

VILLAGE OF SADDLEBROOKE  
BOARD OF ADJUSTMENT  
PUBLIC HEARING  
MAY 14, 2019 - 6:30 p.m.

CALL TO ORDER

Jack Carter, Chairperson called the meeting of the Board of Adjustment to order at 6:30 p.m. in the Community Center.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Jack Carter, Chairperson, Tom Thomason, Handy Haydon, and Jerry Sears.

Absent (Alternates): Jon Cortner, Rich Baker, and Gary Hackett.

PURPOSE

Jack Carter reminded everyone that the Board of Adjustment is chartered by the state of Missouri, and this is a public hearing. The purpose is to hear case No. 2019-1 a request by Jeff and Lywana Ward, 902 Forest View, Saddlebrooke, Missouri for a variance concerning Article V, Section 5.02(q) Fences, of the Village of Saddlebrooke Planning and Zoning Ordinance No. 2012-14.

Jack stated that there is a sign-in roster at the desk for anyone wishing to speak tonight. Public comments are restricted to only those interested property owners who have listed their names on the roster prior to the opening of the hearing. Each person will direct their comments to the Board only. Each person must state and spell their names and give their addresses prior to making their comments.

ORDER OF HEARING

Jack Carter summarized the order of the hearing as follows:

- a. Applicants side of the case.
- b. Planning and Zoning Commission or Zoning Administrator's side of the case.
- c. Interested property owner's present their opinions.
- d. Applicant's rebuttal.
- e. Planning and Zoning Commission or Zoning Administrator's rebuttal.

- f. Public comments.
- g. Board deliberates in private.
- h. Board discussion and vote.
- i. Public Hearing adjourned.

Paul Dountas interrupts to say no, the Board's discussion and decision has to be public. He said that question came up with the Board of Trustees (BoT) last meeting and Christian told the BoT the Sunshine Laws require the discussion to be held in public not private.

Jack Carter said he didn't understand that from reading the Missouri Revised Statutes, but okay.

Jack then asked Mr. and Mrs. Ward to start.

Lywanna Ward described why they needed a fence around their property, or around their patio. They cannot put one in the back yard. She said the 30 foot set back does not leave room from the road to put a fence behind the house.

Jeff Ward said the 15 foot set back takes that to the back of their garage, and there is not enough room. Their house is unique with having a road in front and in back of their house and they don't have a back yard. They want to put up around 75-80 feet of fence, with two gates and tie it to the barbecue pit and their fourth garage. They also need a fence because of the Village's Pets Policy. He does not really care about the design, but would like to put up a cedar wooden fence, 4 foot or 5 foot whatever the rules say the height should be.

Lywanna Ward said they would paint the fence white, and if white is too much they will paint it the color of the shutters on the house, which are wood and brown. Lywanna mentioned they have wild animals in their yard all the time, and they are concerned for the safety of their dogs.

Jack Carter proceeded to read Jeff and Lywanna Ward's answers from the five questions on the application in support of granting the variance.

Jeff Ward explained they own all the property on the side of the house where they plan to put the fence, and the fence would be located exactly where the previous owner of the house had their fence.

Jack Carter summarized that the fence will be 75 feet with two gates, made of wood, painted white or the color of the shutters. He also stated it needs to be five feet according to the covenants.

Jack Carter asked if Planning and Zoning had any questions.

Paul Dountas (Zoning Administrator) said he talked with Jeff Ward and looked at their property. With the distance between the two roads, and the distance between the pavement on the back of the garage out to the road is roughly 40 feet, 15 feet of that is the right-of-way, so you are down to less than 20 feet and that is in the driveway. It is impracticable to put a fence behind the house as the ordinance calls for. The fence would look better on the side of the house. This is unique. It is not the fault of the property owner, they did not build the house, it was built before the Planning and Zoning or animal ordinance came into being. As the Zoning Administrator he would support the variance.

Jack Carter asked if there were any more questions?

Jerry Sears asked if the Wards had samples of options they were going to use.

Lywana Ward said they originally wanted to do a metal fence that was white.

Jeff Ward said it's going to be a privacy fence basically.

Tom Thomason asked if the gate will be the same materials, not iron.

Jeff Ward said it will be made of wood.

Jerry Sears asked if the fence will have spaces between the boards or totally butted?

Jeff Ward said it would be butted, you would not be able to see in or out of the fence.

Jack Carter said it was important we know what you are going to do.

Jeff Ward said it was going to be a regular wooden fence.

Handy Haydon said they might need a little space between the boards because of the wind on that hill.

Jeff Ward said it will look like the fence on Meadowview, Carl and Elaine Hartter's fence. We want it to look good.

Jack Carter asked if there were any interested property owners at the hearing wishing to speak. He mentioned that letters were mailed to every property owner in the vicinity regarding the Ward's application for a variance and the hearing date. The only person we heard from was Mr. and Mrs. Chafin. They provided a statement which reads "We are in complete acceptance of the fence the Wards are requesting to install on their property." One of those contacted are supporting your fence.

Jack Carter asked if there were any other public comments.

Raina Wheatley (Chairman, Planning and Zoning Commission) stated that she went to the Wards house to look at their property, and would put the fence exactly where the Wards plan to install it. She also stated that on behalf of the Planning and Zoning Commission they would not have any objection.

Jack Carter asked if there were any other public comments. Hearing none, he asked for a Board discussion and vote.

#### BOARD DISCUSSION AND VOTE

Jack requested a vote on whether to approve the request for a variance.

Members polled: Jerry Sears – yes, Tom Thomason – yes, Handy Haydon – yes, Jack Carter – yes.

The request for a variance was agreed to by voice vote.

We will write up based on what you wrote on your application, you will get an official document saying it is approved. The approval will go in the record.

Jeff Ward asked if they have to take the request to the Design Committee.

Paul Dountas said yes, the Design Committee has to approve the request and they will want pictures or samples of the design.

#### MOTION TO ADJOURN

Jack Carter asked for a motion to adjourn. Jerry Sears made the motion to adjourn. Handy Haydon seconded.

Jack asked for all in favor to adjourn. All members voted yes. The motion was agreed to.

The Public Hearing was adjourned at 6:45 p.m.

REF: (1) Supporting documents on file.

(2) Audio of meeting on file.

Alicia Jones  
Secretary