



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF APRIL 20, 2011
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. Nick Trupiano; Mr. Bill Jaggi; Mr. Bill Kendall; Mr. Dan Meyer; Mr. James Selinger; Mr. Kit Eaker, Planner, and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of March 16, 2011. Being none, Mr. Jaggi 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 11-F:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-F. Behlmann Carnection C/O Warren Sign Company requests a variance to allow a wall sign on a building façade that is not oriented to a street or access drive and to allow signage on the front building elevation over five percent of the wall area. The property is located on Lot 1 of the Fischer Subdivision as recorded in plat book 30 page 47 at the St. Charles Recorder of Deeds Office, more commonly known as 4740 Interstate 70 North Service Road (Behlmann Carnection).

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

Mr. Bill Behrens, Warren Sign Co., was sworn in as the petitioner. Mr. Behrens explained that Behlmann Carnection is seeking to add a 100 square foot wall sign on the eastern portion of the building that does not front an access drive or have street access but does have an entrance/exit door. Mr. Behrens also noted that Behlmann Carnection is seeking to increase the front elevation wall signage to be increased over the 5% of the wall area. This sign would add an additional 13.33 square foot ".com" sign.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Mr. Kit Eaker was sworn in to present the City's position for Petition 11-F.

Mr. Eaker stated that Behlmann Carnation currently located at 4740 Interstate 70 North Service Road, east of Spencer Road and west of Highway 370. The business has been in operation in its current location since 2008. The property is zoned C-3 General Commercial District which allows various commercial uses.

As noted, the property is zoned C-3 General Commercial District. Wall signage in this and other commercial districts is allowed to be thirty-two square feet or five percent of the wall area, whichever is greater. Wall signage is allowed on façade's of the building that are adjacent to the street or an accessory drive. Also, a business is allowed to construct an identification sign of twelve square feet where there is a principle or secondary access.

The applicant recently submitted three sign permits for additional signage on the building elevation facing Interstate 70 that would increase the signage to over five percent of the wall area. The second sign would be a wall sign on the east elevation that would face an undeveloped property that has no street or access drive but, does have an entrance/exit door. The proposed wall sign would be 100 square feet. The third sign is a wall sign on the west elevation that would be adjacent to an access drive that is shared between the applicant and the adjacent church; and the sign would meet the five percent of the wall area regulation.

Staff has advised the applicant that one wall sign located on the west façade, facing the access drive shared between the applicant and the adjacent church, is permitted. In addition, an identification sign (twelve square feet) is allowed on the east façade.

Based on this the applicant is requesting a variance to allow an identification sign on the east elevation to be greater than twelve square feet and to allow signage on the front building elevation over five percent of the wall area.

Mr. Eaker 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 405.745 Permanent Sign Regulations by Zoning District:

4. *Wall signs.*

- a. The total area of each wall sign shall not exceed five percent (5%) of the building façade or thirty-two (32) square feet, whichever is greater. A wall sign shall be permitted on each wall which parallels or is oriented to a street or access drive. If the business fronts on more than one (1) street or access drive, the sign area for each wall shall be computed separately...

8. *Identification signs.* One (1) identification sign is permitted for the principal access to the premises and one (1) sign for secondary access. The sign shall not exceed twelve (12) square feet in area per sign facing.

Mr. Eaker noted that as stated in the signage regulations:

“The purpose of these regulations is to provide minimum control of permanent signs to promote the health, safety, and general welfare of the public by lessening hazards to pedestrian and vehicular traffic, by preserving property values, and by preventing a proliferation of unsightly and incompatible development which has a general blighting effect on the City.”

The applicant is requesting to increase the size of the identification sign on the east elevation from the allowed twelve square feet to 100 square feet. The east elevation does have a secondary entrance, a fire exit, which by City Code would allow for a twelve foot identification sign. Although the applicant would be permitted under City Code to have an identification sign on the east elevation, the applicant believes the sign will not be visible at the permitted size for vehicles driving west bound on Interstate 70 and the North Service Road.

The Board of Adjustment previously has granted variances to increase the size of an identification signs when the size of the sign would affect visibility. Where the proposed applicant’s identification sign would be located, a twelve square foot sign would be difficult for driver’s heading west bound on I-70 and the North Service Road to view. The visibility issue relates to the size of the sign and the design of I-70 and the North Service Road. A small identification sign would not be visible until a driver has passed the business. Previously, the Board of Adjustment has granted a modest increase in the size of an identification sign so that it will not affect the health, safety and general welfare of the public and would allow adequate advertising for the business while at the same time would be compatible with signage in surrounding commercial developments. With the precedent set by the Board of Adjustment, staff supports an increase of the identification sign on the east elevation of the business. Staff recommends an identification sign increase a maximum of 48 square feet. This will allow a sign size appropriate for the larger building size while being consistent with previous Board action.

The applicant also requested a variance for the increase of the front elevation wall signage to be increased over the five percent of the wall area. When the original signage for the front elevation was approved, the applicant used 176.24 square feet of signage out of the 178.4 square feet allowed by Code. The applicant is now requesting to add an additional 13.33 square foot “.com” sign. Although the sign addition is small in the context, there appears to be no hardship as it relates to the Zoning Code. The applicant could reduce or remove the existing signage on the front elevation to allow for the 13.33 square feet and still be within the permitted square footage. Also, City Code would permit the applicant’s site a forty-five foot tall ground sign with 250 square feet of signage on each face. A ground sign would allow greater visibility for traffic heading in either direction than an increase in the front elevation signage. Since there appears to be no hardship related to the front elevation sign request, staff recommends denial of an increase of sign area on the front elevation of the building.

Therefore, staff recommends approval of an identification sign on the east elevation of the property with a contingency that the sign be no greater than forty-eight square feet. Staff recommends denial of the increase in square footage above five percent on the front elevation, noting there is no evident hardship.

Mr. Meyer asked if any of the board members had questions for Mr. Eaker. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 11-F. Mr. Arthur Goodall, property owner to the east of Behlmann Carnection, had questions about the type of sign being requested. Mr.

Eaker clarified that Behlmann Carnection is only seeking wall signs; Mr. Goodall noted that he has not issues with that type of sign. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve the increase of the wall sign on the front façade of the building to be greater than 5% of the wall area for Petition 11-F.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Jaggi	No
Mr. Trupiano	Yes

There being 4 yes and 1 no vote, Mr. Meyer declared that the increase of the wall sign on the front façade of the building to be greater than 5% of the wall area for Petition 11-F was approved.

Mr. Jaggi made a motion and Mr. Selinger seconded to approve the increase of the wall sign on the east façade of the building to be 100 square feet for Petition 11-F.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Jaggi	No
Mr. Trupiano	Yes

There being 4 yes and 1 no vote, Mr. Meyer declared that the increase of the wall sign on the east façade of the building to be 100 square feet for Petition 11-F was approved.

Mr. Selinger presented the findings of fact as follows:

1. The lot is presently zoned C-3 General Commercial District.
2. The adjacent zoning is C-3 General Commercial District.
3. The property is located on Lot 1 of the Fischer Subdivision as recorded in plat book 30 page 47 at the St. Charles Recorder of Deeds Office, more commonly known as 4740 Interstate 70 North Service Road.

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

Mr. Jaggi presented the Conclusions of Law for Petition 11-D 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. Selinger made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Mr. Jaggi made a motion and Mr. Meyer seconded to adjourn the meeting. All in favor, the meeting was adjourned at 6:40 p.m.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman