



**MINUTES  
BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF SEPTEMBER 18, 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; 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 July 17, 2013. Mr. Jaggi made a motion and Mr. Kendall 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. Mr. Braunfeld indicated there were none.

PETITION 13-S:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-S. Leonard and Lois Stallard request a variance to allow a structure (shed) within six (6) feet of a property line and in an easement in the R-1 Single Family Residential District. The property is located on lot 52 of Pegasus Farms as recorded in book 25 page 199 at the St. Charles County Recorder of Deeds Office, more commonly known as 4 Argos 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-S. The petitioner or their agent was requested to step forward to present their position. Mr. Leonard "Sam" Stallard and Mrs. Lois Stallard, homeowners, were sworn in as the petitioners. Mr. Stallard explained that they purchased a shed from Home Depot and that Home Depot installed the shed on their property. Mr. Stallard noted that they did receive permission from adjacent property owners in regards to the placement of the shed on the property. It was not noticed until a concern was filed, that the shed was too close to the property line. Mrs. Stallard explained that the shed was small enough that it did not need to be permitted by the City; therefore, they were unaware of the City's regulations regarding the location of structures within an easement and the distance from a property line. Mrs. Stallard noted that they are requesting this variance to allow the shed to remain in its current location.

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-S.

Mr. Braunfeld stated that the property includes a single family residence constructed in 1987 and is on a standard single family cul de sac lot. The applicant constructed a shed at the rear of the site within the rear yard setback and within a utility easement. The size of the shed – less than four hundred square feet – did not

warrant a permit for the installation. However, a concern was received by the City regarding the shed placement, so the applicant approached the City to allow the shed to remain.

Based on this, Leonard and Lois Stallard request a variance to allow a shed within the minimum six foot side yard setback and within the utility easement in the R-1 Single Family Residential District. The property is located on lot 52 of Pegasus Farms as recorded in plat book 25 page 199 at the St. Charles County Recorder of Deed Office, more commonly known as 4 Argos Court.

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 405.130: "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT**

**H. Yard Requirements:**

1. The minimum yard requirements shall apply to each lot.
  - d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building...

**SECTION 405.270: ACCESSORY BUILDINGS OR STRUCTURES, ALTERATIONS AND ADDITIONS**

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

4. No principal building or structure or accessory building or structure shall be located within or partially within a designated utility easement.

The lot is a unique shaped lot at the back of a cul de sac. While standard in size for the City, it has an angular rear property line rather than a straight, even rear property line typical of many subdivision lots. This unique shape gives the yard character, but also limits the areas where an accessory shed can be placed.

Staff notes that the applicant had the shed constructed by a local home improvement store; it is of a nice quality and attractive. The adjacent lots are fenced. The side is sided and includes a door which is locked; it is used for storage and home projects.

A review of the subject lot notes that with the angled rear yard line, the shed placement allows continued use of the main rear yard area. If the shed was shifted the full six feet, it would almost be in the middle of the yard. If the shed were placed further from the property line, it would be as visible from adjacent properties. The applicant has noted the design is complementary to the homes in the area and is very neat and clean.

It is staff's opinion that the proposed variance 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. Further, staff is of the opinion the placement of the shed further from the property line would not improve the appearance of the rear yard.

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 property as the rear yard would be interrupted by the placement of the shed.

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

The applicant would be forced to shift the shed near the center of the lot and, therefore, it would create a hardship for the applicant because they would have less usable area in their rear yard.

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

The City regulations typically apply without issue to standard shaped lots. With the angular rear lot line, the rear property area is limited for the owners use. Allowing placement of the shed closer to the property line will allow use of the entire lot.

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

The property was originally platted in the late 1980s. Although the current owner has requested the shed placement, they did not initially develop 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 the property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to use their yard 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 have been 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 that the Board of Adjustment grant the requested variance to allow a shed within the six foot rear yard setback and within a utility easement with the following contingencies:

1. The granting of this variance is for a shed only.
2. The granting of this variance does not relinquish the various utility companies' rights to use the easement as granted for lot 52 of Pegasus Farms as recorded in plat book 25 page 199 at the St. Charles County Recorder of Deeds Office, more commonly known as 4 Argos Court.
3. The use of the easement is at the property owners sole risk which may require partial or full removal of the shed at the property owners expense at the request of a utility company for use of the easement.

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-S. Mr. Carl Reiter, 1 Argos Court, spoke in opposition to this petition and questioned why the petitioner couldn't just move the shed to the other side of the yard, out of the easement and away from the property line. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

Mr. Kendall posed the same question that Mr. Reiter had as to why the shed couldn't be relocated to the opposite side of the yard.

Mr. Braunfeld responded to Mr. Reiter and Mr. Kendall's inquiries and noted that if the petitioners moved the shed to the opposite side of the yard, they would still have the same issue of having to place the shed in the middle portion of the yard to keep it out of the easement and away from the property line.

Mr. Jaggi made a motion and Mr. Meyer seconded to approve Petition 13-S.

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

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

There being 4 yes and 1 no vote, Mr. Meyer declared that Petition 13-S was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Lot 52 of Pegasus Farms as recorded in plat book 25 page 199 at the St. Charles County Recorder of Deeds Office, more commonly known as 4 Argos Court.
2. The lot is presently zoned R-1 Single Family Residential District.
3. Adjacent zoning is R-1 Single Family Residential District.

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

Mr. Jaggi presented the Conclusions of Law for Petition 13-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. Selinger made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Meyer made a motion and Mr. Trupiano seconded to adjourn the meeting at 6:35 p.m. The motion carried unanimously.

Respectfully submitted:

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Melissa Vollmer  
Recording Secretary

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Dan Meyer  
Chairman