

**City of Wright City  
Board of Adjustment Meeting  
Wednesday, January 29, 2025  
City Hall, 636 Westwoods Road**

President of the Board of Adjustment, Michael Baryo, called the meeting to order at 6:00 p.m. in the Auditorium of the City Hall, 636 Westwoods Road, Wright City, Missouri.

**Roll Call**

City Clerk Abbie Ogborn called the roll with John Lacillade, Mark Welchel, Michael Baryo, and Grayson Woolard present. One vacancy exists. City Staff present was City Clerk Abbie Ogborn. Others present were Laureen Hoffman, Michael Elder, and William Uhl.

President, Michael Baryo, read allowed the following:

Due to a last-minute occurrence there will only be 4 Board of Adjustment members present for tonight's hearing. A Variance approval requires 4 affirmative votes for approval and therefore you would need to have a unanimous decision to get approval.

Petitioner for Variance at 328 Creekside Lane Wright City, MO, do you want to proceed with the hearing or continue to a time when 5 members can be present? Mike Elder stated that he would like to proceed.

The City was contacted today, January 29, 2025, at 8: 50 a.m. by Mitch Parris who requested to withdraw the variance application for Star Connection Drive, Wright City, MO 63390, from the agenda of tonight's meeting. Therefore, the Board of Adjustment will not need notice to proceed.

Michael Baryo, read allowed the following:

The City Code and all ordinances are present for review and made a part of the official record. The proceedings in tonight's meeting will be recorded by a reporter for future transcription, if needed. All speakers will be sworn in before speaking. The petitions are called in the order listed on the agenda.

After the petition is called, the Applicant or his/her representative will come forward, state his/her name and address, be sworn in, and make a brief presentation to the Board explaining the nature of the requested variance and the unique facts necessitating it. The Applicant is reminded that the burden of proof of the necessity for the variance is on him/her.

After that, I will ask that someone from the City address the request and explain the circumstances surrounding the petition.

The Board will only consider the nature and conditions of the property and whether these factors mandate a variance.

Board members may ask questions to clarify the facts in the presentation.

Upon conclusion of the Applicant's and City's testimony, the Chair will then ask if there is anyone present in the audience who would like to speak either in favor or in opposition to the request. Each speaker will be asked to come forward, give their name and address, and take the oath if not already sworn in, and then state their comments.

Please remember speakers should only address the Board at all times. No discussion between parties will be permitted.

The Applicant may request a continuance at any time during the hearing prior to a call for the vote in order to bring in additional documentation. The Board may also request a continuance to gather additional information or for further visit to the site.

The Board will hear input from all other interested parties regarding the petition. Additionally, any other information not presented in the previous testimony pertinent to the request will be noted.

### **Hearing on Variance for 328 Creekside Lane, Wright City, MO, 63390**

President, Michael Baryo, opened the hearing for a Variance's at 328 Creekside Lane Parkway, Wright City, Missouri 63390 from the requirement in the "Supplemental Zoning Regulations", Section 405.100.A.1.b.3.b. of the Wright City Municipal Code, that no permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the Planning and Zoning Commission, to be allowed to retain a fence built within the right-of-way .

The City Codes are present for review and made a part of the record of this appeal. The Zoning Code, Variance application, along with Exhibit(s) "A-D" and the entire file in the City's possession on this matter are entered and made a part of this record. The Petitioner may now present their case and exhibits.

Michael Elder was sworn in by Ms. Ogborn.

Michael Elder is presenting on behalf of the homeowner and is a contractor for Lowe's. Lowe's is who installed the original fence that is there now and installed by a different contractor than Mr. Elder and stated that the reason for the variance is to keep the location of the fence where it is now based of where the utilities are marked.

Mr. Elder presented several photos showing the current location of the fence, the location of the utility lines, and the utility pedestals. In some instances, the fence is encroaching the city right of way 12 feet. Mr. Elder stated that by moving fence, there is a chance of hitting a utility line and the customer will lose part of their yard.

Mr. Elder stated that the homeowner did get a fence permit however the previous contractor did not follow the guidelines the city had in place and installed it incorrectly to match the neighboring fence that was installed incorrectly and did not have a permit.

Mr. Whetchel expressed his concern with the neighboring property and if their fence was illegal. Mr. Whetchel stated that doesn't necessarily make what was done correct or right and that you can't say that because someone did something illegally, that you are going to copy what they did.

John Lacillade asked if there would be access to the utility lines. Mr. Elder stated yes, but if a contractor had to remove the fence, they do not have to give notice, they don't have to put it back, and it would be on the homeowner to cover the costs to re-install the fence and that the Homeowners were aware of this.

There being no other questions, Michael Baryo asked the city to present their case and exhibits.

Ms. Ogborn spoke on behalf of the city.

Ms. Ogborn presented the original building permit that shows notes from the building inspector where the fence had to be located, the contractor did not follow the permit, and installed within the right-of-way. Ms. Ogborn stated that it is important the homeowner understands they would bare all costs to reinstall the fence anytime utility work had to be completed. In addition, the homeowner would have to maintain the grass around the utility pedestals that the fence was installed around.

There being no questions, Michael Baryo opened the hearing for public comments.

Mayor, Michelle Heiliger, was sworn in by Ms. Ogborn.

Ms. Heiliger stated that if this is approved we need to really reinforce that the liability for this fence is on the owner and expressed the concerns that other property's have brought to the city.

Michael Baryo asked if there was a signed legal binding contract between the city and the contractor. Ms. Heiliger stated that it is not a legal contract, they just sign for the permit acknowledging the requirements.

There were no further comments and Michael Baryo closed the public hearing portion of the hearing.

### **Discussion and vote on Variance for 328 Creekside Lane, Wright City, MO 63390**

Michael Baryo read aloud the following:

These are the questions the Board will now consider:

1. How substantial is the variation in relation to the requirement.
2. The effect, if the variance is allowed, of the increase population density thus produced on available governmental facilities such as fire, water, garbage and the like;
3. Whether a substantial change will be produced in the character of the neighborhood and a substantial detriment will be created to the adjoining properties;
4. Whether the difficulty can be obviated by a method, feasible for the applicant to pursue, other than the variance; and
5. Whether, in view of the manner in which the difficulty arose and considering all of the above factors, the interest of justice will be served by allowing the variance.

6. That the proposed change will not constitute a change in the District Map;
7. That the proposed change will not impair an adequate supply of light and air to adjacent property;
8. That the proposed change will not increase congestion in public streets or increase the danger of fire; and
9. That the proposed change will not diminish or impair the public health, safety, comfort, morals, and welfare of the City of Wright City.

Michael Baryo asked the Board if there was any discussion.

Grayson Woollard stated that he would personally like to postpone and reschedule this to a later date to have further discussion. John Lacillade agreed.

Mark Whetchel stated that he was conflicted and that the fence shouldn't be approved because how the previous (neighbor's) fence was done.

Michael Baryo opened for a motion.

Grayson Wollard moved and Michael Baryo seconded the motion that the Board of Adjustment postpone the variance at **328 Creekside Lane, Wright City, Missouri 63390**. The voice vote was as follows:

|                  |     |                |     |
|------------------|-----|----------------|-----|
| Michael Baryo    | Yes | John Lacillade | Yes |
| Grayson Woollard | Yes | Mark Whelchel  | Yes |

The motion was announced passed.

Michael Baryo closed the hearing for 328 Creekside Lane, Wright City, Missouri.

### **Adjournment**

Michael Baryo moved and John Lacillade seconded the motion to adjourn the meeting at 6:32 p.m. The voice vote was as follows:

|                  |     |                |     |
|------------------|-----|----------------|-----|
| Michael Baryo    | Yes | John Lacillade | Yes |
| Grayson Woollard | Yes | Mark Whelchel  | Yes |

The motion was announced passed.