

STAFF REPORT  
April 12, 2005

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**No. 05FV002 - Fence Height Exception to allow a nine foot high fence in the Medium Density Residential Zoning District**

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GENERAL INFORMATION:

PETITIONER	Todd Wiebelhaus
REQUEST	<b>No. 05FV002 - Fence Height Exception to allow a nine foot high fence in the Medium Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lots 13 and 14, Block 12, South Park Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .17 Acres
LOCATION	106 East Meade Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Public District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/2/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a nine foot high fence in the Medium Density Residential Zoning District be denied.

GENERAL COMMENTS: The subject property is located north of Meade Street between Lincoln Avenue and East Meade Street. The applicant is proposing to add four feet of lattice on top of an existing five foot high privacy fence along the rear lot line of the subject property. The proposed nine foot high fence is approximately 85 feet in length. The applicant is seeking approval to construct a nine foot high wood privacy fence located within the required rear yard of a property located within the Medium Density Residential Zoning District.

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

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applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Maximum Height: Staff noted that the maximum height allowed for any fence in the Medium Density Residential Zoning District is six feet in height. The applicant is requesting a fence height that exceeds the maximum fence height allowed in any Zoning District allowed within the City. The proposed fence is located along the rear property line of the subject property as it abuts an alley. A nine foot high fence will negatively impact the flow of air and light through the area which may adversely impact the adjacent property owners. As such, staff recommends that the Fence Height Exception request be denied as a nine foot high fence will have a negative impact on the adjacent property owners.

Staff noted that throughout other areas of the City a six foot high fence has been shown to act as a sufficient screening buffer. Staff also noted that the applicant may increase the height of the existing fence to six feet and meet the minimum requirements of the Municipal Code.

Building Permit: Staff noted that Section 15.40.060 states that a Building Permit be obtained for any fence over six feet in height. Staff recommends that if an exception is granted for a fence in excess of six feet in height, that a Building Permit be obtained prior to any construction of the fence.