



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MAY 15, 2019
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. Brian Stiens; Mr. John Shetterly; Mr. Bill Jaggi, Mr. Tom Fann; Mr. Bill Kendall; Ms. Julie Powers, Director of Planning, Community & Economic Development; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the April 17, 2019 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 would be a joint work session held on May 29th and asked the Board Members to RSVP as soon as possible.

PETITION 19-I

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-I. PFEM Hall and Property Board, LLC requests a variance to allow a temporary building on a property in the C-3 General Commercial District. The property is located at 115 McMenamy Road.

Mr. Fann declared the public hearing open for consideration of Petition 19-I. The petitioner or their agent was requested to step forward to present their petition. Mr. Chris Marshall, PFEM Hall and Property Board, LLC, was sworn in as the petitioner. Mr. Marshall explained that he would like to install a dome canopy over their existing sand volleyball courts. The dome's canopy will be supported by air pressure and attached to the ground with anchors. Mr. Marshall noted that the dome canopy would be used during the winter months to allow the PFEM Hall to continue their sand volleyball leagues year round. Mr. Marshall noted that they provided a street view photo simulation of what the temporary structure would look like, as requested at last month's meeting.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-I. Ms. Powers explained that the subject facility is located on McMenamy Road; it includes a restaurant and banquet facility and outdoor volleyball courts. The proposed project includes the addition of a removable air canopy dome over the existing sand volleyball courts. The dome's canopy will be supported by air pressure and attached to the ground with special anchors. The owner intends to erect the dome for approximately six months a year, from mid fall to mid spring, to allow use of the existing volleyball courts during the winter months. The proposed dome will be adjacent to the existing firefighter's facility and will be approximately 230 feet long, 100 feet wide and 33 feet tall; the facility will be climate controlled to allow consistent use. The applicant has indicated this temporary structure will allow year round use of the

facility, thereby generating income and tax revenue during now dormant months. The applicant has also indicated the demand for sand volleyball facilities during the colder months of the year.

During review of the site plan and building elevations for the proposed structure, staff advised the applicant that a variance will be needed to accommodate the proposed temporary structure repeatedly on the property. The code allows temporary structures to be approved by the building commissioner only in conjunction with emergencies or during active construction of a permanent building.

The variance request was initially reviewed at the April 2019 Board of Adjustment meeting. At that time the Board held action and requested a photo simulation/street view of the new facility to allow better evaluation of the proposed building. The applicant has provided the photo simulations for the Board's review of the facility.

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 405.300 Building Structures for Temporary or Emergency Use

- A. No temporary structure (including trailers, mobile or modular homes) shall be occupied for any residential, commercial or industrial use except as specifically permitted or required by this Chapter. However, the City Building Commissioner may allow a temporary office or shelter incidental to new development. Occupancy of structures for emergency conditions such as fire, explosion or disaster shall be allowed until conditions are abated.

Ms. Powers noted that the existing facility has been operating at the subject location since 2009. In general, it is a facility used by the members and the community and it has operated without issue at this location. The sand volleyball courts are buffered to the west by large trees and an existing chain link fence - this tree line assists in buffering the residential development to the west. To the south is also a residential development - the existing building on the subject property would partially block the dome from the south, but it would be visible over the existing building. Staff notes that, since the last meeting, a concept plan has been submitted with a bocce ball pavilion and new parking, and the removal of the existing house on the subject site. The house adjacent to the west will remain. To the north and east are commercial shopping centers.

As noted before, the applicant is requesting the temporary use of a dome structure during the winter months. Typically, temporary uses have been approved on a yearly basis since the projects were highly mobile or transient. In this case the applicant would be investing several hundred thousand dollars and is requesting a long-term multi-year approval. In general, there is substantial commercial activity in the site area, especially to the east and north. The architectural design of the proposed dome creates a simple shape which is generally unobtrusive to the commercial uses and should, therefore, have limited visual impact on the commercial uses in the area.

The west side of the site faces residential uses, and other residential uses across the street to the south. Given the buffering of the trees on the west, and the building on the south, coupled with the temporary

nature of the structure which will be installed only during the winter months, the dome structure may be a reasonable temporary building for the proposed use. Staff notes that additional landscape materials on the west side of the site would further buffer and may reduce the mass of the dome from some nearby residential uses. The Planning Commission suggested pine trees be added to this buffer area.

Staff notes that the design of the temporary structure was recently reviewed and approved by the Planning Commission. They approved the design at the April 3, 2019 Planning Commission meeting, noting that noise standard compliance needs to be verified, and additional landscaping should be reviewed and added if buffering can be enhanced; this includes the pine trees referenced above. Also, the Commission requested a sight line study from McMenemy Road be provided so the visibility of the proposed temporary structure can be evaluated. This was requested by the Board at the April meeting.

Staff also advised the Commission that, in conjunction with the review of the temporary building by the Board of Adjustment, it will be recommended that the temporary building be authorized for three years/six months per year to ensure the building can be used without issue for the site area. Staff notes that a shorter time would not be realistic given the investment by the applicant. Upon review of the recent photo simulation, staff is of the opinion additional years may be reasonable given the placement of the bocce ball pavilion in front of the facility. After review with the Board, staff believes this length of time should be specific in the contingencies.

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 property is currently developed and being used for a restaurant, meeting facility, banquet facility and sand volleyball. The temporary structure will allow the outside area to be used during the winter months. This additional use will allow more reasonable use of the property, as the volleyball season will be extended.

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

The code limits temporary building to ensure they are typically used during construction or emergencies, and for a limited time. However, there are instances, especially with institutional uses, where temporary buildings serve a short-term need; several of those institutional uses have obtained variances, with several extending indefinitely or for several years. Therefore, in certain cases, the regulations do create a hardship.

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

The site is currently developed with a viable, active use and is zoned commercial, which does not create a hardship. The limitation on the use of the volleyball courts during winter months poses a hardship for the owners.

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

The hardship for the facility is the inability to use the courts during the winter months; this is a result of the climate and the demand for courts. While this is not a hardship resulting from site conditions, addressing this need makes practical sense for the facility.

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, as the facility is currently operating to include a sports facility. This expanded use will not cause hazards to pedestrian and vehicular traffic, or cause blighting within the community.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent, and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis staff recommends approval of the requested variance to permit a temporary building with the following contingencies:

1. The temporary building shall be generally as shown on the attached exhibit.
2. The temporary building shall be installed for a maximum of six (6) months per year.
3. The temporary building may be installed for a number of years specified by the Board of Adjustment.

Mr. Jaggi made a motion and Mr. Stiens seconded to revise the contingencies to read as follows:

1. The building shall be generally as shown on the attached exhibit.
2. The building shall be installed for a maximum of six (6) months per year.
3. The building may be installed on a seasonal basis for fifteen (15) years.

The motion carried unanimously.

Mr. Fann asked if any of the board members had questions for Ms. Powers. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-I. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Fann made a motion and Mr. Stiens seconded to approve Petition 19-I.

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, 0 no vote, Mr. Fann declared that Petition 19-I was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located on the north side of McMenemy Road, west of Mid Rivers Mall Drive, more commonly known as 115 McMenemy Road.
2. The lot is presently zoned C-3 General Commercial District.
3. The surrounding zoning is C-3 General Commercial District to the north and a mix of residential development in the R-3 District and Commercial development in the C-2 Community Commercial District to the south.

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

Mr. Jaggi presented the Conclusions of Law for Petition 19-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. Jaggi seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 19-F

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-F. Ameren Missouri requests a variance to allow a ground sign in the C-1 Neighborhood Commercial District. The property is located on the east side of Algana Drive, north of Interstate 70, on Lot 22 of Cherokee Industrial Park Plat Two, more commonly known as 15 Algana Drive.

Mr. Fann declared the public hearing open for consideration of Petition 19-F. The petitioner or their agent was requested to step forward to present their petition. Mr. Steven Underwood, Ameren, was sworn in as the petitioner. Mr. Underwood explained that Ameren is in the process of building an electric substation on Algana Drive that will service the Lakeside 370 District. As part of the electric codes, a chain link fence cannot be grounded properly if it is vinyl coated; therefore, he is requesting a variance from this portion of the City Code that requires chain link fences to be vinyl coated.

Ms. Julie Powers was sworn in to present the City's position on Petition 19-F. Ms. Powers explained that Ameren is constructing an electric substation on a tract on the east side of Algana Drive, north of Interstate 70. Ameren has owned the subject property for some time; they have indicated the construction of the new substation is needed to address the development in Premier 370, ensuring there will always be reliability in the electric network. The site area is substantially industrial and commercial with multi use industrial buildings to the northwest and west, and an auto dealer further to the west. Immediately to the north are vacant tracts zoned I-2 Heavy Industrial District.

The project includes the placement of an Ameren substation which includes transformers and other associated equipment within a fenced and gated area. The front of the site includes a paved entrance and circulation area; the area around the perimeter and the entire area of the site will be grass. The area within the fence, and just outside the fence, will be gravel as required by the applicable electric design standards. During plan review, the applicant indicated the fence would be eight feet high with barbed wire and will not be coated because of substation design. Steff advised them that the height and barbed wire can be approved by staff but the removal of the coating requires a variance from the Board of Adjustment.

Access to the facility will be from Algana Drive. Activity at the site would be minimal and typically limited to occasional daytime inspections or maintenance. The substation will include one light within the fence. The overall landscape plan is simple but will add some trees to the general area as is appropriate in a largely industrial area. Seven trees are planned near the entrance of the site; additional landscaping will be added during construction as field conditions allow. To the rear of the site, along Executive Centre Boulevard and existing tree line will provide adequate screening.

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 405.360 Fence Requirements:

E. Fence Regulations for all "C" (Commercial) and "I" (Industrial) Districts:

7. Fences constructed of chain link that area located within commercial and industrial zoning district shall be coated with vinyl.

Ms. Powers explained that the substation being developed is within a largely industrial area. The fenced substation sits one hundred feet back from Algana Drive; paved areas and grass landscape area is within this setback area. As previously noted the code includes a requirement that chain link fencing in commercial and industrial areas by vinyl coated. This was added in 2014 after it was used in several developments. Staff noted, and the Board of Aldermen agreed, that the appearance of the fence when coated was much more attractive and the longevity increased.

The applicant has indicated that with the current project, coated fencing cannot be used because of the electrical activity at the substation. The applicant is proposing the use of uncoated chain link with three strands of barbed wire on top of the fence.

In general, staff believes the coated fencing is a small modification with large results. However, staff also notes that there are instances where the nature of the use is such that the vinyl coating may not be applicable. In this case, the vinyl will not be compatible with the substation use.

Noting this, staff recommends additional landscaping be added to the grass area north of the facility entrance. This buffer along the front, coupled with the one-hundred foot setback, should minimize the impact of the industrial fence.

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?

By allowing for the fencing without vinyl coating, the completion of the needed substation can be realized. If vinyl coating is required, the substation cannot be operational, thereby preventing the reasonable use of the property.

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

The code was amended five years ago after the use of vinyl coating was observed. Although this fence coating has largely improved the appearance of chain link fencing in non-residential applications, there are unique circumstances where coating fencing is not appropriate. The strict application in those circumstances would be a hardship.

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

The site is being developed with a substation which has unique requirements; the property, which is zoned industrial, does not suffer a hardship. It is the development of the site with the utility facility that results in the hardship.

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

The applicant purchased the property some time ago and is now developing the site. While it is the applicant's actions leading to the development, these actions are a result of the development impact from the large industrial users attracted and approved by the City. Therefore, the hardship is a result of the unique development requirements brought on by the overall industrial development in the area.

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, as the fencing will be similar to the other fencing in the area and will not cause hazards to pedestrian and vehicular traffic, or cause blighting within the community.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will have been able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis, staff recommends approval of the requested variance to permit chain link fencing without vinyl coating with the following contingency:

1. Additional landscape materials will be added north of the site entrance as coordinated with the Planning Department.

Mr. Fann asked if any of the board members had questions for Ms. Powers. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-F. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition 19-F.

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, 0 no vote, Mr. Fann declared that Petition 19-F was approved.

Mr. Shetterly presented the Findings of Fact as follows:

1. The property is located on the east side of Algana Drive, north of Interstate 70, more commonly known as 15 Algana Drive.
2. The lot is presently zoned I-2 Heavy Industrial District.
3. The surrounding zoning is C-3 General Commercial District to the south and southwest and I-2 Heavy Industrial District to the north. Across Executive Centre Parkway to the east is residential development in an R-3 PUD and the C-3 General Commercial District.

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

Mr. Jaggi presented the Conclusions of Law for Petition 19-F 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. Shetterly made a motion and Mr. Kendall seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION 19-J

Mr. Fann stated that the purpose of the meeting was to consider Petition 19-J. Dodd Holdings, LLC, requests a variance to allow a ground sign in the C-1 Neighborhood Commercial District, a reduction in the rear yard building setback, and a reduction in the width of a drive aisle. The property is located on the south side of Veterans Memorial Parkway, west side of Clover Lane, more commonly known as 7361 Veterans Memorial Parkway.

Mr. Fann declared the public hearing open for consideration of Petition 19-J. The petitioner or their agent was requested to step forward to present their petition. Mr. Brian Dodd, Dodd Holdings, LLC, was sworn in as the petitioner. Mr. Dodd explained that they are converting the property at 7361 Veterans Memorial Parkway into a law office. They are renovating the residential style house and a modest expansion of the parking lot. During the site plan process it was determined that a portion of the driveway width would need to be reduced and that corner of the existing building encroached into the side yard setback. Also, in the C-1 Neighborhood district, ground signs are not permitted; however they would like to install a ground sign for better visibility.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition 19-J. Mr. Braunfeld explained that the subject property is located at the southwest corner of Veterans Memorial Parkway and Clover Lane (7361 Veterans Memorial Parkway), which is also the entrance to the Cottage Hills Subdivision. The current zoning of the property is C-1 Neighborhood Commercial District. The property was originally developed as a single-family residence. In the 1970's the property was converted for use as a daycare. Subsequent to the daycare it was used as a contractor's office and then as a residence with a psychic shop. The residential/psychic shop use required a variance, for the mixing of commercial and residential uses and was granted via Petition 10-S.

The current owner is converting the property for use as a law office. This includes renovation of the residential style house and a modest expansion of the parking lot. Staff has been working closely with the owners to develop a site plan to meet the needs of the law office, requirements of the code and minimize any impact to the neighborhood. During this process it was determined a portion of the driveway width would need to be reduced to twenty-two feet. It was also discovered that a corner of the existing building encroached into the side yard setback. In addition, although the property fronts to Veterans Memorial Parkway and Interstate 70, it is zoned C-1 Neighborhood Commercial District which does not permit ground signs.

Based on this the applicant requests a variance to allow a ground sign in the C-1 Neighborhood Commercial District, a reduction in the rear yard building setback, and a reduction in the width of a drive aisle for property located at 7361 Veterans Memorial Parkway.

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) state:

Section 405.745 (D)(1) Ground Signs:

- a. Ground signs as described above shall be permitted as follows:
 - (1) "C-1" Neighborhood Commercial. No ground sign permitted.
 - (4) Ground signs shall not extend nearer than ten (10) feet to the public right-of-way (as measured from the sign edge).

Section 405.190 C-1 Neighborhood Commercial:

- F. Yard Requirements.
 - 2. Side yard. Side yard width shall be ten (10) feet except when adjacent to a residential district, then twenty (20) feet is required.

Section 405.550 Off-Street Parking:

Size. Off-street parking spaces shall be designed and sized to accommodate standard size automobiles in accordance with standards contained herein.

- 1. *Standard size automobiles.* Off-street parking spaces for standard size automobiles shall be designed as follows:

A	B	C	D	E	F	G
30°	9.0	17.25	12.0	18.0	46.5	38.7
45°	9.0	20.8	13.0	12.7	54.3	47.9
60°	9.0	21.0	18.0	10.5	60.0	55.5
90°	9.0	19.0	24.0	9.0	62.0	—

KEY

- A. Parking Angle
- B. Stall Width (feet)
- C. 19 foot minimum stall to curb
- D. Aisle Width (feet) With Aisle Between (feet)
- E. Curb Length Per Car (feet)
- F. Curb to Curb (feet)
- G. Center to Center Width of Double Row

Mr. Braunfeld explained that the property is located at the southwest corner of Veterans Memorial Parkway and Clover Lane with direct frontage to Interstate 70. To the east is Clover Lane beyond which is the Cottage Hills subdivision. To the south is a vacant residential lot also owned by the applicant. To the west is a two acre lot, containing a single-family house that was recently annexed into the City of St. Peters and zoned C-2 Community District.

The provisions of the sign ordinance regulating the number, size, and height of signs within a particular zoning category has proven to be an effective tool to reduce visual clutter and improve aesthetics. The C-1 Neighborhood Commercial District was designed for properties located close to residential areas and prohibits ground signs to maintain as unobtrusive a commercial presence as possible. In this case, the subject lot faces Veterans Memorial Parkway and Interstate 70. It is noted other commercial properties in the near vicinity are permitted ground signage based on their C-2 Community Commercial District or C-3 General Commercial District zoning classification.

Throughout the community, the City has been sensitive to residences that are near properties that have converted from one use to another such as institutional to commercial. The City has worked to maintain appropriate buffering, lighting, signage etc. during these transitions.

The proposed sign will be up to fifty square feet and placed parallel to Veterans Memorial Parkway and Interstate 70. This will prevent any view from the adjacent residential neighborhood. It is also noted the sign will be setback approximately two feet from the property line. This will allow a driveway and parking to be placed between the existing building and Veterans Memorial Parkway. It is also noted that the pavement of Veterans Memorial Parkway is fifty feet from the edge of the right-of-way line, creating a substantial visual setback.

The existing building has been at this location since 1950. During that time it has been used for both residential and commercial uses with no known problems. Due to the orientation of the building on the lot, only a small corner of the building encroaches into the side yard setback. An evaluation of the existing conditions finds the very minor encroachment makes no visual difference to the surrounding properties. Further, the applicant is also the owner of the adjacent vacant lot and any future development will be aware of the encroachment.

Due to the fixed position of the building on the lot and frontage to Veterans Memorial Parkway, the available parking lot designs are limited. Since the site is limited to a small office or retail use, which will have limited traffic, a small reduction in the driveway width will not create a hazard. In addition, the proposed parking lot will allow for future access directly to Veterans Memorial Parkway, reducing commercial traffic on Clover Lane.

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 streets, 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?

The applicant would not be permitted ground signage to identify the business and entrance to the property in an area that permits other nearby properties ground/pole signage, and the limited reduction in the driveway width will facilitate improved parking on the site while reducing traffic on Clover Lane, and there are no practical alternatives to the minor building encroachment. Together, these would have a negative impact on the subject property.

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

The code allows no ground signs for this property, nor is there a practical alternative to the reduction in the driveway width, or existing building placement, which together creates a hardship for this user.

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

Other commercial properties along this corridor are permitted ground signage. The subject site is not allowed signage; the variance will allow the subject property to reasonably identify the applicant's business to Veterans Memorial Parkway and Interstate 70. In addition, there is no practical alternative to the reduction in the driveway width, or existing building placement.

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

Prior to the current owner, the property transitioned to light commercial and offices uses in the C-1 District. This zoning district does not allow commercial signage. Appropriate signage is necessary to identify the property to facilitate safe access to the business. In addition, there is no practical alternative to the reduction in the driveway width, or existing building placement.

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 will be in harmony with the general purpose and intent of the zoning regulations, since the sign will be of an appropriate size and placed in a location which will not interfere with adjacent residential uses or cause blighting within the community. In addition, the limited reduction in the driveway width will not interfere with the flow of traffic, nor will the existing building encroachment make a visual difference to the surrounding properties

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's recommends approval of the requested variance to allow a ground sign in the C-1 Neighborhood Commercial District, a reduction in the rear yard building setback, and a reduction in the width of a drive aisle with the following contingencies:

1. The ground sign shall not exceed fifty (50) square feet.
2. One ground sign shall be permitted facing Veterans Memorial Parkway/Interstate 70.
3. The ground sign may be placed within two feet of the property line along Veterans Memorial Parkway.
4. The ground sign shall comply with all other City code requirements.
5. The two-way driveway width may be twenty-two (22) feet.
6. The building setback along the south property line may be fifteen (15) feet.

Mr. Fann asked if any of the board members had questions for Mr. Braunfeld. Mr. Fann asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 19-J. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Stiens seconded to approve Petition 19-J.

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, 0 no vote, Mr. Fann declared that Petition 19-J was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The subject property is located at 7361 Veterans Memorial Parkway
2. The property is zoned C-1 Neighborhood Commercial District.
3. The City of St. Peters zoning and subdivision regulations do not permit ground/pole signs in the C-1 Neighborhood Commercial District.

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

Mr. Shetterly presented the Conclusions of Law for Petition 19-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. Jaggi made a motion and Mr. Stiens 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 7:10 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman

