

# STAFF REPORT

September 27, 2000

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**FHV #00FV002 - Fence Height Variance to allow an eight foot privacy fence**

**ITEM**

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GENERAL INFORMATION:

PETITIONER	Tim and Marcie Brumbaugh
REQUEST	<b>FHV #00FV002 - Fence Height Variance to allow an eight foot privacy fence</b>
LEGAL DESCRIPTION	East 15 feet of Lot 23 and all of Lot 24, Block 28, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .13 Acres
LOCATION	1017 Fulton Street
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 adjacent to the alley. The property is located on 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 to reduce the noise and dust from the alley. The site plan indicates that the fence will be constructed along the south property line and will be approximately 115 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 one half block to the west of the intersection West Boulevard and Fulton Street. The alleys abut the lot to the east and south. 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 constructed an eight foot (8') high solid wood fence located along the east property line. Chapter 15.40 Fences does allow for sound barriers walls and screening fences along major streets with Common Council approval. However, an alley way is not a major street and traffic is not a significant issue in the alley.

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. 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.