



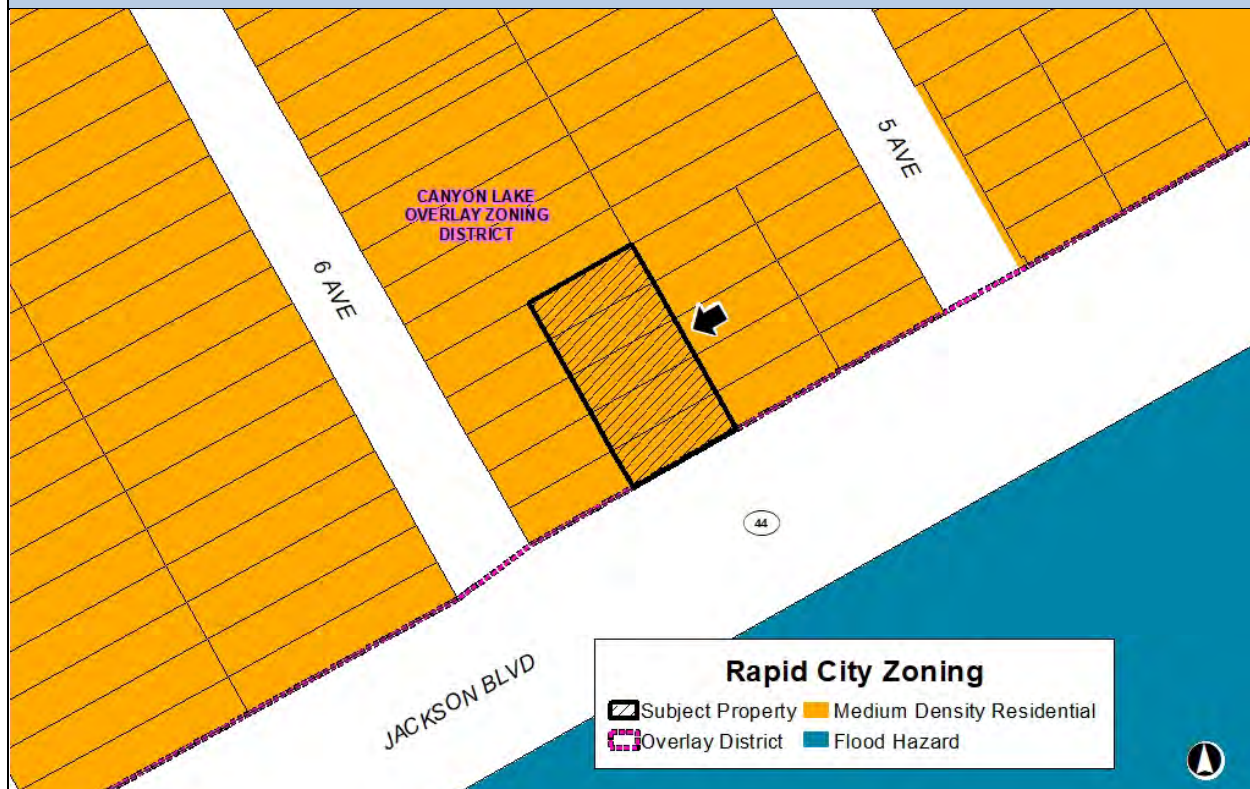
Rapid City Zoning Board of Adjustment Variance Project Report

September 23, 2021

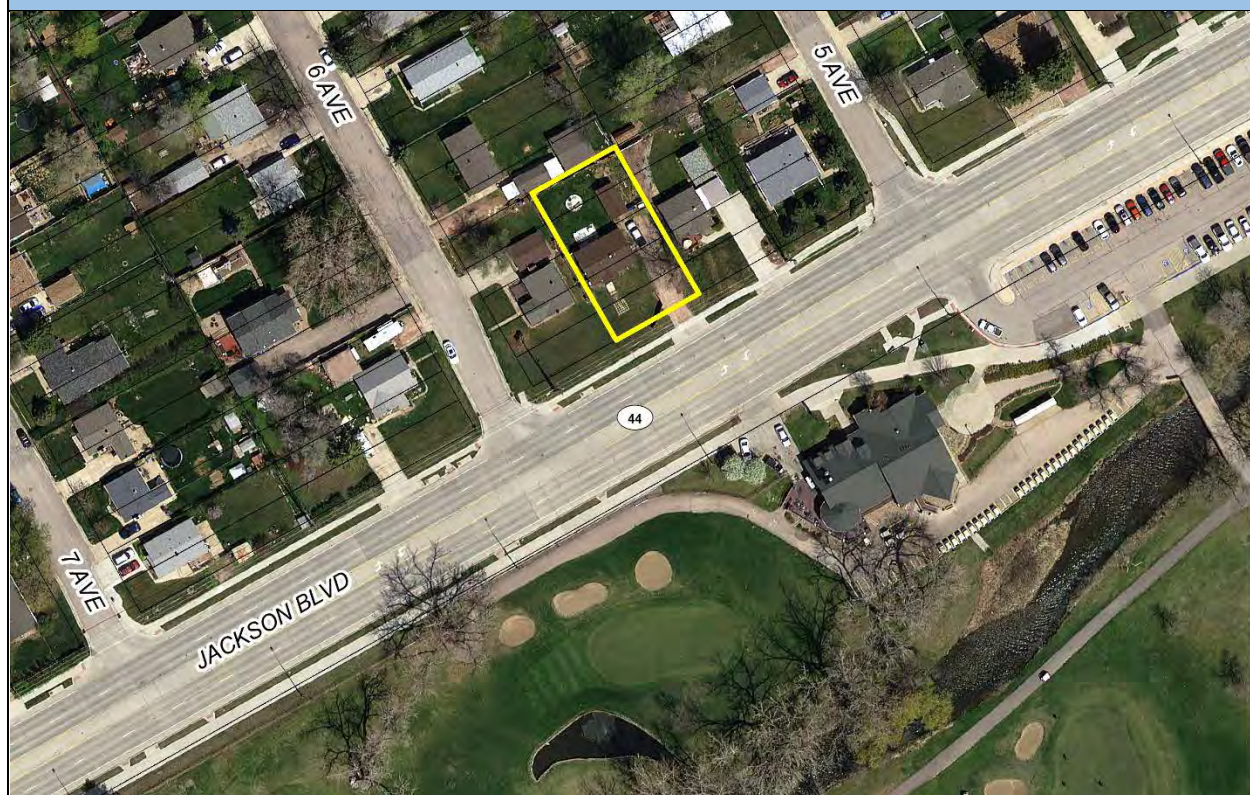
Item #2	
Applicant Request(s)	
Case #21VA004, Variance to allow a 6-foot high fence in lieu of a maximum 4-foot high fence in the front yard, with a 0-foot front yard setback in lieu of a minimum 25-foot front yard setback.	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Variance request be denied.	
Project Summary Brief	
<p>The applicant requests a Variance to allow a 6-foot high fence in lieu of a maximum 4-foot high fence in the front yard, with a 0-foot front yard setback in lieu of a minimum 25-foot front yard setback. The proposed fence is a cedar fence, and will be located approximately 8 feet from the public sidewalk along Jackson Boulevard. Jackson Boulevard is a State Highway and mixed-use corridor, portions of which are designated as an entrance corridor. The portion of Jackson Boulevard adjacent to the subject property is not designated as an entrance corridor; however, it is a primary route to connect the residential, commercial, and park uses within the community. The written statement submitted with the application notes that the purpose of the fence is to improve quality of life by reducing light, noise, and damage caused by stray golf balls. The property is zoned Medium Density Residential District within the Canyon Lake Overlay zone. Adjacent property to the north, east, and west sharing the same zoning designation as the subject property. The property to the south, on the opposite side of Jackson Boulevard, is the Meadowbrook Golf Course and is zoned Flood Hazard District. The written statement submitted with the application notes that the purpose of the fence is to improve quality of life by reducing light, noise, and damage caused by stray golf balls.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Jerald and Patricia Driver	Planner: Sarah Hanzel
Property Owner: Same	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: City
Other: N/A	Sewer: City
Subject Property Information	
Address/Location	3616 Jackson Boulevard
Neighborhood	West Rapid Neighborhood Area
Subdivision	The Cottonwoods
Land Area	0.2 acres/8,712 square feet
Existing Buildings	Single family residence and garage
Topography	Flat slopes
Access	Jackson Boulevard
Water / Sewer	City of Rapid City
Electric/Gas Provider	Black Hills Energy
Floodplain	N/A
Other	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR – CL Overlay	UN	Residential
Adjacent North	MDR - CL Overlay	UN	Residential
Adjacent South	Flood Hazard	PG	Public Park
Adjacent East	MDR – CL Overlay	UN	Residential
Adjacent West	MDR – CL Overlay	UN	Residential

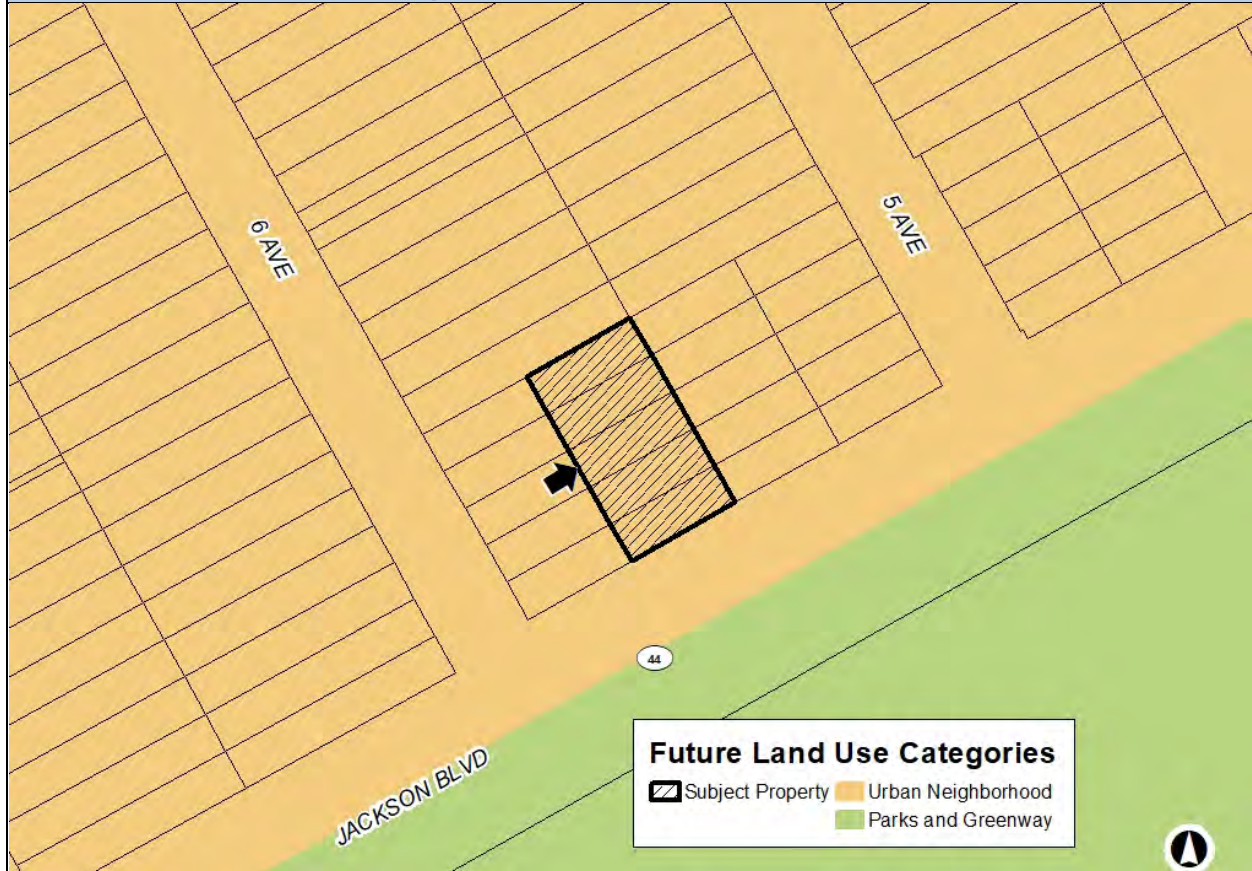
Zoning Map



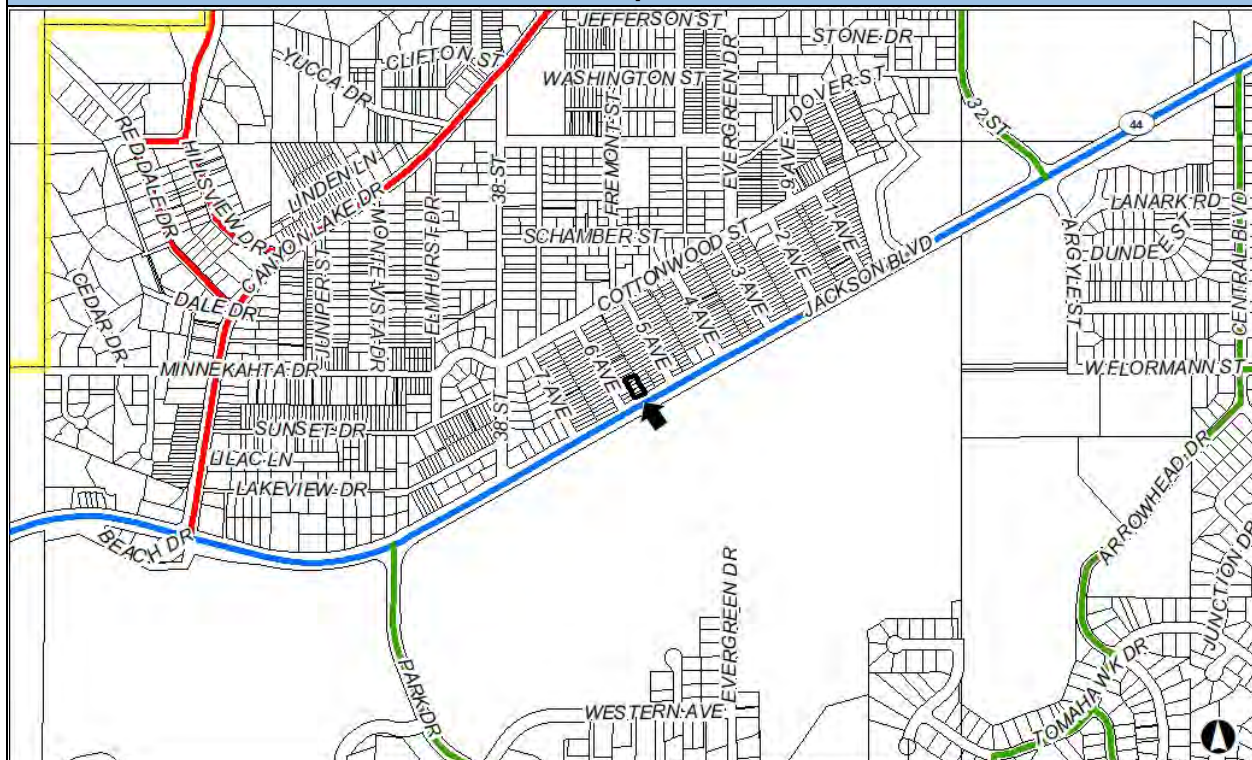
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Medium Density Residential District – Canyon Lake Overlay	Required	Proposed	
Lot Area	6,500 square feet	8,712	
Lot Frontage / Lot Width	25 feet / 50 feet	70 feet / 70 feet	
Maximum Building Heights	3 stories or 35 feet	1 story	
Maximum Lot Coverage	30%	15%	
Minimum Building Setback:			
• Front	25 feet	0 feet to fence	
• Rear	25 feet	25 feet to main building 20 feet to accessory structure	
• Side	8 feet	8 feet	
• Street Side	N/A		
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	2	N/A	
• # of ADA spaces	N/A	N/A	
Signage	N/A	N/A	
Fencing	As per RCMC 17.50.340. A maximum 4 – foot high fence in the front yard	6 – foot high fence in the front yard	
Applicant’s Justification:			
Pursuant to Chapter 17.54.020.D of the Rapid City Municipal Code, before the Board shall have the authority to grant a variance, the applicant must adequately address the following criteria: Applicants Response (verbatim):			
Written Statement: Privacy fence as a quality of life issue to reduce lights directed in to home as well as traffic noise. Also for reduction of damage to property in front yard due to stray golf balls.			
Criteria:			
1. The granting of the Variance will not be contrary to the public interest;	Fence will not block vehicle or pedestrians’ view of on-coming traffic as it is 8 feet 2 inches off of back side of side walk.		
2. There are special conditions attached to the property that do not generally apply to other properties in the same district;	There is a commercial business directly across the street from the residence leased by the City Parks Department that’s delivery vehicles park directly causing headlights to shine in to residence.		
3. Owing to special conditions, the literal enforcement of this title will result in unreasonable hardship;	Increased traffic volume and noise will be abated by the fence. Currently resident has increased noise and light entering home/residence during business operations making it difficult to enjoy main floor of home.		
4. By granting the Variance contrary to the provisions of this title, the spirit of this title and the city’s	Home owner will be able to alleviate the current stress they are living under.		

Comprehensive Plan will be observed; and,	
5. By granting the variance, substantial justice will be done.	As the issue of noise, lights and property damage will be greatly decreased or eliminated.
Board of Adjustment Criteria and Findings for Approval	
Should the Board of Adjustment grant the Variance to allow a 6-foot high fence in lieu of a maximum 4-foot high fence in the front yard, with a 0-foot front yard setback in lieu of a minimum 25-foot front yard setback, the following criteria, findings, and conditions of approval would be applicable:	
Criteria:	Findings:
1. The variance is for a use allowed in the zoning district.	The subject property is located at 3616 Jackson Boulevard. There is a single family home and a detached garage on the site. The property is zoned Medium Density Residential District with a Canyon Lake Overlay Zoning Designation. The residential use of the property is allowed in the zoning district; however, the design and location characteristics of the fence proposed by the applicant are not allowed in the zoning district. Chapter 17.50.340 of the Rapid City Municipal Code allows a maximum 4 –foot high fence in the front yard.
Board of Adjustment Criteria and Findings for Denial	
Should the Board of Adjustment deny the Variance to allow a 6-foot high fence in lieu of a maximum 4-foot high fence in the front yard, with a 0-foot front yard setback in lieu of a minimum 25-foot front yard setback, the following criteria, findings, and conditions of approval would be applicable:	
Criteria:	Findings:
1. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	Denial of Variance does not prevent reasonable use of the land. The applicant could construct a four foot high fence along the property line. In order to provide additional screening against noise and light, the use of shrubs and plantings would be allowed in the zoning district without a permit or land use review.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc.).	The subject property is a residential structure along Jackson Boulevard, a corridor characterized by a mix of uses including single family and multi-family residential, commercial, and park/open spaces. Whereas many residential developments have back yards facing Jackson Boulevard, this portion of the neighborhood has front yards adjacent to a commercial use. However, in other areas of the community where this occurs, combinations of 4-foot high fencing and vegetation provide buffering to headlights and noise. As such, there are no special circumstances or conditions that do not apply generally in the district.
3. The variance is the minimum adjustment necessary for the reasonable use of the land.	The Medium Density Residential District/Canyon Lake Overlay Zone allows a maximum 4-foot high fence in the front yard. In addition, bushes and other landscape plantings do not require building permits or land use review. These treatments are found throughout the district to provide visual and noise screening from the traffic on Jackson Boulevard. The proposed fence has a 0 – foot setback from the front property line, whereas the Rapid City Municipal Code requires a 25 – foot setback for a 6-foot high fence. Since vegetation could be used to provide screening and a noise buffer, granting the Variance is not the minimum adjustment necessary to address the concerns noted by the applicant.

4. The variance is in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.	The proposed fence is not in character with the residential neighborhood it is located in. The height of the fence, combined with its opacity and proximity to the right of way will create a wall between Jackson Boulevard and the property. The potential for precedent could alter the look and feel of this corridor, and present traffic and safety hazards if repeated throughout the district.
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Summary of Findings	
<ul style="list-style-type: none"> - The subject property is a single family residential structure located at 3616 Jackson Boulevard. - Jackson Boulevard is a corridor with a variety of uses including residential, commercial, and parks/open space. - The property is zoned Medium Density Residential District within the Canyon Lake Overlay Zone. - Chapter 17.50.340 of the Rapid City Municipal Code allows a maximum 4 –foot high fence in the front yard in order to preserve the residential feel of the neighborhood and to maintain visibility to pedestrians and the travelling public. - The proposed Variance is requested in order to provide a sound, visual, and physical barrier. - Other properties within this area achieve a visual, sound, and physical barrier through a maximum 4 –foot high fence, and landscaping which is allowed in the Zoning District. - The potential to establish a precedent for fences in excess of 4 feet high in the front yard with 0 –foot front yard setback could adversely affect the character and safety of the Jackson Boulevard Corridor. 	
ZBOA Recommendation and Stipulations of Approval	
Staff recommends that the Variance to allow a 6-foot high fence in lieu of a maximum 4-foot high fence in the front yard, with a 0-foot front yard setback in lieu of a minimum 25-foot front yard setback be denied.	