowed to have a four foot fence in the front yard setback on the southern side that abuts College Avenue; however, the fence must be perpendicular to the building line and the fence cannot encroach into the street right-of-way. In regard to the Holcomb Avenue front yard setback the fence is also required to be perpendicular with the building and cannot encroach into the front yard setback. Staff has noted that if the fence were to be constructed per the regulations that it would not encroach into the site triangle.

The applicant can legally construct a fence that does not encroach into the site triangle, front yard setback(s), or the street right-of-way and maintain an adequate yard area. For these reasons staff recommends that the request to allow a six foot high fence in a front yard setback be denied.