

STAFF REPORT

April 26, 2011

No. 11FV003 – 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 **ITEM**

GENERAL INFORMATION:

APPLICANT	Linette Hemmer
PROPERTY OWNER	Linette Hemmer
REQUEST	No. 11FV003 - Fence Height Exception to allow a 6 foot fence in lieu of a 4 foot fence in the 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Robbinsdale Addition No. 11, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .39 acres
LOCATION	602 Hillshire Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/31/2011
REVIEWED BY	Vicki Fisher / 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 stipulations:

1. The fence shall be constructed of cedar wood as proposed and shall not exceed six feet in height. In addition, the fence shall be located as shown on the approved site plan; and,
2. Reconstruction of the fence shall be at the expense of the home owner if removal of the fence is needed in order to install and/or repair utilities.

GENERAL COMMENTS:

The applicant has submitted a 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 along Elm Avenue. In particular, the applicant is proposing to construct a 6 foot high cedar fence around the back yard located

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north of the existing residence. A portion of the fence is within the front yard setback along Elm Avenue. As such, the applicant has submitted this Fence Height Exception request.

The property is located in the northeast corner of the intersection of Hillshire Court and Elm Avenue. Currently, a single family residence with an attached garage is 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:

Design Features: The applicant has indicated that the fence will be six feet in height and will be constructed with cedar wood. In addition, a gate is located on the south side of the fence, adjacent to the residence, and does not encroach and/or abut Elm Avenue right-of-way. As such, opening the gate will not obstruct the sidewalk located along Elm Avenue. In addition, the fence is not located within the pedestrian or vehicular sight triangle.

Staff recommends that the fence be a maximum of 6 feet in height and constructed of cedar wood as proposed. In addition, the fence must be located as shown on the approved site plan.

Utility Easement: A six foot wide drainage and utility easement is located on the interior side of all lot lines. The applicant has submitted written documents from all of the affected utility companies indicating concurrence with the request with the stipulation that reconstruction of the fence shall be at the expense of the home owner if removal of the fence is needed in order to install and/or repair utilities.

Chapter 15.40.070 of the Rapid City Municipal Code states that no fence or wall shall be placed in designated easements unless approved in writing by the City Engineer. The City Engineer has reviewed the request and indicated approval since the location of the fence does not impede drainage on the property or create a utility conflict.

Staff recommends that the Fence Height Exception be approved with the stipulations as identified above.