



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JUNE 15, 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; Ms. Julie Powers, Director of Planning, Community and Economic Development; Mr. Ken Braunfeld, Planning Coordinator, 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 May 18, 2011. Being none, Mr. Kendall made a motion and Mr. Jaggi 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-K:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-K. Darrell and Patricia Reinwald Trust requests a variance to permit an eight hundred (800) square foot storage building/shed in lieu of a five hundred (500) square foot storage building/shed. The property is located east of Jungermann Road, north of Azusa Street – 295 Jungermann 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 11-K. The petitioner or their agent was requested to step forward to present their position.

Mr. Darrell Reinwald was sworn in as the petitioner. Mr. Reinwald explained that he has submitted a building permit for an additional twenty foot by forty foot shed (800 square feet). Due to the size of the shed being greater than 500 square feet, Mr. Reinwald noted that he is requesting a variance to

permit an accessory building in excess of five hundred (500) square feet on his property located at 295 Jungermann Road.

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 11-K.

Mr. Braunfeld stated that the subject property is located at 295 Jungermann Road which is located on the east side of Jungermann Road, north of Boone Hills Road. The property is accessed via a one-hundred and twenty foot long driveway that opens up to the main 2.15 acre lot. The lot currently contains a 2,219 square foot ranch style home built in approximately 1970 and a detached 1,536 square foot garage. The property is zoned R-1 Single-Family District.

The owner submitted a building permit for an additional twenty foot by forty foot (eight-hundred square foot) shed. As part of the standard review process the Building Department advised the applicant that the garage exceed the maximum 500 square feet permitted for a detached garage. It is noted that the owner has indicated the shed will be used for his model railroad collection.

Based on this the applicant has requested a variance to permit an accessory building (detached garage) in excess of five hundred (500) square feet for property is located at 295 Jungermann 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 405.150 (Yard Requirements)

- 1e. Accessory buildings shall be separated by a distance of not less than ten (10) feet from any structure on the same lot. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area. Pools, patios and decks shall be exempt from the ten (10) foot separation requirement

Mr. Braunfeld noted the lot is very large, being 2.15 acres (91,476 square feet) in size, and can easily accommodate the additional shed/garage. The design of the shed/garage is very detailed and designed to look like a small house including vinyl siding, a pitched roof, windows, a porch; it would be a very attractive shed/garage. A visual survey finds the size and height are easily supported on the lot. The subject lot is not part of a traditional subdivision, but is rather a large flag lot without frontage on a public road. The property does back to a traditional subdivision on the north and east; however, given an existing tree buffer and the setback the new shed/garage will not conflict with any of the adjoining properties. It is also noted that to the south is a church, with a stand along single-family home to the west beyond which is Jungermann Road.

The proposed shed/garage setback to the adjacent subdivision will be approximately 86 feet to the eastern property line and 34 feet to the northern property line. It is noted that the homes in this area to the east and west are an estimated additional 35-40 feet beyond the property line.

During the review process it was also determined that what was thought to be a second home on the property was actually an existing 1,536 square foot shed/garage. This shed/garage is setback approximately 24 feet to the eastern property line, 25 feet to the southern property line (adjacent to church), and 90 feet to the northern property line. It is noted that the homes in this area to the east and north are an estimated additional 35-40 feet beyond the property line. It is noted that staff is not aware of any complaints regarding the existing shed/garage. Therefore, in the spirit of the regulations and the published notice, staff is including this shed/garage in the recommended action by the Board of Adjustment.

The garage regulations in the City code previously allowed the maximum size of the garage to be based on the size of the lot. While the regulations generally worked, some garages were constructed that were too large or too tall for the lot they were built on. In response, the regulations were changed to allow no more than the size of a standard two-car detached garage, which is approximately 500 square feet. Since the majority of lots in St. Peters are less than 10,000 square feet (1/4 acre), the 500 square foot requirement fits most lots in St. Peters. However, larger lots like the applicant's, which is 2.1 acres in size, can easily accommodate a larger shed/garage or more than one oversized shed/garage like that proposed for the subject property.

It was 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.

The applicant has indicated they have no intention of using the proposed shed/garage as a house and that it will not have plumbing. However, the house-like design of the exterior may tempt some future owner to use it as such. It is noted that the minimum home size is 1,100 square feet and it must be on its own lot. Therefore, staff recommended a contingency that reinforced the City Code that prohibits the proposed shed/garage from being used as a living unit.

Based on this analysis staff recommended that the Board of Adjustment grant the requested variance to allow to permit the proposed eight hundred (800) square foot storage building/shed and grant approval for the existing 1,535 square foot storage building/shed for the property located at 295 Jungermann Road with the following contingency:

1. The accessory buildings (shed/garage) on the subject site shall not be used as a residential living unit.

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 11-K. Seeing none, Mr. Meyer closed the public hearing.

Mr. Meyer a motion and Mr. Jaggi seconded to approve Petition 11-K.

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 Yes
Mr. Trupiano Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 11-K was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The subject lot is located at 295 Jungermann Road.
2. The lot is presently zoned R-1 Single-Family Residential District.
3. Adjacent properties are zoned R-1 Single-Family Residential District to the north and east, C-1 Neighborhood Commercial District and R-1 Single-Family Residential District to the south, and Jungermann Road to the west.

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

Mr. Jaggi presented the Conclusions of Law for Petition 11-K 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 11-L:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-L. Living Word Christian School requested a variance to permit a modular classroom building during school expansion planning and construction. The property is located north of Circle Drive, east of Cardinal Commons Court – 310 Cardinal Place.

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

Ms. Joy Hamilton, Living Word Christian Academy, was sworn in as the petitioner. Ms. Hamilton explained that Living Word Christian Academy is planning an expansion of the elementary school. Due to the economic times there is no timeframe on when the construction of the expansion will begin. When completed, the expansion will allow the school to maintain its teacher to student ratio of 12:1. Ms. Hamilton noted that to fulfill their needs, they are proposing to use a twenty-three foot wide by forty-eight foot length modular classroom building at this location for an unspecified timeframe.

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-L.

Mr. Eaker stated that Living Word Christian School has been in operation since 1980 and at its current location at 310 Cardinal Place since the late 1990s. Living Word Christian School is affiliated with Christian Middle School and Christian High School located in O'Fallon, MO. Currently pre-K through fifth grade are located at the elementary school at 310 Cardinal Place. Previously, sixth grade was located at this location, but was recently moved to the middle school location due to the overcrowding of students.

To help with the increase in size the applicant is in the planning and fundraising stages of an expansion of the elementary school. Due to the economic times there is no timeframe on when the construction of the expansion will begin. This expansion, when completed, will allow the school to maintain its teacher to student ratio of 12:1. To allow the applicant to provide a quality educational environment until the expansion is started and completed, they are proposing to use a twenty-three foot wide by forty-eight foot length modular classroom building at this location for an unspecified timeframe.

Due to the type of structure and timeframe of the placement of the temporary structure on the applicants property, the applicant has requested a variance.

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:

Within the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

Section 405.300 Building Structures for Temporary or Emergency Use.

- A. No temporary structure (including trailers, mobile or modular homes) shall be occupied for any residential, commercial or industrial use except as specifically permitted or required by this Chapter. However, the City Building Commissioner may allow a temporary office or shelter incidental to new development.
- B. "Temporary" for the purpose of this Sections shall refer to a period not to exceed one (1) year. The Building Commissioner may extend the period where a need can be demonstrated.

Mr. Eaker noted that as noted above the applicant has been in operation for thirty years and is going through an expansion process. The expansion process is contingent upon the success of the planning and fundraising effects. City Code allows for a temporary structure to be used up to a year and it allows the Building Commissioner to extend the period if a need can be demonstrated. These extensions by Code have usually occurred when a development has taken longer than a year, but have only lasted several months after the twelve month allowance. In this case the applicant is lacking a definitive timeframe on when construction would begin or be completed and a specific date on when the modular classroom building would be removed from the site; thus, a variance is required.

The applicant's school is on Cardinal Place, which has no visibility from any major arterial within the City. The school is adjacent to the rear of Mid Rivers Plaza on the north and east sides. On the west side is a dense landscape buffer between the applicant's property and Cardinal Villas. To the south

of the applicant's property is a retaining wall and access drive for the rear of Mid Rivers Plaza and St. Peters Senior Living. If the variance is granted and the modular classroom building is allowed on the site, it would not affect the health, safety and welfare the surrounding properties.

Finally, the applicant will purchase the proposed modular classroom building from the Ft. Zumwalt School District. These modular classrooms are designed to look similar to educational buildings. The temporary structure will be located about twenty feet from the side yard setback and over sixty feet from the nearest residential property line. If the variance is granted skirting around the bottom of the trailer will be needed to make the modular classroom appear to be a more permanent structure.

Given the uncertainty of the expansion project staff recommends a maximum number of years for the modular classroom building to be placed on the property. Staff believes a maximum of five years will be acceptable; this will allow the applicant ample time to fundraise, plan and construct the proposed expansion. It would also provide the City with a required date to have the temporary structure removed if the applicant is unable to meet its expansion goals.

Based on the above analysis it appears the variance to permit a modular classroom building on 310 Cardinal Place with the following contingencies:

1. The modular classroom building shall be permitted to remain on the property until the expansion of the school is completed or five (5) years from the date of occupancy, whichever comes first.
2. The modular classroom building shall be located on a paved, dust-free surface behind all building lines.
3. Skirting shall be placed around the bottom of the modular classroom building to screen all apparatus.

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-L. Ms. Jan Sever, 416 Cardinal Commons Court, expressed concerns with the traffic flow in the area. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Meyer made a motion and Mr. Selinger seconded to approve Petition 11-L.

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	Abstain
Mr. Trupiano	Yes

There being 4 yes, 1 abstention and 0 no vote, Mr. Meyer declared that Petition 11-L was approved.

Mr. Kendall presented the findings of fact as follows:

1. The subject lot is located on the north of Circle Drive, east of Cardinal Commons Court.
2. The lot is zoned C-1 Neighborhood Commercial District.

3. The adjacent zoning is C-3 General Commercial District to the north and the east. The property to the south is zoned R-2 Two-family Residential and the property to the west is zoned R-3(A) Multiple Family Residential District.
4. The Zoning and Subdivision Regulations permits a temporary modular structure incidental to new development and not to exceed one (1) year.

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

Mr. Trupiano presented the Conclusions of Law for Petition 11-L 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. Trupiano seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

PETITION 11-M:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-M. Magnolia Dream LLC requests a variance to permit a freestanding sign setback of zero (0) feet in lieu of ten (10) feet. The property is located on the north side of Main Street, east of North Gatty Drive – 101 Main 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 11-M. The petitioner or their agent was requested to step forward to present their position.

Mr. Herb Iffrig was sworn in as the petitioner. Mr. Iffrig explained that he is proposing the installation of a freestanding sign in front of his building at 100 Main Street. The sign will include a fluted metal pole with a traditional sign extending from the pole and hanging from an arm; a finial will be on top of the sign

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 11-M.

Ms. Powers stated that 101 Main Street is located in Old Town St. Peters. The building is on the north side of Main Street east of Gatty Road. Currently the building is leased by a martial arts studio, a heating and cooling company, and a residential apartment.

Old Town is the traditional downtown of St. Peters and has always included a mix of residential and commercial land uses. Main Street is the center of the Old Town commerce with a mix of offices, retail/service uses, and restaurants. In an effort to enhance the appearance of Old Town as well as the economic viability of this area, the City has undertaken several large projects in recent years. A

significant upgrade to the stormwater management in Old Town was completed in the last few years. Currently, construction is underway on streetscape enhancements that include expanded sidewalk areas treated with stamped concrete to look like brick pavers, new street lighting, street furniture, and defined parallel parking. The City has also worked with Ameren UE to have the overhead electric lines removed and replaced with rear service. The impact of these improvements is substantial – the streetscape is attractive, uncluttered, and spacious. The City is hopeful that this investment will be the first domino, spurring private owners to invest in their building appearance and condition, and thereby adding to the economic activity in the area.

The subject building has been owned by the Iffrig family for years. It has been used for a mix of residential and commercial uses including the current commercial and residential users. In an effort to be compatible with the enhancements being installed in Old Town, and to benefit the commercial tenants in the building, the owner proposes the installation of a freestanding sign in front of the building. The sign will include a fluted metal pole with a traditional sign extending from the pole and hanging from an arm; a finial will be on top of the sign. The pole will match the other poles being installed for lights and signs in Old Town.

As previously stated, Old Town is the traditional downtown of St. Peters. Many of the buildings, including those fronting Main Street, are over 100 years old. Given the historic nature of the buildings, compliance with sign and building setbacks cannot typically be achieved. In this case, the proposed sign is planned directly in front of the building, out of the way of the pedestrian sidewalk. This placement is right on the property line. Therefore, the applicant is requesting a variance to reduce the sign setback to zero feet.

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 405.745 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.*
 - b. The following regulations shall apply to all ground (pole and monument) signs in all zoning districts:
 - (4) Ground signs shall not extend nearer than ten (10) feet to the public right-of-way (as measured from the sign edge).

Ms. Powers noted that the building has been in the Old Town area for over 100 years, part of the streetscape of Main Street. The area is going through a transformation including streetscape enhancements and improved on-street and off-street parking.

In conjunction with the enhancements in the area, the subject property owner is proposing the placement of a sign outside the front of their building. The sign will be historic in nature and

consistent with the theme of the area. Given the age of the buildings and the traditional downtown design of the area, there is no space for sign and building setbacks. The location of the street pavement of Main Street has not traditionally included a building and sign setback; the current street design will not allow any additional setback. However, in this case, the placement of the sign and the lack of the traditional sign setback will be consistent with the historic nature of the area and compatible with the new street lights and signs in the area.

Staff notes that in response to challenging economic times, the City created the Economic Development task force to identify strategies for business attraction and retention. One topic addressed was adequate signage. The sign that is being proposed will allow the tenants in the building to have adequate identification and visibility. It will also add to the enhancements and theme of the area, and show the improvements that are possible for each business in the area.

Based on this analysis staff recommends approval of the requested variance to permit a sign setback of zero feet on the property at 101 Main Street with no contingencies.

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 11-M. Seeing none, Mr. Meyer closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 11-M.

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	Yes
Mr. Trupiano	Yes

There being 4 yes and 0 no vote, Mr. Meyer declared that Petition 11-M was approved.

Mr. Jaggi presented the findings of fact as follows:

1. The subject lot is located on the north side of Main Street, east of Gatty Drive.
2. The lot is zoned SD-OT Special Old Town District.
3. The adjacent zoning is SD-OT.
4. The Zoning and Subdivision Regulations permit a ground sign in the SD-OT in compliance with the C-2 Community Commercial District which requires a ten foot setback adjacent to public right-of-way up.

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

Mr. Trupiano presented the Conclusions of Law for Petition 11-M 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. Jaggi seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting. All in favor, the meeting was adjourned at 6:55 p.m.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman