



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MAY 18, 2016
6:00 P.M.**

CALL TO ORDER

Vice Chairman Bill Jaggi called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Bill Jaggi; Mr. Tom Fann; Mr. Nick Trupiano; Ms. Julie Powers, Director of Planning, Community & Economic Development; Mr. Ken Braunfeld, Planning Coordinator, and Ms. Melissa Vollmer, Recording Secretary. Mr. Dan Meyer was absent.

MINUTES

Mr. Jaggi asked the Board for any comments or questions regarding the minutes of April 20, 2016. Mr. Fann made a motion and Mr. Kendall seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

PETITION 16-G:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-I. Dierbergs Five LP c/o Mark Martin requests a variance to allow an increase in the size and height of a ground sign on the north side of Route 364, west side of Mid Rivers Mall Drive (6211 Mid Rivers Mall Drive).

Mr. Jaggi declared the public hearing open to consider Petition 16-I. The petitioner or their agent was requested to step forward to present their petition. Mr. Mark Martin, Dierbergs Five LP, was sworn in as the petitioner. Mr. Martin explained that with the finalization of the interchange at Mid Rivers Mall Drive and Route 364 and general aging of the center, Dierbergs 94 owners have determined that updated signs are needed. They are proposing a larger and taller sign on the south side of the signalized entrance to the center; the existing sign is just to the north of the signalized entrance. An updated replacement sign along Route 364 is also planned. The proposed larger and taller sign exceeds the allowable sign size; therefore they are requesting the variance as presented.

Mr. Jaggi 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 16-I.

Ms. Powers explained that Dierbergs 94 is an existing development which includes a Dierbergs market, a Target store and many other smaller retail and service businesses. It was developed in the mid-late 1990s. At the time of development, a sign was installed for Target along the future alignment of Route 364. A sign for the development was installed along Route 364 and a Dierbergs/Target sign was installed along Mid Rivers Mall Drive. These signs are currently in place.

With the finalization of the interchange at Mid Rivers Mall Drive and Route 364 and general aging of the center, Dierbergs 94 owners have determined that updated signs are needed. The owners

are proposing a larger and taller sign on the south side of the signalized entrance to the center; the existing sign is just to the north of the signalized entrance. An updated replacement sign along Route 364 is also planned. The proposed larger and taller sign exceeds the allowable sign size; therefore, a variance is needed.

Based on this Dierbergs Five LP requests a variance to allow an increase in the size and height of one of the ground signs at Dierbergs Plaza 94 as recorded in Book 33 Pages 171-175 at the St. Charles County Recorder of Deeds, more commonly known as 6211 Mid Rivers Mall Drive.

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:

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.

1. Ground signs:

- (2) "C-3" General Commercial District. The maximum height may not exceed thirty (30) feet. The face of such sign may not exceed one hundred (100) square feet per sign face or a total area of two hundred (200) square feet.

Ms. Powers noted that the roadway work near the subject center is complete including the alignment of Mid Rivers Mall Drive. With the final alignment, an area of former right-of-way will be transferred to the retail center. This area of former right-of-way is the proposed location of the proposed new sign. The sign will be on the south side of the signalized entrance; the former sign was on the northern side of the drive and further away from the new road location. The new sign will be closer to the road pavement and more visible from the interchange.

With the new sign location, the shopping center owners are proposing a larger and taller sign which will include a panel for Dierbergs, an electronic changeable copy panel, and a panel for Target. The existing sign includes these same tenants but does not include the changeable copy panel. The new sign will be 201 square feet in area while the existing sign is ninety-six square feet in area. As part of this sign program, the existing Dierbergs sign on Route 364 will be replaced to match the new design – it will be 236 square feet instead of the existing 250 square feet. Because it fronts Route 364, code allows this larger sign area.

Staff notes that the center was platted to include a large lot for Dierbergs and other retailers and a separate lot for Target. This platting allows Target to have a sign on Route 364 and Dierbergs 94 Center to have a sign on Route 364 and Mid Rivers Mall Drive; both signs along Route 364 can be 250 square feet. The center sign is one of the signs allotted to the McDonalds lot. McDonalds has a monument sign. In addition, the McDonald's lot is permitted two more signs at 100 square feet each.

Staff is supportive of the proposed sign package noting that the overall sign area meets that allowed by code, and noting that the number of signs will not increase. The existing Target sign will not be modified. The proposed Dierbergs 94 Center sign, the applicant's Exhibit B, will be fourteen

square feet less than the existing sign at this location. The new sign along Mid Rivers Mall Drive, the applicant's Exhibit A, will be shifted and will be approximately 202 square feet in area; the existing sign is 96 square feet in area. While this sign is larger than the existing sign, it includes a changeable copy sign which is allowed at twenty-four square feet. Staff also notes that the McDonald's lot would be allowed another 100 square foot sign along Mid Rivers Mall Drive and another sign along a secondary road – sign area that is not being used. Noting the unused sign area on the new Dierbergs 94 Center sign, the new changeable copy sign, and the unused McDonald's parcel sign area, staff is of the opinion the new larger sign is reasonable.

Staff is also supportive of the additional eight feet in height over the existing sign, noting that it will be needed to accommodate the changeable copy sign. This increased height will be appropriate given the scale of the roadway interchange and given the level of activity in this major commercial node.

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?

Allowing the proposed variance will not substantially alter the current visual impact. The increase in size and height will allow the new sign to include a changeable copy panel and also be visible from the interchange of Route 364 and Mid Rivers Mall Drive. Also, the increased size is offset by unused signage that could be applied to other permitted signs for the center.

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

The strict application of the regulations would reduce the commercial effectiveness of the sign which could result in a hardship.

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

The new interchange and the trees on the bank property impacts some vehicular visibility – the new sign size, height and location will address any hardships caused by the new configuration.

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

The modifications to the road system near the site were not a result of the applicant's action. Therefore, the impact to the applicant's site is not due to their own actions.

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 advertising of the site and, thus, 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; 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 increase in the size and height of the ground sign (Exhibit A) with the following contingencies:

1. The sign may be a maximum of thirty-three (33) feet in height.
2. The maximum size of the sign, including all panels, shall be 202 square feet in area per side.
3. The ground sign (Exhibit B) fronting Mid Rivers Mall Drive shall not exceed 236 square feet in area.
4. Outlot P shall be permitted a maximum of three (3) freestanding signs in addition to the Dierbergs Center sign.

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

Mr. Fann made a motion and Mr. Trupiano seconded to approve Petition 16-I.

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

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

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

Mr. Kendall presented the findings of fact as follows:

1. The property is located on Dierbergs Plaza 94 as recorded in Book 33 Pages 171-175 at the St. Charles County Recorder of Deeds, more commonly known as 6211 Mid Rivers Mall Drive.
2. The lot is presently zoned C-3 General Commercial District.
3. Adjacent zoning is C-3 General Commercial District to the east and north and A-1 Agricultural District to the west.

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

Mr. Fann presented the Conclusions of Law for Petition 16-I 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. The motion carried unanimously.

PETITION 16-J:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-J. Gary M. Behnke requests a variance to permit a garage that exceeds five hundred square feet and exceeds fourteen feet in height in the R-1 Single-Family Residential District. The property is located on the south side of West Drive, east of Peach Street (3909 West Drive.)

Mr. Jaggi declared the public hearing open to consider Petition 16-J. The petitioner or their agent was requested to step forward to present their petition. Mr. Gary Behnke was sworn in as the petitioner. Mr. Behnke explained that he wants to construct a new 1,120 square foot garage on his lot. He will be removing an old shed on the property. Mr. Behnke noted that he needs this larger garage because he restores old cars and needs more space than what he currently has with a two-car attached garage.

Mr. Jaggi 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-j.

Mr. Braunfeld explained that the property contains an existing 1,503 square foot house with a 128 +/- square foot detached shed on a half-acre lot. The applicant approached the City to replace the existing shed with a new 1,120 square foot garage (28' x 40'). The applicant was informed that the maximum permitted detached garage size is 500 square feet. The applicant indicated they need more space and noted their half-acre lot was more than large enough to accommodate the proposed garage.

Based on this, Gary M. Behnke requests a variance to permit a garage that exceeds five hundred square feet and exceeds fourteen feet in height in the R-1 Single-Family Residential District. The property is located on the south side of West Drive, east of Peach Street – 3909 West 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) it states:

Section 405.130 (Yard Requirements)

H. Yard Requirements:

1. The minimum yard requirements shall apply to each lot.

e. All detached, residential accessory buildings shall not exceed one (1) story or fourteen (14) feet in height. Such residential accessory building shall occupy no more than thirty (30%) percent of the rear yard and shall not exceed five hundred (500) square feet in area.

Mr. Braunfeld noted that the lot is relatively large being a half acre in size and would be able to accommodate a 1,120 square foot detached garage. The applicant has indicated the existing shed would be removed. The proposed garage would be built in the backyard area approximately eight feet from the property line, which is two feet more than the minimum six foot requirement. The height of the garage is estimated to be approximately fourteen feet in height. However, the peak could extend a few inches above the maximum fourteen foot height requirement. It is noted that the applicant's yard is approximately three feet lower than the neighbor's yard which will remove any visual increase in height. The applicant noted that the existing old wood and chain link fence will be replaced with a new vinyl fence. In addition, the existing outside storage will be removed or placed inside the garage, which will improve the look of the property.

In the past, City regulations allowed the maximum size of the garage to be based on the size of the lot. While the regulations generally worked, in a few cases a detached garage was built out of scale with the surrounding subdivision, resulting in a garage that was too large or too tall. In response, the Board of Aldermen changed the regulations to allow no more than a standard two-car detached garage, which would be about 500 square feet. Since the majority of lots in St. Peters are less than 10,000 square feet the 500 square foot requirement fits most lots in St. Peters. However, larger lots like the applicant's, which are one-half acre or more in size, can easily accommodate a larger garage.

A review of the subject lot finds ample space for the proposed garage. The exhibit provided by the applicant shows a residential style garage in keeping with the architecture of the neighborhood. Due to the larger lots in the area, many other homes have detached garages in excess of five hundred square feet, many of which have received variances or were constructed in unincorporated St Charles County, prior to annexation into the City. Also, the applicant has secured access to the garage with a written agreement from the adjacent property owner.

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 street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

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 half acre (19,866 square foot) lot, which can easily accommodate a larger garage. The detached garage size regulations are more applicable to a traditional 7,000 to 10,000 square foot St. Peters lot. Also, the existing shed will be removed as well as miscellaneous outside storage.

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

The applicant would be prevented from installing a garage commensurate with the overall size of the lot and, therefore, it would create a hardship for the applicant.

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

The City regulations do not effectively address larger lots and larger garages; therefore, the property owner would suffer a hardship with a smaller garage. In addition, without the construction of the new garage the existing older shed will not be removed.

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

The property was originally developed in 1957 in unincorporated St. Charles County. Although the current owner has requested construction of a new garage, they did not initially develop the property.

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 construct a new garage in a manner that is compatible with the area and in compliance with the current City Codes, and the old shed on the property will be removed, thereby increasing aesthetics and public safety.

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. Also, with the new construction the garage will be safer, thereby protecting the welfare of the owner and their neighbors.

Based on this analysis it is staff's recommendation that the Board of Adjustment grant the requested variance to allow a 1,120 square foot garage with the following contingencies:

1. The existing shed shall be removed.
2. The maximum size of the garage shall be 1,120 square feet.
3. The maximum height of the garage shall not exceed seventeen (17) feet.
4. The residential garage design shall include.
 - a. Vinyl siding or material of equal or better value as approved by the Planning Department.
 - b. Shingled roof or material of equal or better value as approved by the Planning Department.
 - c. Residential style windows.
 - d. Residential style garage door with decorative man door.

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

Mr. Kendall made a motion and Mr. Trupiano seconded to approve Petition 16-J.

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

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

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

Mr. Trupiano presented the findings of fact as follows:

1. The property is located in Hi-Point Acres Subdivision Lot 5H of Lot 5, more commonly known as 3909 West Drive.
2. The lot is presently zoned R-1 Single Family Residential District.
3. 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. Fann presented the Conclusions of Law for Petition 16-J 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. Trupiano made a motion and Mr. Kendall seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Kendall made a motion and Mr. Fann seconded to adjourn the meeting at 6:50.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Bill Jaggi
Vice Chairman