



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF AUGUST 17, 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. Bill Kendall; Mr. Dan Meyer; Mr. James Selinger; Mr. Tom Fann; Ms. Julie Powers, Director of Planning, Community & Economic Development; Mr. Ken Braunfeld, Planning Coordinator, Mr. Kit Eaker, Planner, and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano and Mr. William Jaggi were absent.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of June 15, 2011. Being none, Mr. Fann 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-N:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-N. St. Peters Village Partnership, c/o McKelvey Properties requests a variance to allow a freestanding sign of one-hundred and five (105) square feet in area and twenty-two (22) feet in height in lieu of fifty (50) square feet in area and twelve (12) feet in height. The existing sign will be relocated on the site. The site is zoned C-2 Community Commercial District.

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

Mr. John Forgille, Adler Custom Sign Works, was sworn in as the petitioner. Mr. Forgille explained that St. Peters Village has recently been remodeled and had a new coffee shop constructed on the outlot of the center's parking lot. Due to the location and height of the building, the ground sign for

the commercial center is screened from north-bound traffic on Mid Rivers Mall Drive. Mr. Forgille explained that he is proposing to move the existing ground sign to another location so that it is visible from all directions of Mid Rivers Mall Drive.

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-N.

Mr. Eaker stated that St. Peters Village is located at 318 Mid Rivers Mall Drive on the east side of Mid Rivers Mall Drive, south of McMenemy Road. The commercial center was constructed in 1985 and recently has been remodeled and had a new coffee shop building constructed on the outlot of the center's parking field.

St. Peters Village is located in the C-2 Community Commercial District. In the C-2 District, City code currently permits ground signage up to twelve feet in height and fifty square feet in area along with an additional twenty-four square feet of changeable copy sign. When St. Peters Village building and sign were constructed City code allowed signage in the C-2 District to be a maximum height of twenty-five feet and seventy-five feet in area. The applicant at that time built the existing ground sign to a height of twenty-two feet and the square footage of the sign was seventy-four square feet. Three years ago the top of the sign was replaced with another tenant sign. Because of the changes to the code after sign construction, the applicant's ground sign is currently legal non-conforming.

Recently, a coffee shop was built on an outparcel of the applicant's commercial center. Due to the location and height of the coffee shop the ground sign for the commercial center is screened from north bound traffic on Mid Rivers Mall Drive. The applicant has proposed to move the existing ground sign to another location, so that it is visible from all directions of Mid Rivers Mall Drive.

Due to the sign being legal non-conforming, the applicant has requested a variance to permit a twenty-two foot tall ground sign with a sign area of approximately one-hundred and five square feet to be relocated on St. Peters Village's site.

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 405.725 Unsafe, Obsolete, Unmaintained and Non-Conforming Signs

C. Alterations and Maintenance of Non-Conforming Signs. Any non-conforming signs shall be brought into compliance when the following occurs:

4. Relocation of a sign either on the premises or to another location.

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:

- (2) "C-2" Community Commercial. The maximum height may not exceed twelve (12) feet. The face of such sign may not exceed fifty (50) square feet per face or a total aggregate sign area of one hundred (100) square feet.

Mr. Eaker noted that the sign at St. Peters Village has been located on the property since 1999; when it was originally constructed it met the City's ground sign code requirements. The existing sign is currently legal non-conforming; therefore, according to City Code, whenever the sign is relocated City code requires the new sign meet the current sign code standards. Therefore, current code requires the sign height be reduced to twelve feet and the sign area reduced to fifty square feet.

Although the existing sign is ten feet taller and double the size of signage allowed in the C-2 District, staff is supportive of the proposed relocation of the existing sign. The relocation of the sign will not change the height or the overall sign square footage that has been in place since 1999. If the existing sign is reduced to current City Code standards, there would not be adequate space on the sign for all businesses to advertise on the sign and the new coffee shop building could still obstruct visibility to motorists on Mid Rivers Mall Drive.

City Code allows commercial centers to have one sign at each entrance if the entrances are a minimum of fifty feet apart. St. Peters Village has two entrances into the center that are greater than fifty feet apart; under City Code they would be allowed two ground signs. Staff recommends that if a variance is granted for this site to relocate the existing ground sign that the site be restricted from adding an additional ground sign on the property, since, the existing ground sign is almost double the height and square footage for signage in C-2 zoning district.

Finally, 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 St. Peters Village to maintain the sign visibility that they have had for the past twelve years while retaining a ground sign that is aesthetically pleasing along Mid Rivers Mall Drive.

Based on this analysis staff recommended approval of the requested variance to permit the existing height of the ground sign of seventeen feet and to allow the sign area to be one hundred and four square feet on lot 1 of St. Peters Corners Plat One as recorded in plat book 33 page 265 at the St. Charles County Recorder of Deeds Office, more commonly known as 318 Mid Rivers Mall Drive with the following contingency:

1. The site will be limited to one ground sign on Mid Rivers Mall Drive in lieu of two ground signs permitted by City Code.

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-N. Seeing none, Mr. Meyer closed the public hearing.

Mr. Fann a motion and Mr. Selinger seconded to approve Petition 11-N.

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

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

Mr. Fann presented the findings of fact as follows:

1. The subject lot is located on the east side of Mid Rivers Mall Drive, south of McMenemy Road.
2. The lot is zoned C-2 Community Commercial District.
3. The adjacent zoning is C-3 General Commercial District to the north, R-(3)A Multiple-Family Residential District to the east and C-2 Community Commercial District to the, south and west.
4. The Zoning and Subdivision Regulations permit a ground sign in the C-2 Community Commercial District adjacent to public right-of-way up to twelve feet in height and fifty square feet per face.

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

Mr. Kendall presented the Conclusions of Law for Petition 11-N 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. Fann 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-O:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-O. Huntleigh Estate Homeowners Association requests a variance to permit a subdivision sign with a zero (0) foot setback in lieu of a five (5) foot setback in the R-1 Single-Family Residential District at 400 Wyatt Drive and 280 Barkwood Trails Drive.

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

Mr. Keith Strothcamp, Huntleigh Estates Homeowners Association Trustee, was sworn in as the petitioner. Mr. Strothcamp explained that Huntleigh Estates Subdivision is located along Barkwood Trails Drive, east of Wyatt Drive and west of Maple Street. When the subdivision was developed the developer didn't create an easement along Barkwood Trails for subdivision signage. The Homeowner's Association has collected enough funds to construct two new subdivision signs on each end of the subdivision along Barkwood Trails. If the signs are installed in compliance with the required setbacks, they would be in the middle of private front yards. Therefore, Mr. Strothcamp noted that they are requesting a variance to permit the signs to be located within City right-of-way a minimum of five feet from the curb of Barkwood Trails Drive.

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-O.

Mr. Eaker stated that Huntleigh Estates subdivision is located along Barkwood Trails Drive east of Wyatt Drive and west of Maple Tree Street, in an area to the east of Jungermann Road.

When this subdivision was developed the developer did not create an easement along Barkwood Trails for subdivision signage. The current homeowner's association has collected enough funds to construct two new subdivisions signs on each end of the subdivision along Barkwood Trails. The signs will have a decorative design and be approximately six square feet in area.

Per City Code, subdivision signs must be five feet from the property line, which would be seventeen feet from the edge of curb. The planned location of the signs were near the middle of the properties of 400 Wyatt Drive and 280 Barkwood Trials Drive. However, the applicant was unable to obtain sign easements from each private property owner. Also, due to the size of the signs and the location of the signs the applicant believes the signs will not be visible by vehicular traffic.

Due to the signs being located in the middle of private front yards, the applicant has requested a variance to permit signs to be located within City right-of-way a minimum of five feet from the curb of Barkwood Trails Drive.

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

C. Signs Permitted In All Residential Districts. In all residential districts, the following signs are permitted in accordance with the regulations set forth herein:

1. *Subdivision signs.* All subdivision signs shall be ground signs. Subdivision signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be permitted. There shall not be more than two (2) residential subdivision signs for each point of vehicular access to a development. No new subdivision signs shall be permitted within the median of a public street. Subdivision signs shall not exceed fifty (50) square feet in area for each exposed face and not exceed a total aggregate area of one hundred (100) square feet. Subdivision signs may be located in any

required yard and must be located outside of the City right-of-way. Signs located adjacent to an arterial or collector roadway shall be set back five (5) feet from the right-of-way.

Mr. Eaker noted that the developer of the subdivision never created adequate easements for the homeowners association to place subdivision signs at two entrances of their subdivision. Following City code requirements the proposed signage would be located seventeen feet back from the edge of the curb, since the signs are only allowed five feet from the property line and there is twelve feet of right-of-way. The City code, in this instance, would be a hardship due to requiring the proposed signs to be placed in the middle of a residential property; the applicant would have a difficult time obtaining an easement from the residential property owners and the visibility of the sign would be limited.

The homeowners association has been working with staff to resolve this situation. It was determined that due to the decorative design of the sign and the small concrete footing for the sign that the City would allow the sign within City right-of-way on two locations, if they obtained a variance and agreed to the terms of the City's standard Use and Maintenance Agreement. If the variance is approved the Use and Maintenance agreement would allow the signs to be located five feet from the curb on Barkwood Trails Drive. Under the proposed agreement the City would install the signs to protect our utilities and the applicant would maintain the signs in perpetuity.

Based on this analysis staff recommended approval of the requested variance to permit Huntleigh Estates subdivision signs to be placed within City right-of-way five feet from the back of curb along Barkwood Trails Drive with the following contingency:

1. Execute the agreed upon Use and Maintenance agreement for the signage within City right-of-way.

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-O. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Selinger seconded to approve Petition 11-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. Fann	Yes

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

Mr. Fann presented the findings of fact as follows:

1. The subject lots are located in the Huntleigh Estates subdivision; one is located on the north side of Barkwood Trails Drive, west of Wyatt Drive (400 Wyatt Drive). The second location is on the north side Barkwood Trails Drive, west of Maple Tree Drive.
2. The lots are zoned R-1 Single-Family Residential District.
3. The adjacent zoning is R-1 Single Family Residential District to the north, east and west, and PUD Planned Urban Development to the south.

4. The Zoning and Subdivision Regulations permit a ground sign in the R-1 Single-Family Residential District that is five feet from the public right-of-way and allowed fifty square feet per face.

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

Mr. Kendall presented the Conclusions of Law for Petition 11-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. Fann 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-P:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-P. Kimberly Christiansen requests a variance to permit the installation of a fence with a zero (0) foot front (side) yard setback in lieu of a ten (10) foot setback in the R-1 Single-Family Residential District at 123 Kimberly Lane

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

Ms. Kimberly Christiansen was sworn in as the petitioner. Ms. Christiansen explained that she is proposing the installation of a privacy fence on her property at the corner of Kimberly Lane and Willott Road. The home faces Kimberly Lane to the west with the south side of the home facing Willott Road and is, therefore, subject to two front yard setback requirements. Due to this, Ms. Christiansen is requesting a variance to permit the installation of a fence with a zero foot front (side) yard setback in lieu of a ten foot setback at 123 Kimberly Lane.

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-P.

Mr. Braunfeld stated that the subject site is located at 123 Kimberly Lane, which is located at the northeast corner of Kimberly Lane and Willott Road, and is therefore subject to two front yard setback requirements. The actual home faces Kimberly Lane to the west, with the south side of the home facing Willott Road.

A new owner bought the house and has been rehabbing it. Subsequent to this activity they contacted the City to get the requirements for installation of a fence. Staff advised that a fence on a front (side)

building line must be ten (10) feet back from the property line. Staff noted that Willott Road had been widened since the home was originally built. To aid the owner in determining where the fence could be built, staff provided a copy of the road plans showing the current property line adjacent to the home. A review of the road plans found that the right-of-way extended twenty-two feet back from the curb of Willott Road towards the house, leaving only seven feet of the front (side) yard for the placement of the fence.

The applicant indicated this would substantially limit the use of their side and back yard. They also said the proposed fence would not impact the neighbor behind them as that property faced Julie Lane and the fence would be next to their backyard and front (side) yard.

Based on this, Kimberly Christiansen requests a variance to allow A variance to permit the installation of a fence with a zero (0) foot front (side) yard setback in lieu of a ten (10) foot setback.

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 405.360 Fence Requirements

4. On a corner lot, a fence shall not extend beyond the front building line, as platted, which is parallel to the front of the house. Along other front building lines as platted on a corner lot, the fence shall be set back a minimum of ten (10) feet from the property line and shall not extend into the sight distance area as defined in [Section 405.340](#) of this Chapter.

Mr. Braunfeld noted that fence setback regulations were designed to prevent the fencing of front yards and side yards on a corner lot to maintain these areas as open space and ensure neighborhood's views are not blocked. In addition, fencing setbacks were created to help insure proper visibility of an intersection by maintaining an acceptable site visibility triangle.

In this case the lot is unique in that it has two front yards of which the front (side) yard faces a street that no other home on that block faces. A review of the adjacent properties finds the adjacent home to the east is the mirror image of the subject lot at 123 Kimberly Lane. Consequently, the adjacent house faces Julie Lane with the front (side) yard facing Willott Road and the rear yard facing the rear yard of 123 Kimberly. Therefore, the front (side) yard setback to Willott Road, being the side of the home and lot, does not encroach into another home's traditional front yard area.

It is noted that a standard subdivision street's right-of-way is approximately twelve (12) feet beyond the curb. A fence on a corner lot would be setback ten (10) feet from the property line. Therefore, a fence on a standard (side) front building line would be twenty-two (22) feet back from the curb. As previously noted the right-of-way is approximately twenty-two feet wide along this section of Willott Road, which is larger than would typically be found along an already upgraded arterial roadway. Therefore, if the fence is allowed to extend to the property line as requested, it would be in keeping with the standard distance from a subdivision street.

Also, the proposed fence has been checked by both the Planning Department and the Engineering Department to verify the proposed fence will not interfere with the site visibility area if placed as proposed by the applicant towards the rear corner of the home.

Based on this analysis staff recommended approval of the variance to permit the installation of a fence with a zero (0) foot front (side) yard setback in lieu of a ten (10) foot setback in the R-1 Single Family Residential District. The property is located on lot 302 of Brookmount Plat 6 as recorded in book 11 Pages 1 at the St. Charles Recorder of Deeds Office, more commonly known as 123 Kimberly Lane.

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-P. Mr. Kendall read two e-mails that were received, one in favor of the petition and one opposed to the petition. Seeing none present to comment Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Selinger seconded to approve Petition 11-P.

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

Mr. Meyer	Yes
Mr. Kendall	No
Mr. Selinger	Yes
Mr. Fann	Yes

There being 3 yes and 1 no vote, Mr. Meyer declared that Petition 11-P was denied.

Mr. Fann presented the findings of fact as follows:

1. The site is located at 123 Kimberly Lane.
2. The lot is presently zoned R-1 Single-Family Residential District.
3. Adjacent zoning and land uses are R-1 Single-Family Residential District.

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

Mr. Fann presented the Conclusions of Law for Petition 11-M as follows:

1. The variance will impair the supply of light or air to the adjacent properties.
2. The variance will increase congestion in the public streets.
3. The variance will impact the safety of the community.
4. The variance will impact on the general health and welfare of the community.

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

PETITION 11-Q:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-Q. Habitat for Humanity of St. Charles County requests a variance to allow a seventeen foot (17) foot front yard in lieu of a twenty (20) foot front yard R-1 PUD Planned Urban Development at 107 Clinton Drive.

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

Mr. Jeff Thompson, Habitat for Humanity, was sworn in as the petitioner. Mr. Thompson explained that Habitat for Humanity has been building houses at 1,400 square feet in the Enclaves of Eisenhower. If a 1,400 square foot house is built on Lot 26, it would encroach into the twenty foot front yard setback. Mr. Thompson noted that a variance was recently granted for lot 2 of the Enclaves of Eisenhower for a small encroachment of the rear yard due to a smaller lot size on May 18, 2011.

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-Q.

Ms. Powers stated that The Enclaves of Eisenhower was platted in 2007 for twenty lots to be developed into single-family homes. The property was rezoned Planned Urban Development (PUD) which allowed the former developer to plat the lots to be smaller than what was allowed in an R-1 Single-Family Residential District. The subdivision is located on the west side of Birdie Hills, south of Eisenhower Drive.

In 2008, Habitat for Humanity, the applicant, purchased fourteen lots within the Enclaves of Eisenhower subdivision. Since 2009, the applicant has been building single-family homes which meet all Code requirements within the PUD agreement. The applicant was planning to develop Lot 26, which is a corner lot, when it was discovered that since Lot 26 was originally platted with a smaller square footage and was further restricted by two front building lines. Given this, a standard size home for this development would encroach into a setback regardless of which street it would face.

The applicant has been building houses at 1,400 square feet, the minimum allowed by City Code. If a 1,400 square foot house is built on Lot 26, it would encroach into the Twenty foot front yard setback. It is noted that a variance was recently granted for Lot 2 of the Enclaves of Eisenhower for a small encroachment of the rear yard to due to a smaller lot size on May 18th 2011.

Due to the size of the lot, the applicant has requested a variance for Lot 26 to have a seventeen foot front yard setback in lieu of a twenty foot front yard setback as required by the Record Plat.

Ms. Powers noted that the variance requested by the applicant is from requirements on Page 3 of the Planned Urban Development Agreement for the Enclaves of Eisenhower (Ordinance Number 4543) it states:

10. Building setbacks shall be as follows:

- a. A minimum front yard of twenty (20) feet; corner lots shall have a minimum front yard of fifteen (15) feet.
- b. A minimum side yard of five (5) feet.
- c. A minimum rear yard of fifteen (15) feet although swimming pools, decks and porches may be set back a minimum of six (6) feet from the rear property line.

- d. Accessory structures shall meet the setback requirements of the R-1 Single Family District.

Ms. Powers noted that the applicant has built several similar houses within the development. Each house within the development is a one-story, 1,400 square foot house. All but one of the other lots has been able to meet the setback requirements of the previously existing PUD. Since Lot 26 is a corner lot it was platted with two front building lines. The front building line to Nixon Drive is fifteen feet and the front building line to Clinton Court is twenty feet. The PUD permits a front yard setback of either twenty feet or fifteen feet; however, when the property was platted the corner lots were assigned one twenty foot and one fifteen foot setback. Staff suspects that this original layout met the design criteria of the original developer.

For the applicant to build a 1,400 square foot house on Lot 2 the house would encroach three feet into the platted twenty foot front yard setback to Clinton Court. The applicant is trying to meet the minimum standard set by City Code as it relates to single-family house square footage. If the applicant were unable to obtain a variance the lot may not be able to be developed.

If a variance is granted to change the front yard setback on Lot 26 from twenty feet to seventeen feet, the proposed house on lot 26 would match and be of similar size to other homes in the development and would not negatively affect the health, safety and welfare of the subdivision. In addition, the PUD permits the front yard setback to be fifteen feet although it was platted as twenty feet at this location. Therefore, staff suggested that the placement of the house less than three feet closer to the front property line would not be visually discernable within the context of the larger development.

Based on the above analysis the variance to permit a seventeen foot (17) foot front yard in lieu of a twenty (20) foot front yard would not have a negative impact on the overall development, on Lot 26 of The Enclaves at Eisenhower recorded in plat book 45 page 288-289 at the St. Charles County Recorder of Deeds Office, more commonly known as 200 Clinton Drive.

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-Q. Seeing none present to comment Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Selinger seconded to approve Petition 11-Q.

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

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

Mr. Selinger presented the findings of fact as follows:

1. The subject lot is located on the north side of Clinton Drive, west of Nixon Drive.
2. The lot is zoned PUD Planned Urban Development.

3. The adjacent zoning is PUD Planned Urban Development to the east, south and west. The property to the north is zoned R-1 Single-Family Residential District.
4. The PUD for the Enclaves at Eisenhower permits a minimum front yard of twenty (20) feet and corner lot shall have a minimum front yard of fifteen (15) feet.

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

Mr. Fann presented the Conclusions of Law for Petition 11-Q 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-S:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-S. Verizon Wireless Cellular Sales requests a variance to allow a wall sign which exceeds five (5) percent of the wall area or thirty-two (32) square feet in the C-3 General Commercial District at 3971 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 11-S. The petitioner or their agent was requested to step forward to present their position.

Mr. Don Greer, Verizon Wireless, was sworn in as the petitioner. Mr. Greer explained that Verizon Wireless is in the process of re-occupying 3971 Veterans Memorial Parkway. They are proposing to shift wall signage from the east wall of the building to the north wall of the building facing Veterans Memorial Parkway and to install a sixty square foot wall sign. Mr. Greer noted that Verizon Wireless is requesting a variance to allow a wall sign which exceeds five percent of the wall area or thirty-two feet

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-S.

Ms. Powers stated that Verizon Wireless is in the process of re-occupying 3971 Veterans Memorial Parkway. The applicant submitted a proposal to shift wall signage from the east wall of the building to the north wall of the building facing Veterans Memorial Parkway and to install a sixty square foot wall sign.

The building is an outlot of the Cave Springs Crossing Shopping Center which contains Hobby Lobby, Office Depot, and Sports Authority. The site was originally a Payless Shoe Store before briefly being used as a Verizon Wireless store, under different ownership. The building is currently vacant.

The subject building is approximately seventy feet long and forty-three feet wide. The buildings roof slopes along the entire side of the building giving the building a triangular shape. The orientation of the building on the lot places the shorter forty-three foot long wall towards Veterans Memorial Parkway with the longer seventy foot wall facing Venture Drive.

It is noted that the applicant and property owner are in negotiations to update the façade of the building. This will include a new rectangular parapet around the whole building eliminating the current triangular roof line. The applicant has indicated they will submit the proposed architectural improvement for review at the August 3rd Planning and Zoning Commission meeting.

City code permits a business wall sign to be a minimum of thirty-two square feet or five percent of the wall area whichever is greater. In its current triangular configuration, the north wall facing Veterans Memorial Parkway is only permitted approximately thirty-two square feet of signage. With the proposed new parapet, the wall would be permitted approximately thirty-seven square feet of signage. The east wall facing Venture Drive is permitted approximately sixty square feet of signage. As part of the re-use of the building the applicant has indicated they would like to shift the east wall signage to the north wall facing Veterans Memorial Parkway.

Based on this, Verizon Wireless Cellular Sales requests a variance to allow a wall sign which exceeds five (5) percent of the wall area or thirty-two (32) square feet in the C-3 General Commercial District.

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 (Sign Regulations)

4. Wall Signs:

- a. The total area of each wall sign shall not exceed five percent (5%) of the building facade 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...

Ms. Powers noted that sign regulations were established to ensure reasonable sign placement on buildings. The subject building is challenged in that the orientation of the front and shorter wall of the building faces Veterans Memorial Parkway and Interstate 70 while the longer wall faces Venture Drive. Consequently, it is reasonable for the applicant to want the front of the building to have the most prominent signage.

In addition, the site currently has a forty-eight square foot ground sign. In the C-3 General Commercial District a ground sign adjacent to Interstate 70 is permitted to be up to two-hundred and fifty square feet. The applicant has indicated they are willing to forego some of the additional ground signage as well.

The applicant has offered to have reduced ground signage and to shift the available wall signage from the east elevation to the north elevation facing Veterans Memorial Parkway and Interstate 70. With staff's contingencies the building's total wall signage would be reduced from approximately ninety-two square feet without the proposed façade improvements or ninety-seven square feet with the proposed façade improvements to sixty square feet and the ground signage would be limited to one-hundred square feet in place of two-hundred and fifty square feet.

Staff is of the opinion that the shifting and reduction of the wall signage and reduction of the available ground signage would result in a net reduction in the total signage available for the site and further the City's goal to improve aesthetics and reduce visual clutter.

Based on this analysis, staff recommended approval of the requested variance allow a wall sign which exceeds five (5) percent of the wall area or thirty-two (32) square feet in the C-3 General Commercial District for property located at 3971 Veterans Memorial Parkway (Unit E of Plat 1 of Cave Springs Crossing with the following contingencies:

1. No wall signage shall be permitted on the building's east wall facing Venture Drive.
2. The ground sign shall be limited to one-hundred (100) square feet in size per face with a total square footage not to exceed two-hundred (200) square feet.

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-S. Seeing none present to comment Mr. Meyer closed the public hearing.

Mr. Kendall made a motion and Mr. Selinger seconded to approve Petition 11-S.

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

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

Mr. Selinger presented the findings of fact as follows:

1. The subject lot is located on Lot E of Plat 1 of Cave Springs Crossing more commonly known as 3971 Veterans Memorial Parkway.
2. The subject lot is zoned C-3 General Commercial District.
3. The surrounding zoning is C-3 General Commercial District.

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

Mr. Fann presented the Conclusions of Law for Petition 11-S 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. Meyer made a motion and Mr. Kendall seconded to enact the Conclusions of Law. All in favor, the Conclusions of the Law were adopted.

Chairman Meyer called for a 5-minute recess at 7:10 p.m. The meeting was called back to order at 7:15 p.m.

PETITION 11-R:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 11-R. Community Living, Inc. requests a variance to permit a group home within two-thousand five hundred (2,500) feet of another group home in the R-1 Single Family Residential District at 39 Janis Ann Drive.

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 invited Alderman Reitmeyer forward to speak. Alderman Reitmeyer noted that the Board of Aldermen voted to approve State Statute that requires there be a 2500 square foot separation between group homes and asked the Board of Adjustment to deny this petition.

Mr. Meyer invited Alderman Thomas forward to speak. Alderman Thomas asked for the Board of Adjustments support and to deny this petition.

Mr. Meyer declared the public hearing open to consider Petition 11-R. The petitioner or their agent was requested to step forward to present their position.

Ms. Margaret Griffith, President and CEO of Community Living, was sworn in as the petitioner. Ms. Griffith explained that 39 Janis Ann Drive was purchased by the property owner to renovate and rent to Community Living, Incorporated for use as a group home. Ms. Griffith noted that Community Living, Inc. is a not for profit 501(c)3 organization that provides programs and services to people with disabilities and their families in St. Charles County. Community Living Inc. has been providing services since 1978 and has an excellent reputation. The proposed occupants would be four older women relocating from a location in the Four Winds Subdivision on the west side of Salt Lick Road. Ms. Griffith noted that the proposed residents do not drive; therefore, there would be no increased vehicular traffic.

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-R.

Ms. Powers stated that in early 2011 the City was contacted regarding group home requirements. Staff advised that group homes are a permitted use; however, they must meet the definition of a group home and be located 2,500 feet from another group home. At the time of this inquiry the Planning Department was not aware of any other group homes in the area.

In the application, it was indicated that the home was purchased by the subject property owner to renovate and rent to Community Living, Incorporated (CLI) for use as a group home. As noted in the application, CLI is a not for profit 501(c)3 organization that provides programs and services to people with disabilities and their families in St. Charles County. The proposed occupants would be four older women who would be relocating from a location in the Four Winds Subdivision on the west side of Salt Lick Road.

In early March of 2011 the Planning Department received a call regarding a group home managed by another company at 7 South Joyce Ellen Way. The concern related to a resident's behavior; this issue was resolved by coordinating with the group home's management and the resident.

Staff was subsequently contacted by the owner of 39 Janis Ann Drive. At that time staff advised that the City was aware of another group home at 7 South Joyce Ellen Way. As indicated in the application, neither the owner nor CLI was aware of the group home at 7 South Joyce Ellen Way. The owner stated that he had already entered into an agreement with CLI, purchased the home, and was in the process of renovation. Therefore, to use the property as a group home a variance is needed.

Based on this, Community Living, Inc. requests a variance to permit a group home within two-thousand five hundred (2,500) feet of another group home in the R-1 Single Family Residential District.

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 405.130: "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

B. *Permitted Uses.* Only the following buildings, structures and uses of parcels and lots are permitted:

3. Group homes. No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

Ms. Powers noted that the proposed group home at 39 Janis Ann Drive, if measured in a direct line, would be approximately 800 feet away from the existing group home at 7 South Joyce Ellen Way. If measured via City streets they would be approximately 1,850 feet apart. City Code requires group homes to maintain an appearance in "...reasonable conformance with the general neighborhood standards". A review of both the existing and proposed group home found the exteriors to be generally the same as when they were used as single-family residences. It is noted that renovation

work continues to be made to both the inside and outside of the proposed group home at 39 Janis Ann Drive.

As noted earlier, the applicant was made aware of the separation requirement between group homes prior to project initiation. In addition, the applicant noted in the variance application that neither Community Living Inc. (CLI) nor the owner was aware of another group home in the area.

Subsequent to the variance application and to avoid this situation from occurring again, staff initiated preliminary inquiries with the State and the County regarding a listing or data base of other group homes within the City. Staff found that there is no listing or data base available from the State of Missouri or the County; therefore, staff notes it is difficult to verify the location of group homes.

In general, the purpose of a group home is to allow their residents to reside in homes rather than institutional settings and to integrate into the larger community. The City's separation requirement is designed to allow group homes, but also require them to be dispersed throughout the City. The existing spacing requirement was approved by the Board of Aldermen to ensure that the character of residential neighborhoods is maintained.

Noting the above, staff found the existing code reasonable to preserve the character of the neighborhood and, therefore, the variance was not supported.

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-R. Mr. Tony Kinkler, President of Dardenne Lake Estates Homeowners Association, spoke in opposition of this petition. Ms. Becky Shockley, 9 South Joyce Ellen Way, spoke in opposition of this petition. Ms. Georgia Conlon, who's sister would be a resident of this proposed group home, spoke in favor of this petition. Mr. Norm Ricknau, former President of the Dardenne Lake Estates Homeowners Association, spoke in opposition of this petition. Mr. Larry Doyle, resident of Dardenne Lake Estates, spoke in favor of this petition. Ms. Bridget Van Pelt, 2 Tori Ann Drive, spoke in opposition of this petition. Mr. Mitch Hoffman, owner of 39 Janis Ann Drive, spoke in favor of this petition. Mr. Sam Anderson, 47 N. Joyce Ellen Way, spoke in opposition of this petition. Mr. Kelly Shawn, 161 Dew Court, spoke in opposition of this petition. Ms. Sandra Pavlik, 8 Little Gore Cross, spoke in opposition of this petition. Seeing no one else present to comment Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Selinger seconded to approve Petition 11-R.

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

Mr. Meyer	No
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Fann	No

There being 2 yes and 2 no vote, Mr. Meyer declared that Petition 11-R was denied.

Mr. Fann presented the findings of fact as follows:

1. The subject lot is located at 39 Janis Ann Drive.

2. The lot is presently zoned R-1 Single-Family Residential District.
3. Adjacent zoning and land uses are R-1 Single-Family Residential District.

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

Mr. Kendall presented the Conclusions of Law for Petition 11-R as follows:

1. The variance will impair the supply of light or air to the adjacent properties.
2. The variance will increase congestion in the public streets.
3. The variance will impact the safety of the community.
4. The variance will impact on the general health and welfare of the community.

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

Mr. Meyer made a motion and Mr. Kendall seconded to adjourn the meeting. All in favor, the meeting was adjourned at 8:05 p.m.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman