



**MINUTES BOARD OF ADJUSTMENT  
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF JULY 15, 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. Brian Stiens; Mr. Bill Jaggi; Mr. John Shetterly; Ms. Brynn Palmer; 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 June 17, 2020 meeting. Mr. Jaggi made a motion and Mr. Stiens seconded. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

PETITION VAR 20-11

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 20-11. Mackenzie Cullinan request a variance to allow the construction of an accessory building (garage) larger than five hundred 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 north side of McClay Road, east of Horstmeier Road (3249 McClay Road).

Mr. Fann declared the public hearing open for consideration of Petition VAR 20-11. The petitioner or their agent was requested to step forward to present their petition. Mr. Mackenzie Cullinan was sworn in as the petitioner. Mr. Cullinan explained that he would like to build a larger than allowed garage to store his equipment, box trailer for his dirt bikes, and other machinery. The lot is large enough to accommodate the larger garage and the garage will be built to compliment the existing home.

Mr. Ken Braunfeld was sworn in to present the City's position on Petition VAR 20-11. Mr. Braunfeld that the subject lot is located on the north side of McClay Road, east side of Horstmeier Road, more commonly known as 3249 McClay Road. The 1.2 acre property is zoned R-1 Single-Family Residential. The property contains a 2,000+/- square foot ranch house, built in 1976, and an existing 800/- square foot detached garage. The property is one of six homes along this section of McClay Road which are located on one acre or more tracts of ground. It is noted that this cluster of homes facing McClay Road have a more rural flavor than the adjacent standard residential subdivisions.

The applicant indicated he wanted space to house equipment, small machinery, and box trailer for his dirt bikes. The applicant noted their preference is to build an 80 foot by 40 foot (3,200 square foot) garage to meet their current and future needs. The applicant also indicated the goal was to move any outside storage of equipment, trailers, etc. inside the new garage.

Based on this, Mackenzie Cullinan requests a variance to allow the construction of an accessory building (garage) larger than five hundred 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 north side of McClay Road, east of Horstmeier Road (3249 McClay Road).

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 405.130 (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.

Mr. Braunfeld noted that the proposed project will include the construction of a one-story, 22 foot tall, 80 foot by 40 foot (3,200 square foot) garage in the backyard area of the property. As noted earlier, the garage will be used to house equipment, small machinery, and box trailer for his dirt bike hobbies. It is noted the proposed garage will allow all of the existing non-conforming outside storage to be contained within the new garage.

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

The proposed garage will be to the rear of the property with Horstmeier Road to the west, another one acre lot to the east, and a traditional residential subdivision to the north. In the R-1 Single-Family Residential District the rear yard setback for a house is 25 feet, while a shed/garage setback is only 6 feet. In addition, the maximum shed/garage height is 14 feet. Due to the proximity of the proposed oversized garage, to the adjacent standard lot subdivision, it is suggested it maintain a 25 foot rear yard setback. It is also noted that the minimum side yard setback for a house and a shed/garage is 6 feet. In this case, a 10 foot setback is suggested to allow for a tree buffer.

At the suggestion of staff, the applicant has provided a drawing and details of the garage design. It includes vinyl siding, decorative style door, windows, and shingled roof to create a softer, more

residential design. In addition, with the 25 foot setback, the garage will be approximately 100 feet away from the adjacent houses. It is noted that there is an existing tree line, within an oversized utility easement, between the proposed garage and adjacent houses. In addition to this existing tree line, staff is suggestion the applicant also plant trees on the north and east side of the garage to further buffer the project.

Noting the above, staff has some concern regarding the size of the proposed garage. While the full 80 foot by 60 foot (3,200 square foot) garage may be suitable, staff suggests a smaller 60 foot by 40 foot (2,400 square foot) garage may be more appropriate. Of concern is the overall visual mass of a 22 foot tall 3,200 square foot garage. Even with architectural upgrades, increased setbacks, and landscaping, it may still be too large of an accessory building for the area. A 2,400 square foot garage should be large enough to accommodate the needs of the applicant, but will substantially reduce the overall mass of the building. A review of the adjacent one acre lots to the east finds a few accessory building in the 1000-2000 square foot range. Staff notes that a 22 foot tall 2,400 square foot garage, setback 25 feet from the rear property line will have the same general mass as a standard home, and thus may be more visually appropriate for the area.

In general, staff believes the garage is attractive and consistent with the more rural atmosphere of this section of McClay Road. With the enhanced architectural design, increased setbacks, and landscaping, an oversized garage is appropriate for the property and can function in harmony with the surrounding properties.

Mr. Braunfeld stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

Compliance with the regulations would not allow the applicant to fully utilize the value of their 1.2 acre lot, which can accommodate an oversized garage. The garage size regulations are more applicable to a traditional 7,000 to 10,000 square foot St. Peters lot.

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

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

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

The City regulations do not effectively address larger lots and larger garages; therefore, the property owner would suffer a hardship with a smaller accessory building/garage as they could not use their lot to its full extent.

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

The home was built in 1976 and there have been multiple changes to the Zoning and Subdivision Regulations since that time. Large lots were not adequately taken into account during these changes. These factors create the issues for the applicants.

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 would be able to add the additional garage 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 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, it is staff's recommendation to permit a garage that exceeds five hundred square feet in area, fourteen feet in height, fifty percent of the ground floor area of a principle building with the following contingencies:

1. The size of the garage shall not exceed 2,800 square feet or 22 feet in height.
2. The proposed garage shall be fifty (50) feet from the rear property line and ten (10) feet from the side property line.
3. The driveway to the proposed garage shall be paved per City Code.
4. The proposed garage shall including residential style siding of equal or greater value to vinyl, as indicated in the attached building design details.
5. The overhead garage doors, man doors, and windows shall be decorative and substantially as indicated in the attached building design details.
6. All non-residential equipment, materials, trailers, etc. shall be stored inside the garage.

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 VAR 20-11. Seeing no one present to comment, Mr. Fann closed the public hearing.

Mr. Jaggi made a motion and Mr. Stiens seconded to approve Petition VAR 20-11.

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

Mr. Stiens	Yes
Mr. Shetterly	Yes
Ms. Palmer	Yes
Mr. Jaggi	Yes
Mr. Fann	Yes

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 20-11 was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located on the north side of McClay Road, east of Horstmeier Road, more commonly known as 3249 McClay Road.
2. The lot is presently zoned R-1 Single-Family Residential District.
3. Adjacent zoning to the north and east is R-1 Single-Family Residential District, to the west is Horstmeier Road beyond which is C-3 Commercial District, and to the south is McClay Road beyond which is C-1 Neighborhood Commercial District and R-1 Single-Family Residential District.

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

Mr. Jaggi presented the Conclusions of Law for Petition VAR 20-11 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.

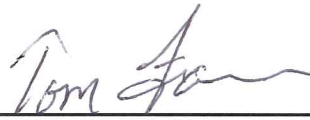
Mr. Jaggi made a motion and Mr. Stiens seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Fann made a motion and Mr. Stiens seconded to adjourn the meeting at 6:35 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer  
Recording Secretary



Tom Fann  
Chairman