

STAFF REPORT
February 26, 2008

No. 08FV001 - Fence Height Exception to allow a six foot fence in the front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Shawn Worland
PROPERTY OWNER	Lakota Homes
REQUEST	No. 08FV001 - Fence Height Exception to allow a six foot fence in the front yard setback
EXISTING LEGAL DESCRIPTION	1001 Wambli Drive a portion of Block 6A of Lakota Subdivision No. 2, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.076 Acres
LOCATION	1001 Wambli Drive
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/sewer
DATE OF APPLICATION	1/22/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant is requesting approval of a six foot high chain link fence located within the required 25 foot front yard setback along Wambli Drive and Leblanc Street.

The property is located on the corner of Wambli Drive and Leblanc Street. Both streets are classified as local streets. There is an existing single family residence located on the property. A six foot fence has been constructed on the property.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that an Exception to the fence height requirements may 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:

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 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 as per Section 15.40.020 of the Rapid City Municipal Code. The proposed six feet high fence does not comply with the Rapid City Code of Ordinances. The applicant has submitted this request for an exception to allow the six foot fence in the front yard.

Section 15.40.020: Section 15.40.020 of the Rapid City Municipal Code states fences and walls may be erected or maintained: provided that no fence shall be erected or maintained in any front yard. The exception to this is sound barrier walls and screening fences less than six feet in height located along major streets. The applicant has constructed a six foot chain link fence in the front yard. The lot is located on the corner of two sub-collector streets in a busy residential neighborhood. The six foot chain link fence does not act as a sound barrier or as a screening fence. As such, staff recommends that the Fence Height Exception to allow a six foot fence in the front yard setback be denied.