



**MINUTES BOARD OF ADJUSTMENT
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376
MEETING OF APRIL 19, 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; Ms. Julie Powers, Director of Planning, Community and Economic Development; 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 the March 15, 2017 meeting. 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. Ms. Powers indicated there were none.

NEW BUSINESS

PETITION 17-G:

Mr. Jaggi stated that the purpose of the meeting was to consider Petition 17-G. Annie M. Sandfort requests a variance to allow an increase in the size and height of an accessory building (garage). The property is located on Lot 1, 2 and 3 of Ridings Subdivision as recorded in Plat Book 47 Page 155 of the St. Charles County Recorder of Deeds Office, more commonly known as 1223 Birdie Hills Road.

Mr. Jaggi declared the public hearing open to consider Petition 17-G. The petitioner or their agent was requested to step forward to present their petition. Ms. Annie Sandfort was sworn in as the petitioner. Ms. Sandfort explained that she is looking to build a larger garage on her property to store vehicles, a tractor and for storage. Ms. Sandfort noted that because there is ample space on the property, she would like to build a garage that exceeds five hundred square feet in area and fourteen feet in height, to meet their needs for storage.

Ms. Powers was sworn in to present the City's position on Petition 17-G. Ms. Powers explained the subject property is located on the north side of Eisenhower Drive just west of Birdie Hills Road. Eisenhower Drive is a long road that serves a small subdivision and multiple single-family lots. The proposed site is a large tract – 2.27 acres – that is part of a multiple large lot subdivision.

The subject variance request is for Ridings Subdivision that includes 3 lots; a cross access easement extends through Lot 2 to serve the residence on Lot 1 and also Lot 3. The applicant has indicated they would like to construct a new detached garage on Lot 3.

The applicant was informed that the maximum permitted detached garage size is five hundred square feet and that the maximum height is fourteen feet, and that garages cannot exceed fifty percent of the ground floor area of a principle structure. It is noted that the owner constructed the home several years ago after the property was subdivided; the older home on Lot 1 is currently owned by a family member. The applicant recently indicated they would now like to construct a garage on their property. Noting the ample space, they indicated a larger garage is desired and needed for storage.

Based on this, Annie M. Sandfort requests a variance to permit a garage that exceeds five hundred square feet and exceeds fourteen feet in height in the R-1 Single Family Residential District. The property is located on the north side of Eisenhower Drive, west of Birdie Hills Road (1223 Birdie Hills Road).

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 Yard Requirements

H. Yard Requirements:

1. The maximum 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.

Ms. Powers noted that the subject lot is large at 2.277 acres in size and the adjacent lots in the Ridings Subdivision are 1.0 acre and 3.744 acres – a total original parcel of approximately seven acres. There is a house on Lot 1 and a house on Lot 2. The applicant has indicated they would like to add a garage to Lot 3 to allow additional storage and a garage for vehicles. Noting the size of the lot and the overall subdivision area, the applicant indicated a larger garage could be accommodated and would be beneficial.

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 can easily accommodate additional building area.

A review of the subject lot finds ample space for the proposed garage. The position of the proposed garage and the future home on the lot would be a standard house in front and the detached garage to the side and back which is a standard layout. The applicant has indicated the final location is being evaluated. However, staff notes the size of the lots allows a myriad of options for the final garage location. Given the lot size, compliance with setbacks will be no issue; therefore, staff has no issue with a contingency regarding the final garage location.

The applicant has indicated the garage will match or compliment the home and will provide a drawing or photo and details of the garage design. In general, staff believes the proposed garage can be designed to be attractive and consistent with the atmosphere of the Ridings Subdivision and Eisenhower Drive.

Regarding the additional height, staff notes that this is needed to allow a pitched roof and accommodate the owner's vehicle. Staff is of the opinion this height is reasonable as it is relatively consistent with other garage structures in the area and the atmosphere of Eisenhower Drive.

The existing home was built in 2013 and is a new, attractive 1,500 square foot home. The limitation of the size of an accessory structure is generally appropriate for the typical St. Peters subdivision property with lot sizes under 10,000 square feet. However, it is customary for owners of large lots to want to utilize the extra ground, including for oversized garages. Staff notes that the garage, upon final design, could slightly exceed 50% of the ground floor area. Given the larger lots and less developed nature of the Eisenhower Drive area, coupled with the positive impact from a new garage, the proposed accessory structure size can be accommodated to allow the owners the full use of their property, and could slightly exceed the 50% limitation.

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.

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?

Compliance with the regulations would not allow the applicant to fully utilize the value of their larger lot that can easily accommodate the larger garage. The garage size regulations are more applicable to traditional 7,000 to 10,000 square foot St. Peters lots.

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, therefore, it would create a hardship for the applicant.

3. Does 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 fullest extent.

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

The applicant constructed their home on a larger lot, but the City established the limited garage size to accommodate the typical, more standard lot size. The hardship is largely a result of the limited code language.

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 and exceeds fourteen feet in height in the R-1 Single Family Residential District with the following contingencies:

1. The proposed garage design and height shall be as approved by the Planning Department.
2. The proposed garage shall be located as approved by the Planning Department.
3. The garage may exceed 50% of the ground floor area of the house as approved by the Planning Department.

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 17-G. Mr. Mike Fitzsimmons, 15 Post Oak Drive, spoke in favor of the garage; however, has concerns with a business being run from this location in the future. Ms. Powers noted that staff received an e-mail from Mr. Wesling, 1150 Birdie Hills Road, in opposition to this petition. Seeing no one else present to comment, Mr. Jaggi closed the public hearing.

Mr. Stiens made a motion and Mr. Trupiano seconded to approve Petition 17-G.

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

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| 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-G was approved.

Mr. Trupiano presented the Findings of Fact as follows:

1. The subject site is located on Lots 1, 2 and 3 of Ridings Subdivision as recorded in Plat Book 47 Page 155 of the St. Charles County Recorder of Deeds Office, more commonly known as 1223 Birdie Hills Road.
2. The lot is presently zoned R-1 Single Family Residential District.
3. Adjacent land uses to the north and west is single-family residential development in unincorporated St. Charles County. To the south is single-family development in a PUD Planned Urban Development; to the east is single-family development in the R-1 Single Family Residential District.

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

Mr. Fann presented the Conclusions of Law for Petition 17-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. Stiens made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

Petition 17-H:

Mr. Braunfeld noted that the applicant has requested this petition be postponed until the May 17th Board of Adjustment Meeting.

Petition 17-I:

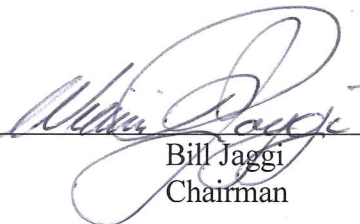
Staff noted that the applicant has withdrawn their application.

Mr. Kendall made a motion and Mr. Fann seconded to adjourn the meeting at 6:45 p.m. The motion carried unanimously.

Respectfully submitted:



Melissa Vollmer
Recording Secretary



Bill Jaggi
Chairman