



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF JUNE 17, 2015
6:00 P.M.**

CALL TO ORDER

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

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Tom Fann; Mr. John Shetterly; Mr. Brian Stiens; Mr. William Jaggi; Mr. Ken Braunfeld, Planning Coordinator, and Ms. Melissa Vollmer, Recording Secretary. Mr. Dan Meyer and Mr. Nick Trupiano were absent.

MINUTES

Mr. Kendall asked the Board for any comments or questions regarding the minutes of May 20, 2015. Mr. Kendall made a motion and Mr. Fann seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Kendall asked for any reports or communications from the Officers or Staff. Mr. Braunfeld indicated that the petitioner for Petition 15-K, Rush Truck Centers of Missouri, Inc. have requested their petition be postponed until the July 2015 meeting.

Mr. Fann made a motion and Mr. Jaggi seconded to table Petition 15-K until the July, 2015 Board of Adjustment Meeting. The motion carried unanimously.

PETITION 15-L:

Mr. Kendall stated that the purpose of the meeting was to consider Petition 15-K. Deborah Tucker requests a variance to permit a reduction of the twenty-five (25) foot front building setback to permit the installation of accessory structures including, but not limited to, a swimming pool, deck and shed. The property is located on lot 115 of Harvest Point subdivision Plat One, as recorded in Book 26 Page 39 at the St. Charles County Recorder's Office, more commonly known as 55 Harvest Glen Court.

Mr. Kendall declared the public hearing open to consider Petition 15-L. The petitioner or their agent was requested to step forward to present their petition. Mr. David Tucker, homeowner, was sworn in as the petitioner. Mr. Tucker explained that he wants to remove the existing deck and install a swimming pool, new deck and shed in his rear yard. The lot is adjacent to both Harvest Glen Court and Harvester Road and was platted with a front building line towards both streets. Mr. Tucker noted that the variance they are requesting is from the front building line in the rear yard.

Mr. Kendall 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 15-L.

Mr. Braunfeld explained that David and Deborah Tucker are the owners of a home located on lot 115 of Harvest Point subdivision Plat One as recorded in book 26 page 39 at the St. Charles County Recorder's Office, more commonly known as 55 Harvest Glen Court. The owners want to install accessory structures including, but not limited to, a swimming pool, deck and a shed. The current project is a pool. Future projects include expansion of the deck and placement of a shed in the backyard. When the

applicant's laid out the proposed location of the pool in their backyard, the owner discovered that the pool would extend past the front building line facing Harvester Road.

The subject home is located on Harvest Glen Court which is a cul-de-sac. The home faces and is accessed from Harvest Glen Court with the backyard oriented to Harvester Road. The backyard area of the lot including the side facing Harvester Road is fenced with a six foot tall wood privacy fence. Since the lot is adjacent to both Harvest Glen Court and Harvester Road it was platted with a front building line towards both streets.

Based on this, Deborah Tucker requests a variance to permit a reduction of the twenty-five (25) foot front building setback to permit the installation of accessory structures including, but not limited to, a swimming pool, deck and shed. The property is located on lot 115 of Harvest Point Subdivision Plat One, as recorded in Book 26 Page 39 at the St. Charles County Recorder's Office, more commonly known as 55 Harvest Glen Court.

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 R-1 Single Family Residential District

H. Yard Requirements.

a. The minimum front yard depth shall be twenty (20) feet

Mr. Braunfeld explained that in nearly all lots within the City of St. Peters, building setback regulations which require the placement of pools, decks and sheds in the rear yard area are an important tool to manage the placement of traditional back yard accessory structures. In this case, the lot is encumbered by a front building line setback to Harvester Road which has no practical use given that the home is part of a standard subdivision and fronts to Harvest Glen Court. Staff notes that the houses on the west side of Harvest Glen Court have traditional back yards with the home on the east side of Harvest Glen Court encumbered in the same way as this applicant. Given that the front yard setback to Harvester Road has no practical use, staff finds that the proposed request to permit the installation of accessory structures including, but not limited to a swimming pool, deck and shed in the rear yard area would be consistent with the spirit of the regulations that require such features to be in the rear (back) yard area. In addition, the proposed placement of the pool, deck and shed would visually fit with the neighborhood and adjacent homes.

It is noted that the Zoning and Subdivision regulations also prohibit fences from extending past a front building line. However, the regulations have been previously amended to accommodate such layouts by creating a new classification called a "through lot". This allows a fence to cross the front building line when the home faces one street but has a second front building line through the rear of the property, in what functions as the rear or back yard of the home. Therefore, the applicant's lot and the other lots along this section of Harvester Road all have their fences along the rear property line which is beyond the Harvester Road front building line. This fence placement allows residents the maximum private backyard with no negative impact.

Based on this analysis staff recommends approval of the variance to allow the installation of accessory structures including, but not limited to, a swimming pool, deck and shed to extend beyond the front building line towards Harvester Road, with the following contingency:

1. The installation of accessory structures including, but not limited to, a swimming pool, deck and shed, shall comply with all other zoning and subdivision regulations.

Mr. Kendall asked if any of the board members had questions for Mr. Braunfeld. Mr. Kendall asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 15-L. Seeing no one present to comment, Mr. Kendall closed the public hearing.

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 15-L.

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

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

There being 5 yes, and 0 no vote, Mr. Kendall declared that Petition 15-L was approved.

Mr. Jaggi presented the findings of fact as follows:

1. The property is located on lot 115 of Harvest Point Subdivision Plat One as recorded in book 26 page 39 at the St. Charles County Recorder's Office, more commonly known as 55 Harvest Glen Court.
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. Fann made a motion and Mr. Stiens seconded to approve the findings of fact. The motion carried unanimously.

Mr. Fann presented the Conclusions of Law for Petition 15-L as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Jaggi made a motion and Mr. Shetterly seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Kendall seconded to adjourn the meeting at 6:15 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

William Kendall
Vice Chairman