



**MINUTES  
BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF AUGUST 15, 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; Mr. Ken Braunfeld, Planning Coordinator and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of July 18, 2012. Mr. Jaggi made a motion and Mr. Kendall 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. Mr. Braunfeld noted that the newspaper had advertised petition 12-W incorrectly; therefore the notice had to be published again and a special meeting would need to be held on August 23<sup>rd</sup> to consider that petition.

Mr. Jaggi made a motion and Mr. Selinger seconded to postpone Petition 12-W until August 23, 2012. All in favor, the motion carried.

PETITION 12-V:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-V. Marlena Glen requests a variance to permit a sign in conjunction with a home occupation and in the C-1 Neighborhood Commercial District. The property is located on the north side of Mexico Road, west of Cross Trail Lane, as recorded in Book 14 Page 33 at the St. Charles Recorder of Deeds Office, more commonly known as 6820 Mexico Road.

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

Ms. Marlena Glenn was sworn in as the petitioner. Ms. Glenn explained that she is renting the residence at 6820 Mexico Road and is running an in-home daycare at the home. At this time, she would like to install a wall and ground sign in conjunction with her home based business. The property is zoned C-1 and contains a house which continues to be used as a residence and a home based daycare.

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

Mr. Braunfeld stated the applicant is requesting approval to install a wall and ground sign in conjunction with a home based business (daycare) which was recently approved at the August 1, 2012 Planning and Zoning Commission meeting. The property is located at 6820 Mexico Road and is zoned C-1 Neighborhood Commercial District. The property is zoned C-1 and contains a house which continues to be used as a residence and a home based daycare which is limited to no more than four children unrelated to the owner.

It is noted that there are six adjacent residential homes in this area which are also zoned C-1 Neighborhood Commercial District. These homes were zoned commercial many years ago due to their orientation to Mexico Road, several road widening projects, and existing and future commercial growth. Immediately adjacent to the west side of the subject lot on Mexico Road is a vacant home that was converted into a financial planning office. To the east is a commercial scale daycare called the Jelly Bean, located on property zoned R-1 Single-Family Residential. It is unknown why this property is zoned residential. It is noted that the Jelly Bean Daycare is considered legal non-conforming and can remain indefinitely.

It is noted that the subject house can continue to be used as a home indefinitely; however, if the home is converted from a residence to a full commercial use (not including a home based business) it would not be permitted to return to its residential use. Therefore, neither the home to the east or west of the subject lot can return to a standard single-family residential use.

The adjacent day care to the east contains a wall sign of about fifteen square feet and a ground sign of about sixteen square feet in size and six feet in height.

The applicant had the option of requesting a full commercial business on the subject property with a special use permit or a less intense home based business. Due to the limited scope of the business, the applicant decided it would be more beneficial to live at the residence and run a home based business. As stated in the City Code, home based businesses are not permitted signage nor are ground signs permitted in the C-1 Neighborhood Commercial District. This regulation was established to allow business to be conducted in a home within a typical residential subdivision without any outward appearance of a business to disrupt the appearance of the subdivision. Since the property fronts to Mexico Road and is located in an area that has a substantial amount of commercial activity, the applicant is seeking a variance to permit signage in conjunction with their home based business.

Based on this Marlana Glen requests a variance to permit a sign in conjunction with a home occupation and in the C-1 Neighborhood Commercial District. The property is located on the north side of Mexico Road, west of Cross Trail Lane, as recorded in Book 14 Page 33 at the St. Charles Recorder of Deeds Office, more commonly known as 6820 Mexico Road.

Mr. Braunfeld 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 405.380 (B)(1) Home Occupations Residential:

2. In no way shall the appearance of the structure be altered or the occupation within the residence be constructed in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.

SECTION 405.735 (C) (3): Signs permitted in all residential districts.

3. *Home Occupations.* Signs relating to business activity or enterprises in the home is prohibited in all residential districts.

SECTION 405.745: Permanent sign Regulations by Zoning District

D. *Signs Permitted In All "C" Commercial And "I" Industrial Districts (Non-Residential).*

In certain non-residential districts, the following signs are permitted in accordance with the regulations set forth herein:

1. *Ground signs.*

a. Ground signs as described above shall be permitted as follows:

(1) *"C-1" Neighborhood Commercial.* No ground sign permitted.

Mr. Braunfeld noted that the site is located along a corridor that is in transition from residential to commercial. As noted before the subject lot is part of six adjacent residential homes which are zoned C-1 Neighborhood Commercial District including a former financial planning office to the west and the commercial daycare zoned residential to the east. It is noted that the adjacent daycare has a ground sign that is approximately sixteen square feet in size and six feet tall and also has similar wall signs facing Mexico Road.

The provisions of the sign ordinance regulating the number, size, and height of signs within a particular zoning category has proven to be an effective tool to reduce visual clutter and improve aesthetics. For example, the C-1 Neighborhood Commercial District was designed for properties located close to residential areas and prohibits ground signs to maintain as unobtrusive a commercial presence as possible. In this case, the subject lot faces a major commercial arterial roadway and is adjacent to similar commercial categories and properties.

As this portion of Mexico Road continues to transition from residential to commercial uses, the City has been sensitive to the remaining residences and has worked to maintain appropriate buffering, lighting, signage etc. during this transition. Since the proposed sign will be similar to the adjacent signage, approval of the variance will further the spirit of the sign code which is to provide for reasonable advertisement of a business in the most efficient and aesthetically pleasing way.

It is noted that similar permanent ground or wall sign variances have been approved over the years in these type of transition areas and there have been no known problems. A recent similar variance was 05-K for the Psychic Shop, also on Mexico Road near Steeplechase Subdivision. It allowed a sign for a home based business on Mexico Road.

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.

Mr. Braunfeld 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 applicant would not be permitted a ground or wall sign to identify the business and entrance to the property in an area that permits other adjacent and nearby properties ground/wall signage; therefore, it would have a negative impact on the success of a business on the subject property.

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

The prohibition of signage for home occupations was designed for location within residential subdivision, not along commercial corridors. In addition the prohibition of ground signs for the C-1 Neighborhood Commercial District was designed for properties located close to residential areas and prohibits ground signs to maintain as unobtrusive a commercial presence as possible. In this case, the subject lot faces a major commercial arterial roadway and is adjacent to similar commercial categories and properties.

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

The area surrounding the applicant's property continues to transition from residential to more intense commercial uses. The subject site has no allowed signage; the variance will allow the subject property to reasonable identify the applicant's business to Mexico Road.

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

When the property was developed the subject property and surrounding land uses were residential. Development trends have subsequently caused the rezoning of this area to C-1 Neighborhood Commercial. As the area continues the transition to more intense commercial uses, appropriate signage is necessary to identify the property to facilitate safe access to the businesses.

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 the development will be in harmony with the general purpose and intent of the zoning regulations, since the sign will be of modest size and placed in a location which will not interfere with nearby residential uses or cause blighting within the community.

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 and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis, it is staff's recommendation to grant a variance to permit a sign in conjunction with a home occupation and in the C-1 Neighborhood Commercial District with the following contingencies:

1. The size of the ground sign shall be limited to a maximum of twenty (20) square feet in size and six (6) feet in height.

2. Wall signage shall be permitted in conformance with the C-1 Neighborhood Commercial Districts provision of the City Code.
3. The ground sign shall be located as permitted by City Code and shall not obstruct the visibility of ingress/egress for nearby properties.

Mr. Meyer asked if any of the board members had questions for Mr. Braunfeld. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 12-V. Mr. David Devereaux spoke in favor of this petition. Mr. Jaggi noted that the Board had received an e-mail in opposition of this petition that he would like made part of the record.

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

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-V was approved.

Mr. Kendall presented the findings of fact as follows:

1. The property is located at 6820 Mexico Road.
2. The lot is presently zoned C-1 Neighborhood Commercial District.
3. The adjacent zoning is C-1 Neighborhood Commercial District to the west, R-1 Single-Family Residential to the north and east, and Mexico Road to the south.

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

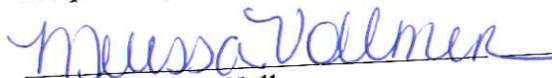
Mr. Jaggi presented the Conclusions of Law for Petition 12-V as follows:

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. Selinger 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