



# Rapid City Zoning Board of Adjustment Variance Project Report

April 20, 2017

<b>Item #2</b>
<b>Applicant Request(s)</b>
Case #17VA002, a Variance request to allow a six foot fence in the second front yard
Companion Case(s) # N/A

<b>Development Review Team Recommendation(s)</b>
<b>The Development Review Team recommends that the requested Variance be denied.</b>

### Project Summary Brief

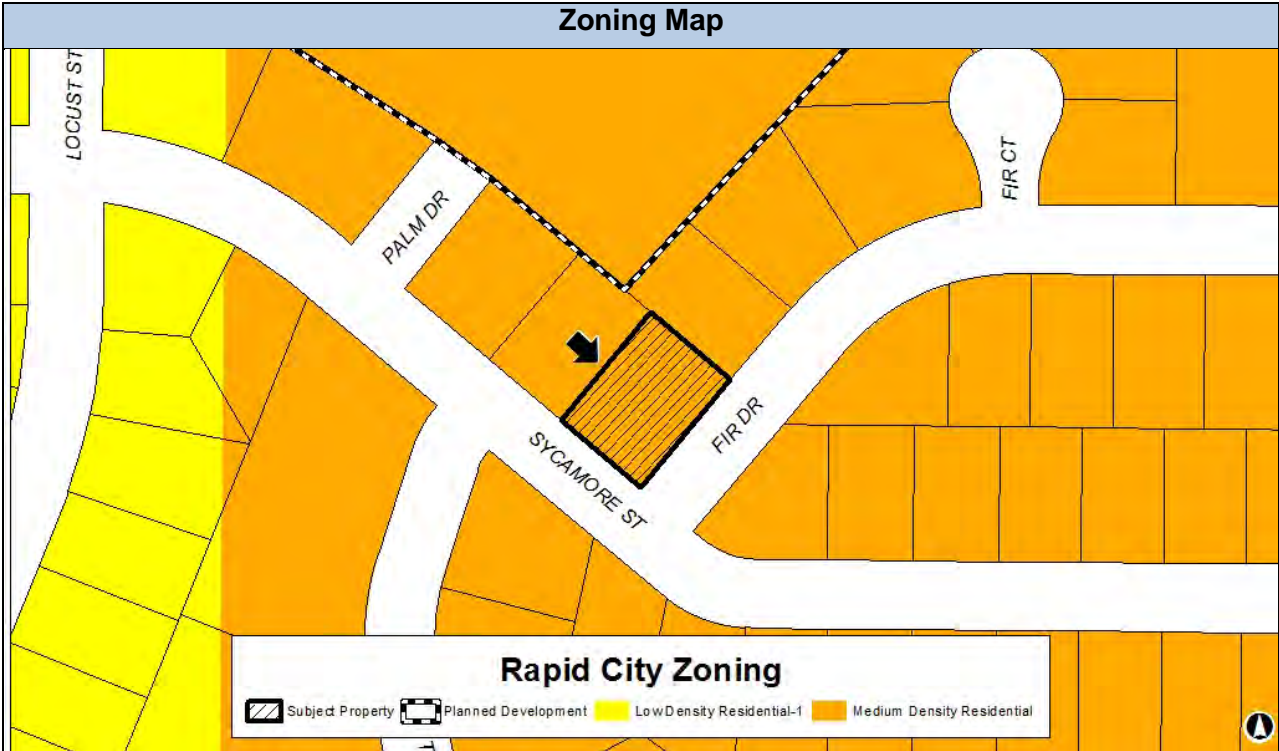
The applicant has submitted a request to allow 6 foot high fence in the second front yard with a one foot setback in lieu of the minimum required 10 foot setback. The subject property is a corner lot with two front yards along Fir Drive and Sycamore Street. Chapter 17.50.340 of the Rapid City Municipal Code states that “fences shall be no more than 4 feet in height in the required front yard; however, fences no more than 6 feet in height may be allowed in the second front yard when setback a minimum of 10 feet from the property line”. The proposed fence will be six feet high and constructed of cedar. The site plan identifies that the fence will be in compliance with the minimum required 25 foot front yard setback from Fir Drive.

Applicant Information	Development Review Team Contacts
Applicant: Durrell Davidson	Planner: Fletcher Lacock
Property Owner: Durrell Davidson	Engineer: Ted Johnson
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water: Ted Johnson
Other: N/A	Sewer: Ted Johnson

### Subject Property Information

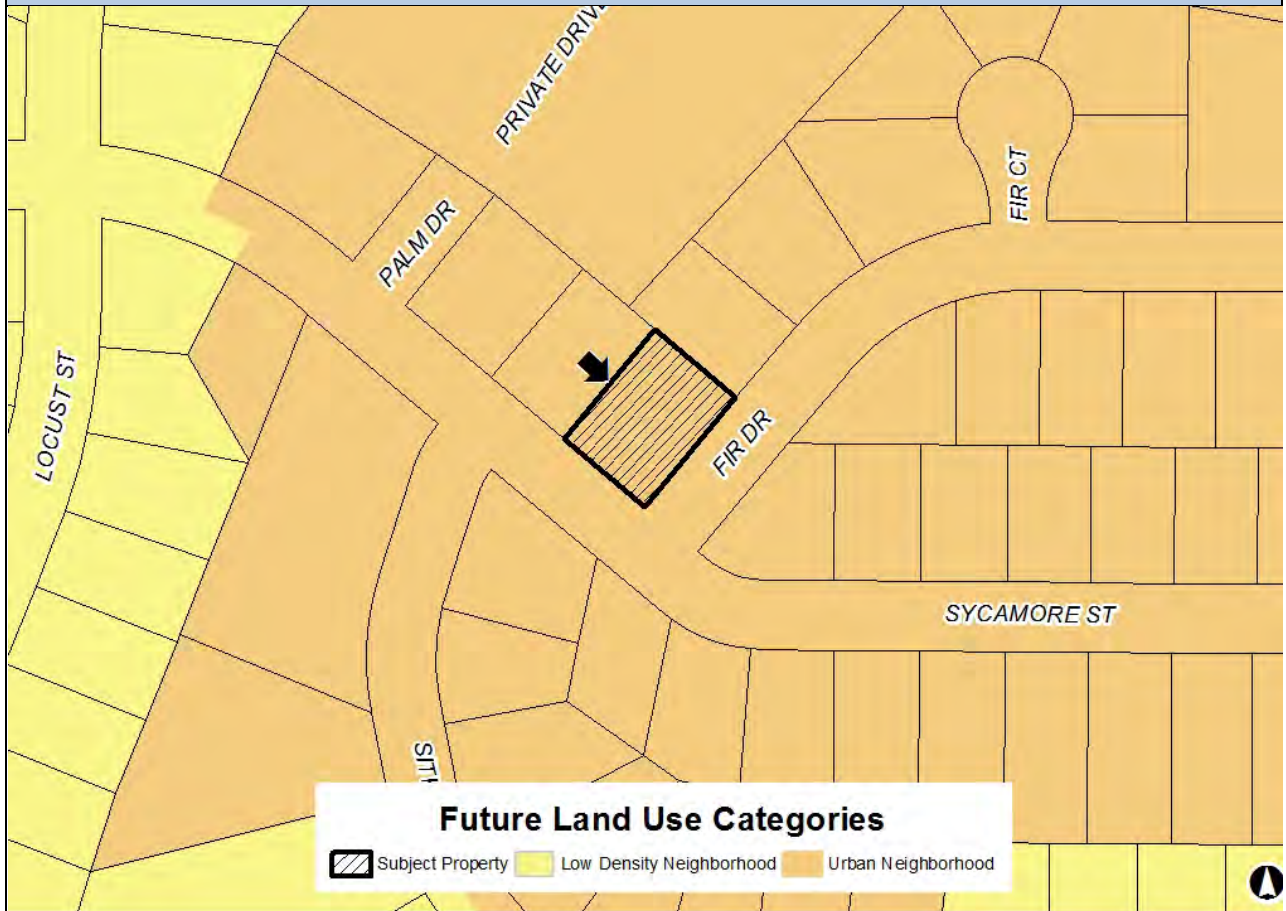
Address	1000 Fir Drive
Neighborhood	South Robbinsdale
Subdivision	Robbinsdale #9
Land Area	0.24 acres (approximately 10,455 square feet)
Existing Buildings	Single-family dwelling with an attached garage
Topography	Relatively flat
Primary Access	Fir Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power/ MDU
Floodplain	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	MDR	UN	Single-family dwelling
Adjacent North	MDR	UN	Apartment complex
Adjacent South	MDR	UN	Single-family dwelling
Adjacent East	MDR	UN	Single-family dwelling
Adjacent West	MDR	UN	Single-family dwelling

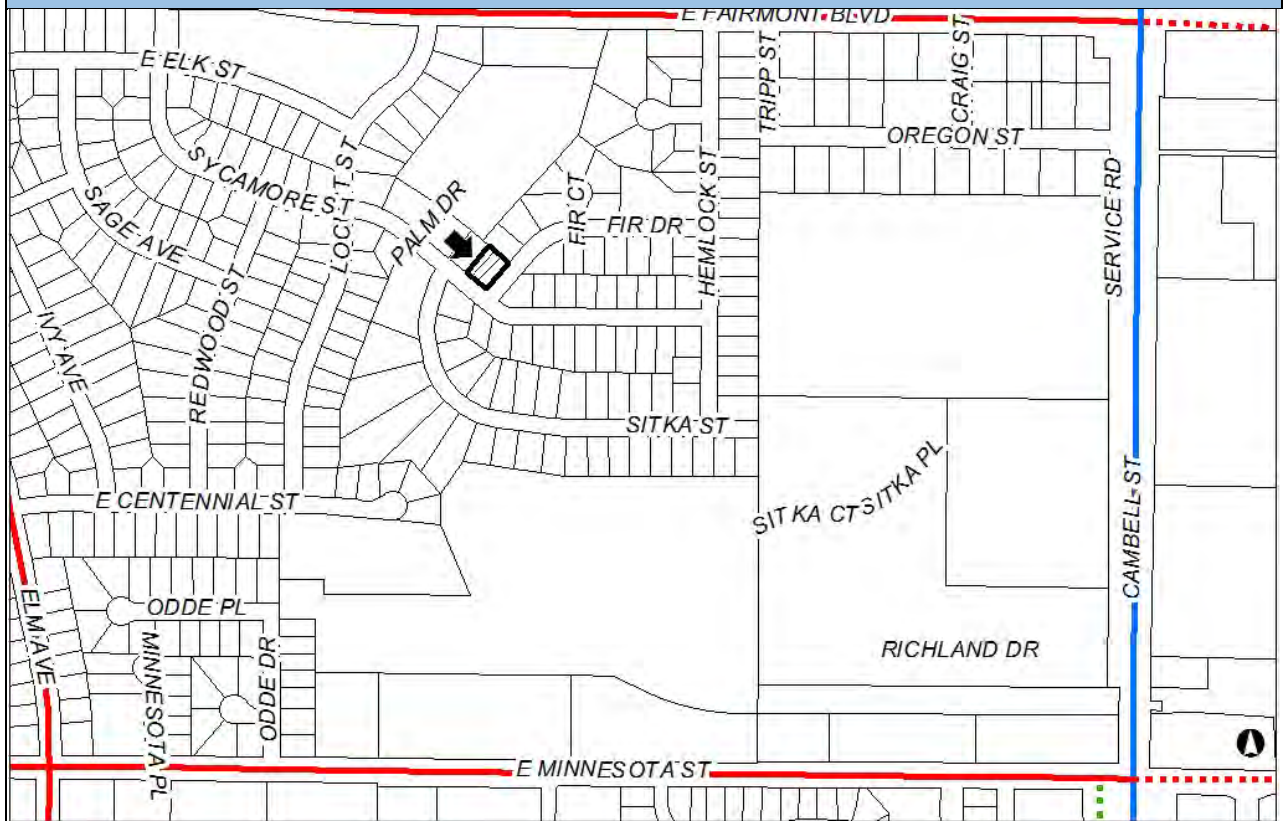




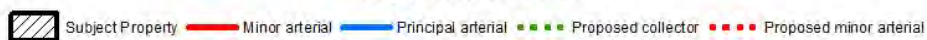
### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



### Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
N/A			

Relevant Zoning District Regulations		
Medium Density Residential District	Required	Proposed
Lot Area	6,500 square feet	Approximately 10,455 square feet
Lot Width	Minimum 50 feet at the front building line	Approximately 122 feet
Maximum Building Heights	2.5 stories, 35 feet	One story
Maximum Density	30%	12.1%
Minimum Building Setback:		
• Front	20 feet	26 feet
• Rear	25 feet	Approximately 40 feet
• Side	8 feet	15 feet
• Street Side	20 feet	Approximately 49 feet
Minimum Landscape Requirements:		
• # of landscape points	N/A	N/A
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:		
• # of parking spaces	2	2
• # of ADA spaces	"0"	"0"
Signage	Pursuant to RCMC	None proposed
Fencing	Six foot high fence in the second front yard setback 10 feet	Requesting a Variance to allow a six foot high fence in the second front yard with a one foot setback

Applicant's Justification:	
<p><b>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:</b></p>	
<b>Criteria:</b>	<b>Applicants Response (verbatim):</b>
1. The granting of the variance will not be contrary to the public interest.	The granting of the variance will not create any obstructions along the street nor will it create any type of sight triangles. The proposed fence will be set back 26 feet from the sidewalk on the corner of the lot. This will give ample sight for both pedestrians and traffic at the intersection. The fence will be constructed with community aesthetics in mind.
2. Due to special conditions the literal enforcement of the zoning ordinance will result in unnecessary hardship.	This property doesn't have ample backyard space as compared to all the other lots in the neighborhood but has abundant unused space in the side yard. This added space given by allowing a 6ft. fence will give the needed protection, safety, and privacy that is requested.
3. By granting the variance to the provisions of the zoning ordinance the spirit of the zoning ordinance will be observed.	The spirit of the ordinance will be upheld because there will not be any visibility issues for either vehicular traffic or pedestrian traffic.
4. By granting the variance substantial justice will be done.	It will be just to allow the variance as it gives the owner complete use and enjoyment of the property. It will also allow the added safety and privacy for the family and guests.

<b>Board of Adjustment Criteria and Findings for Approval</b>	
<b>Should the Board of Adjustment grant the variance for a reduction in the required side yard setback, the following criteria, findings, and conditions of approval would be applicable:</b>	
<b>Criteria:</b>	<b>Findings:</b>
1. The variance is for a use allowed in the zoning district.	The subject property is located at 100 Fir Drive which is a corner lot with street frontages along Fir Drive and Sycamore Street. The applicant is proposing to construct a six foot high opaque cedar fence along Sycamore Street which is the second front yard. Chapter 17.50.340 of the Rapid City Municipal Code allows a four foot high fence along the property line and a six foot high fence set back 10 feet from the property line.
<b>Conditions of Approval</b>	
1. The proposed fence shall be constructed so that it is no more than 30% solid, such as chain link.	

<b>Board of Adjustment Criteria and Findings for Denial</b>	
<b>Should the Board of Adjustment decide to deny the variance for a reduction in the required side yard setback, the following criteria would be applicable:</b>	
<b>Criteria:</b>	<b>Findings:</b>
1. The variance is the minimum adjustment necessary for the reasonable use of the land.	The applicant could construct a four foot high fence along the property line or a six foot high fence with a ten foot setback from the property line along Sycamore Street. Reasonable use of the land exists.
2. There are special circumstances or conditions that do not apply generally in the district (exceptional narrowness, topography, etc).	The property is approximately 10,455 square feet in size zoned Medium Density Residential District. The applicant is requesting a Variance to allow a six foot high fence along the property line in the second front yard in lieu of providing a 10 foot setback. The property is a corner lot with two frontages along Sycamore Street and Fir Drive. However, the applicant could construct a four foot high fence along the property line or a six foot high fence with a 10 foot setback from the property line abutting Sycamore Street.
3. The strict application of the provisions of the zoning ordinance denies any reasonable use of the land.	The property is unique in that it is a corner lot. However, Chapter 17.50.340 of the Rapid City Municipal Code already makes allowances for corner lots by allowing a six foot high fence to be located in the second front yard with a minimum 10 foot setback. The applicant could also construct a four foot high fence along the property line.
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 Zoning Ordinance is the tool that carries out the designations of the Comprehensive Plan. The purpose of Chapter 17.50.340 of the Rapid City Municipal Code is (B) 1 is to provide accommodation for corner lots that have two street frontages. A maximum four foot high fence is allowed in the front yard setback and a six foot high fence is allowed in a second front yard provided that the fence is set back 10 feet from the property line. Public Works staff has indicated that the proposed six foot high fence would encroach into the sight triangle for an uncontrolled intersection with three legs as per Figure 2-4 of the Infrastructure Design Criteria Manual. The proposed six foot high fence would interfere with travelling vehicles being able to see oncoming traffic.

<b>Summary of Findings</b>
The applicant is requesting a Variance to allow a six foot high fence with a zero foot setback in lieu of the minimum required 10 foot setback as per Chapter 17.50.340 of the Rapid City Municipal Code. The applicant is proposing to construct a six foot high fence in the second front

yard of a corner lot. Chapter 17.50.340 of the Rapid City Municipal Code allows a four foot high fence along the property line or a six foot high fence set back 10 feet from the property line in a second front yard. In addition, Public Works staff has stated that the proposed fence would encroach into the sight triangle for an uncontrolled intersection with three legs as per Figure 2-4 of the Infrastructure Design Criteria Manual. The Zoning Ordinance already makes accommodation for corner lots. The applicant could construct a fence in compliance with the Zoning Ordinance. Staff recommends that the Variance request be denied.