



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MARCH 18, 2020
6:00 P.M.**

CALL TO ORDER

Chairman Tom Fann called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Tom Fann; Mr. Bill Kendall; Mr. Brian Stiens; Mr. Bill Jaggi; Mr. John Shetterly; Ms. Julie Powers, Director of Planning, Community and Economic Development; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the February 19, 2020 meeting. Mr. Jaggi made a motion and Mr. Kendall seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

PETITION VAR 20-05

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-05. Rick and Karen Bales request a variance to construct an accessory building (garage) larger than five hundred (500) square feet and an accessory building (garage) that exceeds fourteen (14) feet in height in the R-1 Single Family Residential District. The property is located on the west side of Hidden Lake Drive, north of McClay Road (744 Hidden Lake Drive).

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-05. The petitioner or their agent was requested to step forward to present their petition. Mr. Rick Bales, homeowner was sworn in as the petitioner. Mr. Bales explained that he would like to construct a 1,920 square foot detached garage on his 1.2 acre lot. The garage would be used for a recreational vehicle and personal vehicles. Mr. Bales noted that his lot is large enough to accommodate the larger and taller garage and therefore is requesting the variance as stated.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 20-05. Ms. Powers explained that the subject property is towards the rear of the Hidden Lake subdivision; the 1.2 acre lot currently includes an existing home. The applicant inquired regarding the construction of a larger freestanding garage. The applicant was informed that the maximum permitted detached garage size is 500 square feet in area and 14 feet in height. The applicant indicated they would like more garage space to store their motor home and other collectible vehicles, and that the large lot is more than large enough to accommodate the proposed garage.

Based on this, Rick and Karen Bales request a variance to allow a detached garage to exceed 500 square feet in area and 14 feet in height in the R-1 Single Family Residential District. The property is located on Lot 22 of Hidden Lake Estates as recorded in book 20 page 40 at the ST. Charles County Recorder of Deeds Office, more commonly known as 744 Hidden Lake 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) state:

Section 405.130 R-1 Single Family Residential District.

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 buildings shall occupy no more than thirty percent (30%) of the rear yard and shall not exceed five hundred (500) square feet in area.

Ms. Powers noted that the subject lot is over one acre in size; it would be able to accommodate a 1,920 square foot detached garage. The proposed garage would be located behind the home and served off the end of the existing driveway. The proposed garage will be forty feet by forty-eight feet – adequate area to accommodate a motor home and other vehicles.

Staff notes the proposed garage will be near the north property line. The adjacent lot to the north is also very large – 2.5 acres – and the residence on the adjacent lot is approximately thirty-eight feet from the common property line. Staff notes the adjacent property sits lower than the subject site. To the east are attached residences on Omar Court, which is accessed from Jungermann Road. To the west and south are additional large lots in the Hidden Lake Subdivision. Given the large lots, setbacks, and elevation change, the placement of the proposed lot will have minimum impact on the area, and will be approximately fifty feet from the closest residence.

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, on single-family lots. 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 applicants lot can easily accommodate a larger garage. Staff notes that there have been fifteen similar cases in the last ten years. This indicates that within St. Peters there are still several large lot subdivisions/areas where a larger garage is appropriate.

A review of the subject lot finds ample space for the proposed garage. The lot will still have a large backyard area behind the garage and home. Staff has been advised the proposed garage design will be in keeping with the design of the home, and will include a pitched roof and siding similar to the home. The

applicant has indicated they will provide details of the design at the Board meeting. Staff is of the opinion the garage size and scope will be compatible with the site and area, and will be located so as to be appropriate for the site and area. Staff recommends a contingency that the final design be subject to staff approval.

Regarding the additional height, staff notes this is needed largely to accommodate the pitched roof which will allow taller recreational vehicles. The overall height of twenty feet will not exceed the height of the single family home on the property and is designed to match/complement the house roofline. The height of the garage will not negatively impact the area given the large lots, the topography, the layout, and the wooded nature of the surrounding properties.

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

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 not allow the applicant to fully utilize the value of their large 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. Similarly, height consistency is more important in a traditional subdivision.

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?

City regulations do not effectively address larger lots and larger garages; therefore, the property owner would suffer a hardship with a smaller garage.

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

The property was originally developed in 1980. At that time, there was no limit on garage size in the City Code; size limitations were added later to address issues on standard subdivision lots. This disconnect between lot size and garage size was not due to the applicant's 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 property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to construct a garage in a manner that is compatible with the area and subject lot.

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 it is staff's recommendation that the Board of Adjustment grant the requested variance to allow a 1,950 square foot garage and increased height of fourteen (14) feet with the following contingencies:

1. The proposed garage design shall be compatible with the residence on the property.
2. The final design of the garage shall be as approved by the Planning Department.

Mr. Fann 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 to comment on Petition VAR 20-05. Mr. Fann noted that an email in support of this variance was received from Pat and Beth Vogel, 748 Hidden Lake Drive. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Shetterly seconded to approve Petition VAR 20-05.

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

Mr. Stiens	Yes
Mr. Shetterly	Yes
Mr. Kendall	Yes
Mr. Jaggi	Yes
Mr. Fann	Yes

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-05 was approved.

Mr. Jaggi presented the Findings of Fact as follows:

1. The property is located on Lot 22 of Hidden Lake Estates as recorded in book 20 page 40 at the St. Charles County Recorder of Deeds Office, more commonly known as 744 Hidden Lake Drive.
2. The lot is presently zoned R-1 Single Family Residential District.
3. Adjacent zoning is R-1 Single Family Residential District.

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

Mr. Shetterly presented the Conclusions of Law for Petition VAR 20-05 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. Jaggi seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Jaggi made a motion and Mr. Kendall seconded to adjourn the meeting at 6:20 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman