MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF AUGUST 19, 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. John Shetterly; Mr. Dan Meyer; Mr. William Jaggi; Mr. Ken Braunfeld, Planning Coordinator, and Ms. Melissa Vollmer, Recording Secretary. Mr. Nick Trupiano was absent.

MINUTES
Mr. Meyer asked the Board for any comments or questions regarding the minutes of June 17, 2015. Mr. Fann made a motion and. Mr. Jaggi 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. Mr. Braunfeld indicated there were none.

PETITION 15-M:
Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-M. Seyer Industries, Inc. requests a variance to allow an encroachment of the rear yard setback for the construction of a building addition. The property is located on Lot 6 of Cherokee Industrial Park Boundary Adjustment Plat Lots 6 and 7 as recorded in plat book 46 pages 323-324 at the St. Charles County Recorder of Deeds office, more commonly known as 66 Patmos Court.

Mr. Meyer declared the public hearing open to consider Petition 15-M. The petitioner or their agent was requested to step forward to present their position. Mr. Ken Baaklar, Confluence Design Group was sworn in as the petitioner. Mr. Baaklar explained that the applicant is proposing a 6,300 square foot addition the existing 85,000 square foot manufacturing, warehouse and office building. During the planning of the project, it was determined that the location of the addition would encroach into the rear yard setback, therefore, they are requesting the variance as presented tonight.

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-M.

Mr. Braunfeld explained that Seyer Industries is locate at the end of Patmos Drive in the Cherokee Industrial Park. The owner is proposing a 6,300 square foot addition to the existing 85,000 square foot manufacturing, warehouse and office building. The project will be completed in two phases which will include the use of a temporary building and removal of an existing unpermitted temporary fabric structure extending from the south side of the building.

During the planning of the project it was determined that the only practical location for the addition due to the manufacturing and other considerations, would be to the east, which would encroach into the rear yard setback. The site plan first went before the Planning and Zoning Commission on August 5, 2015. At this meeting it received approval subject to a contingency that the project receives a variance for the proposed temporary and permanent building encroachment on the east side of the building.

Based on this, Seyer Industries, Inc., requests a variance to allow an encroachment of the rear yard setback for the construction of a building addition. The property is located on Lot 6 of Cherokee Industrial Park Boundary Adjustment Plat Lots 6 and 7 as recorded in plat book 46 pages 323-324 at the St. Charles County Recorder of Deeds Office, more commonly known as 66 Patmos 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 405.240 I-2 Heavy Industrial District

G. Lot Area, Storage and Yard Requirements

2. All buildings shall be set back from the street right-of-way line to provide a front yard having not less than thirty (30) feet in depth. No building shall be located closer than ten (10) feet to a side lot line and fifteen (15) feet to a rear lot line, except when adjacent to a residential district where a seventy (70) foot wide rear yard is required.

Mr. Braunfeld noted, the existing layout of the building and manufacturing processes coupled with the lot configuration restrict the practical options to accommodate the proposed addition and encroachment. A review of the project finds the proposed encroachment would be to the rear of the building which is not visible from any public street and of very limited size compared to the overall size of the building. The proposed project will remove a non-conforming temporary structure on the south side of the building, thereby moving the site into compliance with the zoning code and improving the aesthetics of the site. In addition, the expansion will back to a tree line and drainage ditch, beyond which are other heavy industrial uses and rear parking areas.

It is noted that as part of the expansion, Seyer Industries has agreed to fix the erosion problem in this area, although some portion of the drainage ditch extends onto other properties. It is also noted that a review by the Building Department found that the proposed encroachment can be designed in a manner to conform to the Building Code.

Therefore, both the limited scope of the project and the proximity of the tree line and drainage ditch will prevent the encroachment from interfering with the use of the adjacent properties and mitigate any visual impact.

Therefore, it is in both the applicant's interest and the general public's interest to allow the proposed encroachment on the east side of the building as the visual impact to the rear yard will be very limited due to the size of the project, trees/drainage ditch, and adjacent uses. Further the project will remove a non-conforming structure on the south side of the building and replace it with a more attractive conforming structure.

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 proposed encroachment on the east side of the building will have a very limited visual impact to the rear yard area due to the size of the project, the adjacent trees/drainage ditch, and adjacent uses. Further, the project will remove a non-conforming structure on the south side of the building and replace it with a more attractive conforming structure. Therefore, the proposed variance allows for the most practical mechanism to accomplish these goals, providing for the reasonable use of the property.

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

   While there will be an encroachment of the rear yard setback, the visual impact of the encroachment will be mitigated by the size of the project, the adjacent trees/drainage ditch, and adjacent uses. The strict application of setback regulations would make the practical improvements to the facility difficult resulting in a hardship.

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

   The subject property is of limited size and the unique characteristics and environmental factors of the facility restrict the practical options for an expansion and, therefore, the ability to achieve the highest and best use of the property.

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

   The existing layout of the subject property, building, manufacturing processes and the lot configuration restrict the practical options to accommodate the proposed encroachment. Together these factors create a hardship.

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 it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the reasonable expansion of the facility and removal of a temporary non-conforming structure, 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; there will be no ill effects on surrounding properties or the City as a whole.

Based on this analysis, it is staff's recommendation to permit a variance to allow an encroachment of the rear yard setback for the construction of a building addition with the following contingencies:

1. The rear yard setback shall be reduced from fifteen (15) feet to eight (8) feet.
2. The non-conforming temporary structure on the south side of the building shall be removed by December 31, 2018.

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-M. Ms. Shirley Rehm, Global Products, had questions regarding storm water runoff. Seeing no one else present to comment, Mr. Meyer closed the public hearing.

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

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:
Mr. Fann Yes
Mr. Kendall Yes
Mr. Jaggi Yes
Mr. Meyer Yes
Mr. Shetterly Yes

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

Mr. Fann presented the findings of fact as follows:
1. The property is located on Lot 6 of Cherokee Industrial Park Boundary Adjustment Plat Lots 6 and 7 as recorded in plat book 46 pages 323-324 at the St. Charles Recorder's Office, more commonly known as 66 Patmos Court.
2. The lot is presently zoned I-2 Heavy Industrial District.
3. Adjacent zoning is I-2 Heavy Industrial District.

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

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

<u>PETITION 15-N:</u>
Mr. Meyer stated that the purpose of the meeting was to consider Petition 15-N. Tyler & Sons, LLC, d/b/a Floyd Glass requests a variance to allow an encroachment of the four foot landscape buffer

strip for the construction of a driveway and retaining wall. The property is located on Lot 3 of Triad South Industrial Park as recorded in plat book 36 pages 65 at the St. Charles Recorder's Office, more commonly known as 30 Triad South Drive.

Mr. Meyer declared the public hearing open to consider Petition 15-N. The petitioner or their agent was requested to step forward to present their position. Mr. Cliff Heitmann, Bax Engineering, was sworn in as the petitioner. Mr. Heitmann explained that Floyd Glass is looking to relocate to 30 Triad South Drive and as part of the relocation, they would need to access the rear of the property to use an existing overhead door on the back of the building to accommodate their business activity. To access the rear of the property, they would need to encroach on the four foot landscape buffer strip on the southwest corner of the lot.

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-N.

Mr. Braunfeld explained that the applicant, Floyd Glass, seeks to relocate to 30 Triad South Industrial Drive. As part of the relocation, the applicant would need to access the rear of the property, and use an existing overhead door on the back of the building to accommodate their business activity.

The site is located at 30 Triad South Drive which is within the Triad South Industrial Park located south of Central School Road/North of North St. Peters Parkway and West of Kisker Road. The industrial park contains a series of small individual office/warehouse buildings. The subject lot contains a 3,750 square foot office/warehouse building on a 0.68 acre tract. It is noted that at some time an overhead door was installed on the rear of the building. However, no driveway or concrete pad was constructed to utilize this access point.

The applicant hired Bax Engineering to examine access within the following constraints - the existing overhead door is on the south side of the rear of the building and a generator is located on the north side of the lot blocking access. Therefore, the only practical location to access the back of the building with a driveway is on the south side of the lot. However, due to the placement of the building on the lot, the southwest corner of the building is setback approximately ten feet (the minimum) from the side property line. Since the building is at an angle the setback then increases such that the driveway can then be shifted back from the minimum four foot landscape planting strip. In addition, grade changes will require a short retaining wall ranging in height from approximately one to three feet for a portion of the subject driveway.

Based on this Tyler & Sons, LLC, d/b/a Floyd Glass requests a variance to allow an encroachment of the four foot landscape buffer strip for the construction of a driveway and retaining wall. The property is located on Lot 3 of Triad South Industrial Park as recorded in plat book 36 pages 65 at the St. Charles Recorder's Office, more commonly known as 30 Triad South 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:

Section 405.390 Landscaping and Screening

B. Non-Residential Districts (Commercial/Industrial). In "C" (Commercial) and "I" Districts, the landscaping/screening requirements are as follows

2. Landscape Requirements.

C. Screening and Landscaping. All Off-street parking facilities, with the exception of a single-family detached dwelling or a two-family dwelling, shall be screened and landscaped in accordance with the following design standards.

1. Planting strip along property lines.

a. Along each property line of the zoning lot, a planting strip of four (4) feet minimum width shall be provided between said property line and the off-street parking facilities.

Mr. Braunfeld noted 30 Triad South Drive contains an existing 3,750 square foot office/warehouse building on a 0.68 acre lot. At some point in time an overhead door was installed on the rear of the building that is not accessible by driveway. The applicant, Floyd Glass, is seeking to relocate to the subject location but will need to access the rear of the property and existing overhead door.

Staff finds the request to fully utilize the site to be reasonable. A review by staff and the applicant's engineer finds the only practical location to access the back of the building is on the south side of the lot. Due to the placement and angle of the building on the lot a portion of the proposed driveway will encroach into the four foot planting strip. However, the encroachment will be limited as the building angles away from the property line allowing for the driveway to shift out of the landscape planting strip. In addition, the location of the encroachment will be minimized as it is adjacent to the side of another building and not a parking lot creating a larger lawn area.

Minimum parking lot setbacks (landscape planting strips) are one of many design elements used to separate commercial/industrial properties. Architectural design, fences, landscaping, and lighting all combine to various degrees to create a comprehensive system to create distinctive commercial/industrial developments. To compensate for the reduced landscape planting area, staff will recommend that the retaining wall be decorative modular block wall. In addition, staff will work with the owner and tenant to enhance the landscaping on the site to help compensate for the proposed encroachment.

Noting the minimal distance of the encroachment, its location on the lot, and the recommended upgrade to the site's landscaping, staff believes the requested variance can be successfully accommodated on the site.

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 placement and angle of the building on the lot requires a portion of the proposed driveway to encroach into the four foot planting strip to allow access to the rear of the property to fully utilize the property.

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

   The layout of the lot and building were completed prior to the current owner or tenant. While there will be an encroachment of the planting strip, the visual impact of the encroachment will be mitigated by the location of the driveway and the position of the subject building and location of the building on the adjacent lot. The strict application of the setback regulations would make the use of the rear of the building and property impractical resulting in a hardship.

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

   The subject property is of limited size and the unique characteristics of the building and lot restrict the practical options for the placement of a driveway and therefore, the ability to achieve the highest and best use of the property.

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

   The existing layout of the subject property and building restrict the practical options to accommodate the proposed driveway, thereby creating the hardship.

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 it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for installation of a driveway and the use of the rear portion of the lot, 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; there will be 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. The minimum four foot planting strip may be reduced to zero feet in width for a driveway as shown on the exhibit (extending from the trash dumpster along the southwest side of the building).
2. The retaining wall shall be decorative modular block style.
3. The owner and/or tenant shall coordinate the planting of additional trees and/or bushes on the site with the Planning Department.

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-N. 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-N.

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

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Jaggi	Yes
Mr. Meyer	Yes
Mr. Shetterly	Yes

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

Mr. Jaggi presented the findings of fact as follows:

1. The property is located on Lot 3 of Triad South Industrial Park as recorded in plat book 36 pages 65 at the St. Charles Recorder's Office, more commonly known as 30 Triad South Drive.
2. The subject site is zoned I-1 Light Industrial District.
3. The surrounding properties are zoned I-1 Light Industrial District.

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

Mr. Fann presented the Conclusions of Law for Petition 15-N 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. Fann seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting at 6:37 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer	Dan Meyer
Recording Secretary	Chairman