



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF APRIL 18, 2018
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; Ms. Julie Powers, Director of Planning, Community and Economic Development; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Jaggi asked the Board for any comments or questions regarding the minutes of the March 21, 2018 meeting. Mr. Fann made a motion and Mr. Kendall 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. Ms. Powers indicated that there were none.

PETITION 18-G

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 18-G. United Services for Children c/o Bax Engineering request a varies to allow a zero (0) foot side yard. The property is located on the south side of Old Mill Parkway east of Jungermann Road, 4140 Old Mill Parkway.

Mr. Jaggi declared the public hearing open to consider Petition 18-G. The petitioner or their agent was requested to step forward to present their petition. Mr. Cliff Heitman, Bax Engineering, was sworn in as the petitioner. Mr. Heitman explained that United Services for Children has sold one of their buildings to a new user. In between the buildings, there is a hallway connecting them, in order to meet code, they'll have to install a fire separation wall in the hallway. This separation and selling of the lot will require a zero foot setback from the side yard lot lines, which is the variance they are requesting.

Ms. Powers was sworn in to present the City's position on Petition 18-G. Ms. Powers explained that the site is located on the south side of Old Mill Parkway, east of Jungermann Road. The site has been developed with a school and offices for United Services for Children. The site is adjacent to other offices and service industries in the C-3 General Commercial District.

The mission for United Services has changed recently and the full building is no longer needed. Therefore, the organization is selling the eastern portion of the building which is connected via a hallway to the western building. The owners have submitted a record plat to split the site; to add the lot line through the building a zero foot setback is needed.

Noting this, the applicant has requested a variance to reduce the side yard setbacks.

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 405.210 C-3 General Commercial District

G. Yard Requirements...

2. Side yard width shall be fifteen (15) feet except when adjacent to a residential district then twenty (20) feet is required.

Setback requirements have been established to provide for adequate separation of buildings and uses, and create a 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 variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion in public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values with the neighborhood.

Therefore, it is in the applicant's interest and reasonable for the general public to allow the proposed modification to the existing facility.

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?

Allowing the side yard setback reduction will not alter the appearance of the building. The internal setbacks are the result of a platting need, not a practical need. The proposed variance will allow for the most practical application of the code requirements, providing for the reasonable use of the property.

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

The internal side yard setback variance is required because of the addition of an internal lot line; application of the setback requirements would pose a hardship.

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

The requirement of setbacks from the new internal lot would be impractical and require modification of the building, thus the property would suffer a hardship as it would negatively impact the overall design.

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

The need to subdivide the site to allow the partial sale of the property creates the setback hardship impacting the development.

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 for re-use of the property without visual impact, thus providing for the reasonable use of the property.

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; there will be no ill effects on surrounding properties or the city as a whole.

Based on this analysis, it is staff's recommendation to permit a variance to allow an encroachment of the side yard setback for the existing building with the following contingency:

1. The side yard setback from any internal lot line shall be reduced from fifteen (15) feet to zero (0) feet.

Mr. Jaggi asked if any of the board members had questions for Ms. Powers. Mr. Jaggi asked if there was anyone in the audience to speak in favor, opposition or to comment on Petition 18-G. Mr. Christopher Reese, 74 Twill Valley Drive, questioned which building was being purchased from United Services. Mr. Heitman answered that the building on the west side of the property. Seeing no one else present to comment, Mr. Jaggi closed the public hearing.

Mr. Kendall made a motion and Mr. Fann seconded to approve Petition 18-G.

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 18-G was approved.

Mr. Stiens presented the Findings of Fact as follows:

1. The property is located at 4140 Old Mill Parkway.
2. The lot is presently zoned C-3 General Commercial District.
3. The zoning to the east, west, and north is C-3 General Commercial District; to the south is single family development zoned R-1 Single Family District.

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

Mr. Trupiano presented the Conclusions of Law for Petition 18-G 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.

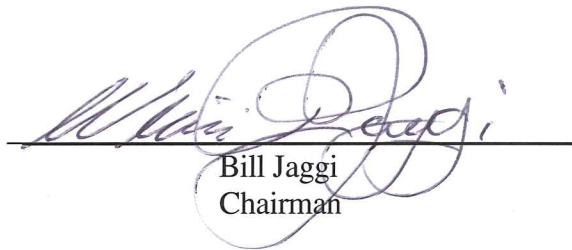
Mr. Kendall made a motion and Mr. Stiens seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Stiens made a motion and Mr. Trupiano seconded to adjourn the meeting at 6:33 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Bill Jaggi
Chairman