



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF AUGUST 17, 2016
6:00 P.M.**

CALL TO ORDER

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

ATTENDANCE

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

MINUTES

Mr. Jaggi asked the Board for any comments or questions regarding the minutes of July 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.

OLD BUSINESS

PETITION 16-T:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-T. ZM Management LLC requests a variance for an increase in the density of units per acre and a variance to allow an increase in the building height for future multiple family development. The property is located on the south side of Highway 364, east of Robertridge Drive.

Mr. Jaggi declared the public hearing open to consider Petition 16-T. The petitioner or their agent was requested to step forward to present their petition. Mr. Cliff Heitmann Bax Engineering, was sworn in as the petitioner. Mr. Heitmann explained that the applicant, ZM Management, is looking to develop a site to the west of the Aventura at Mid Rivers apartment complex. The subject proposed development would include 180 units and they would like to increase the building height to three stories. Allowing an increase in the permitted density and an increase in the height of the building are vital to making the project viable.

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-T.

Ms. Powers explained that the applicant, ZM Management LLC, is the owner under contract to purchase and develop a site on the south side of Highway 364, east of Robertridge Drive. The site is currently undeveloped. To the west is the Aventura Apartment development which includes multiple family buildings and related recreation facilities. Aventura includes 120 units in three story buildings. The subject proposed development and the adjacent apartment complex were

originally part of a Planned Urban Development proposed in 2006; that development did not move forward. That PUD plan included 166 units for the subject tract.

Per the R-3A Multiple Family Residential District, the subject site would be permitted 131 units (14 units per acre on 9.346 acres). As part of the proposed Planned Urban Development (PUD), the density of the site could be increased to 152 units (16.3 units per acre)- the developer added recreational amenities, additional landscaping, and enhanced pedestrian access to permit the increased density. The Planning and Zoning Commission and the Board of Aldermen will act on this request in September.

The applicant has indicated that a total of 180 units (19.2 units per acre) is needed to make the project viable. They have prepared a plan that shows fifteen buildings with a mix of one and two bedroom units. It is noted that this further increase in density requires a variance as the density increase linked to the designated design elements in the PUD section of the code has already been applied to the proposed project.

At the July Board of Adjustment meeting the applicant was also requesting an increase in the building height of the units to three stories. This is the typical height of buildings along the Highway 364/Highway 94 corridor; the additional building height has been granted through the PUD process with previous developments. Because this item was delayed the applicant will now request the building height as part of the PUD modification – this is the same process followed by Aventura and Celtic.

Therefore, ZM Management, LLC requests a variance to allow an increase in the density of a proposed Planned Urban Development (PUD). The property is located on the north side of South St. Peters Parkway, east of Robertridge 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) it states:

Section 405.250 "PUD" PLANNED URBAN DEVELOPMENT

E. Project Area Densities.

1. *Density bonuses.* In order to attract developers to utilize the "PUD", the applicant may be eligible for a maximum increase of thirty percent (30%) in the total number of dwelling units upon application for "PUD" change. Such density increases may be granted only by the Board of Aldermen according to the following:

Maximum Percentage Increase	Design Element
10%	For each five percent (5%) net development area (up to thirty percent (30%) devoted to improved usable open space).

5%	Provision of pedestrian ways (pedestrian, bicycle paths).
5%	Provision of tree and shrub planting, including peripheral and interior screen planting and fencing landscaping and parking lots, and the use of existing trees in the plan. This provision is in addition to the required screening requirements.
5%	Creative building site designs, and groupings which take advantage of natural terrain and minimize future water runoff and erosion problems. Basins into the overall design is encouraged. Variations in building design are permissible.
5%	Recreational facilities, not to exceed three percent (3%) for each; swimming, tennis court, and community center or club building.

2. *Calculations of project density.* The Board of Aldermen shall approve the maximum density allowed in any "PUD". In calculating the density for a tract of land, the developer and/or applicant is encouraged to consult the City's Comprehensive Plan (see Future Land Use Map) to assure compatibility and harmony with surrounding densities. If density bonuses (increases) are requested under this Section, the developer is expected to document all site amenities or improvements for the City's review and consideration.

Ms. Powers noted that the Planned Urban Development (PUD) has been used for development in the City increasingly over the last fifteen years. This district allows a mix of use types as well as variations in development conditions; in exchange, the City may place restrictions or conditions on the development to ensure that the final project is compatible and appropriate for the site. Unit density is one development factor the City has used to ensure a development is appropriate for a specific site and compatible with the surrounding area.

As stated above, the original developers were unable to complete the project. Therefore, with the current proposal, a new PUD is needed to allow the completion of the development. As part of the PUD a density bonus is going to be proposed given the amenities that have been incorporated into the development. In recent years the density of multiple-family projects in the region has trended upward, although the city's Code has remained the same. Therefore, recent projects have often included density increases. Celtic to the east of the subject site is developed at approximately twenty units per acre. Aventura is developed at a lower density but the site includes a large area of unusable flood plain area. If that area is not considered, the density of Aventura would be similar.

In the subject case, the site was formerly zoned commercial and then was rezoned to a PUD but was never constructed.. It is adjacent to commercial development and a multiple family apartment development, and it fronts on Highway 94 (Highway364/Page Avenue). When the development was originally proposed, the City approved three story buildings and an increased density of 166

units/18 units per acre, noting the site was in a high traffic area and adjacent to the same use group

Developers have noted that the market is changing whereby renters expect developments with more amenities; therefore, a typically higher density is needed to maintain project affordability. Therefore, the additional story is needed to support the economics of the project. Also, the additional height will be consistent with the other multiple family developments along the corridor, including Celtic and Aventura at Mid Rivers.

Noting the above, staff believes it would be appropriate to allow additional units on the site. The current developer has a track record of completing other projects which helps insure that this site will be completed and be economically viable, rather than the site remaining vacant indefinitely. The proposed increase is approximately two more units per acre over the originally approved density. Staff notes that the applicant requested a postponement of this matter at the July meeting to allow time for the site engineer to review the stormwater issue raised by an adjoining neighbor. The plan has been modified to show an increase in the setback along the south property line; this additional buffer area will allow more area for stormwater as it flows onto the site.

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?

The current market conditions require an increase in the density to make the development economically viable. Also, the density is the standard that has been established in the Highway 364 corridor.

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

Although the overall density of the site will increase, the building layout is elongated to orient to the site configuration. Therefore, the buildings are not crowded and each will have plenty of parking. The density is typical to the corridor and will allow development of the site. A development hardship would be posed if this variance is not allowed.

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

The City code allows a multiple family density and building that is not compatible with the current market. Additional density is needed to create a development comparable to the corridor. Without the proposed variance, development of the property will not be completed.

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

The applicant is developing the property amidst the current market conditions and development patterns in the area. To compete, the additional density is needed. This condition was not the result of the applicants own actions.

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 development would be in harmony with the general purpose and intent of the zoning regulations because the appearance of the site will be similar to the other recent multiple family development in 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 the requested variance to allow an increased density and increased building height subject to the following:

1. The site shall contain a maximum density 180 units.
2. The development shall contain a club house and pool or other amenities as approved on the site plan by the Planning and Zoning Commission.

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-T. Mr. Bryan Aston, developer of Aventura at Mid Rivers, voiced concerns regarding the oversaturation of apartment complexes in this area. Seeing no one else present to comment, Mr. Jaggi closed the public hearing.

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

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

Mr. Stiens Yes
Mr. Fann Yes
Mr. Kendall Yes
Mr. Jaggi Yes
Mr. Trupiano Yes

There being 5 yes and 0 no vote, Mr. Jaggi declared that Petition 16-T was approved.

Mr. Stiens presented the findings of fact as follows:

1. The property is located on the south side of Highway 364/South St. Peters Parkway and east of Robertridge Drive.
2. The lot is presently zoned R-3 Planned Urban Development (PUD) which will be amended.
3. Adjacent zoning and land uses are the R-3 Planned Urban Development and the C-3 General Commercial District.

Mr. Fann 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-T 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. Stiens seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 16-U:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-U. SM Properties c/o Demond Signs, Inc., request a variance to allow an increase in the size of a ground sign. The property is located on Lot 1 of St. Peters Square as recorded in Book 30 Page 85 at the St. Charles County Recorder of Deeds office more commonly known as 577 Mid Rivers Mall Drive. (Schnucks – St. Peters Square)

Mr. Jaggi declared the public hearing open to consider Petition 16-U. The petitioner or their agent was requested to step forward to present their petition. Ms. Sue Demond, Demond Signs, was sworn in as the petitioner. Ms. Demond explained that St. Peters Square shopping center wants to replace their existing 42 foot tall 225 square foot sign, which is an older design and only advertises the shopping center name and Schnucks grocery store. The proposed new sign would be more contemporary and continue to advertise the shopping center and Schnucks but also allow for multi-tenant signage. The new sign would be smaller at 194 square feet and approximately 24 feet tall. Noting this, the applicant is requesting an variance to allow an increase in the size of the ground sign.

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-U.

Mr. Braunfeld explained that St. Peters Square shopping center is located at 577 Mid Rivers Mall Drive and includes a Schnucks grocery market. Schnucks would like to update their existing ground sign. The site is located the intersection of Mid Rivers Mall Drive and Mexico Road which is one of the busiest intersections in the City. The existing 42 foot tall 225 square foot sign is of an older design and only advertises the shopping center name and Schnucks grocery store. The proposed sign would be more contemporary and continue to advertise the shopping center and Schnucks but also allow for multi-tenant signage. The new sign would be smaller at 194 square feet and approximately 24 feet tall.

The site is located in the C-3 General Commercial District. In the C-3 District, City code permits ground signage up to 30 feet in height and 100 square feet in area along with an additional 24 four square feet of changeable copy sign. Alternatively, due to the size and configuration of the shopping center, the City Code permits two 100 square foot ground signs, fifty feet apart and up to twelve feet in height.

When the site was originally developed in 1990 the site was permitted a 250 square foot sign plus an additional 24 square foot changeable copy sign. It is noted that many of the parcels in the area were constructed when the City code allowed all C-3 District signage to be up to 250 square feet in size. The sign code has since been modified to reduce the maximum size for C-3 District properties that do not front Interstate 70 or Highway 364/94 to 100 square feet. Therefore, much of the signage along this corridor is larger than 100 square feet as they meet the older larger criteria. These older signs are legal/non-conforming signs and can remain. When they are substantially renovated or the site they are on is redeveloped, the signs must then comply with the current code.

Noting the above, the applicant has requested a variance to allow an increase in the size of a ground sign. The property is located on Lot 1 of St. Peters Square as recorded in Book 30 Pages 85 at the St. Charles County Recorder of Deeds more commonly known as 577 Mid Rivers Mall Drive. (Schnucks - St. Peters Square)

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 405.745 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.

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

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

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

(3) When multiple tenants occupy a single building on a lot, tenants' signs shall be grouped and placed on the same set of sign supports. Lots with multi-tenant buildings shall be permitted one (1) ground sign at each entrance if the entrances are a minimum of fifty (50) feet apart, measured from the center of each entrance. The signs shall not exceed the maximum sign size permitted per the underlying zoning district, and shall be a maximum of twelve (12) feet in height. Signs within a single shopping center shall have a consistent theme including color and style.

Mr. Braunfeld noted that St. Peters Square is a large multi-tenant commercial shopping center at the intersection of two major roadways, Mid Rivers Mall Drive and Mexico Road. The proposed sign would replace the existing Schnucks sign along Mid Rivers Mall Drive where the sign would continue to be visible from Mexico Road. It is noted that due to the placement of a Hardees restaurant and a sign at the corner of Mid Rivers Mall Drive and Mexico Road, the shopping center sign was shifted south on Mid Rivers Mall Drive and constructed to be visible to Mexico Road.

When the original Schnucks sign was installed the Code only allowed for one ground sign per street frontage and up to 250 square feet and 45 feet tall in the C-3 General Commercial District. The current sign is approximately 225 square feet and 42 feet tall. The proposed sign will be approximately 194 square feet and up to 30 feet tall.

Since the sign was originally installed, the code was modified to reduce the maximum size of a ground sign in the C-3 District from 45 feet tall to 30 feet tall and 250 square feet to 100 square feet plus an additional 24 square feet for changeable copy signs for all properties that do not front to Interstate 70 or Highway 364/94. The code was also revised to allow multi-tenant commercial centers with more than one entrance to have a sign at each entrance as long as they are a minimum of fifty feet apart. The intent of the Code change was to allow enhanced ground signage at the main entrances of standard commercial strip centers and reduce the size and height of any one sign. Due to this code change, Schnucks is now allowed to have two 100 square foot ground signs along Mid Rivers Mall Drive for a total of 200 square feet plus changeable copy signage.

Staff is supportive of allowing the two 100 square foot ground signs to be grouped together and note that the height of the sign will be reduced to comply with the current standards. While the 100 square foot C-3 District signage is generally appropriate for most moderate sized retail/office centers, it does not adequately address the limited number of larger C-3 District shopping centers that do not have highway frontage. In addition, there have been other variances granted to combine signage where the total is the same or less than the maximum permitted, by code. These combined signs typically meet the aesthetic goals of the sign code and reduce sign clutter.

A review of the overall site finds a larger sign than the proposed smaller sign has been at this location for approximately thirty years with no known problems. Combining the permitted two signs into one will reduce sign clutter on a site which can visually hold a larger sign. In addition, the combined sign will not be out of place with the range of sign sizes in the area. Further, the proposed sign will be more contemporary, be slightly smaller than the original, and add important signage for the smaller shopping center tenants.

Given the dominant commercial nature of the site and area, the size of the site, and number of separate ground signs which would be permitted, staff is of the opinion that some variation of the permitted signage is reasonable for 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 applicant is allowed two signs by code which allows for reasonable use of the property. However, combining the two signs into one will reduce sign clutter on the site, provide more contemporary signage, add important signage for the smaller shopping center tenants, and maintain visibility to Mexico Road.

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

If the sign complies with the code, visibility will be limited, especially for the smaller tenants, and may impose a hardship for the applicant. In addition the goal of reducing sign clutter on a site that can visually support a larger sign and the ability to help small businesses will be diminished.

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

The applicant's property is impacted by the size of the development and the distance from the nearby intersection at Mexico Road which imposes a hardship.

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

The site was developed prior to the regulations. In addition, the code does not fully address large developments without highway frontage. These actions are not the result of the applicants 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 the development will be in harmony with the general purpose and intent of the zoning regulations, since combining the two permitted signs into a single sign will not increase overall sign size and will not cause hazards to pedestrian and vehicular traffic or cause blighting within the community. Also, the sign will be slightly smaller than the sign that has been in place at this location for some time.

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 a variance to allow an increase in the size of a ground sign. The property is located on Lot 1 of St. Peters Square as recorded in Book 30 Pages 85 at the St. Charles County Recorder of Deeds more commonly known as 577 Mid Rivers Mall Drive (Schnucks - St. Peters Square) with the following contingencies:

1. The property owner may group the two permitted ground signs together to form a single sign with 200 square feet per side, with a total aggregate size of 400 square feet.
2. The maximum height of the sign shall not exceed 30 feet.
3. As permitted by code a changeable copy sign may be added to the sign.

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-U. 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-U.

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

Mr. Jaggi	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Fann	Yes
Mr. Stiens	Yes

There being 5 yes and 0 no vote, Mr. Jaggi declared that Petition 16-U was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Lot 1 of St. Peters Square as recorded in Book 30 Pages 85 at the St. Charles County Recorder of Deeds Office more commonly known as 577 Mid Rivers Mall Drive. (Schnucks - St. Peters Square)
2. The lot is zoned C-3 General Commercial District.
3. The adjacent zoning is C-3 General Commercial District and R-1 Single Family Residential to the west and C-3 General Commercial District to the south.

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-U 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-V:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-V. Anna Struttmann c/o Rodney Mehlberg requests a variance to permit a reduction in the side yard and rear yard setbacks in the R-2 Single Family Residential District. The property is located on the west side of Peach Street, south of Line Street (1901 Peach Street).

Mr. Jaggi declared the public hearing open to consider Petition 16-V. The petitioner or their agent was requested to step forward to present their petition. Mr. Rodney Mehlberg was sworn in as the petitioner. Mr. Mehlberg explained that the owner of the home located at 1901 Peach Street is preparing to sell the home and determined, through the title review, that the corner of the home extends over the building line and the shed at the rear of the property extends into the side (front) and rear yard easement. To address this, they are requesting the variance as stated.

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-V.

Ms. Powers explained that the current owner of the home located on 1901 Peach Street is preparing to sell the home and determined, through the title review, that the corner of the home extends over the building line and the shed at the rear of the property extends into the side (front) and rear yard and easement. The side yard is actually a front yard because the lot also fronts on Line Street.

To address this, the owners have requested a variance to permit a reduction of the side (front) and rear building setbacks to allow the home and shed to remain as originally built. A variance is also needed to allow a portion of the shed in an easement. The property is located on Lot 1 of Golden Hills Estates Plat One as recorded in book 19 page 80 at the St. Charles Recorder's Office, more commonly known as 1901 Peach Street.

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) it states:

Section 405.130 R-1 Single-Family Residential District

H. *Yard Requirements.*

- a. The minimum front yard depth shall be twenty (20) feet. Roof, canopy, and covered entranceways, including support posts, shall extend no more than four (4) feet over the front building line.
- b. Each side yard width shall be a minimum of ten percent (10%) of lot width as measured at the front building line except lots which are on a cul-de-sac and lot for which the preliminary plat was approved by the City of St. Peters before January 1, 2001 need not have a side yard which is more than six (6) feet wide.

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

3. The minimum distance of an accessory building or structure, including playground equipment, from any side or rear property line shall be six (6) feet.
4. No principal building or structure or accessory building or structure shall be located within or partially within a designated utility easement.

Ms. Powers noted that building setbacks are established to ensure adequate yard area within 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 1976 and the encroachments have been in place since that time. The encroachment of the house is fairly modest and could be the result of an error in the original survey, a field mistake, or pre-dates current county or city zoning regulations.

The shed is similar in nature; that is, it has been in place for forty years. It is having no impact on the site appearance and may pre-date the current regulations. Staff notes the shed encroaches into the easement at the rear of the site and also into the Line Street right-of-way. An agreement with the City for the structure in the right-of-way will be drafted for the new homeowner's signature.

Staff is of the opinion that this variances would be reasonable, noting that the home and shed have been in place for almost forty years. The home and shed are appropriate for the area and the encroachments have been in place for so many years they are part of the vernacular and are not noticeable to a passerby or neighbor. The variance will allow clear title to the property and allow a new owner to move in and utilize the property and home. Staff has verified that no utilities are in the rear easement; the new owner may submit for an easement vacation if they deem it necessary.

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 and accessory shed which has been in place for almost forty years. The encroachment is negligible and not noticeable; requiring removal or significant modification to the home and shed 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 and shed 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, 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 1976 and has been in place for forty years. The current owner did not cause the hardship and was not aware of the encroachments until recently.

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 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 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 the variance to allow the encroachment into the front yards with the following contingency:

1. The existing house and shed may encroach into the side (front) and rear yards and rear yard easement as indicated on submitted exhibit.

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-V. 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-V.

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

Mr. Jaggi	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Fann	Yes
Mr. Stiens	Yes

There being 5 yes and 0 no vote, Mr. Jaggi declared that Petition 16-V was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located on Lot 1 of Golden Hills Estates Plat One as recorded in book 19 page 80 at the St. Charles County Recorder of Deeds Office, more commonly known as 1901 Peach Street.
2. The lot and adjacent lots are presently zoned R-1 Single Family Residential District.

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

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

PETITION 16-W:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 16-W. Travis and Lora Headrick c/o City of St. Peters requests a variance to allow a building across a property line. The property is located on Cave Springs Shopping Center Plat 9 as recorded in Book 21 page 103 at the St. Charles County Recorder of Deeds, more commonly known as 4141-4151 Mexico Road.

Mr. Jaggi declared the public hearing open to consider Petition 16-W. The petitioner or their agent was requested to step forward to present their petition. Ms. Julie Powers was sworn in as the petitioner. Ms. Powers explained that the City is currently constructing road improvements on Mexico Road, east of Jungermann Road. This construction warrants the modification of the entrance into the subject center. During review of the site, it was determined that the site includes two parcels which have never been platted. Therefore, the City initiated platting of the site with the concurrence of the property owners. During the platting process it was noted that the building crossing the property line between the two lots; lot consolidation is not feasible as the owner is selling part of the building and one lot. Noting the owners intentions to sell a portion of the property the City is requesting a variance for a building over the lot line.

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-W.

Ms. Powers explained that the subject site is a small, two lot commercial center located on the south side of Mexico Road, east of Jungermann Road. The City is currently constructing road improvements on Mexico Road which warrant the modification of the entrance to this center. During the review of the site, it was determined that the site includes two parcels which have never been platted. Therefore, the City initiated the platting of the site with the concurrence of the property owners.

The plat includes the creation of the two lots originally established by deed; in addition, a cross access easement is being established and the plat will include a reference to the maintenance of the easement. It was also noted during the platting that the building crosses the property line between the two lots. Lot consolidation is not feasible as the owner is selling part of the building and one lot.

Noting the owner's plans to sell a portion of the property, the City requested a variance for the building over the lot line.

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) it states:

SECTION 405.320 BUILDING, ONE PRINCIPAL OR MAIN BUILDING PER LOT

Except as otherwise specifically provided for in this Chapter only one (1) principal or main building shall be permitted on a lot. No proportion of an area, frontage, or yard required for any lot, building, or use for the purpose of complying with provisions of this Chapter shall be included as an area, frontage or yard of r another lot, building or use.

Ms. Powers noted that the existing building was constructed in 1979 and has operated as a commercial building since that time. The parcel was divided by deed in 2007 but was not platted. During the current road project the City met with the owners regarding the site entrance. As part of that discussion, it was determined that the lots were not platted and also determined that the building crosses the lot line between the deeded parcels. As part of the agreement related to the road construction, the City is facilitating the platting and variance process.

As noted above, the owner plans to sell one of the lots on the subject site. The building has been in place since 1979 and now crosses one of the lot lines originally established by deed and now by plat. While a separate lot for each building is, in general, appropriate as it ensures there is adequate setback and compliance with any building or safety regulations, the subject property has been divided for almost ten years without issue. The current plat and this variance will formalize the existing conditions, allowing the owner to sell a portion of the property.

It is staff's opinion that given that the site layout will not change, the proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in public street, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

Therefore, it is in both the applicant's interest and the general public's interest to allow the existing building to remain across the lot line.

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 existing lot configuration to remain will not alter the current appearance of the site. By bringing the site into conformance the owner can sell a portion of the property and building. The proposed variance allows for the most practical mechanism to accomplish this goal, providing for the reasonable use of the property.

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

The building was built in 1979 and the property was subsequently split by deed. The two lot configuration has been in place for almost ten years; the current platting legally establishes the lots but creates the need for a variance. Given that the site and building have functioned and appear appropriate for the area, a limit at this time on the lot configuration would result in a hardship.

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

The subject property is already in two lots as established by deed; these lots need to be platted. Prohibiting this action because of the building placement would create a hardship on the property and owner.

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

The lots were created by deed in 2007 by a previous owner, not the current owner. This past action would be corrected by the current plat.

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 it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow for the continued use and sale of the facility and, 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 the existing building to remain across the lot line established on Cave Springs Shopping Center Plat Nine – Easement plat.

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-W.. 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-W.

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

Mr. Jaggi	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Fann	Yes
Mr. Stiens	Yes

There being 5 yes and 0 no vote, Mr. Jaggi declared that Petition 16-W was approved.

Mr. Trupiano presented the findings of fact as follows:

1. The property is located on Cave Springs Shopping Center Plat 9 as recorded in book 21 page 103 at the St. Charles County Recorder of Deeds Office, more commonly known as 4141-4151 Mexico Rd.
2. The lot and adjacent lots are presently zoned C-3 General Commercial District.

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

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

Mr. Fann made a motion and Mr. Jaggi seconded to adjourn the meeting at 7:26 p.m. The motion carried unanimously.

Respectfully submitted:

Melissa Vollmer
Recording Secretary

Bill Jaggi
Chairman