

STAFF REPORT  
May 22, 2008

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**No. 08FV004 - Fence Height Exception to allow a fence over four feet in the front and side yard setback**      **ITEM**

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GENERAL INFORMATION:

APPLICANT	Pennington County Housing & Redevelopment Commission
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Pennington County Housing
REQUEST	<b>No. 08FV004 - Fence Height Exception to allow a fence over four feet in the front and side yard setback</b>
EXISTING LEGAL DESCRIPTION	Lots 1 thru 17 and vacated alley adjacent to said lots in Block 13 of Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.14 acres
LOCATION	403 East Adams Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Public District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	4/25/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a fence height over four feet in the front and side yard setback be approved with the following stipulation:

1. That the six foot fence be relocated outside of the front yard setback along Milwaukee Street and Adams Street and the required sight distance triangles.

GENERAL COMMENTS: The property is located at 403 East Adams Street east of Milwaukee Street, and north of East Monroe Street. The property is currently zoned Medium Density Residential District. The properties to the north, south and west are currently zoned Medium Density Residential District. The property to the east is currently zoned Public District.

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Adams Street, East Monroe Street and Milwaukee Street are all classified as sub-collector streets.

The applicant is requesting approval to construct a six foot wrought iron fence in the required front yard along Milwaukee Street, the unimproved Monroe Street right-of-way and the unimproved Waterloo Street right-of-way. The applicant has indicated that they are proposing to construct the six foot fence in order to reduce the high volume of pedestrian foot traffic that currently crosses the property. A four foot chain link fence is currently located on the property line adjacent to the Monroe Street right-of-way. A four foot fence is permitted in the required front yard. As the proposed fence exceeds the maximum four foot fence allowed, the applicant has submitted this request for an exception.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that an Exception to the fence height requirements may 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 four feet in height shall be erected or maintained in any front yard as per Section 15.40.020 of the Rapid City Municipal Code. On corner lots, fences shall be permitted in one of the front yards provided the fence does not extend any closer to the public right-of-way than the building line of a principal building which has been permitted within the standard front yard set-back as per Section 15.40.020 of the Rapid City Municipal Code. The proposed six foot high fence exceeds the maximum four feet that is allowed in the required front yard.

Staff has noted that the applicant is proposing to construct the six foot wrought iron fence in the front yard adjacent to the unimproved Waterloo Street right-of-way and the unimproved Monroe Street right-of-way. Due to the location of the operating railroad line, it is unlikely that the street will be constructed in the future. Staff supports the variance to allow the six foot fence along the unimproved streets with the stipulation that the fence be located outside of the sight triangle and outside of the front yard setback along Milwaukee Street.

The applicant is also proposing to construct a six foot wrought iron fence in the front yard adjacent to Milwaukee Street from the corner of the Monroe Street right-of-way to the driveway of the house located on the southwest portion of the property. The applicant is also proposing to construct the fence from the driveway east to the corner of the house. Staff does not support the variance to allow a six foot fence in the front yard setback along Milwaukee Street and Adams Street. The applicant can construct a six foot wrought iron fence from the corner of the house located on Milwaukee Street extending directly south to the property line that abuts the Monroe Street right-of-way in compliance with the adopted ordinances. Additionally, relocating the fences outside of the front yard setbacks along Milwaukee Street and Adams Street eliminates the construction of the fences within the site triangles along the driveway intersections with Milwaukee Street and Adams Street.

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**No. «Filenumber» - «Action»**

**ITEM**

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