



**MINUTES  
BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF JUNE 19, 2013  
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. Nick Trupiano; Mr. James Selinger; Mr. Dan Meyer Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community and Economic Development; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of May 15, 2013. Mr. Jaggi pointed out a typographical error made on the first page. Mr. Kendall made a motion and Mr. Trupiano seconded to approve the minutes with the correction on page one. 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. Ms. Powers indicated there were none.

PETITION 13-O:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-O. Glenn Korando requests a variance to allow the keeping of bees on a lot less than two (2) acres in the R-1 Single Family Residential District. The property is located on Lot 40 of Hidden Lake Estates as recorded in book 20 page 40 at the St. Charles County Recorder of Deeds Office, more commonly known as 12 Lost Valley Court.

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 13-O. The petitioner or their agent was requested to step forward to present their position. Mr. Glenn Korando was sworn in as the petitioner. Mr. Korando explained that he has been keeping bees on his property for the past ten years. Prior to this, he was keeping bees on another home he lived in, in St. Peters, for many years as well. Mr. Korando noted that he would like to keep up to eight hives at a time on his property.

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 13-O.

Ms. Powers stated that the applicant is the owner of a home located at 12 Lost Valley Court. The applicant has been keeping bee hives for approximately ten years at the subject location. Prior to this location, he kept bees at another location. Recently he was advised that two acres are currently required

in the City Code as a minimum area for bee keeping. The lot is approximately 1.46 acres and includes part of the large lake which the subdivision centers around.

Based on this, Glenn Korando requests a variance to permit the keeping of bees on less than two acres for property located on Lot 40 of Hidden Lake Estates as recorded in book 20 page 40 at the St. Charles County Recorder of Deeds Office, more commonly known as 12 Lost Valley Court.

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 405.280 ANIMALS

D. Bees may be kept in any zoning district under the following conditions:

1. A minimum lot size of two (2) acres.
2. The maximum number of colonies will be limited to three (3) hives.

The proposed lot is situated on a large lot within a subdivision of large lots. The rear yard of the home includes a large grass area in addition to part of the subdivision lake. The bee hives will be kept in the rear yard. Given the large lot, the bee hive location is not near the residence or property line. Therefore, to a person unfamiliar with bee keeping, the hives will not have a negative or fearful impact. Also, there is ample room to shift the hives if needed.

Staff notes that the bee hives can actually be kept closer to residences than often thought. A review of literature related to bee keeping indicates that a substantial distance from the property line and from buildings/residences is not needed. A distance of twenty feet from the property line is recommended in the literature for smaller lots. If less than twenty feet is provided, a hedge or similar plantings should be installed to force the bees above the activity areas. Similarly, a distance of thirty feet from a street or sidewalk is recommended; if the setback is less than this then a hedge or plantings is needed as noted above.

Typically, it is also important to place the hives where ample water supply is available and to not overload the lot size with too many hives. One source indicates no more than four hives should be on a lot of  $\frac{1}{4}$  acre. Noting this, the subject site could accommodate up to twenty-four hives. The applicant typically keeps four to six hives at a time. Also, it is important to place the opening of hives away from activity areas.

It is staff's opinion that the proposed variances will not impair an adequate supply of light or air to adjacent properties, substantially increase congestion in public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood. Given the large lot size, staff recommends that the hives be located to comply with beekeeping standards. Also, staff recommends a maximum of four (4) hives per  $\frac{1}{4}$  acre of the lot, or no more than twenty-four (24) hives.

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?

The subject lot is very large as are all the lots in this subdivision. Bee keeping is a hobby which does not require a specific lot area. Limiting the applicant even though they have ample room for the hobby would impact their ability to get enjoyment from their property.

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

The strict application of the lot area regulations would limit the use of the lot for this hobby.

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

The subject lot is very large but not large enough to meet current code; therefore, the lot would suffer a hardship as it relates to beekeeping.

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

The subdivision and lot sizing occurred with the original development thereby creating the hardship.

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

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for bee keeping and thereby provide for the reasonable use of the property.

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 and will have no ill effects on surrounding properties or the City as a whole.

Therefore, staff recommends approval of the requested variance with the following contingencies:

1. Bee hives shall not be located in the front yard.
2. A maximum of four (4) hives per each  $\frac{1}{4}$  acre shall be permitted in total on the lot; the hives may be grouped or distributed on the lot.

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 13-O. Mr. Art Maas, 600 Hidden Lake Drive, spoke in favor of this petition. Mr. Thomas Sparr, 44 Hidden Lake Court, spoke in favor of this petition. Mr. Dan Meyer indicated that the Board received two e-mails from neighboring resident in favor of this petition and three e-mails from neighboring residents in opposition to this petition. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition 13-O.

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

Mr. Trupiano Yes

Mr. Kendall Yes

Mr. Selinger Yes

Mr. Meyer Yes

Mr. Jaggi Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 13-O was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Lot 40 of Hidden Lake Estates as recorded in book 20 page 40 at the St. Charles County Recorder of Deeds Office, more commonly known as 12 Lost Valley Court.
2. The lot is presently zoned R-1 Single-Family Residential District.
3. The adjacent zoning is R-1 Single-Family Residential District.

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

Mr. Jaggi presented the Conclusions of Law for Petition 13-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. Kendall made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. All in favor, the Conclusions of Law were adopted.

#### PETITION 13-P:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-P. Community Living, Inc. requests a variance to permit a sign setback of zero (0) feet in the C-2 Community Commercial District. The property is located on the south side of St. Peters Howell Road, east of Mid Rivers Mall Drive (1040 St. Peters Howell Road).

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 13-P. The petitioner or their agent was requested to step forward to present their position. Mr. Marty Wexler, Property Manager, for Community Living, Inc. was sworn in as the petitioner. Mr. Wexler explained that Community Living is wanting to install a monument sign in front of their building on St. Peters Howell Road. Due to the right-of-way along St. Peters Howell Road, the sign would have to be approximately forty feet back from the street pavement, which is approximately eighteen feet or about 50% farther back than a standard sign.

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 13-P.

Mr. Braunfeld stated that the applicant, Community Living, Inc. is the owner of 1040 St. Peters Howell Road, which contains their office building. The subject office building is located in the C-2 Community Commercial District and fronts St. Peters Howell Road where ground signage is allowed to be twelve feet tall and fifty square feet in area; signs must also be ten feet back from the property line. The proposed sign is monument style and would be in compliance with the height and size requirements.

St. Peters Howell Road was improved many years ago to a concrete three lane minor arterial roadway. This section of St. Peters Howell Road is approximately thirty-six feet wide and is placed within approximately ninety feet of right-of-way, which is thirty feet more than the standard sixty foot width. In addition, the extra right-of-way is all located on the south side of the street along the applicant's property. Staff believes that at one time there may have been plans for a wider five lane road; however, staff is not aware of any plans for any additional roadway expansion.

It is noted that that long a typical road, the right-of-way would extend approximately twelve feet beyond the curb. City Code requires ground signs to be ten feet back from the edge of the right-of-way. Therefore, a typical commercial ground sign would be approximately twenty-two feet back from the street.

Based on this, Community Living, Inc. requests a variance to permit a sign setback of zero (0) feet in the C-2 Community Commercial District. The property is located on the south side of St. Peters Howell Road, east of Mid Rivers Mall Drive (1040 St. Peters Howell Road).

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

Section 405.745 D Signs Permitted in all "C" Commercial and "I" Industrial Districts...

1.b.(4) Ground signs shall not extend nearer than ten (10) feet to the public right-of-way (as measured from the sign edge).

Mr. Braunfeld noted that although the sign is required to be ten feet back from the property line/right-of-way, the site has unique considerations that make the placement of the sign in this location a hardship. As previously noted, this section of St. Peters Howell Road is approximately thirty-six feet wide and is placed within approximately ninety feet of right-of-way, which is thirty feet more than the standard sixty foot width. In addition, the extra right-of-way is all located on the south side of the street along the applicant's property.

It is noted that along a typical road, the right-of-way would be approximately twelve feet beyond the curb. A ground sign would then be located an additional ten feet back from the edge of the right-of-way. Therefore, a typical commercial ground sign would be approximately twenty-two feet back from the street. If the applicant were to locate their sign ten feet back from the right-of-way the sign would be approximately forty feet back from the street pavement which is approximately eighteen feet or about 50% farther back than a standard sign. Therefore, even if the sign is placed adjacent to the property line/right-of-way line, the sign will appear to be setback more than the standard ten feet.

In addition to the additional right-of-way setback, the applicants' property slopes down from the street approximately five feet. The applicant has proposed a monument style sign set into the slope at the edge

of the right-of-way. If the sign were setback the full distance, staff believes the monument style signage would have to be replaced with a less attractive pole style sign to accommodate the grade change and be visible.

Therefore, the proposed sign placement and sign type will accommodate the needs of the applicant and be visually more attractive and compatible with the aesthetic goals of the City

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?

The applicant would have to place a ground sign in a location on the property that would make the sign less visible to on-coming traffic and potentially use a sign design that would be less attractive, and therefore, it could have a negative impact on the return.

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

If the sign is required to be ten feet back from the property line, the applicant would have a hardship. A variance will allow a ground sign in a location that would have a maximum visibility from St. Peters Howell Road and allow for a more attractive monument style design.

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

The property has a hardship related to sign placement. The subject portion of St. Peters Howell Road is approximately thirty-six feet wide and is placed within approximately ninety feet of right-of-way, which is thirty feet more than the standard sixty foot width. In addition, the extra right-of-way is all located on the south side of the street along the applicant's property which limits the opportunities for the practical placement of a business sign on the property.

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

The limited practical opportunities for the placement of a ground sign are due to the unusual size and placement of the right-of-way for St. Peters Howell Road.

5. Is the requested variance in harmony with the 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 sign placement closer to the property line will not increase 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 and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis staff recommends approval of the requested variance to permit the reduction of the ten (10) foot sign setback requirements to zero (0) feet.

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 13-P. Mr. James Hubecky, 6 Morning Star Court, spoke in opposition to this petition. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve Petition 13-P.

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

Mr. Trupiano Yes  
Mr. Kendall Yes  
Mr. Selinger Yes  
Mr. Meyer Yes  
Mr. Jaggi Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 13-P was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on the Resubdivision of Lot2B of the Resubdivision Plat of Lot 2 of Vista Investments Unlimited.
2. The lot is presently zoned C-2 Community Commercial District.
3. Adjacent zoning is C-2 Community Commercial District.
4. The Zoning and Subdivision Regulations require a sign to be setback 10 feet from the property line.

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

Mr. Jaggi presented the Conclusions of Law for Petition 13-P 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. Trupiano seconded to enact the Conclusions of Law. All in favor, the Conclusions of Law were adopted.

#### PETITION 13-Q:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-Q. Richard Willmann requests a variance to allow a reduction in the front yard setback, side yard setback, and rear yard setback for a swimming pool in a Planned Urban Development (PUD). The property is located on Lot 5D of Bellemeade Plat One as recorded in plat book 45 page 154 at the St. Charles County Recorder of Deeds Office, more commonly known as 912 Martha Street.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 13-Q. The petitioner or their agent was requested to step forward to present their position. Mr. Richard Willmann was sworn in as the petitioner. Mr. Willmann explained that he is requesting this variance because of the triangular shape of the lot creates a unusual front building line setback which extends into what would commonly be the rear and/or side yard, making the rear yard unusable. In addition, there are gas and electric lines which are located outside of the adjacent utility easement creating further problems with the location of the pool on the lot.

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 13-Q.

Ms. Powers stated that the Willmann's are owners of a home located on Lot 5D of Bellemeade Plat One more commonly known at 912 Martha Street. The owners desire to install a pool in their back yard. When the applicant's laid out the proposed pool location they found that the curvature of the adjacent streets and triangular shape of the lot created a very unusual front building line setback which extends into what would commonly be the rear and/or side yard area making the rear yard unusable. In addition, the northeast side of the lot, being the rear yard area but also containing a front building line, is further encumbered by gas and electric lines which are located outside of the adjacent perimeter utility easement.

Based on this, Richard and Cheryl Willmann request a variance to allow a reduction in the front yard setback, side yard setback, and rear yard setback for a swimming pool in a Planned Urban Development (PUD). The property is located on Lot 5D of Bellemeade Plat One as recorded in Plat Book 45 Page 154 at the St. Charles County Recorder of Deeds Office, more commonly known as 912 Martha Street.

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)

1. The minimum yard requirements shall apply to each lot.
  - a. The minimum front yard depth shall be twenty (20) feet. Roof, canopy, and covered entrance ways, including support posts, shall extend no more than four (4) feet over the front building line.
  - b. Each side yard width shall be a minimum of ten percent (10%) of lot width as measured at the front building line except lots which are on a cul-de-sac and lots for which the preliminary plat was approved by the City of St. Peters before January 1, 2001 need not have a side yard which is more than six (6) feet wide.
  - c. Rear yard depth shall be a minimum of twenty-five (25) feet, except the rear yard depth on a corner lot may be fifteen (15) feet. Swimming pools, decks and open-air porches shall be excluded from the twenty-five (25) feet and fifteen (15) feet depth requirements; however, these structures shall not be closer than six (6) feet to the rear yard line. On irregularly shaped lots, in doubt, the Administrative Officer shall make a determination as to what constitutes the rear yard setback line. However, in no case shall the rear yard depth be less than fifteen (15) feet, nor shall the City require a rear yard depth of greater than twenty-five (25) feet.

Ms. Powers noted that the subject lot is very unique due to a curvature of the adjacent streets and the shape of the lot. The lot is nearly triangular creating two front yards out of the three main property lines. As shown on the exhibit, the irregular front building lines limit the standard placement of the pool in the back yard. As noted before, the placement of gas and electric lines outside of the easement further limits the usable rear yard area. It is noted that the applicants have approached the gas company but they were not concerned about the utility line location. It is also noted that a fence will be installed around the pool as required by the building code.

A review of the site finds that the proposed pool will not have an adverse effect on the neighboring properties and will be in keeping with the standard placement in the rear yard of the property. Setback requirements have been established to provide for adequate separation of buildings and uses, and create reasonable amount of open space between structures to enhance the general health, safety, and welfare of the community.

It is staff's opinion that the proposed variances will not impair an adequate supply of light or air to the adjacent properties, 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.

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?

The subject corner lot is very unique due to an unusual bend in the street and triangular shape of the lot resulting in irregular shaped front yards. The irregular front building lines limit the standard placement of the pool in the back yard thus providing for the reasonable use of the property.

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

The subject corner lot is very unique due to an unusual bend in the street and triangular shape of the lot resulting in irregular shaped front yards. The irregular front building lines limits the standard placement of the pool in the back yard. The strict application of setback regulations would make the side and rear yards impractical to use, resulting in a hardship.

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

The shape of the lot creates a hardship related to the use of the rear/side yard. The subject corner lot is very unique due to an unusual bend in the street and triangular shape of the lot resulting in irregular shaped front yards limiting the normal use of the property's side and rear yard area.

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

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow the standard placement of the pool and fence in the back yard, thus providing for the reasonable use of the property.

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

If the variance is approved it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow the standard placement of the pool and fence in the back yard, thus providing for the reasonable use of the property.

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 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 front yard setback of less than twenty (20) feet to allow the installation of a pool with the following contingencies:

1. The granting of this variance is for a pool and associated accessories only.
2. The pool setback along Harding Street shall be a minimum of ten (10) feet from the property line.

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

Mr. Selinger made a motion and Mr. Jaggi seconded to approve Petition 13-Q.

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

Mr. Trupiano Yes  
Mr. Kendall Yes  
Mr. Selinger Yes  
Mr. Meyer Yes  
Mr. Jaggi Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 13-Q was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Lot 5D of Bellemeade Plat One as recorded in plat book 45 page 154 at the St. Charles County Recorder of Deeds Office, more commonly known as 912 Martha Street.
2. The lot is presently zoned R-1/PUD (Planned Urban Development District).
3. The adjacent zoning is R-1/PUD (Planned Urban Development District).

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

Mr. Jaggi presented the Conclusions of Law for Petition 13-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. Trupiano seconded to enact the Conclusions of Law. All in favor, the Conclusions of Law were adopted.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting at 7:15 p.m. All in favor, the motion carried.

Respectfully submitted:

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Melissa Vollmer  
Recording Secretary

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Dan Meyer  
Chairman