

**Board of Adjustment meeting agenda
300 Hoven Drive Pacific, MO 63069**

**WEDNESDAY, August 11, 2021
6:00 P.M.**

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF MINUTES: April 28, 2021**
- 4. NEW BUSINESS:**
 - a. Variance Extension request:** Trudy Nickelson, Designs of Ambiance, 415 W. St. Louis Street, applicant
- 5. OLD BUSINESS:**
- 6. OTHER BUSINESS:**
- 7. ADJOURNMENT**

This Meeting is Open to the Public Note: The Board of Adjustment will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

From: [Trudy Nickelson](#)
To: [Steve Roth](#); [Sarah Summers](#)
Subject: Fence
Date: Friday, August 6, 2021 2:47:18 PM

[CAUTION] External Sender:

Dear Board of Adjustment,

As you know, a variance for construction of an 8-ft fence at my property at [415 W Saint Louis Street](#) was granted on April 28, 2021. That variance was for a 90-day time period which expired July 28. Due to circumstances out of my control due to COVID, lack of laborers and material I was unable to complete the fence in that timeframe. However I have a contractor under contract again due to a delay in the availability of 8' posts, we are delayed again. We continue our search for available posts to match what we have already constructed. I do have a permit to construct the 8' fence with an expiration date of July 2022 (approximately one year from now). As you may recall, I had support from my neighbors when requesting the earlier variance, and that support remains. Therefore I am requesting an extension of an additional 90 days to complete the 8-ft fence. We are striving to get the material ASAP to complete the job but are fearful of asking for too short of a period of time due to COVID and it's impact on workers and materials and things out of my control.

The old 6' fence had been removed, the new structure has been erected and the only thing we need now are the pickets. This shows I have done everything in my power to complete as much of this project as possible.

I sincerely appreciate you supporting this request. The quicker you respond the sooner we can move to completion.

I apologize that I don't readily have the contact information for all of the board members to send this request to.

Trudy Nickelson
Designs of Ambiance, Owner
Sent from my iPhone



Board of Adjustment Department of Planning Staff Report

Meeting Date: August 11, 2021
Project Type: Variance Extension request
From: Steve Roth, City Administrator
Applicant: Trudy Nickelson, Designs of Ambiance, 415 W. St. Louis Street
Description: **Variance extension request per Municipal Code Section 407.060.G.2**

Summary

As the Board is aware, the applicant was issued a variance on April 28, 2021 to construct an 8-ft tall fence at the subject property. The variance was granted with a 90-day deadline, which expired July 28, 2021. Ms. Nickelson has now petitioned for an extension.

Section 407.060.G.2 provides as follows:

The Board of Adjustment may grant variance extensions not exceeding one hundred eighty (180) days each, **without notice or hearing**, (emphasis mine) upon written application.

A copy of Ms. Nickelson's extension request is in the packet. The fact that the Board may grant an extension "without notice or hearing," has caused us to request a meeting in short order to consider Ms. Nickelson's request.

Recommendation

The fence was partially constructed as of August 5, 2021. The Building Inspector and myself met with Ms. Nickelson at the subject property on that date and reviewed the work progress. The Building Inspector advises that the work that has been performed to this point in time is satisfactory. It is my understanding Ms. Nickelson intends to complete the remaining work in a short period of time.

Please note that the Board of Aldermen at its August 3 meeting directed that Ms. Nickelson be issued a Municipal Court summons. Staff has issued such summons, finding that the partially constructed 8-ft fence is in violation of Section 423. 040.A.2. Given that the previous variance has expired, the 8-ft fence would remain in violation without an extension from the Board of Adjustment.

Staff would remind the Board that there were no public comments heard in opposition at the April 28 hearing. The applicant in fact presented two letters in favor of the request. In evaluating this request, staff returns to the Standards for Variances found in Section 407.060. (Please see below.)

While the issue at hand was in fact created by an action of the applicant, the fence construction in our judgment meets the others standards as provided. Requiring the fence be reconstructed to 6-ft height at this juncture in our judgment would create unnecessary hardship on the applicant, and would not be in line with the findings of facts as previously determined by the Board.

Staff recommendation is for APPROVAL of this request.

Section 407.060.C

Standards For Variances. The Board of Adjustment shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it that support the following conclusions:

1. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant;
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
3. The strict application of the provisions of this Title from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
4. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community; and
5. Granting the variance desired will not violate the general spirit and intent of this Title.