

A-16-21

Title: Appeal, submitted by Patricia & Michael Hylla, to vary the maximum height of a privacy fence from six feet (6') to eight feet (8') along the rear property line at 10531 Kennerly Road (per Appendix B, Section 5.14-2A1).

Owner: Patricia & Michael Hylla
10531 Kennerly Road
St Louis MO 63128

Date: July 2021



*Map is for informational use only. Not a representation of the project.

Summary:

This Appeal is to vary the maximum height of a privacy fence from six feet (6') to eight feet (8') along the rear property line at 10531 Kennerly Road. The property is located on the northeast side of Kennerly Road, approximately 590 feet southeast of Windswept Drive. The property is currently zoned R-1 Single Family Residential – 1 acre minimum lot size. All surrounding properties are also zoned R-1.

Staff analysis:

There is an existing residence on this property, which was constructed in 2017. As you can see on the map on the previous page, the property is approximately 405 feet from Interstate 270. The property owner is proposing to install a privacy fence along the rear property line, which would be eight feet (8') tall. Per Appendix B Zoning Regulations, Section 5.14-2A1: Fences, having a height of not more than six (6) feet, are permitted in the rear yard and side yards, provided that a fence, greater than four (4) feet in height, that is located in a side yard shall not extend beyond either the established front face of the principal building on the lot or the principal building on an adjoining lot, whichever is closest to the street.

Per Appendix B, Zoning Regulations, Section 9.3-2 Findings: The Board of Adjustment may grant variances from the strict application of this Ordinance when by reason of the strict application of this Ordinance or Amendments thereto would result in unusual difficulty or unreasonable hardship upon the owner of said property; provided that such variance can be granted without substantial impairment of the intent, purpose and integrity of this Ordinance. It is further provided that this provision shall not permit the Board of Adjustment to permit a use of land not authorized by the provisions of this Ordinance for a specific zoning district or to increase the height or volume of a building or structure or to increase the density of development beyond that permitted by this Ordinance for any particular zoning district.

Before granting a variance, there must be a finding by the Board of Adjustment that all of the following conditions exist:

(A) That if the owner complied with the provisions of this Ordinance, the owner would not be able to make any reasonable use of the property which is permitted in the district in which the property is located.

If the owners complied with the provisions of this Ordinance, they would be able to make reasonable use of the property. The fence is not necessary for reasonable use of the residential property.

(B) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district.

The difficulties and hardships could be considered peculiar to this property. As the petitioner will explain, the property is in close proximity to Interstate 270, which contributes to the noise pollution on the property.

(C) That the hardship was not the result of the applicant's own action and is not merely financial or pecuniary.

The hardship is the result of the applicant's own action. The residence was constructed after the Interstate. The hardship is not financial or pecuniary.

(D) That the issuance of a variance will not be detrimental to the public welfare or health or injurious to other property.

Based on the information we have, this variance should not be detrimental to the public welfare or health or injurious to other property.

If the Board believes that application of this Ordinance would result in unusual difficulty or unreasonable hardship upon the owner of said property, this appeal should be approved.