



**MINUTES  
BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF AUGUST 23, 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. Tom Fann; Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community & Economic Development and Ms. Melissa Vollmer, Recording Secretary.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers. Ms. Powers thanks the Board members for attending tonight's meeting.

PETITION 12-W:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-W. Elite Car Sales West requests a variance to amend the expansion of a non-conforming use (used car dealership) in the C-3 General Commercial District. The property is located at 7948 and 7954 Veterans Memorial Parkway.

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-W. The petitioner or their agent was requested to step forward to present their position.

Mr. Tom Underwood was sworn in as the petitioner. Mr. Underwood explained that he purchased the adjacent 1.25 acre Maaco Autobody property and would like to incorporate it into his existing operation. The facility would remain a retail autobody facility and be used to prepare his vehicles for sale.

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-W.

Ms. Powers stated Tom Underwood obtained a variance on October 18, 2006 to permit the expansion of an existing used car business onto an adjacent vacant 1.86 acre lot formerly occupied by a mobile home sales company; labeled Lot B of Harrison Subdivision as recorded in book 42 Page 183 at the St. Charles County Recorder's Office. The current request is to amend the variance granted via Petition 06-N to include an additional adjacent lot that currently contains Maaco Autobody, labeled Lot A of Harrison Subdivision as recorded in Book 42 Page 183 at the St. Charles County Recorder's Office.

In October 2005, Mr. Underwood approached the City regarding the purchase and renovation of the existing E. Mitchell Auto Sales used car facility at 7943 Veterans Memorial Parkway. At that time the property contained a poorly maintained house converted into an office, a deteriorating old log cabin style

building, and an old gravel parking lot used for the display of vehicles. The used car business, buildings, and gravel parking lot were all permitted as a legal non-conforming since they pre-dated annexation into the City of St. Peters and the current regulations prohibiting stand alone used car facilities.

Prior to approval of Petition 06-N, Mr. Underwood removed the old log cabin style building, painted and refurbished the house/office, paved and curbed the parking lot, and landscaped the site. These improvements have substantially enhanced the aesthetics of the site.

In January of 2007, a site plan was approved for the construction of a 4,000 square foot used car sales facility on the adjacent 1.86 acre lot. Subsequent to the approval the parking lot, lighting, and landscaping were installed on the site but the building was not constructed due to the down turn in the economy. The site plan was subsequently amended in September of 2011 and again in July of 2012. The size of the building has increased to approximately 10,000 square feet, but the new design will allow it to be built much more economically, making the project feasible. During this time the adjacent 1.25 acre Maaco autobody property became available and Mr. Underwood would like to purchase the property and incorporate it into his existing operation. It is staff's understanding that the facility would remain a retail autobody facility and be used to prepare vehicles for sale.

Based on this Elite Car Sales West requests a variance to amend the expansion of a non-conforming use (used car dealership) in the C-3 General Commercial District. The property is located at 7948 and 7954 Veterans Memorial Parkway.

Ms. Powers 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 405.1420 Non- Conforming Use.

B. Continuance of a Non-Conforming Use:

1. A building or lot containing a non-conforming use may not be enlarged, extended, reconstructed, or altered unless such use is made to conform to the regulations of the District in which it is located. However, in the case of evident hardship, a building containing a non-conforming use may be enlarged an amount not greater than twenty-five percent (25%) of its present ground floor by approval of the Administrative Officer.

Ms. Powers noted that Elite Auto Sales has made a significant investment into the rehabilitation of their current site including the removal of an old log cabin style building, painting and refurbishment of the remaining office building, paving/curbing of the parking lot, and landscaping. In addition, they have also improved the adjacent 1.86 acre lot with a new parking lot, lighting, and landscaping to current City design requirements. The proposed new building was not initially constructed due to the down turn in the economy. As previously noted, the recently approved building has a larger and improved design that makes it practical to construct.

The proposed variance would allow the 1.25 acre Maaco Autobody property to be incorporated into the Elite Auto sales business. This will allow Elite Auto Sales to provide retail service to the public in addition to maintenance and pre-car sale preparation for their own vehicles, rather than sending them out to third party vendors. It is noted that the ability to provide these sorts of in-house services would be

more in keeping with a new car franchises; thus, the granting of the variance would further the spirit of the City Code.

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?

The existing used car business pre-dated the current zoning regulations. The proposed variance will allow for the natural growth of a successful business. The proposed expansion will allow the business to provide services more in keeping with a new car franchises, thus furthering the spirit of the City Code.

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

The existing used car business pre-dates the current zoning regulations. The strict application of the regulations would prevent the natural growth of the business resulting in a hardship.

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

The property suffers a hardship by the City Code not allowing for its normal growth and by not permitting an expansion of services that are becoming more common in the applicant's business.

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

The City Code was changed many years after the establishment of the original development thereby creating the hardship.

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

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow the business to provide services more in keeping with new car franchises, thus furthering the spirit of the City Code.

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 have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent; there will be no ill effects on surrounding properties or the City as a whole.

Based on this analysis, it is staff's recommendation to amend the variance granted via Petition 06-N to allow the expansion of a non-conforming use (used car dealership) in the C-3 General Commercial District for property located on Lot B and A of Harrison Subdivision as recorded in book 42 Page 183 at the St. Charles County Recorder's Office, more commonly known as 7948 and 7954 Veterans Memorial Parkway with the following contingencies:

1. This variance shall amended the variance granted via Petition 06-N on October 18, 2006.
2. No more than one used car business shall be operated on or between Lot A and Lot B of the Harrison Subdivision as recorded in book42 Page 183 at the St. Charles County Recorder's Office.

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

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 12-W.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Fann	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 12-W was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located at 7948 and 7954 Veterans Memorial Parkway.
2. The property currently contains a legal non-conforming used car facility.
3. The lot is presently zoned C-3 General Commercial.
4. The adjacent zoning is C-3 General Commercial District to the east and west, C-2 Community Commercial to the south, and Veterans Memorial Parkway to the north.

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

Mr. Jaggi presented the Conclusions of Law for Petition 12-W 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. Jaggi made a motion and Mr. Fann seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Mr. Meyer made a motion and Mr. Selinger seconded to adjourn the meeting at 6:25 p.m. All in favor, the motion carried.

Respectfully submitted:



Melissa Vollmer  
Recording Secretary

Dan Meyer  
Chairman