

STAFF REPORT  
December 15, 2009

---

**No. 09FV013 - Fence Height Exception to allow a six foot high fence in the front yard setback**      **ITEM**

---

GENERAL INFORMATION:

APPLICANT/AGENT	John Kurle
PROPERTY OWNER	John Kurle
REQUEST	<b>No. 09FV013 - Fence Height Exception to allow a six foot high fence in the front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lots 1 of Block 2 of Stoneridge Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.22 acres
LOCATION	310 Gemstone 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 and sewer
DATE OF APPLICATION	11/13/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the applicant's withdrawal of the Fence Height Exception to allow a six foot high fence in the front yard setback be acknowledged.

GENERAL COMMENTS: The property is located at 310 Gemstone Drive at the corner of Parkview Drive and Gemstone Drive. The applicant has requested a variance to allow a 6 foot high wood privacy fence to be located along two sides of the property within the 25 foot setback along Parkview Drive. The proposed fence would extend from the front property line approximately 35.5 feet back to the house along Parkview Drive, extend along Parkview Drive adjacent to the sidewalk for approximately 45 feet, and then further extend 86 feet back along the north side yard. A 12 foot portion along the north side yard and Parkview Drive will be set behind utility equipment. The applicant is seeking approval to allow the 6 foot high wood privacy fences to be located within the required 25 foot front yard setback of the property in lieu of the 4 foot fence allowed by City Ordinance.

STAFF REPORT  
December 15, 2009

---

**No. 09FV013 - Fence Height Exception to allow a six foot high fence in the front yard setback**      **ITEM**

---

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. The location of the 6 foot tall fences along the front and side property lines and within the front yard setback results in a negative visual impact for the surrounding neighbors and pedestrians traveling along the sidewalk.

Sight Triangles: Section 17.50.335 of the Rapid City Municipal Code states that an obstruction to vision shall not be allowed within the sight triangle. Any object is deemed an obstruction if it is located within the sight triangle and the object is between 2 ½ feet and 10 feet above the edge of the roadway. As this property is located on a corner lot, the southern fence is proposed to be located at the intersection of Gemstone Drive and Parkview Drive and within the sight triangle. Cars at the stop sign on Gemstone Drive could not see approaching cars on Parkview Drive. A driveway is located adjacent to the proposed fence along the northern property line at the intersection of the sidewalk and the adjacent driveway. Cars traveling along the adjacent driveway are unable to see the pedestrians on the sidewalk. At this intersection, a 10 foot pedestrian sight triangle must be maintained. The sight triangle legs are to be measured from the intersecting edges of sidewalks and the paved or unpaved edge of an alley or of a driveway. Using these criteria, both the north and south fences are located within the sight triangles and are a potential hazard to the walking and driving public.

Staff has received two letters from adjoining neighbors objecting to the fence location and height due to the lack of visibility from the driveway.

Staff met with the applicant at the property and the sight triangles and conflicts at this location were discussed. The applicant has agreed to remove the fence from the front yard setback and out of the sight triangles. As such, the fence would then meet the City's regulations. The applicant has withdrawn this request for a fence height exception to allow a six foot high fence in the front yard setback. Staff recommends that the applicant's withdrawal of the application be acknowledged.