

STAFF REPORT
July 13, 2010

No. 10FV008 - Fence Height Exception to allow a seven foot fence in lieu of a four foot fence in the front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Joan Townsend
PROPERTY OWNER	Joan Townsend
REQUEST	No. 10FV008 - Fence Height Exception to allow a seven foot fence in lieu of a four foot fence in the front yard setback
EXISTING LEGAL DESCRIPTION	Lot 8A of Block 2 of Northridge Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.192 acres
LOCATION	3504 Lawrence Drive
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential District
South:	Mobile Home Residential District
East:	General Agriculture District
West:	Mobile Home Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/25/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

1. Prior to approval by the Public Works Committee, the site plan shall be revised to identify a 6 foot high fence in the front yard setback along Haines Avenue and Northridge Drive;
2. Prior to approval by the Public Works Committee, the applicant shall obtain approval of the affected utility companies identifying that they have no objections to the location of proposed fence in the easement, or shall vacate the drainage and utility easement or shall submit a revised site plan relocating the fence outside of the drainage easement;
3. Prior to approval by the Public Works Committee, the applicant shall obtain approval by the City Engineer to locate a fence in the drainage and utility easement, or shall vacate the drainage easement or shall submit a revised site plan relocating the fence outside of

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- the drainage easement; and,
4. Upon which time Haines Avenue is widened, if the fence is located within the vehicular or pedestrian sight triangles, the fence shall be relocated outside of the sight triangle.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception to allow a 7 foot high fence in the required 25 foot front yard setbacks along Northridge Drive and Haines Avenue. The applicant is requesting approval to construct a 7 foot high wooden privacy fence along the east property line along Haines Avenue and along the south property line along Northridge Drive. The property has three street frontages including Haines Avenue, Northridge Drive and Lawrence Drive. A 25 foot setback is required along all street frontages. A 4 foot high chain link fence currently exists along the east and south property lines as well as portions of the west and north property lines. The applicant is proposing to remove the chain link fence in the areas where the new fence will be constructed. The chain link fence will remain along the west property line and portions of the south property line.

The property is located at 3504 Lawrence Drive which is located on the east side of Lawrence Drive, north of Northridge Drive and west of Haines Avenue. A single family residence with an accessory shed and deck are located on the property.

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:

Setbacks: 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. As previously stated, the applicant's property is located such that the property has three street frontages along Haines Avenue, Northridge Drive and Lawrence Drive. Section 17.10.50 states that lots having frontage on more than one street shall provide the required front yards along those streets. As such, any proposed fence taller than a 4 foot high fence in the 25 foot required setback requires a Fence Height Exception.

Fence height & location: The 7 foot high fence is proposed to be located along the entire approximately 96 foot east property line along Haines Avenue and will span approximately 55 feet along the south property line along Northridge Drive. The fence is proposed to be located along the north property line spanning approximately 40 feet from the east property line where it will connect to the existing house and shed.

The applicant has requested approval of a 7 foot high fence within the front yard setback. Staff has identified that the proposed 7 foot fence will be inconsistent with other fences in the area which are of 6 feet or shorter. Staff also has concerns that a fence with a height of 7 feet located so close 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 Haines Avenue

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and Northridge Drive or pedestrians traveling along the sidewalk on the north side of Northridge Drive. Staff recommends allowing a 6 foot fence due to the three frontages, limited private yard area that would otherwise be allowed and the location of the high volume arterial roadway. As such, prior to approval by the Public Works Committee, a revised site plan must be submitted identifying that the proposed fence will be 6 feet in height.

Existing Fence: A 4 foot high chain link fence currently is located on the property along all lot lines. The applicant has indicated that the chain link fence will be removed in the areas where the proposed fence is to be located, along the east property line along Haines Avenue, portions of the south property line along Northridge Drive and along the north property line. The existing chain link fence will remain along the remaining portion of the south property line along Northridge Drive and along the west property line along Lawrence Drive.

Design features: The applicant has submitted details of the proposed fence with the application. The submitted fence details indicate that the fence will be a 7 foot tall wooden privacy fence. The fence will be dog-eared in style and will be light tan in color. Staff recommends approval of the proposed fence with a maximum 6 foot height.

Sight Triangles: The proposed location of the fence is not within pedestrian or vehicular sight triangles. However, the applicant should be aware that when Haines Avenue is widened at some time in the future, within the existing 100 foot right-of-way, the fence may be located within the sight triangles. Staff recommends that the owner be required to remove any obstruction of the sight triangle at such time. It should be noted that there are currently no plans to expand Haines Avenue at this time.

Utility and Drainage Easement: The submitted site plan identifies that a portion of the proposed fence will be located in an 8 foot utility and minor easement located along the north property line. As such, the applicant must obtain written approval from the utility companies identifying that they have no objections to the proposed fence being located in the utility easement. The applicant has indicated that letters to the utility companies seeking approval to construct a fence in the utility and drainage easement have been sent. However, as of this writing, all of the letters have not been returned. As such, prior to approval by the Public Works Committee, all letters from the affected utilities identifying that they have no objections to the proposed fence must be returned.

In addition, prior to approval by the Public Works Committee, the applicant must obtain approval from the City Engineer to locate the fence in the drainage and utility easement or the applicant must vacate a portion of the existing 8 foot drainage and utility easement or a revised site plan must be submitted identifying the location of the fence outside of the utility and drainage easements.

Building Permit: 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. As such, prior to the start of construction, the applicant must obtain a building permit for the proposed fence.

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Notification Requirement: As of this writing, the white receipts from the certified mailings have been returned to the Growth Management staff. However, the green card receipts have not been returned. Staff will notify the Public Works Committee at the July 13, 2010 Public Works Committee meeting if this requirement has not been met.