

STAFF REPORT

September 27, 2000

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**FHV #00FV001 - Fence Height Variance to allow an eight foot privacy fence**

**ITEM**

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GENERAL INFORMATION:

PETITIONER	Gideon and Angela Dixon
REQUEST	<b>FHV #00FV001 - Fence Height Variance to allow an eight foot privacy fence</b>
LEGAL DESCRIPTION	Lots 1-3 of Block 2 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9750 Square Feet
LOCATION	1103 West Boulevard
EXISTING ZONING	Medium Density Residential
SURROUNDING ZONING	
North:	Medium Density Residential
South:	Medium Density Residential
East:	Medium Density Residential
West:	Medium Density Residential
PUBLIC UTILITIES	City Water and Sewer
REPORT BY	Blaise Emerson

RECOMMENDATION: Staff recommends that the Fence Height Variance to allow an eight foot privacy fence be denied.

GENERAL COMMENTS: The petitioner has requested a variance for an eight foot high wood fence in the side yard of the property located at the corner of West Boulevard and Fulton Street. The fence has been constructed without the necessary variance and building permit. The variance is required because the maximum height for a fence in the side yard is six feet. The petitioner has indicated the fence is for privacy and liability purposes. The petitioner has indicated that they have a hot tub and trampoline within a few feet of the property line and wish to have additional protection for these items. The site plan indicates that the fence will be constructed along the south property line and will be approximately 106 feet in length.

STAFF REVIEW: Staff has reviewed this request with respect to Section 15.40.050 of the City Code. This portion of the code pertaining to fences states that "...the City Council may approve exceptions to the height requirements if it is determined that the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood....".

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The subject property is located in a residential neighborhood composed of single family homes and the West Park Senior Apartments. The lot is located at the intersection of West Boulevard and Fulton Street. The property is located within the West Boulevard Historical District and both the residence and garage are contributing structures to the District.

The petitioner has an existing six foot (6') high solid wood fence located along the south property line and has reconstructed the fence to add two additional feet to the fence. The neighboring residence to the south is located approximately five feet from the property line and the petitioner residence is 14.5 feet north of the property line. Two small windows are located on this side of the neighboring house which faces the fence. The eight foot (8') high solid wood fence does block the view out of these windows.

In 1998, a similar request that was located two blocks to the west was denied without prejudice by the City Council. Staff can not support an eight foot solid wood high fence in a side yard or rear yard due to the negative impact on the residential neighborhood. In addition, the fence will negatively affect the air and light available to the residence on the adjacent property. As of this writing, the receipts from the required certified mailing have not yet been returned by the petitioner. Staff has reviewed this variance request and is recommending denial.