

STAFF REPORT
October 26, 2010

**No. 10FV015 - Fence Height Exception to allow a 6 foot high fence
in lieu of a 4 foot high fence in the 25 foot front yard setback**

GENERAL INFORMATION:

APPLICANT	Charles Gruba
PROPERTY OWNER	Charles and Nancy Gruba
REQUEST	No. 10FV015 - Fence Height Exception to allow a 6 foot high fence in lieu of a 4 foot high fence in the 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lots 8-15 and the north ½ of vacated alley of Block 20 of Providence Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .61 acres
LOCATION	2715 & 2725 West Rapid Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/12/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot high fence in lieu of a 4 foot high fence in the 25 foot front yard setback be approved with the following stipulation:

1. The only permitted fence material shall be chain link. Vinyl slats inserted into the fence shall not be allowed. Any other material proposed for the fence or the addition of slats shall require the property obtain a new Fence Height Exception.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception to allow a 6 foot high chain link fence in the required 25 foot front yard setback along West Rapid Street and Whitewood Street. The property is located on a corner lot allowing a maximum 4 foot high fence to be located in the 25 foot setback on the west, north and east property lines. An existing 6 foot high chain link fence is located along the north and west property line of

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Lots 10-15 (2725 West Rapid Street). The applicant is requesting to obtain an Exception for the existing fence as well as to allow the construction of a 6 foot high chain link fence along Lots 8-9 (2715 West Rapid Street).

The property is located at 2715 and 2725 West Rapid Street which is located on the south side of West Rapid Street and east side of Whitewood Street, north of West Main Street. A single family residence is located at 2715 West Rapid Street and a commercial building is located at 2725 West Rapid 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. The proposed fence is located within the front yard setbacks along West Rapid Street and Whitewood Street.

Fence Location: As previously stated, the fence is proposed to be located along the west, north, east and south lot lines of the two parcels. An existing 6 foot high chain link is located within the 25 foot front yard setback on Lots 10-15 along the south and west property lines. The existing 6 foot high fence is also located within the 25 foot front yard setback along West Rapid Street.

The applicant is proposing to construct a 6 foot high chain link fence within the 25 foot front yard setback along West Rapid Street on Lots 8-9. The proposed fence will be constructed to continue the fence line from Lots 10-15 and will continue along the east property line.

Existing Structures: The site plan submitted by the applicant identifies that an existing single family residence and accessory storage shed are located on Lots 8-9. The applicant has indicated that these structures will be removed to accommodate an additional parking area for the business located on Lots 10-15. In addition, the applicant has indicated that the existing 4 foot high chain link fence along the north property line of Lots 8-9 will be removed as well as the existing 4 foot high woven wire fence along the western line of Lot 9.

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 tall silver chain link fence. No slats are proposed for the existing or proposed chain link fence. Any other material proposed for the fence other than chain link or the addition of slats will require a new Fence Height Exception be approved by City Council.

Utility Easement: Staff review has noted that there are no utility or drainage easements located in the location of the proposed or existing fences or on the properties.

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

Adjacent Properties: The proposed fence is installed along the south, west, north and east property lines of the two parcels. Parking lots serving commercial structures are located to the south and east of the property. The existing and proposed fence is chain link and will not negatively affect the adjacent properties in receiving adequate light and air. In addition, the Police Department staff has indicated that the proposed fence will not create any negative public safety concerns.

Sidewalk: An existing property-line sidewalk is located north, west and east of the property along West Rapid Street and Whitewood Street. The existing and proposed fence will be located along the property line located inside the sidewalk on the identified properties. The proposed and existing fence will not be located in any pedestrian or vehicular sight triangles and the Police department has indicated that the fence will not create any negative public safety concerns.

Staff recommends that the Fence Height Exception to allow a 6 foot high fence in lieu of a 4 foot high fence in the 25 foot front yard setback be approved with the stipulation as identified above.