

STAFF REPORT
July 15, 2008

No. 08FV008 - Fence Height Exception to allow a 6 foot high fence in lieu of a four foot high fence in the front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Alf Riisnaes
PROPERTY OWNER	Alf Riisnaes
REQUEST	No. 08FV008 - Fence Height Exception to allow a 6 foot high fence in lieu of a four foot high fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot E of Lot 6 of Schamber Addition, located in the SE1/4 SE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.37 acres
LOCATION	3410 Dover Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	6/2/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot high fence in lieu of a four foot high fence in the front yard setback be approved with the following stipulation:

1. Prior to Public Works approval, a complete site plan including the location of all utilities must be submitted for review and approval.

GENERAL COMMENTS: The property is located at 3410 Dover Street, north of Dover Street and west of Dover Lane. The property is currently zoned Low Density Residential District. The property to the south is zoned Low Density Residential District with a Planned Residential Development. The properties to the north, east, and west are zoned Low Density Residential District. A single family residence is currently located on the property. The existing house was built in 1980 and an attached garage was built in 1990. The

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applicant is proposing to construct a six foot tall wooden privacy fence in the required front yard setback. The proposed fence will be built using pre-manufactured wooden panels that are six feet in height and eight feet wide. The proposed fence will extend 32 feet east from the corner of the existing house toward Dover Lane, then extend north 77 feet along Dover Lane to the corner of an existing six foot privacy fence.

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 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 foot high fence exceeds the maximum four feet that is allowed in the required front yard. Staff would not typically support a fence over four feet in height that encroaches into the required front yard setback. However, in this case, the surrounding neighborhood has an abundant amount of shrubs and bushes that extend farther into the front yard than the proposed fence. The adjacent properties to the north, south and east all have shrubs that act as barriers between properties and extend closer to the road than the proposed fence. After examining the proposed fence location and studying the surrounding neighborhood it does not appear that the proposed exception will be contrary to the public interest or injurious to the neighborhood.

Sight Triangles: The site plan indicates that the fence is located outside of the sight distance triangle.

Site plan: A complete site plan identifying the existing utilities was not submitted with the application. Prior to Public Works approval a complete site plan including the location of all utilities must be submitted for review and approval to insure no conflict between the location of the fence and existing utilities.

Elevations: The elevations that were submitted show a wooden privacy fence that is six feet in height. Each pre-manufactured section of the fence will be eight feet wide and six feet in height. The fence must be constructed with the finished front side of the panel exposed to the public.

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