



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF DECEMBER 16, 2020
6:00 P.M.**

CALL TO ORDER

Chairman Tom Fann called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Tom Fann; Mr. Brian Stiens; Mr. Bill Jaggi; Ms. Brynn Palmer; Mr. John Shetterly; Ms. Julie Powers, Director of Planning, Community & Economic Development; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the November 18, 2020 meeting. Mr. Jaggi made a motion and Ms. Palmer seconded. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Fann asked for any reports or communications from the Officers or Staff. Ms. Powers noted that the Joint Work Session had been rescheduled to February, 2021 and that further information would follow in the new year.

PETITION VAR 20-21

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-21. Joseph Bono requests a variance to install a fence that exceeds six (6) feet in height in the R-1 Single Family Residential District. The property is located at the terminus of Twill Valley Drive, west of Brandywine Lane (53 Twill Valley Drive).

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-21. The petitioner or their agent was requested to step forward to present their petition. Mr. Joseph Bono, homeowner, was sworn in as the petitioner. Mr. Bono explained that he purchased the home at 53 Twill Valley Lane a few months ago and has been making improvements during that time. He approached the City to inquire about the maximum height of fences in a residential district because he has a dog that is able to scale the six-foot tall fence he has installed. He would like to install a 1.5 foot lattice on top of the existing six-foot tall privacy fence he recently installed to help deter the dog from jumping the fence.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 20-21. Ms. Powers explained that the subject site is located in the Twill Valley Subdivision. The applicant inquired about the permitted height of a fence in a residential district. They were advised that the maximum fence height is six feet in residential districts. The applicant indicated they moved into the home earlier this year and had a six foot high fence installed because of their dog. The dog is large and can jump the six foot high fence. Therefore, the applicant would like to add a lattice panel to the new fence.

Based on this, Joe Bono requests a variance to permit a fence that exceeds six foot in height in the R-1 Single Family Residential District. The property is located on Lot 13 of Twill Valley, as recorded in Book 30 Page 5 at the St. Charles County Recorder's Office, more commonly known as 53 Twill Valley Drive

Ms. Powers noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV land Use Chapter 405 as amended) state:

Section 405.360 (d) Fence Requirements:

2. No fence, wall, shrub, or hedge shall be constructed or altered to exceed six (6) feet in height except as indicated in the specific district regulations as follows.

Currently the subject site has a fence along all sides of the rear yard; the fence was installed recently to keep the applicant's dog within their yard. However, the dog has been able to jump the existing fence. Therefore, the applicant is proposing the addition of lattice along the top of the fence to keep the dog in the yard. The applicant has indicated the lattice will be installed professionally and will look attractive.

Staff notes that the maximum six feet fence height in residential districts was established to provide for privacy without installing complete barriers that would be unattractive and potentially create unsafe areas that are totally un-viewable. In this case the placement of the fence around the applicant's rear yard minimized the impact on adjacent properties. The lot is at the end of a cul-de-sac and backs to a large house and lot to the south. The lots on either side of the subject lot include front yard depths similar to the subject lot; therefore, the fence extends back from the house without impacting the front yards of the adjacent properties. The taller fence along the side yards will create a higher barrier to these lots, but given the lattice treatment of the height extension, the impact should be mitigated.

As noted above, fence heights are limited for both aesthetic and safety issues. In this situation, the increase in height will have a positive impact on the neighborhood, as the dog will be contained in the subject yard and not traveling to adjacent lots. Also, as noted above, the yard is a traditional cul-de-sac lot so there is modest impact on the rear yards of the lots to either side, and minimal impact to the large lot to the south of the subject site.

Staff notes the applicant has not indicated the specific height of the lattice. If adequate, staff recommends a lattice panel of two to three feet, resulting in a total fence height of eight or nine feet. This percentage of lattice will provide a decorative quality to the fence while providing the additional height needed for animal containments. Staff recommends a contingency that the final fence design be as approved by the Planning Department.

Ms. Powers presented the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

The applicant has a dog that is not contained by a standard six foot fence. Therefore, a taller fence is needed to keep the dog on the subject property. This extension is needed to ensure the applicant can fully utilize their property, thereby getting reasonable use of the subject property.

2. Does the hardship result from the strict application of these regulations?

The strict application of height regulations would limit the ability of the current residents to use their yard, resulting in a hardship.

3. Is the hardship suffered by the property in question?

The property does not suffer a hardship due to lot size or configuration. However, the applicant is impacted due to the size of their dog and the desire to provide ample outside space for the animal.

4. Is the hardship the result of the applicant's own actions?

The applicant purchased the home and installed a fence in compliance with the regulations, anticipating this would contain their animal. However, the dog is able to jump the current fence, thereby creating the hardship.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow the fence height needed to contain the applicant's dog, while maintaining a decorative, residential style.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent; there will be no ill effects on surrounding properties or the City as a whole

Based on this analysis, staff recommends approval of the variance with the following contingencies:

1. The fence may extend beyond six (6) feet in height; final height and design shall be as approved by the Planning Department.
2. The fence area that exceeds six (6) feet in height shall be lattice or a similar decorative fence pattern.

Mr. Fann asked if any of the board members had questions for Ms. Powers. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition VAR 20-21 seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Ms. Palmer seconded to approve Petition VAR 20-21.

Mr. Fann requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Stiens	Yes
Mr. Shetterly	Yes
Ms. Palmer	Yes
Mr. Jaggi	Yes
Mr. Fann	Yes

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-21 was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located on Lot 13 of Twill Valley, as recorded in Book 30 Page 5 at the St. Charles County Recorder's Office, more commonly known as 53 Twill Valley Drive.
2. The lot is presently zoned R-1 Single Family Residential District.
3. The adjacent zoning is R-1 Single Family Residential District.

Mr. Jaggi made a motion and Mr. Stiens seconded to approve the findings of fact. The motion carried unanimously.

Mr. Jaggi presented the Conclusions of Law for Petition VAR 20-21 as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Shetterly made a motion and Ms. Palmer seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Fann seconded to adjourn the meeting at 6:31 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman