



**MINUTES BOARD OF ADJUSTMENT
ONE ST PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF SEPTEMBER 15, 2021
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 Jaggi; Mr. Jeffrey Peine; Mr. John Shetterly; Ms. Brynn Palmer; Ms. Melissa Vollmer, Recording Secretary; and Ms. Julie Powers, Director of Planning, Community & Economic Development. Ken Braunfeld, Planning Coordinator and Melissa Vollmer, Recording Secretary, were absent.

MINUTES

Mr. Fann asked the Board for any comments or questions regarding the minutes of the August 18, 2021 meeting. Mr. Jaggi made a motion and Ms. Palmer seconded to approve the minutes. Mr. Shetterly proposed changes to the minutes to reflect that a vote was taken viva voce to approve the Findings of Fact and to delete the reference to a roll call vote. Mr. Jaggi made a motion and Mr. Shetterly seconded to approve the proposed changes. The motion carried unanimously. Ms. Powers noted that the amended minutes would be presented to the Board at the next Board of Adjustment Meeting.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

Appeal of SU 21-05: ERC Construction c/o Rosemann and Associates (Synergy Apts.), west side of Mid Rivers Mall Drive at St. Peters Howell Rd.

Chairman Fann made a motion to approve the Findings of Fact and Conclusions of law for the appeal of SU 21-05 with two added requirements: 1. That an updated traffic study will be provided to the Planning and Zoning Commission noting the movement counts at Mid Rivers Mall Drive and St Peters Howell Road showing no increase in traffic with the new development, 2. That a fence be installed at the property line with the First Baptist Church of St. Peters and the Gettemeier properties. Mr. Fann requested Ms. Powers call the roll which resulted in the following votes:

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

There being 5 yes and 0 no vote, Mr. Fann declared that the motion to approve the Findings of Fact and Conclusions of Law was approved.

PETITION VAR 21-18:

Mr. Fann stated that the purpose of the meeting was to consider Petition VAR 21-18. Mark Kramer requests a variance to permit a reduction in the side yard setback to allow a structure (garage addition) in the R-1 Single Family Residential District. The property is located at the terminus of Deer Park Court (21 Deer Park Court).

Mr. Fann declared the public hearing open for consideration of Petition VAR 21-18. The petitioner or their agent was requested to step forward to present their petition. Mr. Mark Kramer, homeowner, was sworn in as the petitioner. Mr. Kramer explained that he is interested in adding a third car garage to his home. The property is

located on a cul-de-sac and is a diamond shaped lot that gets wider towards the rear property. Mr. Kramer noted that he would like to build a twelve foot wide garage for it to be reasonably functional. Since the structure cannot be built in an easement and the house is approximately seven feet to the easement and another five feet to the property line for a total of twelve feet, Mr. Kramer is proposing to shift the garage approximately ten feet back from the front of the house to create a twelve foot setback to the existing five foot easement.

Ms. Julie Powers was sworn in to present the City's position on Petition VAR 21-18. Ms. Powers explained that the owner of the home located on 21 Deer Park Court is interested in adding a third car garage to the home. The property is located on a cul-de-sac and is a diamond shaped lot that gets wider towards the rear property.

Staff advised the applicant the minimum-side yard setback is six feet and that a structure cannot be built in an easement, which in this case is five foot wide. A check of the property finds the house approximately seven feet to the easement and another five feet to the property line for a total of twelve feet. The applicant indicated a twelve foot wide garage is needed for it to be reasonably functional. As noted, the lot expands to create more side yard; therefore, the applicant is proposing to shift the garage approximately ten feet back from the front of the house to create a twelve foot setback to the existing five foot easement. However, the applicant also wants to minimize the garage's off-set, from the front of the house, to improve the aesthetics of the addition.

Based on this the applicant is requesting a variance to permit a reduction in the side yard setback to allow a structure (garage addition) in the R-1 Single Family Residential District, for property located at the terminus of Deer Park Court (21 Deer Park Court).

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.*

- b. Each side yard width shall be a minimum of ten percent (10%) of lot width as measured at the front building line except lots which are on a cul-de-sac and lot for which the preliminary plat was approved by the City of St. Peters before January 1, 2001 need not have a side yard which is more than six (6) feet wide.

Ms. Powers noted that a review of the project finds the expansion is limited to what is reasonable for a functional third car garage and designed to minimize any visual impact. The placement of the garage will be stair stepped back from the front of the house creating an additional design element. In addition, the neighboring house has an oversized side yard of approximately thirty feet, creating the illusion the property line is much farther away from the subject house. Therefore, the proposed encroachment will not be visually discernable.

It is noted that adjacent to the rear of the property is Malinmor Drive within the Whitmoor subdivision, so that there is no visual impact to a rear neighbor. It is also noted the proposed encroachment will not be into any easements and will not impact any utilities.

Setback requirements have been established to provide for adequate separation of buildings and uses, and create reasonable amount of open space between structures to enhance the general health, safety, and welfare of the community.

It is staff's opinion that the proposed variances 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.

Staff is of the opinion that this variances is reasonable since the project will match the house, look attractive, and be a positive investment in the home, enhancing its value and that of the subdivision.

Ms. Powers presented 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 property, which can accommodate the proposed garage addition. The setback regulations do not include a provisions that fully addresses the diamond shaped lot and limited encroachment.

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

The property does not have an inherent hardship but, the applicant would be prevented from improving their house and property with an addition that meet their needs. Therefore, it would create a hardship for the applicant.

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

The property does not suffer a hardship. However, the City regulations do not effectively address the proposed addition; therefore, the property owner would suffer a hardship with a substandard garage width which would not meet their needs.

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

The property was originally developed in the 1994. The current owner did not initially develop the property – at that time the proposed addition could have been accommodated by the builder by shifting the property line. While the owner is currently proposing the addition, the City regulations do not effectively address the layout of the lot, limited encroachment, and design of the project that are mitigating factors; therefore, the property owner would suffer a hardship as they could not use their lot to its full extent.

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 construct the addition in a manner that is compatible with the area and add value to the property and 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 be assured and substantial justice will have been done because the applicant will be able to use their property to the fullest extent and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis staff recommends approval of the variance to allow the encroachment into the side yard with the following contingency:

1. The proposed addition shall match the architecture of the house including the garage door.

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 21-18. 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 21-18.

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

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

There being 5 yes and 0 no vote, Mr. Fann declared that Petition VAR 21-18 was approved.

Mr. Jaggi presented the Findings of Fact as follows:

1. The property is located on Lot 60 of The Highlands Plat Five as recorded in Book 31 Page 305-306 at the St. Charles County Recorder's Office.
2. The lot is presently zoned R-1 Single Family Residential District.
3. The adjacent zoning to the south is zoned PR Planned Residential District in the City of Weldon Spring.

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

Mr. Peine presented the Conclusions of Law for Petition VAR 21-18 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.

Mr. Jaggi made a motion and Ms. Palmer seconded to adjourn the meeting at 6:30 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Tom Fann
Chairman