



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF MARCH 21, 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 February 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-F:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 18-F. United Methodist Church of the Shepherd request a variance to allow a temporary building for longer than one (1) year. The property is located on the west side of Woodstone Drive, south of Highway 364, more commonly known as 1601 Woodstone Drive.

Mr. Jaggi declared the public hearing open to consider Petition 18-F. The petitioner or their agent was requested to step forward to present their petition. Mr. Kevin Shepard, McClure Engineering, was sworn in as the petitioner. Mr. Shepard explained that The church is in the process of planning a permanent addition and until construction is complete in 3 years, a temporary structure is needed.

Ms. Powers was sworn in to present the City's position on Petition 18-F. Ms. Powers explained that United Methodist Church of the Shepherd is located on Woodstone Drive, south of Highway 364. The church was approved in 2002 and has been at this location since that time. A youth center was approved and added in 2008. At this time the church needs temporary office space in front of the existing building along Woodstone Drive. The church is in the process of planning a permanent addition; the timeline for the construction has been provided by the church and indicates a detailed planning effort which will allow a ground breaking for a future permanent building in early 2020. Until construction is completed, a temporary structure is needed.

Due to the type of structure and timeframe of the placement of the temporary structure on the applicant's property, the applicant has requested a variance.

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 405.300 Building Structure for Temporary or Emergency Use.

- A. No temporary structure (including trailers, mobile or modular homes) shall be occupied for any residential, commercial or industrial use except as specifically permitted or required by this Chapter. However, the City Building Commissioner may allow a temporary office or shelter incidental to new development.

B. "Temporary" for the purpose of this Section shall refer to a period not to exceed one (1) year. The Building Commissioner may extend the period where a need can be demonstrated.

Ms. Powers explained that the church has been in operation since 2002 at this location and is in need of temporary office space during planning, fundraising, and construction of a permanent building. City Code allows for a temporary structure to be used during construction for up to a year and it allows the Building Commissioner to extend the period if a need can be demonstrated. These extensions by Code have usually occurred when a development has taken longer than a year, but have only lasted several months after the twelve month allowance. In this case the applicant is indicating the timeframe will be for several years to allow planning and construction.

The subject church is on Woodstone Drive which is a major roadway serving a mix of uses – a post office facility, the new Fresh Thyme market, and the church, in addition to being a connection to Old Highway 94/Harvester Road. The church property is adjacent to Wal Mart to the west and the U.S. Post Office distribution center across Woodstone Drive to the east. To the north is commercial development – Fresh Thyme market. The proposed specific building will eventually be in this location; the temporary building location will provide the church's needed administration space in the interim.

Staff notes that the proposed building is an attractive but basic modular design – it will be two-tone grey with vertical siding and windows. It will be functional during the temporary time period it is in place.

Overall, the building will be modest in size and placed along a major roadway. Therefore, if the variance is granted and the building is allowed on the site, it would not affect the health, safety and welfare of the surrounding properties. Staff notes the timeline provided indicates the temporary building is needed for a three-year period. Therefore, staff recommends the temporary building be allowed until October 1, 2021 to allow ample and extra construction time.

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?

The church has a current, immediate need for the administration space. If the variance is not granted the church would continue to use the property as is, but would not be able to meet the current needs of the congregation.

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

The code limits temporary buildings to ensure they are typically used during construction and for a limited time. However, there are instances, especially with institutional uses, where temporary buildings serve a short term need. In those cases, the code poses a hardship.

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

The church is currently challenged by space limitations to administer their church activities; this condition poses a temporary hardship.

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

The church has grown and needs more space to address their mission. Addressing these needs in limited space creates a hardship.

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 would be in harmony with the general purpose and intent of the zoning regulations – a temporary building would be added to the property in an unobtrusive manner and at a location that will be safe and accessible.

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, staff recommends approval of the requested variance with the following contingencies:

1. The temporary building shall be permitted to remain on the property until October 1, 2021.
2. The temporary building shall be located in the general location show on the submitted exhibit.
3. The temporary building design shall be as generally shown on the exhibit.

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-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 18-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 18-F was approved.

Mr. Fann presented the Findings of Fact as follows:

1. The subject lot is located on the west side of Woodstone Drive, south of Highway 364 – 1601 Woodstone Drive.
2. The lot is zoned I-1 Industrial District.
3. The adjacent zoning is C-3 Commercial District to the west, south and north and I-1 Industrial District to the east.

Mr. Stiens 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-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.

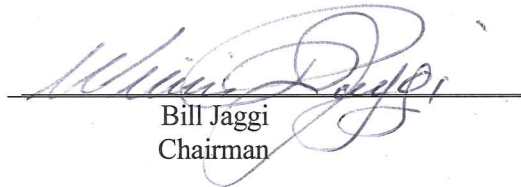
Mr. Kendall made a motion and Mr. Fann seconded to enact the Conclusions of Law. The motion carried unanimously.

Mr. Stiens made a motion and Mr. Fann seconded to adjourn the meeting at 6:25 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Bill Jaggi
Chairman