



**MINUTES BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF NOVEMBER 18, 2015  
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. Tom Fann; Mr. Bill Jaggi; Mr. Dan Meyer; Mr. Nick Trupiano; 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 October 21, 2015. Mr. Fann made a motion and Mr. Trupiano seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

PETITION 15-S:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-S. Douglas W. Watson requests a variance to allow a structure (house) encroachment into the front yard in the R-1 Single Family Residential District. The property is located at the southwest corner of Treeshadow Drive and Elmshadow Court – 1 Elmshadow Court.

Mr. Meyer declared the public hearing open to consider Petition 15-S. The petitioner or their agent was requested to step forward to present their petition. Mr. Douglas Watson was sworn in as the petitioner. Mr. Watson explained that during the process of selling the home at 1 Elmshadow Court, which belonged to his parents, a survey revealed that the corner of the front of the house encroaches approximately 1 foot into the front yard setback. Therefore, he is requested this variance tonight to be able to sell the home with a clean title.

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 15-S.

Ms. Powers explained that the current owners of the home located on 1 Elmshadow Court are the children of the original owners who are now deceased. They are preparing to sell the home and determined, through the title review, that the front corner of the home extends over the front building line approximately 1.3 feet. The area was platted with twenty-five foot front yards; therefore, a variance is needed.

To address this, the owners have requested a variance to permit a reduction of the front building setback to allow the home to remain as originally built. The property is located on Lot 2 of Country

Crossing subdivision as recorded in book 32 pages 191-195 at the St. Charles County Recorder's Office, more commonly known as 1 Elmshadow Court.

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 405.130 R-1 Single Family Residential District

H. Yard Requirements:

- a. The minimum yard depth shall be twenty (20) feet. (note; staff interprets this to apply to other front yards as platted)

Ms. Powers noted that building setbacks are established to ensure adequate yard area within a subdivision. In the subject case, the property is a corner lot which thereby results in two front yards. The subdivision was platted with twenty-five foot front yards, allowing a spacious front yard area. The home was constructed in 1996 and the encroachment has been in place since that time. The encroachment is very slight (1.3 feet) and could be the result of an error in the original survey or a field mistake.

Staff is of the opinion that this variance would be reasonable, noting that the home has been in place for almost twenty years. The home is attractive and the encroachment is not noticeable to a passerby or neighbor. The variance will allow clear title to the property and allow a new family to move in and utilize the property and home.

Based on this analysis, staff recommends approval of the variance to allow the encroachment into the front yards with the following contingency:

1. The encroachment into the front yards shall apply to the existing house only.

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?

Compliance with the regulations would require the applicant to remove an existing single family home which has been in place for almost twenty years. The encroachment is negligible and not noticeable; requiring removal or significant modification to the home would prevent the current owners from making reasonable use of the property.

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

If the regulations are applied, the applicant would be prevented from using the current home as constructed which would create a hardship for the applicant.

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

The current encroachment has been in place since the original construction and is probably the result of an original survey or field error. Therefore, the owner would suffer a hardship by having to significantly modify or remove the original home.

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

The property was originally developed in 1996; the home was built by a home builder and the error was caused by the surveyor or construction team. The current owner did not cause the hardship and was not aware of the encroachment until recently.

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 regulation since the owner and future owners would be able to continue to enjoy the home within this residential 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 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.

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

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

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

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

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Lot 2 of Country Crossing Subdivision as recorded in book 32 pages 191-195 at the St. Charles County Recorder of Deeds Office, more commonly known as 1 Elmshadow 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. Fann made a motion and Mr. Trupiano seconded to approve the findings of fact. The motion carried unanimously.

Mr. Jaggi presented the Conclusions of Law for Petition 15-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. Fann made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 15-T:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-T. Cross4 Retail Development, LLC requests a variance to permit a ground sign on Jungermann Road which exceeds fifty square feet in size and a ground sign on Sutters Mill Road which exceeds fifty square feet in size in a Planned Urban Development (PUD). The property is located on the west side of Jungermann Road and the south side of Sutters Mill Road. (Spencer Creek Shopping Center/WalMart Market)

Mr. Meyer declared the public hearing open to consider Petition 15-T. The petitioner or their agent was requested to step forward to present their petition. Mr. Chris Evertz, SGA Design Group, was sworn in as the petitioner. Mr. Evertz explained that Cross4 Retail is proposing the removal of the existing multi-tenant Spencer Creek Shopping Center Signs and replacing them with a combined, multi-tenant sign that would advertise WalMart Market and the four remaining tenants in the shopping center. Combining the WalMart Market sign and the Spencer Creek Shopping Center sign would reduce the sign clutter along both Jungermann Road and Sutters Mill Road. The proposed signs would be approximately twelve feet tall and 100 square feet in size for each frontage. Mr. Evertz noted that if these variance are not granted, WalMart Market and the Spencer Creek Shopping center are both allowed 50 square foot signs on each frontage.

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 15-T.

Mr. Braunfeld explained that the subject property is located in the Spencer Creek Shopping Center at the southwest corner of Jungermann Road and Sutters Mill Road. The property is zoned as a Planned Urban Development (PUD).

The project includes a new 41,921 square foot WalMart Markey grocery store and the partial re-development of the existing Spencer Creek Shopping Center. The existing parking lots and access will be shared between the new WalMart Market and the Spencer Creek Shopping Center. As required by code each building must be on its own lot. The WalMart Market will be on Lot 1 and the Shopping Center will be located on Lot 2. The site currently contains a fifty square foot multi-tenant business sign facing Sutters Mill Road and another facing Jungermann Road.

City regulations allow each building one free standing business sign up to twelve feet in height and fifty square feet in size per road frontage. Both buildings would qualify for frontage on both Sutters Mill Road and Jungermann road. The applicant has indicated that they would like to group the two signs together to create one sign approximately twelve feet tall and 100 square feet in size for each sign.

Based on this Cross4 Retail Development LLC requests a variance to permit a ground sign on Jungermann Road which exceeds fifty square feet in size and a ground sign on Sutters Mill Road which exceeds fifty square feet in size in a Planned Urban Development (PUD). The property is located on the west side of Jungermann Road and the south side of Sutters Mill Road. (Spencer Creek Shopping Center/WalMart Market)

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:

D. Signs Permitted in All "C" Commercial and "I" Industrial Districts...

1. Ground Signs

a. Ground signs as described above shall be permitted as follows:

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

b. The following regulations shall apply to all ground (pole and monument) signs in all zoning districts:

(1) One (1) ground sign shall be allowed per each public street fronting the lot with the exception of identification signs and as permitted in Subsection b.3. below. A ground sign shall be allowed fronting a private street or access drive in lieu of permitted ground sign as approved by the Administrative Officer. Where a lot has no frontage on a public or private street, the Administrative Officer shall determine frontage for all sign locations.

Mr. Braunfeld noted that both the existing shopping center and the new WalMart Market are permitted individual ground signs. The applicant is requesting the ability to remove the old ground signs and replace them with new combined WalMart Market/multi-tenant signs. Although City regulations allow each building one free standing business sign up to twelve feet in height and fifty square feet in size, the sign regulations do not provide the flexibility to allow the two individual signs to be combined into one sign, per frontage.

This proposal seems reasonable because the overall signage for the properties will remain the same but provides a benefit to both the applicant and the City. The applicant gets to install one sign in place of two which reduces costs and furthers their own design goals. The City gets a reduction in the number of signs, reducing the number and clutter of signs in the area.

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 petitioner could comply by installing two signs facing Jungermann Road and two signs facing Sutters Mill Road. Combining the signs along each street frontage will not substantially change the overall square footage of the signs. Rather, combining the signs will further both the goal of the petitioner as well as the City by reducing sign clutter and improving the aesthetics of the area. Staff believes the proposed signs will allow the property to adequately advertise, improve aesthetics, and obtain a reasonable return.

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

If the signs comply with the code, four signs will be installed in place of two. This creates a hardship for both the petitioner and the City, as it would be less attractive and create more sign clutter.

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

The applicant's property is visible to both Jungermann Road and Sutters Mill Road. If the signs comply with the code, four signs will be installed, two along Jungermann Road and two along Sutters Mill Road. This impacts the property owner as they would have increased costs and additional sign clutter and ongoing maintenance.

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

The center was developed many years ago and was just redeveloped. If the signs comply with the code, four signs will be installed in place of two. This creates a hardship for both the petitioner and the City, as it would be less attractive and create more sign clutter.

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 combined sign configurations will be more attractive, more compatible with the area, and more compatible with the goals of the City. As a result it 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 and will further the goals of the City by improving aesthetics and reduce sign clutter.

Based on this analysis, staff recommends approval of the requested variance to allow an increase in the height of the sign in excess of twelve feet in height and fifty square feet per side with the following contingencies:

1. Lot 1 and Lot 2 of the Resubdivision of Spencer Creek Shopping Center may combine their individually permitted ground signs into a single sign facing Jungermann Road and a second facing Sutters Mill Road.
2. Such combined sign shall not exceed one-hundred (100) square feet per side.
3. An additional twenty-five (25) square feet of signage may be permitted as part of a top cap or similar decorative feature identifying only the name of the Spencer Creek Shopping Center. Such signage may not be used to advertise any specific business, product, or service within the shopping center.

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 15-T. Ms. Christine Roemer, 16 Coach Drive, had a couple of questions pertaining to the proposed signs. Ms. Patricia McGuire, 32 Stagecoach Court, had questions pertaining to the project. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition 15-T.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Trupiano	No
Mr. Meyer	No
Mr. Jaggi	No

There being 2 yes, and 3 no vote, Mr. Meyer declared that Petition 15-T was denied.

Mr. Fann presented the findings of fact as follows:

1. The property is located on Lot 1 and Lot 2 of the Resubdivision of Spencer Creek Shopping Center, as recorded in book 48 page 161 at the St. Charles County Recorder of Deeds Office.
2. The lot is presently zoned Planned Urban Development (PUD).
3. The surrounding zoning is Planned Urban Development (PDU).

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

Mr. Jaggi presented the Conclusions of Law for Petition 15-S 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. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 15-U:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-U. Cross4 Retail Development, LLC requests a variance to permit a canopy sign which exceeds twenty-five square feet in area and which is digital/electronic in the C-2 Community Commercial District. The property is located on the west side of Mid Rivers Mall Drive, at St. Peters Howell Road. (WalMart Market)

Mr. Meyer declared the public hearing open to consider Petition 15-U. The petitioner or their agent was requested to step forward to present their petition. Mr. Chris Evertz, SGA Design Group, was sworn in as the petitioner. Mr. Evertz explained that WalMart Market is proposing a price sign on the north face of the fuel station canopy to ensure that customers within the development can see the fuel prices before they leave the development.

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 15-U.

Ms. Powers explained that the subject property is located on Mid Rivers Mall Drive at St. Peters Howell Road. The new development, which is under construction, will include a 41,921 square foot WalMart Market and a related fuel station. The balance of the property will be developed with a retail shopping center in the future. The main access is via a signalized entrance at St. Peters Howell Road; two additional access points will serve the grocery store.

City regulations allow each building to have wall and ground signage that faces or is adjacent to a street or main access drive. In addition, canopies are permitted to have a twenty five square foot sign indicating the name of the business or a description of the business activity. Many service stations have included their logo on the canopy.

The current development will include a sign, including changeable copy, on Mid Rivers Mall Drive, as that is the road where this business has frontage. The applicant is indicating that a price sign on the north face of the canopy is needed to ensure that customers within the development – those at the market or the future commercial center – can ascertain the current fuel prices.

Based on this Cross4 Retail Development LLC requests a variance to allow a price sign which exceeds twenty-five square feet on a canopy. The property is located on Lot 2 of McKelvey marketplace as recorded in plat book 48 page 160 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 405.740 Exempt Signs

The following signs shall be exempt from all but the maintenance and public safety requirements of this Article:

1. Awning, canopy and marquee signs. Awning signs not exceeding a gross area of four 4) square feet or canopy and marquee signs not exceeding a gross area of twenty-five (25) square feet, indicating only the name of the activity conducted on the

premises on which the sign is located and/or a brief generic description of the business conducted by the activity. All such signs shall be constructed in accordance with the Building Code provisions of the City of St. Peters. Advertising material of any kind is strictly prohibited on awning and canopy signs.

#### Section 405.645 Permanent Sign Regulations by Zoning District

##### Wall Signs

- a. The total area of each wall sign shall not exceed five percent (5%) of the building façade or thirty-two (32) square feet, whichever is greater. A wall sign shall be permitted on each wall which parallels and is adjacent to, 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. Where a business has no wall fronting on a street or access drive, the Administrative Officer shall determine frontage for all sign locations. The Administrative Officer may approve the placement of a wall sign on a main façade, including, but not limited to, facades fronting a parking lot or including a main building entrance, in lieu of a sign parallel to a roadway.
- b. Awning, canopy, and marquee signs anchored to the primary building may be used in place of a wall sign. Awning, canopy and marquee signs used in place of wall signs will be subject to the same requirements as a wall sign.

Ms. Powers noted that each building is permitted a wall signage per street frontage – this is allowed to be five percent of the wall area or thirty-two square feet, whichever is greater. In addition, canopies that are not attached to the building are allowed twenty-five square feet of signage but the signs must be limited to the business name or activity. Most service stations place a logo and/or name on the canopy.

In the subject case, the applicant is requesting a digital price sign only on the north side of the canopy. This would allow the user to advise customers at the market or those leaving the eventual commercial area to the west to see the current price of fuel. Otherwise, they will be at the exit point before this information is available.

Staff acknowledges this visibility hardship but notes that the use of this type of signage must be considered for each individual applicant. Therefore, staff is supportive of the application, noting the applicant is utilizing area of the wall sign that could be on the northern wall of the building towards the canopy sign. Also, the digital sign will not be able to change on a regular basis, or flash/scroll. The applicant references changeable copy signs in their narrative; however, it is important to note that changeable copy signs are only allowed with freestanding ground signs. Therefore, this digital sign may only change when the price changes; there can be no regular changing or messaging with this sign.

Also, staff recommends that the sign be limited to the frame of the canopy. That is, the sign cannot extend above or below the edge of the canopy face. This will ensure a neat appearance.

In staff's opinion this proposal is reasonable to ensure that the price information is available to all patrons. Also, staff notes that area of the north wall sign is being shifted to this digital price sign; therefore, the overall signage on the north façade of the facility will not exceed what is typically allowed by code.

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?

By allowing for the shifting of signage between the wall and the canopy, the signage will better meet the needs of the applicant by ensuring that all patrons can see the fuel prices; this will assist in obtaining a reasonable return from the property.

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

The code does not allow a price sign on a canopy. By allowing a price sign and shifting some of the wall signage area, it will better meet the needs of the applicant but will not increase the total façade signage.

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

The inability to install a price sign on the north canopy façade could pose a hardship for the subject property due to limited visibility of the ground sign. The canopy sign coupled with the shifting of wall signage will not increase the total wall signage, thus furthering the goals of the applicant and the City of St. Peters.

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

The property was zoned and the sign code established prior to the proposed use by the applicant for this property. The addition of the canopy sign and the shifting of wall signage will assist the developer without negatively impacting the City.

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 amount of wall signage overall will not increase and therefore 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 a digital price sign on the north canopy face with the following contingencies:

1. The digital sign shall be for fuel prices only.
2. The digital sign shall not flash or scroll, it shall be changed only when fuel prices change.
3. The digital sign and any other wall sign on the north façade, including other canopy signs, shall not exceed the permitted area of the canopy signage and wall signage for the north façade.
4. The digital canopy sign shall not extend above or below the edge of the canopy face.

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

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition 15-U.

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

Mr. Fann	No
Mr. Kendall	Yes
Mr. Trupiano	No
Mr. Meyer	No
Mr. Jaggi	Yes

There being 2 yes, and 3 no vote, Mr. Meyer declared that Petition 15-U was denied.

Mr. Jaggi presented the findings of fact as follows:

1. The property is located on Lot 2 of McKelvey Marketplace as recorded in plat book 48 page 160 at the St. Charles County Recorder of Deeds Office.
2. The lot and surrounding properties are zoned C-2 Community Commercial District.
3. The area to the north and south of the subject site are zoned R-1 Single Family Residential District.

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

Mr. Jaggi presented the Conclusions of Law for Petition 15-U 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. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Meyer seconded to adjourn the meeting at 7:00 p.m. The motion carried unanimously.

Respectfully submitted:

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Melissa Vollmer  
Recording Secretary

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Dan Meyer  
Chairman