



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

CALL TO ORDER

Chairman Dan Meyer called the meeting to order at 6:10 p.m.

Mr. Meyer explained he would need assistance running tonight's meeting as his voice was low and Mr. Fann noted he would run the meeting with Mr. Meyer's assistance.

ATTENDANCE

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

MINUTES

Mr. Tom Fann asked the Board for any comments or questions regarding the minutes of March 16, 2016. Mr. Meyer made a motion and Mr. Stiens seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Fann asked for any reports or communications from the Officers or Staff. Mr. Braunfeld indicated there were none.

PETITION 16-G:

Mr. Fann stated that the purpose of the meeting was to consider Petition 16-G. Red Skye Wireless requests a variance to allow a wall sign on a side of a building that is not oriented to or parallel to a street or access drive. The property is located on St. Peters Village Plat 12 as recorded in plat book 22 page 22 at the St. Charles County Recorder of Deeds Office, more commonly known as 318 Mid Rivers Mall Drive.

Mr. Fann declared the public hearing open to consider Petition 16-G. The petitioner or their agent was requested to step forward to present their petition. Mr. Kevin Goss, Red Skye Wireless, was sworn in as the petitioner. Mr. Goss explained that AT&T is going to be occupying the new building at 318 Mid Rivers Mall Drive. Due to the building being so close to Mid Rivers Mall Drive, vehicles traveling north on the road will not see the signage on the west wall until they are past the building; therefore, a sign on the south wall is proposed. Because there is no road frontage or parking area, the sign would not be permitted; therefore, they are requesting the variance as presented.

Mr. Fann 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-G.

Mr. Braunfeld explained that the subject site is zoned C-2 Community Commercial District and contains a one-story building which is under construction and nearing completion. The balance of the site includes a strip center which was recently modified and updated and a freestanding drive

through coffee store. The new building will be occupied by AT&T and is the subject of this variance request.

The new building is near the front property line in front of the older building. A parking area will be to the rear of the new building. City regulations allow each building to have signage on walls that face a street or access drive, or which face a parking lot. Since this property faces only Mid Rivers Mall Drive, it is allowed a wall sign on the west façade. It is also allowed a sign on the north façade which faces the parking lot.

Because of the closeness to Mid Rivers Mall Drive, vehicles traveling north on the road will not see the signage on the west wall until they are almost past the building. Therefore, a sign on the south wall, which is easily visible to vehicles because of the forward building location, was proposed. Because there is no road frontage or parking area, the sign is not allowed without a variance.

Based on this, Red Skye Wireless LLC requests a variance to allow a wall sign on a side of a building façade that is not oriented to a street or access drive, for property located at 318 Mid Rivers Mall Drive.

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:

405.745 Permanent Sign Regulations By Zoning District

D. Signs Permitted in all "C" Commercial and "I" Industrial Districts (Non-Residential). In certain non-residential districts, the following signs are permitted in accordance with the regulations set forth herein.

4. 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.

Mr. Braunfeld noted that the subject site fronts Mid Rivers Mall Drive very near the road; this placement was necessary to fit the new building on the site. The building is attractive and the entire center was modified to coordinate with the new building including stone treatment and orange awnings.

As noted above, the placement of the building near the front of the site was needed to allow the building to fit on the site. Visibility of the building and building signage from the north will not be an issue, but visibility from both directions is key to the business success. The applicant has

indicated that visibility from the south is needed because the front of the building is difficult to see unless a vehicle is passing the building.

Staff notes the applicant is proposing a sign on the west and north sides of the building that faces the building entrance and road. However, these signs are proposed at approximately one third the allowable size. They are modest and attractive on the new building, and simply identify the use in the building. The applicant notes that identification from all sides is needed so that drivers can safely make the turn into the site from Mid Rivers Mall Drive. Given the traffic volumes and speeds on the road, adequate signage is needed to ensure travelers in the area can make their turning decision in advance with adequate time.

Noting that reduced signage is proposed on the north and west sides of the building, staff is supportive of the sign on the south side of the building. It will not be inappropriate along this commercial corridor and will allow northbound travelers in the area to have adequate notice before turning in to the site. Also, staff notes that the signs on the permitted walls are much smaller than allowed. Therefore, the extra signage is being used on the south wall – there is no net gain in sign area. This is consistent with other “sign shifts” which have been approved in the City.

This proposal is reasonable in staff’s opinion because the overall amount of signage for the property will not change. Staff finds that the proposed sign will not be visually out of scale with the other signs in the area or the building façade. In addition, there will be no net increase in wall signage to the building give the smaller requested signs on the north and west walls. Also, vehicular safety in the area will be enhanced by this extra identification.

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 building is permitted two wall signs and by allowing for the shifting of unused sign area, the proposed sign will better meet the needs of the applicant and have no net increase in the total wall signage. This furthers the aesthetic goals of the sign code and ensures a reasonable return by the business.

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

The code does not allow the shifting of wall or identification signage unless they are shifted to accommodate a main entrance that does not face a roadway or driveway. The proposed identification sign area shifting will improve visibility for the applicant and vehicular safety with no overall net change in the total signage available for the building.

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

The site is along a major roadway, but close to Mid Rivers Mall Drive; therefore, visibility is limited which can pose a hardship for a business. The substitution of identification signage will further the goals of the applicant with no negative impact on the City of St. Peters.

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

The sign code was established prior to the applicant's business being located at the subject site.

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 substitution of identification wall signage 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 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 a wall sign on a façade without street/access drive frontage and that does not mark an entrance/exit with the following contingency:

1. The size of the wall signage permitted on the south wall of the building shall not exceed twenty-five square feet in total area.

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

Mr. Kendall made a motion and Mr. Stiens seconded to deny Petition 16-G.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Stiens	Yes
Mr. Fann	Yes
Mr. Shetterly	Absent

There being 4 yes and 1 absent vote, Mr. Fann declared that Petition 16-G was approved.

Mr. Kendall presented the findings of fact as follows:

1. The property is located on St. Peters Village Plat 12 as recorded in plat book 22 page 22 at the St. Charles County Recorder of Deeds Office, more commonly known as 318 Mid Rivers Mall Drive.
2. The lot is presently zoned C-2 Community Commercial District.
3. The surrounding zoning is C-2 Community Commercial District.

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

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

PETITION 16-H:

Mr. Fann stated that the purpose of the meeting was to consider Petition 16-H. Abigail Lorenze and Schon Kohnen request a variance to permit a reduction of the twenty (20) foot front building setback to permit the installation of an accessory structure (deck). The property is located on Lot 19F of Ohmes Farm subdivision, as recorded in book 45 page 122 at the St. Charles County Recorder of Deeds Office, more commonly known as 102 Scenic Drive.

Mr. Fann declared the public hearing open to consider Petition 16-H. The petitioner or their agent was requested to step forward to present their petition. Ms. Abigail Lorenze and Mr. Schon Kohnen were sworn in as the petitioners. Mr. Kohnen explained that they want to construct a deck on the back of their home; however, to construct a usable deck and provide access to their backyard, a small corner of the deck will extend past the front building line facing the cul-de-sac of Hillside Manor Court.

Mr. Fann 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-H.

Mr. Braunfeld explained that the applicants contacted the City regarding the construction of a deck onto the back of their home at 102 Scenic Drive in the Ohmes Farm Subdivision. A review of the property found the lot has three front building lines, one along Scenic Drive which faces the front of the home, a second along Hillside Manor Court along the side of the home, and a third along the rear corner of the property extending from the cul-de-sac portion of the Hillside Manor Court.

The applicant indicated the front of the house is at grade facing Scenic Drive and slopes downward to create a walk out basement to the rear. Access to the back yard, from the main floor, would require a deck with stairs. The applicants indicated the back of the home is not straight across but has a sizeable inset and this is where the door to a future deck was installed by the builder. The

owner indicated that to make the deck usable and provide access to their backyard, they would need to extend the deck past the front building line facing the cul-de-sac of Hillside Manor Court.

Based on this the applicant has requested a variance to permit a deck to extend beyond the front building line to the rear of the property.

Mr. Braunfeld noted that the variance requested by the applicant is from page 4 of the Planned Urban Development for the Ohmes Tract (Ordinance Number 4514) states:

11. Building setbacks shall be as follows:

- a. Village F and Village G shall maintain a minimum front yard setback of twenty (20) feet, a minimum side yard setback of seven (7) feet, and a minimum rear yard setback of fifteen (15) feet excluding porches and decks which may be a minimum of six (6) feet from the rear property line.

Mr. Braunfeld noted that the lot has three front building lines. One is along Scenic Drive which faces the front of the home, a second is along Hillside Manor Court along the side of the home, and a third is along the rear corner of the property extending from the cul-de-sac portion of the court. Typically a cul-de-sac building line does not interfere with rear yards as each home faces the cul-de-sac. In this unique situation, Hillside Manor Court is only one lot long so that the cul-de-sac and associated front building line extends into the side yard and rear of the property.

The design of the back of the home on this triple corner, walk out basement lot also creates a unique hardship for the homeowners. As noted, the front of the house is at grade facing Scenic Drive and slopes downward to create a walk out basement to the rear, with access from the main floor to the backyard requiring a deck with stairs. In addition, the developer constructed the house with the floor to a future deck inset on the street side of the home.

Without a variance the applicant would have one section of deck off the back of the home, another section within the house's inset by the door, with the need for a small connecting piece to access both portions of the deck. This arrangement would not only be impractical but also unattractive to the neighbors. Therefore, to create a more attractive and usable deck, and provide better access to the backyard, a corner of the deck will extend past the third front building line created by the Hillside Manor Court cul-de-sac which extends into their backyard.

Given the unusual layout of the lot, curvature of the cul-de-sac, topography, and home design, a unique undue hardship exists that requires a variance for the reasonable placement of a deck on the property.

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 they would have an unattractive and impractical deck.

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

A typical corner lot has building lines along the front and side of the lot. In this case, the unique placement of the lot and cul-de-sac cause a third building line to encroach on the rear corner of the property. Together these create a hardship for the efficient use of the property.

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

The City regulations typically apply, without issue, to standard interior lots and corner lots. The unique placement of the lot and cul-de-sac cause a third building line to encroach on the rear corner of the property. Allowing the deck to encroach into the building setback will allow for reasonable use of the back yard.

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

The property was originally platted by a developer who sold the lots to different home builders. Neither the developer or home builder anticipated the unique combination of house design, orientation of the house on the lot, and topography, which together create the subject request; it was not done by the applicant.

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 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 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, staff recommends approval of a variance to permit a reduction of the twenty (20) foot front building setback to permit the installation of an accessory structure (deck) with the following contingencies:

1. The southwest corner of the deck may extend up to nine feet past the twenty foot front building line, as shown on the submitted exhibit.
2. The deck may be covered to create a porch.
3. The deck may not be converted to an enclosed living space.

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

Mr. Kendall made a motion and Mr. Meyer seconded to deny Petition 16-H.

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

Mr. Meyer	Yes
Mr. Kendall	Yes
Mr. Stiens	Yes
Mr. Fann	Yes
Mr. Shetterly	Absent

There being 4 yes and 1 absent vote, Mr. Fann declared that Petition 16-H was approved.

Mr. Kendall presented the findings of fact as follows:

1. The subject property is located on Lot 19F of Ohmes Farm subdivision, as recorded in book 45 page 122 at the St. Charles County Recorder of Deeds Office, more commonly known as 102 Scenic Drive.
2. The lot is presently zoned PUD Planned Urban Development.
3. The adjacent zoning is PUD Planned Urban Development.

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

Mr. Stiens presented the Conclusions of Law for Petition 16-H 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. Meyer seconded to enact the Conclusions of Law. The motion carried unanimously.

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

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Dan Meyer
Chairman