

A-38-22

Title: Appeal, submitted by Noel Knobloch, 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 UDO Section 4.4.2-1a).

Owner: Noel & Monica Knobloch
3714 Sunset Chase Dr
St Louis, Missouri 63127

Date: November 2022



*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 3714 Sunset Chase Drive. The property is located on the east side of Sunset Chase Drive, approximately 400 feet north of Maret Drive. The property is currently zoned R-1 Single Family Residential – 1 acre minimum lot size. The properties to the north, south and west are also zoned R-1. The properties to the east are zoned LC Local Commercial.

Staff analysis:

There is an existing residence on this property, which was constructed in 1997. As the Petitioner will explain, the property is adjacent to a commercial development, which is adjacent to South Lindbergh Boulevard. The property owner is proposing to install a privacy fence along the rear property line, which would be eight feet (8') tall. Per Section 4.4.2-1a of the Unified Development Ordinance states allows fences, having a height of not more than six feet (6'), in the rear yard and side yards.

Per Section 10.3.2 of the Unified Development Ordinance: 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.

(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 a commercial development and South Lindbergh Boulevard.

(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.