

STAFF REPORT  
September 14, 2010

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**No. 10FV012 - Fence Height Exception to allow a 6 foot high fence in the 25 foot front yard setback**      **ITEM**

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GENERAL INFORMATION:

APPLICANT/AGENT	Jodee Boland
PROPERTY OWNER	Jodee Boland
REQUEST	<b>No. 10FV012 - Fence Height Exception to allow a 6 foot high fence in the 25 foot front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lot 13 of Block 14 of South Robbinsdale Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.17 acres
LOCATION	802 East Ohio Street
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	8/24/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot high fence in the 25 foot front yard setback be approved.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception to allow a 6 foot high fence in the required 25 foot front yard setback along Hawthorne Avenue. The applicant is requesting approval of a 6 foot high wooden privacy fence along the west property line along Hawthorne Avenue that has been constructed. The property is located on a corner lot allowing a maximum 4 foot high fence to be located in the 25 foot setback on both the south and west property lines.

The property is located at 802 East Ohio Street which is located on the south side of Iowa Street, east of Hawthorne Avenue. A single family residence is located on the property.

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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 on a corner lot with street frontage along the south property line along Ohio Street and the west property line along Hawthorne Avenue. Section 17.10.50 states that lots having frontage on more than one street shall provide the required front yards along those streets.

Fence location: The fence is located along the west property line adjacent to Hawthorne Avenue. The applicant has constructed a 6 foot high wood privacy fence beginning at the northwest property line corner where it connects to the adjacent property owner's fence. The fence extends 89 feet south along the west property line and turns eastward for approximately 12 feet to attach to the existing garage.

Design features: The applicant has submitted details of the proposed fence with the request. The submitted fence details indicate that the fence will be a 6 foot high wooden privacy fence. The fence is dog-eared in style and is cedar red in color.

Adjacent properties: The City Council approved with stipulations a Fence Height Exception (#10FV009) on August 2, 2010 for a 6 foot high wood privacy fence to be located on the adjacent property to the north. At the time of review, staff was unaware that the subject property's fence was not in compliance with the Rapid City Municipal Code and had not obtained an Exception to allow the 6 foot high fence in the front yard setback along Hawthorne Avenue.

The proposed fence is installed along the west property line approximately one foot back of the right-of-way and the sidewalk. Adjacent residences are located to the north and east of the property adjacent to the rear and side lot lines. The west property line is adjacent to Hawthorne Avenue. As such, the proposed 6 foot high fence will not significantly impact the adjacent property owners.

Sidewalk: An existing property line sidewalk is located on along the west property line along Hawthorne Avenue. The fence has been constructed adjacent to and east of a City-installed retaining wall on the east side of the sidewalk. As such, the existing 6 foot high fence does not appear to adversely affect the sidewalk or pedestrian movements on the sidewalk and will not create additional safety hazards.

Sight Triangles: The fence is not located within the pedestrian or vehicular sight triangles.

Easements: The proposed fence is not located within any utility or drainage easements.

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Based on the approval of the Fence Height Exception for the property abutting this site to the north, staff recommends that the Fence Height Exception to allow a 6 foot high wood privacy fence in the required 25 foot front yard setback be approved.