



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MARCH 15, 2017
6:00 P.M.**

CALL TO ORDER

Chairman Bill Jaggi 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. Nick Trupiano; Mr. Bill Kendall; Mr. Ken Braunfeld, Planning Coordinator; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Jaggi asked the Board for any comments or questions regarding the minutes of February 15, 2017. Mr. Kendall made a motion and Mr. Fann seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

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

NEW BUSINESS

PETITION 17-F:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 17-F. Gary Smith c/o 316 Main LLC (Mid Rivers Motors) requests a variance to permit the expansion of a non-conforming use (used motor vehicle sales) in the S-D Old Town District. The property is located at 316 Main Street.

Mr. Jaggi declared the public hearing open to consider Petition 17-F. The petitioner or their agent was requested to step forward to present their petition. Mr. John Luehrs, Baalman Architects, was sworn in as the petitioner. Mr. Luehrs explained that Mid Rivers Motors is redeveloping their site and the proposed upgrades would exceed those permitted for non-conforming use. Since the proposed expansion would exceed 25%, a variance is needed to permit the proposed re-development. The proposed improvements include the removal of the existing metal building and replacement of it with a new one and a half story facility.

Mr. Braunfeld explained that Mid Rivers Motors operates a used motor sale operation at 316 Main Street. A used vehicle operation has continually operated from this location since before 1987 and has had several different names and owners over the years. The current owner is proposing the redevelopment of the building and site in two phases. Phase I will include the building and landscaping with Phase II including lighting, signage, and paving.

It is noted that the sale of used motor vehicles without a new motor vehicle franchise is only permitted in the I-2 Heavy Industrial District. The subject site is zoned S-D Old Town District which permits a combination of R-1 Single Family Residential, R-2 Two Family Residential, C-1 Neighborhood Commercial, and C-2 Community Commercial uses. Therefore, the used motor vehicle sales use is a non-conforming ("grandfathered") use at this location. The proposed upgrades would exceed those permitted for a non-conforming use. Legal non-conforming uses may be expanded up to 25%. Since the proposed expansion (replacement of the existing building) would exceed 25%, a variance is needed to permit the proposed redevelopment.

On March 1, 2017, the owner received approval from the Planning and Zoning Commission to redevelop the site with a contingency that they obtain a variance for the continuation of the non-conforming use.

The proposed improvements include the removal of the existing 500+/- square foot metal building and replacement of it with a new one and a half story facility. The new facility will include brick/stone, hardiboard style cement siding, and a commercial storefront window system. The site will also receive several upgrades including a new tan vinyl fence, a storage and trash area, new landscaping, and new modern LED lighting. Overall the proposed investment in the site will bring a new modern look to the property and substantially bring the site towards current design standards.

Based on this Gary Smith c/o 316 Main LLC (Mid Rivers Motors) requests a variance to permit the expansion of a non-conforming use (used motor vehicle sales) in the S-D Old Town District. The property is located at 316 Main Street.

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 405.420 Non-Conforming Use.

B. Continuance of a Non-Conforming Use:

4. A building or lot containing a non-conforming use may not be enlarged, extended, reconstructed, or altered unless such use is made to conform to the regulations of the District in which it is located. However, in the case of evident hardship, a building containing a non-conforming use may be enlarged an amount not greater than twenty-five percent (25%) of its present ground floor by approval of the Administrative Officer.

Mr. Braunfeld noted that Mid Rivers Motors is prepared to make a significant investment into the rehabilitation of the facility including the construction of a new office/sale building, landscaping, and lighting. The applicant has received approval from the Planning and Zoning Commission for the proposed improvements, subject to the granting of a variance by the Board of Adjustment.

With the proposed improvements the site will be rehabilitated and brought up to current standards – but this cannot occur without a variance. The successful rehabilitation of the building and site would be appropriate given that it meets the spirit of the code by providing for high quality development and the retention of an existing buildings within the City of St. Peters. It is noted that, without a variance, the business cannot be updated and will continue to be operated “as is”. This will include the old and very unattractive metal office building and dated landscaping and lighting. Further, the location of the property is at the entrance to Old Town, where the City has made substantial investments to Main Street. Therefore, the proposed improvements will have a larger visual impact as people enter the Old Town area from the highway.

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 existing used car business pre-dated the current zoning regulations. The proposed variance will allow for the proper rehabilitation of the property. The proposed project will allow for a new high quality sales/service building more in keeping with new car franchises, thus furthering the spirit of the City Code.

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

The existing used car business pre-dates the current zoning regulations. The strict application of the regulations would prevent the improvement and natural growth of the business resulting in a hardship. short term need. In those cases, the code poses a hardship.

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

The property suffers a hardship because the replacement of an existing building that is in poor condition with a new high quality facility is currently not allowed due to the non-conforming status of the site; redevelopment of the site would further the spirit of the City Code and goals of the City.

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

The City Code was changed many years after the establishment of the original development thereby creating the hardship.

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 it would be in harmony with the general purpose and intent of the zoning regulations, since it will allow the business to provide services more in keeping with new car franchises, thus furthering the spirit of the City Code.

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 a variance to permit Gary Smith c/o 316 Main LLC (Mid Rivers Motors) the expansion of a non-conforming use (used motor vehicle sales) in the S-D Old Town District with the following contingencies:

1. Construction to begin within two (2) years.
2. The building shall be constructed substantially as presented to the Planning and Zoning Commission and the Board of Adjustment.

Mr. Jaggi asked if any of the board members had questions for Mr. Braunfeld. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 17-F. Seeing no one present to comment, Mr. Jaggi closed the public hearing.

Mr. Fann made a motion and Mr. Trupiano seconded to approve Petition 17-F.

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

Mr. Stiens	Yes
Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Jaggi	Yes
Mr. Trupiano	Yes

There being 5 yes, 0 no vote, Mr. Jaggi declared that Petition 17-F was approved.

Mr. Fann presented the Findings of Fact as follows:

1. The property is located at 316 Main Street.
2. The property currently contains a legal non-conforming used car facility.

3. The lot is presently zoned S-D Special Old Town District.
4. The adjacent zoning is S-D Special Old Town District to the west, Interstate 70 to the south and east, Main Street to the north, beyond which is the C-2 Community Commercial District.

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

Mr. Stiens presented the Conclusions of Law for Petition 17-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.

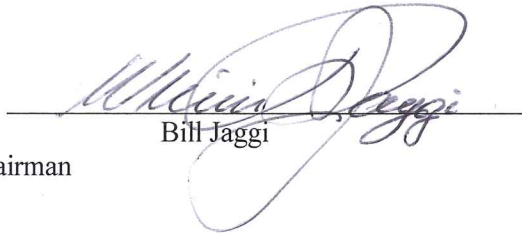
Mr. Fann made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

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

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Bill Jaggi
Chairman