



**MINUTES
BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JANUARY 18, 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. Brian Stiens; Mr. William Jaggi; Mr. Ken Braunfeld, Planning Coordinator; Mr. Kit Eaker, Planner; and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano was absent.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of December 21, 2011. Being none, Mr. Selinger 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 12-A:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 12-A. Gary Stephens 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 front (side) yard setback in the R-1 Single Family Residential District. The property is located at 730 Green Ridge Lane also known as Lot 67 of Country Lake Estates.

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

Mr. Gary Stephens, homeowner, was sworn in as the petitioner. Mr. Stephens explained that he has owned his home since the 1970s and over time has planted numerous trees and shrubs along Magnolia Lane as a buffer and security feature. Mr. Stephens also noted that he placed a court foot tall fence at the rear property line and a section of fencing that is eight foot wide along Magnolia Lane. The fence has been in place for years as a split rail fence along the rear property line along

Magnolia Lane; it was recently changed to a four foot tall white picket fence. Mr. Stephens explained that in the fall of 2011, Enbridge, a pipeline company removed all vegetation on the pipeline easement. The pipeline easement on Mr. Stephens property runs along the rear property line and fifteen feet into his property. To mitigate the loss of vegetation and for safety and security reasons, Mr. Stephens noted that he decided to extend the fence from the existing section on Magnolia Lane all the way to the rear corner of his driveway. Due to the unique lot layout of the lot and the location of the fence, Mr. Stephens is requesting a variance to permit a fence with a zero foot front yard setback in lieu of a ten foot setback.

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 12-A.

Mr. Eaker stated that the subject site is located at 730 Green Ridge Lane, which is located at the southwest corner of Green Ridge Lane and Magnolia Lane, and is therefore subject to two front yard setback requirements. The actual home faces Green Ridge Lane and the side of the home faces Magnolia Lane.

The applicant has owned the home since it was built in the 1970s. The applicant over time planted numerous trees and shrubs along Magnolia Lane as a buffer and security feature. The applicant also placed a four foot tall fence at the rear property line and a section of fencing that is eight foot wide along the Magnolia Lane. The fence had been in place for years as a split rail fence along the rear property line along Magnolia Lane; it was recently changed to a four-foot tall white picket fence.

In the fall of 2011, Enbridge, a pipeline company, notified the applicant and all other property owners along their pipeline that all vegetation would be removed from the pipeline easement. The pipeline runs along the rear property line of the applicant and the pipeline easement runs fifteen feet into the applicant's property. A majority of the vegetation on the applicant's back and side yard facing Magnolia Lane was removed.

To mitigate the lost of vegetation and for security and safety reasons the applicant decided to extend the fence from the existing section on Magnolia Lane all the way to the rear corner of his driveway. The applicant reviewed the subdivision indentures and spoke with the pipeline company representative and gained approval to extend the four-foot tall picket fence along his property line on Magnolia Lane.

Staff was made aware of the situation through a concern and noticed the fence was on private property, but due to being on a corner lot the fence was too close to the right-of-way. The applicant indicated that if they were to move the fence this would substantially limit the use of their side and back yard. They also said the existing fence does not impact sight visibility at the intersection of Green Ridge Lane and Magnolia Lane since the fence only extends to the rear of the driveway, which is at least seventy-two feet from the intersection. Finally, the fence would not impact the neighbor behind them as that property is on the curve of Magnolia Lane and faces a different direction than the fence.

Based on this, Gary Stephenson 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. Eaker Based on this, Novogroder/St. Peters, LLC requests a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities on a 1.77 acre site in the C-3 General Commercial District. The property is located on Lot 1 of Harvestowne Plaza Lot 1 a resubdivision plat as recorded in Book 33 Page 93-94 at the St. Charles Recorders Office, more commonly known as 4492 Central School Road (Walgreens).~~

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. Eaker noted that fence setback regulations for front yards and side yards on a corner lot were designed 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 a section of the fence has been along Magnolia Lane, located on the property line, for at least twenty years without any concerns from the City or surrounding neighbors. The applicant previously had numerous trees and shrubs along Magnolia Lane to act as a natural buffer. When Enbridge removed all the vegetation acting as the buffer the applicant had to replace the buffer with something acceptable to the pipeline company, while at the same time allowing the applicant to be able to enjoy his whole backyard with his family.

Another unique aspect about this property is how it sits on a curve. Where the fence is currently located, on the property line, it has no impact on the sight visibility of the neighbor to the south of the applicant. The neighboring house faces Magnolia Lane, but is angled in such a way that the location of the fence does not impede their visibility when leaving their property nor does it appear to extend beyond the building line of the adjacent property.

Also, the existing fence has been checked by the Planning Department to verify the existing location of the fence; it does not interfere with the site visibility area of the intersection of Green Ridge Lane and Magnolia Lane since it was placed by the applicant towards the rear corner of the driveway near the rear of the home.

In summary, due to the height of the existing fence, its location on the property, and curvature of the applicant's property it currently has no effects on the adjacent homeowner's visibility. The Code on fencing for corner lots was designed to protect visibility at intersections and adjacent properties. In both cases the applicant's fence does not affect sight visibility at its current height or appear to be past the front building line of the adjacent property.

Based on this analysis staff recommends 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 67 of Country Lake Estates Plat 1 as recorded in book 19 Pages 143 at the St. Charles Recorder of Deeds Office, more commonly known as 730 Green Ridge Lane with the following contingency:

1. The fence along Magnolia Lane shall have a maximum height of four (4) feet.

~~Landscape requirements have been established to provide for adequate separation of buildings, parking lots, and uses, to create reasonable amount of open space to enhance the general health, safety and welfare of the community. However, in this case it was determined that it was not practical to establish the four (4) foot landscape buffer strip in front of the existing parking lot. It is staff's opinion that the proposed variances 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.~~

~~Based on this analysis, it is staff's recommendation to grant Novogroder/St. Peters, LLC (Walgreens) request for a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities with the following contingency:~~

- ~~1. The landscape buffer strip may range between zero feet and four feet as required by MoDOT and/or the City of St. Peters based on Highway 364 and Central School Road right of way requirements.~~

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

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 12-A with the noted contingencies.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Stiens	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no ~~and 1 absent~~ vote, Mr. Meyer declared that Petition 12-A was approved.

Mr. Kendall ~~Jaggi~~ presented the findings of fact as follows:

1. The site is located at 730 Green Ridge 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. Selinger made a motion and Mr. Stiens seconded to approve the findings of fact. All in favor, the motion carried.

Mr. Jaggi presented the Conclusions of Law for Petition 12-A 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 12-B:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 1-B. Evan Stanfield requests a variance to permit the construction of an accessory building which exceeds one-half of the ground floor area of the principal building on a lot in a R-3 Planned Urban Development (PUD). The property is located south of Mexico Road, west of Green Pines Circle on the south side of Wiechens Drive, also known as Lot 29 of Green Forest Village.

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

Mr. Evan Stanfield was sworn in as the petitioner. Mr. Stanfield explained that the subject single-family home was originally part of the Wiechens Farm. Over time the Wiechens Farm has been sold and developed into a single-family subdivision known as Green Forest Estates and attached single-family units known as Green Forest Village. Due to the economy, the original developers of Green Forest Village are no longer involved in the development and subsequently the existing farmhouse was sold to Mr. Stanfield. Mr. Stanfield noted that there is currently a 180 +/- square foot accessory shed on the property; however, there is not a garage. As part of the re-use of the house, Mr. Stanfield would like to add a 950 +/- square foot garage. Because this size garage exceeds the requirement that an accessory structure not be more than one-half the size of the ground floor area of the primary structure, Mr. Stanfield is seeking approval of this variance.

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-B.

Mr. Braunfeld stated that the subject single-family home was originally part of the Wiechens Farm. In 1994-1995 the majority of farm was sold and developed into an R-1 Single-Family Residential District subdivision known as Green Forest Estates. At that time the Wiechens kept the existing farm house and surrounding thirteen acres. In 2007 the remaining thirteen acres were sold and developed as a twenty-nine unit subdivision known as Green Forest Village. The development included attached single-family units with the original farm house to be converted into a community center. The site was rezoned to an R-3 Planned Urban Development (PUD) to accommodate the development.

Due to the economy, the original developers of Green Forest Village are no longer involved in the development. Subsequently, the new developers obtained approval from the City to modify the PUD to allow the subject house to be used as single-family residence in place of a community center. The

modification was made due to the long term costs to maintain the house as a community center and the impact of the maintenance costs on the units in the development.

The subject house has an existing 180+/- square foot accessory shed, but no garage. As part of the re-use of the house, the applicant wants to add a garage to the existing shed. The applicant is proposing a 950 +/- square foot garage; however, this exceeds the requirement that an accessory structure not be more than one-half the size of the ground floor area of the primary structure. The house area is 1,376 square feet; therefore the garage cannot exceed 688 square feet. The applicant notes that the lot is large enough to support a larger garage and the design would be complimentary to the main house and the surrounding new homes.

Based on this, Evan Stanfield is requesting a variance to permit the construction of an accessory building which exceeds one-half of the ground floor area of the principal building on a lot in an R-3 Planned Urban Development (PUD). The property is located south of Mexico Road, west of Green Pines Circle on the south side of Wiechens Drive, also known as Lot 29 of Green Forest Village.

~~Mr. Braunfeld Based on this, Novogroder/St. Peters, LLC requests a variance to allow the reduction of the four (4) foot planting strip between the property line and the off-street parking facilities on a 1.77-acre site in the C-3 General Commercial District. The property is located on Lot 1 of Harvestowne Plaza Lot 1 a resubdivision plat as recorded in Book 33 Page 93-94 at the St. Charles Recorders Office, more commonly known as 4492 Central School Road (Walgreens).~~

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 405.270: Accessory buildings or structures, alterations and additions.

All accessory structures shall be permitted with the following provisions and requirements:

5. An accessory building or structure in a residential district shall not exceed one-half (1/2) of the ground floor area of the principal building.

Mr. Braunfeld noted that the requirement that a detached accessory structure not be more than one-half the first floor area of the primary structure is to maintain reasonable proportions between primary and secondary structures on a lot. While the regulations generally work, it does not take into account larger lots with smaller homes, location of the structures on the lot, and architectural design.

As noted earlier, the existing home was the original house on the property. Although the home is not large, it has been renovated, and kept its traditional architectural charm. The applicant has indicated the 900 +/- square foot garage will be an addition to the existing 180 +/- square foot shed. The new garage will use brick, stone, and other high quality materials to create a carriage house style design.

The lot size, location, and orientation of the main house and garage will also help accommodate the larger garage. The one-third acre +/- lot is larger than a traditional lot. The existing home is at the corner of the lot with the garage at an angle towards the back of the lot. The proposed separation will diminish the relative size of the garage in comparison to the house. Also, the existing patio and sidewalks around the house will coordinate with the carriage house garage theme. It is noted that the

driveway will also be separate from the home and patio areas further reducing the visual mass a driveway can add to a structure.

Based on this analysis it is staff's recommendation that the Board of Adjustment grant the requested variance to allow an accessory building (garage) to exceed one-half (½) of the ground floor area of the principal building, with the following contingencies:

1. The garage shall not exceed 1,000 square feet in size.
2. The exterior of the garage shall be finished in brick, stone, decorative lighting, and/or other high quality materials as presented to the Board of Adjustment and as approved by the Planning Department.
3. The location of the garage shall be as generally indicated on the site plan presented to the Board of Adjustment.

~~Landscape requirements have been established to provide for adequate separation of buildings, parking lots, and uses, to create reasonable amount of open space to enhance the general health, safety and welfare of the community. However, in this case it was determined that it was not practical to establish the four (4) foot landscape buffer strip in front of the existing parking lot. It is staff's opinion that the proposed variances 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.~~

~~Based on this analysis, it is staff's recommendation to grant Novogroder/St. Peters, LLC (Walgreens) request for a variance to allow the reduction of the four (4) foot planting strip between the property line and the off street parking facilities with the following contingency:~~

~~1. The landscape buffer strip may range between zero feet and four feet as required by MoDOT and/or the City of St. Peters based on Highway 364 and Central School Road right of way requirements.~~

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

Mr. Jaggi made a motion and Mr. Stiens seconded to approve Petition 12-B.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Selinger	Yes
Mr. Stiens	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no ~~and 1 absent~~ vote, Mr. Meyer declared that Petition 12-B was approved.

Mr. Kendall ~~Jaggi~~ presented the findings of fact as follows:

1. The subject lot is located on lot 29 of Green Forest Village as recorded in Book 45 Page 164 at the St. Charles County Recorder's Office.

2. The subject lot is zoned R-3 Planned Urban Development (R-3PUD).
3. The surrounding lots are zoned R-3 Planned Urban Development (R-3PUD).

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

Mr. Jaggi presented the Conclusions of Law for Petition 12-B 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. Stiens 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 6:35 p.m.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman