

STAFF REPORT
May 12, 2009

No. 09FV004 - Fence Height Exception to allow a seven foot high fence in the Medium Density Residential District

GENERAL INFORMATION:

APPLICANT/AGENT	Zane Tibke
PROPERTY OWNER	Zane Tibke
REQUEST	No. 09FV004 - Fence Height Exception to allow a seven foot high fence in the Medium Density Residential District
EXISTING LEGAL DESCRIPTION	Lots 37 and 38 of Block 14 of South Park Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.15 acres
LOCATION	2132 Wisconsin Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/23/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a seven foot high fence in the Medium Density Residential District be denied without prejudice.

GENERAL COMMENTS: The property is located east of Wisconsin Avenue between Saint Anne Street and Meade Street at 2132 Wisconsin Avenue. The applicant is seeking approval to construct a seven foot high wood privacy fence located within the required rear yard and side yards of a property located within the Medium Density Residential Zoning District.

STAFF REVIEW: Section 15.40.050 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

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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:

Building Permit: Staff noted Section 15.40.060 of the Rapid City Municipal Code states that, a building permit is required for all fences over 6 feet in height.

Side or Rear Yard: Fences and walls located along side or rear yards shall not exceed a height of six feet as per Section 15.40.020 of the Rapid City Municipal Code. The applicant is requesting a fence height that exceeds the maximum six foot fence height allowed in the Medium Density Residential Zoning District. Staff noted that the rear and side yards of the property are at the same elevation as the neighbors' property. In addition, a seven foot high fence located in such close proximity to the adjacent properties and alley would result in a negative visual impact for the surrounding neighbors. As such, staff recommends that the Fence Height Exception request be denied without prejudice.

Staff recommends that the Fence Height Exception to allow a seven foot high fence in lieu of a six foot high fence be denied without prejudice.