

STAFF REPORT  
July 14, 2009

---

**No. 09FV009 - Fence Height exception to allow a six foot high fence in lieu of a four foot high fence int the Low Density Residential II Zoning District**

---

GENERAL INFORMATION:

APPLICANT/AGENT	Machelle Knoll
PROPERTY OWNER	Machelle Knoll
REQUEST	<b>No. 09FV009 - Fence Height exception to allow a six foot high fence in lieu of a four foot high fence int the Low Density Residential II Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot B of Lot 1 of Block 8 of CHMH Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.15 Acres
LOCATION	807 Sagewood Street
EXISTING ZONING	Low Density Residential II District
SURROUNDING ZONING	
North:	Low Density Residential II District
South:	Low Density Residential District (Planned Development Designation)
East:	Low Density Residential II District
West:	Low Density Residential II District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/25/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

**RECOMMENDATION:**

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

GENERAL COMMENTS: The property is located south of Sagewood Street and west of Kyle Street. The property has two frontages, one on Sagewood Street and one on Kyle Street. The applicant is proposing to install a 6 foot high wood privacy fence within the required 25 foot front yard setback along Kyle Street.

The proposed fence is approximately 50 feet in length with 25 linear feet located within the front yard setback adjacent to Kyle Street. The applicant is seeking approval to allow a 6

STAFF REPORT  
July 14, 2009

---

**No. 09FV009 - Fence Height exception to allow a six foot high fence in lieu of a four foot high fence in the Low Density Residential II Zoning District**

---

foot high privacy fence located within the required front yard setback of the property, adjacent to Kyle Street.

STAFF REVIEW: Section 15.40.040 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 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 4 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 location of the 6 foot tall fence in close proximity 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 Kyle Street or pedestrians traveling along the sidewalk. As such, staff is recommending that the Fence Height Exception to allow a 6 foot high fence in the required 25 foot front yard setback of a Low Density Residential II Zoning District be denied.

Rear Yard Setback: Fences and walls located along rear yards shall not exceed a height of 6 feet. However, no fence or wall shall be placed in designated easements unless approved in writing by the City Engineer. Staff noted that there is an existing 8 foot minor drainage and utility easement along the south property line. As such, staff recommends that the 6 foot fence along the south property line shall be located outside of the existing easement or obtain approval in writing from the City Engineer or the applicant shall vacate a portion of the existing 8 foot minor drainage and utility easement.

Side Yard Setback: Fences and walls located along side yards shall not exceed a height of 6 feet. However, staff noted that there is an existing 6 foot maintenance easement along the west property line for the existing townhomes. As such, staff recommends that the 6 foot fence along the south property line shall be located outside of the existing easement or the applicant shall vacate a portion of the existing 6 foot maintenance easement.

Site Triangle: Staff noted that there does not appear to be any conflict with the vehicular or pedestrian site triangle at the corner of Sagewood Street and Kyle Street