



**MINUTES BOARD OF ADJUSTMENT  
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF MAY 20, 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 March 18, 2020 meeting. Mr. Jaggi made a motion and Mr. Stiens 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 20-06

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-06. QuikTrip Corporation – QuikTrip Store #606 requests a variance to allow an increase in the height of the ground signs. The property is located on Lot 1 and Lot 2 of Carey Acres, as recorded in Book 27 Page 144 at the St. Charles County Recorder of Deeds, more commonly known as 3000 Mid Rivers Mall Drive.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-06. The petitioner or their agent was requested to step forward to present their petition. Ms. Gwen Keen, QuikTrip Corporation, was sworn in as the petitioner. Ms. Keen explained that the QuikTrip at Mid Rivers Mall Drive and Willott Road is being removed and replaced with a new “mini” QuikTrip Kitchen concept facility. The would like to replace their existing 15 +/- foot ground signs with a similar sized sign. Since the installation of the existing signs many years ago, the sign regulations have changed and now only allow for twelve foot tall signs. Due to this, QuikTrip is requesting a variance to allow the new 15 +/- foot ground signs.

Ms. Julie Powers was sworn in to present the City’s position on Petition VAR 20-06. Ms. Powers explained that the Planning and Zoning Commission approved a replacement QuikTrip gas station/c-store at the southeast corner of Mid Rivers Mall Drive and Willott Road. The existing facility will be removed and replaced with a new “mini” QuikTrip Kitchen concept facility. The existing building/canopy location, access, and parking will remain the same.

It is noted that the existing facility was constructed prior to the current requirement for a gas station/c-store to obtain a special use permit in the C-2 Community Commercial District. As part of the redevelopment,

QuikTrip submitted and was granted a special use permit by the Planning and Zoning Commission at the December 4, 2019 meeting.

The applicant wishes to replace their existing fifteen foot +/- ground signs with a similar sized sign. Since the installation of the existing signs many years ago, the sign regulations have changed, and now allow for twelve foot tall signs. It is noted this request is the same as was granted during the rebuild of the QuikTrip at Jungermann Road and McClay Road.

Based on this, QuikTrip Corporation – QuikTrip Store #606 requests a variance to allow an increase in the height of the ground signs. The property is located on Lot 1 of Jungermann-McClay Station Plat Four as recorded in Book 48 Pages 338-340 at the St. Charles County Recorder of Deeds more commonly known as 3847 McClay Road.

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 405.745 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:

(2) "C-2" Community Commercial. The maximum height may not exceed twelve (12) feet...

Ms. Powers noted that the site is located in the C-2 Community Commercial District. In the C-2 District, City code currently permits ground signage up to twelve feet in height and fifty square feet in area, along with an additional twenty-four square feet of changeable copy signage, for a total of seventy-four square feet. It is noted that the size of the proposed QuikTrip sign is approximately seventy square feet, less than the maximum, and will not require a variance. Prior to this standard, City code allowed signage in the C-2 District to be a maximum height of twenty-five feet tall. Therefore, many redevelopments find their existing signage to be legal/non-conforming. This allows the signs to remain as is, but when the sign is substantially renovated, or the site they are on is redeveloped, the signs must then comply with the current code.

As part of the complete redevelopment of the site, QuikTrip would like to install new modern signage. The standard QuikTrip sign would match the height of the existing signs which are approximately three feet taller than now permitted. QuikTrip noted that one reason they have standardized the size of their signs is to standardize maintenance and permit quicker replacement of damaged panels. It is noted the new QuikTrip signage will display the fuel price digitally in place of the former manual changeable copy signage. They also noted the height will allow for the site to maintain the same visibility as they currently have.

Staff notes the base of the sign is three feet tall raising the sign from the permitted twelve feet to the proposed fifteen feet. It is also noted the sign code does not count non-signage enhancements towards the maximum sign face area. This may include a more decorative support structure, cabinet, or base. In this case, the code does not allow any flexibility in the interpretation of the signs height, thus the base must be included. While the height of a sign is an important element in the regulation of signage, it is not the only element. In this case, it is reasonable to examine an increase in height, if it improves the visual appeal of the sign. The proposed sign can be permitted without the base; however, with the base it will improve the proportions and thus the aesthetics of the sign. Overall, the proposed vertical monument style sign is straightforward and attractive. Therefore, the addition of the base helps to fulfill the spirit of the sign code by adding visual balance to the sign while maintaining consistency along this commercial corridor.

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 a slightly taller sign, the sign base will improve the proportions and aesthetics of the sign, and it will maintain appropriate visibility along the commercial corridor, therefore, ensuring a reasonable return.

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

If the signs complied with the code, the aesthetics of the sign will be diminished and may impose a hardship for the applicant and diminish the aesthetics of the commercial corridor.

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

The applicant's property will be impacted because they will be prevented from incorporating a base, which allows for a more attractive sign, and furthers the spirit of the sign code. The addition of the base provides a visual balance to the sign, while maintaining consistency along this commercial corridor. Together, these impose their respective hardships.

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

The site is being redeveloped with a more attractive and upgraded facility, which will provide new services to the public. The provision of new services and the aesthetic improvement to the site will further the goals of the City. It is also noted the exterior property lines are fixed and the existing road grades cannot be changed; therefore, the hardships have not been self-imposed.

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 the very limited height increase will improve the aesthetics of the sign 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 to allow an increase in the height of the two permitted ground signs to a maximum of fifteen feet, 5 inches (15.5).

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 VAR 20-06. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Kendall made a motion and Mr. Jaggi seconded to approve Petition VAR 20-06.

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 20-06 was approved.

Mr. Jaggi presented the Findings of Fact as follows:

1. The property is located on Lot 1 and Lot 2 of Carey Acres, as recorded in Book 27 Page 144 at the St. Charles County Recorder of Deeds, more commonly known as 3000 Mid Rivers Mall Drive.
2. The lot is zoned C-2 Community Commercial District.

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

Mr. Stiens presented the Conclusions of Law for Petition VAR 20-06 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. Shetterly seconded to enact the Conclusions of Law. The motion carried unanimously.

PETITION VAR 20-07

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-07. Susan Taylor requests a variance to allow a structure (shed) within six (6) feet of the side and rear property lines and in an easement in the R-1 Single Family Residential District. The property is located on Lot 6 of Green Forest Estates as recorded in Book 32 Pages 27-30 at the St. Charles County Recorder's Office, more commonly known as 11 Green Pines Circle.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-07. The petitioner or their agent was requested to step forward to present their petition. Ms. Julie Hernandez and Ms. Susan Taylor, 11 Green Pines Circle, were sworn in as the petitioners. Ms. Hernandez explained that they have a 17'x13' shed on a concrete pad in their back yard. Recently, the property owner behind them at 509 Hope Court obtained a survey and found that their fence was over the property line. After further review it was determined that the other fences are also not in the correct location. This fence was then removed by the owner of 509 Hope Court. In addition, the survey showed that Ms. Taylor's shed and concrete pad was 0.3 feet from the property line with the shed's roof eave hanging a few inches over the property line. After discussions with the City, Ms. Hernandez noted that the shed was shifted on the concrete pad approximately two feet away from the property line, placing the roof eave approximately one foot from the rear property line. In addition, the shed is within the side and rear general utility easement. Noting all of this, Ms. Hernandez explained that this is why they are requesting the variance as stated.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 20-07. Ms. Powers explained that the property at 11 Green Pines Circle Drive contains a 2,098 square foot two story house with a 221+/- square foot (17' x 13'), shed on a concrete pad in the back yard. Recently the property owner to the rear at 509 Hope Drive obtained a survey and found the 11 Green Pines Drive fence was over the property line. It is noted that when the fence was installed by the applicant, it was installed in good faith, as it was placed in line with other neighboring fences. After further review it was determined the other fences are also not in the correct location. This fence was then removed by the owner of 509 Hope Court. In addition, the survey showed the subject shed's concrete pad was 0.3 feet back from the property line with the shed's roof eave hanging a few inches over the property line.

Subsequent to various discussions between the City and the two property owners, the subject shed was shifted on the concrete pad approximately two feet away from the property line, placing the roof eave approximately one foot from the rear property line. It was also determined the shed's eave and concrete pad are approximately one foot from the side property line. In addition the shed is within the side and rear general utility easement.

Based on this, Susan Taylor requests a variance to allow a structure (shed) within six (6) feet of the side and rear property lines and in an easement in the R-1 Single Family Residential District. The property is located on Lot 6 of Green Forest Estates as recorded in book 32 Pages 27-30 at the St. Charles County Recorder's office, more commonly known as 11 Green Pines Circle.

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

H. Yard Requirements:

1. The minimum yard requirements shall apply to each lot.
  - d. Detached accessory buildings may not be used as dwelling units and shall be located in a rear yard. Detached accessory buildings shall be set back at least six (6) feet from the side and rear lot lines and shall not be located within a public easement. It shall also not be located nearer the front lot line than the main building. . .

SECTION 405.270: ACCESSORY BUILDINGS OR STRUCTURES, ALTERATIONS AND ADDITIONS

All accessory structures shall be permitted with the following provisions and requirements:

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 the encroachment of the subject shed was found on a neighbor's survey. Based on this, the applicant shifted the existing shed back as much as practical to remove the encroachment over the property line and create a setback to the property line. The shed's current location places the edge of the roof eave approximately one foot from the rear property line and the sidewall of the shed approximately one foot from the side property line. It is noted that the zoning code classifies a shed as a structure and subject to building setbacks; however, a concrete pad is not considered a structure and is not subject to the setback requirements.

A review of the existing shed finds it is of moderate size and in good condition. The shed has vinyl siding and a shingled roof that compliments the architecture of the house. The shed has an access door facing towards the applicant's house and away from the neighbors and will be used for storage and home projects. Previously, the shed has been in place for many years without causing difficulty for any of the neighbors. It is noted that there is an existing six foot tall sight proof fence along the side property line. Staff also understands that the rear property owner, who obtained a survey, will be installing a new sight proof fence along the rear property line.

As noted, the adjacent lots are or will be fenced, so that only about the top third of the shed will extend above the fence. In addition, the neighbor's backyard view may be improved with the shed less noticeable off to the side. The location of the shed will also benefit the applicant by leaving more of their rear yard open.

In general it is important to protect easements and prohibit structures from being built in an easement. In this situation the easement does not contain any known utilities. In addition, the subdivision is over twenty-five years old and it is unlikely additional utilities will be installed. However, if new utilities are required, today's technology would allow for directional underground boring that will not typically require the relocation of the shed.

Given the age of the subdivision and that the easement is not used, the variance will not have a negative impact. The granting of the variance will not relinquish the property owner from any easement rights that have been granted to the City or other utility companies. In essence, the property owner will proceed at their own risk and are free to deal with the other utility companies on the encroachment.

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. Further, staff is of the opinion the relocation of the existing shed further from the property line would not merit reconstruction of the shed and would not improve its appearance from the adjacent properties.

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 applicants to fully utilize the value of their property as the rear yard would be interrupted by the placement of shed.

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

The applicants would be forced to shift the shed toward the center of the lot and, therefore, it would create a hardship for the applicants because they would have less usable area in their side and rear yard.

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

The City regulations typically apply without issue; however, it is impractical to move the shed more than it has already been moved and the shed has been at this general location for many years. Allowing the placement of the shed to remain will allow more efficient use of the property.

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

The owner placed the shed many years ago and recently relocated it as much as practical. The current location allows for reasonable use of the rear yard 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 property would be in harmony with the general purpose and intent of the zoning regulations since the owner would be able to use their yard in a manner that is compatible with 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 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 shed within the six foot rear yard and side yard setback and within a utility easement with the following contingencies:

1. The granting of this variance is for a shed only.
2. The shed shall not extend closer than one foot to the side or rear property line.
3. The sheds roof eve or gutter shall not extend closer that six inches to the side or rear property line.
4. The granting of this variance does not relinquish the various utility companies' rights to use the easement as granted for Lot 6 of Green Forest Estates as recorded in book 32 Pages 27-30 at the St. Charles County Recorder's office, more commonly known as 11 Green Pines Circle.
5. The use of the easement is at the property owners sole risk which may require partial or full removal of the pool at the property owners expense at the request of a utility company for use of the easement.

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 VAR 20-07. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition VAR 20-07.

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 20-07 was approved.

Mr. Shetterly presented the Findings of Fact as follows:

1. The property is located on Lot 6 of Green Forest Estates as recorded in book 32 Pages 27-30 at the St. Charles County Recorder's office, more commonly known as 11 Green Pines Circle.
2. The lots are presently zoned R-1 Single-Family Residential.
3. Adjacent zoning is R-1 Single-Family Residential.

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

Mr. Stiens presented the Conclusions of Law for Petition VAR 20-07 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. Shetterly seconded to enact the Conclusions of Law. The motion carried unanimously.

#### PETITION VAR 20-08

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-08. Tim A. Poninski requests a variance to permit a fence that encroaches into the setback area in the R-1 Single Family Residential District. The property is located on lot 95 of Tanglewood Plat One as recorded in Book 19 Page 109 at the St. Charles County Recorder's Office, more commonly known as 134 Bramblewood Drive.

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-08. The petitioner or their agent was requested to step forward to present their petition. Mr. Tim Poninski, homeowner, was sworn in as the petitioner. Mr. Poninski explained that he currently has a split rail style fence that has been on his property for some time. The fence extends from the front corner of the house towards Spring Leaf Drive and then extends along Spring Leaf Drive to the rear property line and around the back of the lot. Mr. Poninski noted that when he inquired with the City about fencing regulations, staff explained that the fence along Spring Leaf Drive currently extends into the roadway right-of-way and is not permitted. Per City Code, the fence along a secondary front yard may extend ten feet beyond the front building line. Mr. Poninski noted the he is seeking the stated variance to be able to get more use out of the side/rear portion of his yard.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 20-08. Ms. Powers explained that the subject site is located at 134 Bramblewood Drive which is at the northeast corner of Bramblewood Drive and Spring Leaf Drive in the Tanglewood Subdivision. The home faces Bramblewood Drive; the existing fence is oriented to Spring Leaf Drive.

The applicant contacted the City regarding the fence regulations. The site includes a split rail style fence that has been on the subject property for some time. The fence extends from the front corner of the house towards Spring Leaf Drive and then extends along Spring Leaf Drive to the rear property line and around

the back of the lot. Staff advised the property owner that the fence along Spring Leaf Drive currently extends into the roadway right-of-way, which is not permitted. Per the City Code, the fence along a secondary front yard may extend ten feet beyond the front building line.

Based on this, Mr. Poninski requests a variance to permit a fence that encroaches into the setback area in the R-1 Single-Family Residential District. The property is located on lot 95 of Tanglewood Plat 1 as recorded in Book 19 Page 109 at the St. Charles County Recorder's Office, more commonly known as 134 Bramblewood 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 405.360 Fence Requirements

4. On a corner lot, a fence shall not extend beyond the front building line, as platted, which is parallel to the front of the house. Along other front building lines as platted on a corner lot, the fence may extend ten (10) feet beyond the front building line as platted and shall not extend into the sight distance area as defined in Section [405.340](#) of this Chapter.

Ms. Powers noted that Fence setback regulations were designed to prevent the fencing of front yards and side yards on corner lots thereby maintaining these areas as open space and ensuring adjacent neighbor's views are not blocked. In addition, fencing setbacks were created to help insure proper visibility of an intersection by maintaining an acceptable sight visibility triangle.

In this case, the placement of the fence on the lot is along Spring Leaf Drive and along the rear of the subject lot. Staff has determined that the existing fence is approximately 5.5 feet from the edge of the street pavement and, therefore, within the street right-of-way. Per code, placement of a fence or other structure in the right of way is not permitted.

City code allows a fence on a secondary front yard to be ten feet beyond the front building line. The plat that includes the subject lot, Tanglewood Plat 1, includes a twenty-five foot front yard setback. Therefore, City Code would allow the fence to be ten feet in front of the building line, or fifteen feet from the property line. Noting that the property line is twelve feet from the street pavement, the permitted fence placement along Spring Leaf Drive is twenty-seven feet from the edge of pavement.

As noted above, fence setback regulations are in place to ensure that fences do not impact open space and neighbor's vistas. In staff's opinion, modification of the allowed setback of twenty-seven feet from the street pavement, or fifteen feet from the property line, would not adversely affect the neighbor's vista. The adjacent home is oriented towards Thornway Drive and there is a substantial yard area between the house and the subject lot. Also noted is that the current fence has been in place for some time with no adverse impact on the area.

Staff also notes that the current fence placement is not near the street corner, so replacement of the fence will not impact the corner visibility for vehicles traveling through the intersection. The applicant has

indicated that the fence will be a wooden privacy fence and five or six feet in height. Noting this fence will be less open than the existing fence, the additional setback from the current location will be needed to ensure the fence does not overwhelm the streetscape.

Staff further notes that expanded fenced areas on corner lots allow increased backyard area. In this case the applicant has an existing garden that will be impacted by the relocated fence - allowing a setback modification creates a more usable yard area with less impact to the garden area.

It is further noted that the Tanglewood Residents Association has indicated any new fence must be installed in compliance with the indentures of the subdivision. This includes compliance with all front yard setbacks as platted. This regulation would require a greater setback on the Spring Leaf Drive frontage than required by City Code; specifically, a twenty five foot setback while the City requires a fifteen foot setback. Staff notes that the City does not enforce private agreements including subdivision regulations.

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?

In this case, the placement of the fence closer to the property line on the secondary front yard would not negatively impact visibility or aesthetics in the area or the neighbor's view. The proposed variance will allow the property owner some flexibility while maintaining the sight visibility triangle for safety, thus providing for the reasonable use of the property.

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

The placement of the fence on the lot would be further set back than the existing fence, which is in the right-of-way. The strict application of setback regulations would lessen the use of the side and rear yard, resulting in a possible hardship.

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

The subdivision was platted with twenty-five foot setbacks which further shifts the permitted fence setback away from the street pavement. Although the site does not suffer a hardship, the placement of the fence closer to the street than allowed should not create a visually noticeable encroachment as the area residents are used to a fence close to the street and a modified setback will allow additional grass area along the street pavement. A fence placement per code would limit the usable rear yard area.

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

The placement of the house and fence and lot configuration occurred with the original subdivision development, not by the applicant. The current resident would improve the fence, resulting in the need for a variance.

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 a fence to be installed on the subject residential property with additional setback from the current fence.

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 variance to allow a fence to extend beyond the front building line in the R-1 Single Family Residential District with the following contingencies:

1. The fence shall be setback a minimum of zero (0) from the property line adjacent to Spring Leaf Drive and shall also comply with the City's sight visibility standards from the adjacent streets.
2. The fence shall comply with all other fence regulations of the City of St. Peters.

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 VAR 20-08. Ms. Sue DuClos, 143 Bramblewood and Mr. Shawn Lane, 172 Thornway Drive, both members of the Tanglewood Homeowners Association, spoke in opposition to this variance, citing issues with it being against their homeowners association indentures. Seeing no one else present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Kendall seconded to approve Petition VAR 20-08.

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 20-08 was approved.

Mr. Jaggi presented the Findings of Fact as follows:

1. The property is located on lot 95 of Tanglewood Plat 1 as recorded in Book 19 Page 109 at the St. Charles County Recorder's Office, more commonly known as 134 Bramblewood Drive.
2. The lot is presently zoned R-1 Residential District.
3. The adjacent zoning is R-1 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 20-08 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.

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



Tom Fann  
Chairman