



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MAY 16, 2012
6:00 P.M.**

CALL TO ORDER

Chairman Dan Meyer called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Dan Meyer; Mr. James Selinger; Mr. Nick Trupiano; Mr. Tom Fann; Ms. Julie Powers, Director of Planning, Community and Economic Development and Ms. Melissa Vollmer, Recording Secretary. Mr. William Jaggi was absent.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of April 18, 2012. Mr. Kendall made a motion and Mr. Selinger seconded to approve the minutes as presented. All in favor, the motion carried and the minutes were approved.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers.

NEW BUSINESS:

PETITION 12-O:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-O. Tim Pisell requests a variance to allow a detached garage to exceed 500 square feet and a reduction in the minimum six (6) foot side yard setback in the R-1 Single Family Residential District. The property is location on Hi-Point Acres Lot 7 a Resubdivision of Lot 4 as recorded in plat book 3741 page 836 at the St. Charles Recorder of Deeds Office, more commonly known as 1811 Peach Tree Street.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 12-O. The petitioner or their agent was requested to step forward to present their position.

Mr. Tim Pisell was sworn in as the petitioner. Mr. Pisell explained that he would like to expand his existing garage by 624 square feet. The existing garage and addition will be fire rated and will meet the current building code requirements. The garage will be of a design that compliments the house on the property and will include vinyl siding, drywall and vinyl windows.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present the City's position for Petition 12-O.

Ms. Powers stated that the property contains an existing 2,161 square foot house on a half-acre lot with an existing detached 624 (26'x24') square foot garage. The applicant approached the City to expand the garage an additional 26 x24' feet for a total size of 1,248 square feet. The applicant was informed that the maximum permitted detached garage size is 500 square feet. At that time it was also noticed that the existing garage was built less than two feet from the property line and did not meet the minimum six (6) foot setback requirement. The applicant indicated they need more space and noted their half-acre lot was more than large enough to accommodate the proposed garage expansion. It is staffs understanding that the garage was built when the property was in unincorporated St. Charles County.

The Building Department advised that the current setback of the garage does not meet the current building code for fire separation setback. As part of the proposed garage expansion the applicant has agreed to fire rate the existing and proposed walls of the expansion to meet the current building code requirements.

Based on this, Tim Pisell requests a variance to allow a detached garage to exceed 500 square feet and a reduction in the minimum six (6) foot side yard setback in the R-1 Single-Family Residential District. The property is located on Hi-Point Acres Lot 7 a Resubdivision of Lot 4 as recorded in plat book 3741 page 836 at the St. Charles Recorder of Deeds Office, more commonly known as 1811 Peach Tree Street.

~~Ms. Powers Based on this, Novogroder/St. Peters, LLC requests a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities on a 1.77 acre site in the C-3 General Commercial District. The property is located on Lot 1 of Harvestowne Plaza Lot 1 a resubdivision plat as recorded in Book 33 Page 93-94 at the St. Charles Recorders Office, more commonly known as 4492 Central School Road (Walgreens).~~

noted that the variance requested by the applicant is from requirements of the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

Section 405.130 (Yard Requirements)

H. Yard Requirements:

1. The minimum yard requirements shall apply to each lot.
 - b. Each side yard width shall be a minimum of ten percent (10%) of lot width as measured at the front building line except lots which are on a cul-de-sac and lots for which the preliminary plat was approved by the City of St. Peters before January 1, 2001 need not have a side yard which is more than six (6) feet wide.
 - e. Accessory buildings ...shall not exceed five hundred (500) square feet in area...

Ms. Powers noted that the lot is relatively large being a half acre in size and would be able to accommodate a 1,248 square foot detached garage. The existing garage is located in the backyard area behind both the applicant's house and the neighbor's house. Although the garage is close to the

property line the distance between the garage and the adjacent house is approximately twenty-five (25) feet. In addition, the garage expansion will be to the rear of the existing garage away from the neighbor's house. Therefore, the location of the garage minimizes the visual encroachment. It is noted that the twenty-five foot separation between the garage and the adjacent house is four times larger than the minimum six (6) foot setback requirement. It is also noted that there are no easements along this property line.

In the past, City regulations allowed the maximum size of the garage to be based on the size of the lot. While the regulations generally worked, in a few cases a detached garage was built out of scale with the surrounding subdivision, resulting in a garage that was too large or too tall. In response, the Board of Aldermen changed the regulations to allow no more than a standard two-car detached garage, which would be about 500 square feet. Since the majority of lots in St. Peters are less than 10,000 square feet in area the 500 square foot requirement fits most lots in St. Peters. However, larger lots like the applicant's, which are one-half acre or more in size, can easily accommodate a larger garage.

A review of the subject lot finds ample space for the proposed garage expansion. The applicant has noted the garage design will be in keeping with the existing garage. It is staff's understanding that the existing portion of the garage will be updated with the garage addition to include maintenance free vinyl siding. As part of the expansion the City can require the entire garage be updated to current building code requirements, which include upgraded fire separation materials, due to the proximity to the property line. It is also noted that many other homes in the area have detached garages in excess of 500 square feet, many of which have received variances or were constructed in unincorporated St. Charles County.

It is staff's opinion that the proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Based on this analysis it is staff's recommendation that the Board of Adjustment grant the requested variance to allow a 1,248 square foot garage adjacent to the property line with the following contingency:

1. The existing and proposed garage shall be sided with matching material that compliments the design of the house.
2. The existing and proposed garage shall be updated to the current building code requirements including fire separation along the adjacent property line.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

Compliance with the regulations would not allow the applicant to fully utilize the value of their half acre (21,872 sqft.) lot, which can easily accommodate a larger garage. The detached garage size regulations are more applicable to a traditional 7,000 to 10,000 square foot St. Peters lot. Also, the existing garage has been in place for many years with no known

concerns. In addition the expansion will allow the City to require the existing garage be updated to the current building code requirements.

2. Does the hardship result from the strict application of these regulations?

The applicant would be prevented from installing a garage commensurate with the overall size of the lot and, therefore, it would create a hardship for the applicant.

3. Is the hardship suffered by the property in question?

The City regulations do not effectively address larger lots and larger garages; therefore, the property owner would suffer a hardship with a smaller garage. In addition, without the expansion the City cannot require the existing garage be updated to the current building code requirements.

4. Is the hardship the result of the applicant's own actions?

The property was originally developed in 1955. Although the current owner has requested and expansion of the garage, they did not initially develop the property.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to expand the garage in a manner that is compatible with the area and bring the garage into compliance with the building code, thereby increasing public safety.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will be assured and substantial justice will have been done because the applicant will be able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole. Also, with the new construction the garage will be safer, thereby protecting the welfare of the owner and their neighbors.

~~Landscape requirements have been established to provide for adequate separation of buildings, parking lots, and uses, to create reasonable amount of open space to enhance the general health, safety and welfare of the community. However, in this case it was determined that it was not practical to establish the four (4) foot landscape buffer strip in front of the existing parking lot. It is staff's opinion that the proposed variances will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.~~

~~Based on this analysis, it is staff's recommendation to grant Novogroder/St. Peters, LLC (Walgreens) request for a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities with the following contingency:~~

~~1. The landscape buffer strip may range between zero feet and four feet as required by MoDOT and/or the City of St. Peters based on Highway 364 and Central School Road right of way requirements.~~

Mr. Meyer asked if any of the board members had questions for Ms. Powers. ~~Braunfeldthere~~ Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 12-O. Seeing none, Mr. Meyer closed the public hearing.

Mr. Selinger made a motion and Mr. Trupiano seconded to approve Petition 12-O.

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Trupiano	Yes
Mr. Fann	Yes

There being 5 yes and 0 no ~~and 1 absent~~ vote, Mr. Meyer declared that Petition 12-O was approved.

Mr. Fann ~~Jaggi~~ presented the findings of fact as follows:

1. The property is located on Hi-Point Acres Lot 7 a Resubdivision of Lot 4 as recorded in plat book 3741 page 836 at the St. Charles Recorder of Deeds Office, more commonly known as 1811 Peach Tree Street.
2. The lot is presently zoned R-1 Single-Family Residential District.
3. Adjacent zoning is R-1 Single-Family Residential District.

Mr. Selinger made a motion and Mr. Trupiano seconded to approve the findings of fact. All in favor, the motion carried.

Mr. Kendall presented the Conclusions of Law for Petition 12-O as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Kendall made a motion and Mr. Selinger seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

PETITION 12-N:

Mr. Meyer stated that the applicant has requested that this petition be postponed until the June 20th Board of Adjustment Meeting.

Mr. Fann made a motion and Mr. Trupiano seconded to adjourn the meeting at 6:15 p.m. All in favor, the motion carried.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman