



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JANUARY 20, 2016
6:00 P.M.**

CALL TO ORDER

Vice Chairman Bill Jaggi called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Tom Fann; Mr. Bill Jaggi; and Mr. Brian Stiens; Ms. Julie Powers, Director of Planning, Community and Economic Development, Mr. Ken Braunfeld, Planning Coordinator, and Ms. Melissa Vollmer, Recording Secretary. Mr. Dan Meyer and Mr. Nick Trupiano were absent.

MINUTES

Mr. Jaggi noted that there was a portion missing from the minutes of the December 16, 2015 minutes and noted that the approval would be tabled until the next Board of Adjustment meeting.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Jaggi asked for any reports or communications from the Officers or Staff. Ms. Powers indicated there were none.

PETITION 16-A:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-A. Duke Realty Limited Partnership requests a variance to allow an increase in the height of light standards in the St. Peters Lakeside 370 Special District. The properties are located on the north and south side of Premier Parkway, east of Executive Centre Parkway.

Mr. Jaggi declared the public hearing open to consider Petition 16-A. The petitioner or their agent was requested to step forward to present their petition. Mr. Ryan Hodges, Duke Realty LP was sworn in as the petitioner. Mr. Hodges explained that the subject properties include two proposed projects; one includes a 715,000 square foot warehouse/office building and the other is a 500,000 square foot office warehouse building. Mr. Hodges noted that because of the height and size of the tractor trailers entering the site as well as for additional security of the sites, they are requesting forty-foot light standards in lieu of the thirty-foot standards allowed by Code.

Mr. Jaggi 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 16-A.

Ms. Powers explained the subject properties are located on the north and south side of Premier Parkway, east of Executive Centre Parkway. The proposed projects will be a continuation of development within the Premier 370 Business Park. The most recent project includes a one-story, 715,000 square foot office/warehouse building. Access to the site will be front a single curb cut to Premier Parkway controlled by a guard house. An additional building was approved in March 2015 – it is planned as a 500,000 square foot office/warehouse building; that project has not been constructed. Both of these projects are pending and, therefore, the subject of this variance request.

Regarding the project on the north side of Premier Parkway, access to the office area of the building is planned at the southeast corner of the building. Car parking is located on the east side of the building and totals 240 spaces with the ability to add an additional 101 spaces. The project has been granted a reduction in the required number of parking spaces from 357 to 240 as permitted by the Water Quality provisions of the City Code. The building will have approximately sixty-two loading docks on the north side of the building and thirty-eight loading docks on the south side of the building. Parking for an additional 300 semi-trailers will be constructed along the north and south sides of the property. It is noted that where standard curbing is not provided in the parking lots, wheel stops will be installed to keep vehicles and trucks from disturbing the water quality areas. For security, a six foot tall vinyl coated chain link fence will be installed around the perimeter of the site.

As part of the site plan submittal, the applicant included a forty foot high light standard. Because of the height and size of the tractor trailers, a forty foot light standard will allow for better lighting of the parking and loading area, with a downcast light fixture. The City Code limits the height to thirty feet.

Based on this, Duke Realty LP requests a variance for the light standard height. The property is located on Lots 30, 31 and 41 of Premier 370 Business Park Plat 1 as recorded at the St. Charles County Recorder of Deeds Office.

Ms. Powers noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended), states the following:

Section 405.265 St. Peters Lakeside 370 Special District

Lighting

- b. No light standard utilized for the illumination of off-street parking areas shall exceed thirty (30) feet in height. No other light standards shall exceed eighteen (18) feet in height.

Ms. Powers noted that the proposed building are large in scale and are planned within the Premier 370 Business Park. When the park was originally designed and the zoning was established, the typical light standard height was included in the zoning district for this area. As the area has developed and the size and scale of buildings is known, the need for a higher light standard has become evident. Staff notes that the proposed height for the light standards is forty feet which is more typical of large industrial developments. The taller light standards will create wider coverage of parking lot areas, thereby creating a more effective lighting plan and safer site. Given the expanse of the development and the distance to residential properties, the increased height is reasonable.

Staff notes that one of the subject projects is imminent, with plans under review at this time. Therefore, a variance for the light standards is needed. Staff anticipates that a code modification to address this issue for the entire park will be considered in the near future.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

Light standards taller than thirty feet are typical of large industrial development; the increased height will allow better coverage of the large parking areas. With this functional modification, the developer can better obtain a reasonable return from the property.

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

If the maximum thirty foot height is required, the developer would require more lights and /or limited illumination of parking and drive aisles. Either of these scenarios would impose a hardship on the project.

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

The inability to install an appropriate light standard for the development does impose a hardship for the property. When the regulations were originally drafted, staff did not anticipate the size and scope of the projects in Premier 370. Therefore, before approval of a code change to increase light standard height, the properties ready for development are negatively impacted.

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

The property was zoned and the lighting regulations established prior to the proposed development by the applicant. The hardship impacting the property results from these regulations.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the development will be in harmony with the general purpose and intent of the zoning regulations, since the light standard height is typical of industrial development and will not cause hazards to pedestrian and vehicular traffic or cause blighting within the community.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent; there will be no ill effects on surrounding properties or the City as a whole.

Based on this analysis, staff recommends approval of the requested variance to allow an increase in the light standard height to forty feet.

Mr. Jaggi asked if any of the board members had questions for Ms. Powers. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 16-A. Seeing no one present to comment, Mr. Jaggi closed the public hearing.

Mr. Fann made a motion and Mr. Stiens seconded to approve Petition 16-A.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Stiens	Yes
Mr. Jaggi	Yes

There being 4 yes, and 0 no vote, Mr. Jaggi declared that Petition 16-A was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located on Lots 30, 31 and 41 of Premier 370 Business Park Plat 1 at the St. Charles Recorder of Deeds Office.
2. The lots and surrounding properties are zoned St. Peters Lakeside 370 Special District.

Mr. Jaggi made a motion and Mr. Fann seconded to approve the findings of fact. The motion carried unanimously.

Mr. Stiens presented the Conclusions of Law for Petition 16-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. Stiens made a motion and Mr. Fann seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 16-B:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-B. Mark and Emily Mitchell request a variance to permit a garage that exceeds five hundred square feet, exceeds fourteen feet in height, and exceeds more than fifty percent of the ground floor area of a principle structure, and to permit an accessory building without a primary building in the R-1 Single-Family Residential District. The property is located on the west side of Stoll Lane, north of Mexico Road. (13-15 Stoll Lane).

Mr. Jaggi declared the public hearing open to consider Petition 16-B. The petitioner or their agent was requested to step forward to present their petition. Mr. Mark and Mrs. Emily Mitchell, homeowners, were sworn in as the petitioners. The Mitchells explained that they currently run a business from their home in which they construct tiny houses. The houses are constructed on trailers and then sold. Mr. Mitchell noted that he would like to construct a 1,520 square foot garage where he can construct the tiny homes without interruption to the surrounding properties. Mr.

Mitchell noted that the existing 100 square foot shed and 544 square foot garage would be removed from the property to construct the proposed garage.

Mr. Jaggi 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 16-B.

Mr. Braunfeld explained the subject property is located on the west side of Stoll Lane just north of Mexico Road. Stoll Lane is a single, dead-end street that extends north from Mexico Road. At Stoll Lane and Mexico Road is a small commercial strip center, an insurance office, and a veterinarian. The remainder of Stoll Lane is larger lot residential development that has maintained a more rural character.

The subject variance request is located on two pieces of property being Lot 1A and Lot 1B of the Krause Subdivision. Lot 1B of the Krause Subdivision includes the applicants house and 672 sqft. foot detached garage. The adjoining Lot 1A contains a 100 sqft. shed and a one and half-story garage of approximately 544 sqft. Access to both properties is from a single, gravel driveway.

The applicant has indicated they would like to remove the shed and garage on Lot 1A and construct a new detached garage in approximately the same location as the existing shed and garage.

The applicant was informed that the maximum permitted detached garage size is five hundred square feet, the maximum height is fourteen feet, and that garages cannot exceed fifty percent of the ground floor area of a principle structure. It was noted that the previous owner subdivided lot 1 into 1A and 1B with the intention of selling lot 1A to allow for construction of a new house. The applicants indicated they purchased both lots, but since the financing of each lot was separate they are unable to combine the lots at this time. Therefore, a variance would also be needed to permit an accessory building without a primary building. The applicant indicated they need more space and noted lot 1B is 0.50 acres and Lot 1A is 0.38 acres and that combined or separate the lots were large enough to accommodate the proposed garage expansion.

Based on this, Mark and Emily Mitchell request a variance to permit a garage that exceeds five hundred square feet, exceeds fourteen feet in height, and exceeds more than fifty percent of the ground floor area of a principle structure, and to permit an accessory building without a primary building in the R-1 Single-Family Residential District. The property is located on the west side of Stoll Lane, north of Mexico Road. (13-15 Stoll Lane).

Mr. Braunfeld noted that the variance requested by the applicant is from the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended), states the following:

Section 405.130 (Yard Requirements)

H. Yard Requirements:

1. The minimum yard requirements shall apply to each lot.
 - e. 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.

Section 405.270 Accessory Building or Structures, Alterations and Additions.

- A. 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 (½) of the ground floor area of the principal building
 - 6. All accessory buildings shall be ancillary to the main building and use on the subject property; no accessory building may be used for a separate business or use.

Mr. Braunfeld noted that the subject site is very large at about 1 acre in total size. Lot 1B is 0.50 acres and contains a house and detached garage. Lot 1A is 0.38 acres and contains a 100 sqft. shed and a 544 sqft. garage. The project will include the removal of the existing 100 sqft. shed and 544 sqft. garage, both of which are very old, with a new 1,520 sqft garage. The garage will be located to the rear of lot 1B which is an appropriate location for a garage and consistent with other similar buildings on Stoll Lane. In addition, the owners have indicated their future plans include building a new house in front of the new garage, which they would then move in to.

In the past, City regulations allowed the maximum size of the garage to be based on the size of the lot. While the regulations generally worked, in a few cases a detached garage was built out of scale with the surrounding subdivision, resulting in a garage that was too large or too tall. In response, the Board of Aldermen changed the regulations to allow no more than a standard two-car detached garage, which would be about 500 square feet. Since the majority of lots in St. Peters are less than 10,000 square feet, the 500 square foot requirement fits most lots in St. Peters. However, larger lots like the applicants, which combined are nearly one acre in size, can easily accommodate additional building area.

A review of the subject lot finds ample space for the proposed garage. The position of the proposed garage and the future home on the 0.38 acre lot would be a standard house in front and detached garage in back which is consistent with other homes on Stoll Lane. Further, the removal of the old shed and old garage and their replacement will be an upgrade along Stoll Lane. The applicant has provided a drawing and details of the garage design. It includes vinyl siding and decorative doors and windows to create a softer, more residential design. In general, staff believes the proposed garage is attractive and consistent with the more rural atmosphere of Stoll Lane.

Regarding the additional height, staff notes that this is needed to allow a pitched roof and accommodate the owner's recreational vehicles. The walls of the garage are fifteen feet tall with the roof an additional ten feet in height for a total of approximately twenty-five feet. Staff is of the opinion this height is reasonable as it is relatively consistent with other garage structures in the area and the more rural atmosphere of Stoll Lane.

As noted before, the property was subdivided by the previous owner with the intention of selling Lot 1A for construction of a new house. City code requires a garage to be an accessory to a primary structure. The owners have indicated they would like to build a new home on this lot in the future, which would bring the site into compliance, but until that time a variance is needed. It is noted that there is no visual separation between Lot 1A for the proposed garage and Lot 1B which contains the house. In addition the two lot functions as a single one acre lot using a single access drive on Lot 1B. As noted before, the owners are unable to combine the lots at this time due to pre-existing financing. In addition, if they execute their long term plans to build a new house then the lots would have to be divided again. Therefore, a contingency can be included which will require either the construction of a home on Lot 1B or that Lot 1B be consolidated with an adjoining lot that contains a primary structure prior to any sale of

the property to prevent a standalone garage. It is noted that in conjunction with the new garage the non-conforming gravel drive will be paved.

The existing home was built in 1951 and is a modest 896 sqft. The limitation on the size of an accessory structure is generally appropriate for the typical St. Peters subdivision property with lots sizes under 10,000 square feet. However, it is customary for owners of larger lots to want to utilize the extra ground, including for oversized garages. Given the more rural nature of Stoll Lane, the size of the lots, the removal of the old garage and shed buildings, and the new garage design, the proposed accessory structure size can be accommodated to allow the owners the full use their property.

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.

Mr. Braunfeld stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

Compliance with the regulations would not allow the applicant to fully utilize the value of their 0.5 acre and 0.38 acre lots, which function as a single lot and can easily accommodate the replacement garage. The garage size regulations are more applicable to traditional 7,000 to 10,000 square foot St. Peters lots.

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

The applicant would be prevented from installing a garage commensurate with the overall size of the lot and, therefore, it would create a hardship for the applicant.

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

The City regulations do not effectively address larger lots and larger garages; therefore, the property owner would suffer a hardship with a smaller accessory building/garage as they could not use their lot to its full extent.

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

The home was built in 1951 and there have been with multiple changes to the Zoning and Subdivision Regulations since that time. The large lots were also platted after that time. These create the issues for the applicants.

5. Is the requested variance in harmony with general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to add the additional garage in a manner that is compatible with the area.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will be assured and substantial justice will have been done because the applicant will be able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis, it is staff's recommendation to permit a garage that exceeds five hundred square feet, exceeds fourteen feet in height, and exceeds more than fifty percent of the ground floor area of a principle structure, and to permit an accessory building without a primary building in the R-1 Single-Family Residential District with the following contingencies.

1. The proposed garage design and height shall be substantially as indicated in the attached building design details.
2. The proposed garage shall including residential style siding of equal or greater value to vinyl, as indicated in the attached building design details.
3. The overhead garage doors, man doors, and windows shall be decorative and substantially as indicated in the attached building design details.
4. Lot 1A may not be sold without having a primary building on the lot or Lot 1A is attached to another lot that contains a primary building.
5. The gravel drive and all parking areas on Lot 1A and Lot 1B of the Krause Subdivision shall be paved by July 1, 2018.

Mr. Jaggi asked if any of the board members had questions for Mr. Braunfeld. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 16-B. Seeing no one present to comment, Mr. Jaggi closed the public hearing.

Mr. Fann made a motion and Mr. Stiens seconded to approve Petition 16-B.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Stiens	Yes
Mr. Jaggi	Yes

There being 4 yes, and 0 no vote, Mr. Jaggi declared that Petition 16-B was approved.

Mr. Stiens presented the findings of fact as follows:

1. The subject site is located on Lot 1A and Lot 1B of the Krause Subdivision, more commonly known as 13-15 Stoll Lane.
2. The lot is presently zoned R-1 Single-Family Residential District.

3. Adjacent zoning to the north and south is R-1 Single-Family Residential District, to the east is Stoll Lane beyond which is the R-1 Single-Family Residential District, and to the west is the R-M Modular/Mobil Home Residential District.

Mr. Kendall made a motion and Mr. Fann seconded to approve the findings of fact. The motion carried unanimously.

Mr. Kendall presented the Conclusions of Law for Petition 16-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. Fann made a motion and Mr. Kendall seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Kendall made a motion and Mr. Fann seconded to adjourn the meeting at 6:55 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Bill Jaggi
Vice Chairman