CALL TO ORDER
PLEDGE OF ALLEGIANCE
PUBLIC HEARINGS

. I. VARIANCE REQUEST - 530 KNAUST ROAD

   Application: VAR19-06
   Owner: Missouri American Water Company
   Applicant: Crawford, Murphy & Tilly, Inc.
   Variance Requested: Section 405.090.D.1 of the Ordinances of St. Charles County (OSCCMo) - To vary the maximum height requirement for the Single-Family Residential District from 40 feet to 140 feet, to allow for the construction of an elevated water storage tank.
   Property Zoning: R1A, Single-Family Residential District
   Area: 2.95 acres
   Location: Approximately 400 feet north of the intersection of Berkshire Downs, Drive, adjacent to the City of O'Fallon
   Council District: 3
   Account No.: 409410A000

   Documents:
   BZA AGENDA PACKET - VAR19-06.PDF

TABLED ITEMS

. I. VARIANCE REQUEST - 1414 HIGHWAY Z

   Application: VAR19-04
   Owner: Wentzville Memorial VFW Post #5327
   Applicant: Michal Giunta
   Variance Requested: 1. A request to vary Section 405.475.A.1 of the Ordinances of St. Charles County (OSCCMo); to allow for the display of an electronic sign in the A,
AGENDA

I. VARIANCE REQUEST - 530 KNAUST ROAD

Application: VAR19-06

Owner: Missouri American Water Company

Applicant: Crawford, Murphy & Tilly, Inc.

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Documents:

BZA AGENDA PACKET - VAR19-06.PDF

APPROVAL OF MINUTES FROM THE NOVEMBER 7, 2019 MEETING

Documents:

11.07.19 BZA MTG MINUTES.PDF

ELECTION OF OFFICERS

OTHER BUSINESS

ADJOURNMENT
St. Charles County Board of Zoning Adjustment

VARIANCE REQUEST # VAR19-06

VARIANCE REQUEST – 530 KNAUST ROAD
Application: VAR19-06
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CONTENTS:

➢ Staff Recommendation Report & Site Photos
➢ Aerial photo
➢ Zoning map
➢ Topographical Map
➢ Applicant Statement of Hardship
➢ Site Plan
➢ Letters Received:
  • None
REPORT TO BOARD OF ZONING ADJUSTMENT

To: County Board of Zoning Adjustment

Prepared by: Mark Price Jr., A.I.C.P.

Application No.: VAR19-06

Date: December 23, 2019

BACKGROUND

Owners/Applicant: Missouri American Water / Crawford, Murphy & Tilly, Inc.

Requested Action: To vary Section 405.090.D.1 of the Ordinances of St. Charles County (OSCCMo); to vary the maximum height requirement in the R1A, Single-Family Residential District from 40 feet to 140 feet, to allow for the construction of an elevated water storage tank

Zoning: R1A, Single Family Residential District

Location: 530 Knaust Road, Approximately 400 feet north of the intersection of Berkshire Downs Drive and Knaust Road, adjacent to the City of O’Fallon

Parcel Size: 2.95 acres

Current Land Use: Booster pump station for Missouri American Water

Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R1A, Single Family Residential</td>
<td>Single Family Dwelling Unit</td>
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<tr>
<td>East</td>
<td>R1A, Single Family Residential</td>
<td>Single Family Dwelling Unit</td>
</tr>
<tr>
<td>South</td>
<td>R1A, Single Family Residential</td>
<td>Single Family Dwelling Unit</td>
</tr>
<tr>
<td>West</td>
<td>R-1, Single Family Residential (City of O’Fallon Zoning)</td>
<td>Single Family Dwelling Units</td>
</tr>
</tbody>
</table>

Request Summarized:

The applicant proposes to construct a 2 million gallon elevated storage tank. Such a tank is allowable as a permissive use in the R1A, Single Family Residential District. The applicant is requesting to elevate this tank to a height not to exceed 140 feet. This exceeds the districts height limit of 40 feet, by 100 feet, thus generating this request for a variance.

Site Characteristics:

The parcel is approximately 450 feet deep at its shallowest and approximately 246 feet wide. The site has an elevation of approximately 600 feet above mean sea level at the
entrance to Knaust Road and rises to approximately 607 feet in height where the tank is to be erected. The site then slopes down towards the southwest to a low point of 574 feet in the southwest corner of the lot. The lot does contain a significant stand of trees. During construction, some of those trees would be removed while clearing the building pad for the elevated tank. There is currently a gravel drive accessing the site. This is not proposed to be changed.

Relevant Property History:
This property has no relevant history with the County.

Applicant’s Statement of Hardship:
The applicant states the following in their hardship letter:

“Due to continued growth in the western St. Charles region, the existing pumped storage facilities alone are no longer adequate to meet maximum day equalization and fire reserve. Low pressure complaints have arisen within the west side of the zone during peak hour periods. In order to alleviate these problems, it is necessary to construct a new booster station and install a 2.0 MG elevated storage tank and all required yard piping. Additional options were considered including installation of a 0.75 MG elevated storage tank, however equalization and fire/emergency reserve dictated the need for the 2.0 MG storage tank. Elevated storage can maintain more constant system pressures without relying on mechanical pumping.

There is less potential of main breaks and better customer service when constant system pressures can be maintained. In addition, the use of elevated storage is more energy efficient than mechanical pumping.

System hydraulics dictate the target water level for an elevated storage tank and at this location the system water pressure equates to an elevation of 740 feet HGL. At the site location, the base elevation of the elevated storage tank is approximately 610 feet USGS, with a riser height of 88 feet (698 feet HGL), an overflow height of 130 feet (740 feet HGL), overall height of approximately 140 feet and bowl diameter of approximately 100 feet. The recommended height of the tank is necessary to operate appropriately with the existing system hydraulics and stabilize customer service pressures for the surrounding area during peak hour periods.

The proposed elevated storage tank will also provide much needed equalization storage to the western part of the St. Charles zone, which is anticipated to be the growth area and thereby reduce pressure swings during peak hour events. In addition to providing equalization storage, the elevated tank will also provide for emergency elevated storage to a zone which is otherwise without elevated storage.”
COUNTY STAFF ANALYSIS:

The applicant has stated that the height variance request for a water tank to be built at 140 feet in height is necessary in order to provide the necessary water pressure for approximately 375,000 residents in this portion of the County. Without sufficient water pressure, some homes may not have water during peak times and consequently, fire suppression may become a severe consequence of losing necessary water pressure.

When discussing a height variance request, site line vision can be a primary objection from surrounding property owners. There is a large subdivision (Berkshire Downs) located to the west of the proposed water tank location. This proposed, elevated water storage tower does have a potential for negatively impacting the sight lines of the community. Elevations towards this subdivision drop approximately 30 feet with existing trees located along this site line for approximately 200 feet. The tree line varies in height but an average of approximately 30-50 feet of additional canopy can be added to the drop in vertical elevation in regard to the line of site vision of the proposed water tank.

The applicant’s submittal includes a simulated image of what the proposed water tank will look like if placed in the proposed location. The tank would be painted white. Many utility apparatus such as water tanks and cell towers are painted blue or silver to blend more readily with the scenic view for residents. The Board may want to consider alternative colors to the white version presented.

The applicant has also indicated that they have consulted with the Federal Aviation Administration (FAA) in regard to the proposed height and have received a “Determination of No Hazard to Air Navigation”. No information regarding lighting of the water tank has been provided.

In summary, the Board must evaluate the need for a stable water source at the calculated, necessary water pressure versus the impact this tower may have on the scenic views of residents in the area.

VARIANCE CRITERIA:

The Board of Zoning Adjustment may vary the strict application of a regulation if the property owner proves all four of the following criteria:

1. **The variance is requested due to unique circumstances inherent to the specific piece of property and not to personal considerations of the property owner.**

   Staff sees no exceptional situation or condition that applies to this specific property, other than that the water tower’s location is dictated by the service area and the elevation of the parcel.

2. **The variance is not needed as the result of an affirmative act of the property owner that could have been avoided through a different course of action.**
The applicant has provided written evidence for the Board to consider on this question. They provide the technical reasons for the request and why this location is necessary for the placement of the elevated tank. The specific height requested is for technical reasons – to provide the necessary water pressure for both consumption and fire flows for approximately 375,000 customers.

3. **The variance would not merely grant a special benefit to the property beyond what is enjoyed by other properties regulated by the same set of zoning regulations.**

The applicant could erect a ground storage tank at this location below the 40-foot height limit imposed by the zoning regulations; however, it would not provide the height necessary for proper water pressure to distribute water systemwide.

4. **The application of such non-use regulation would result in practical difficulties to the property owner.** In determining whether “practical difficulties” exist, relevant factors to consider include whether, or to what degree, the owner can pursue the permitted use without a variance; the financial hardship to the property owner from the strict application of the regulation; how substantial the variance request is in relation to the regulation; whether the difficulty can be obviated by some method other than a variance; and whether such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning regulations as embodied in the Unified Development Ordinance and maps.

The applicant has provided documentation that there is no other alternative to constructing the water tank at the required height of 140 feet. Water pressure needs for their customers and for fire suppression require the height to be at 140 feet.

**STAFF RECOMMENDATION:**

The options of the Board of Zoning Adjustment are:

- Approve the requested variance without conditions
- Approve the requested variance with conditions, or
- Deny the requested variance.

County staff recommends that the Board of Zoning Adjustment approve this application subject to the following conditions:

1) This variance applies to the proposed elevated water tank only. The height limitation will be 140 feet.
2) The color of the tank may not vary from the colors determined by the Board to be appropriate.
Knaust Road looking north from subject site
December 13, 2019

Board of Zoning Adjustment
St. Charles County

Re: Height Restriction Variance Request

Dear Board of Zoning Adjustment Members:

Missouri American Water Company (MOAW) is proposing to replace an existing booster station and construct an elevated storage tank on MOAW owned property at the current Knaust Road Booster Station location at 530 Knaust Road in St. Peters, Missouri. The property is zoned R1A with a permissive use of “sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells and elevated storage tanks, for the purpose of providing services to the public” per Section 405.090.B.12. However, construction on the site is subject to a maximum height of 40 feet per Section 405.090.D.1. As such, MOAW is requesting a variance to the maximum height restriction in order to construct the elevated storage tank.

Need for the Project

MOAW provides potable water service to approximately 375,000 customers in the St. Louis Metro Service Area. The St. Charles County distribution system is hydraulically connected and supplied by the St. Louis County Central Plant through the Green Bottoms Pressure Reducing Station. All storage in the existing St. Charles zone is pumped storage and located on the eastern half of the system. Due to continued growth in the western St. Charles region, the existing pumped storage facilities alone are no longer adequate to meet maximum day equalization and fire reserve. Low pressure complaints have arisen within the west side of the zone during peak hour periods. In order to alleviate these problems, it is necessary to construct a new booster station and install a 2.0 MG elevated storage tank and all required yard piping. Additional options were considered including installation of a 0.75 MG elevated storage tank, however equalization and fire/emergency reserve dictated the need for the 2.0 MG storage tank. Elevated storage can maintain more constant system pressures without relying on mechanical pumping. There is less potential of main breaks and better customer service when constant system pressures can be maintained. In addition, the use of elevated storage is more energy efficient than mechanical pumping.

System hydraulics dictate the target water level for an elevated storage tank and at this location the system water pressure equates to an elevation of 740 feet HGL. At the site location, the base elevation of the elevated storage tank is approximately 610 feet USGS, with a riser height of 88 feet (698 feet HGL), an overflow height of 130 feet (740 feet HGL), overall height of
approximately 140 feet and bowl diameter of approximately 100 feet. The recommended height of the tank is necessary to operate appropriately with the existing system hydraulics and stabilize customer service pressures for the surrounding area during peak hour periods.

The proposed elevated storage tank will also provide much needed equalization storage to the western part of the St. Charles zone, which is anticipated to be the growth area and thereby reduce pressure swings during peak hour events. In addition to providing equalization storage, the elevated tank will also provide for emergency elevated storage to a zone which is otherwise without elevated storage.

Additional Considerations

As shown on the Plot Plan, the elevated storage tank is proposed to be located on the eastern portion of the property, approximately 320 feet from the Berkshire Downs subdivision located east of the property. The preliminary tank rendering drawing enclosed provide views of the elevated storage tank from various viewpoints. Modeling of the proposed tank location has shown that the tank shadow during various times of the day should not adversely affect the current residential houses.

The tank is also positioned such that the bowl is located within the setback requirements as required by code. The proposed pump station is considered an accessory structure and will be located as required to meet the applicable code regarding distances and setbacks.

Due to the height of the tank, concern may exist regarding interference with existing emergency communications. Provisions can be provided to install antennas to eliminate any interference, if needed.

In addition, due to the height of the tank consultation with the Federal Aviation Administration has been completed and a “Determination of No Hazard to Air Navigation” has been received for construction.

Thank you for consideration of our request and please do not hesitate to contact us should you have questions, comments or require additional information.

Sincerely,

MISSOURI AMERICAN WATER COMPANY
NOTE: TRACT IS ZONED R1A

530 KNAUST ROAD
ST PETERS, MISSOURI

CONSULTANTS
CRAWFORD, MURPHY & TILLY, INC.

DECEMBER 2019

LICENSE NO. 000631

OWNER

DESIGNED BY:

APPROVED BY:

DATE: TUESDAY, DECEMBER 10, 2019 3:07:53 PM

DRAWN BY:

CHECKED BY:

PROJECT NO:
190401-37

SHEET OF:
1

CAD DWG FILE:
PRELIM SITE PLAN EXHIBIT.DWG

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"BERKSHIRE DOWNS" PLAT BOOK 35 PAGE 34

EXHIBIT

KNAUST ROAD - PUMP STATION AND TANK

AMERICAN WATER

PROPOSED PRE-PACKAGED PUMP STATION
(EST. 15' BY 30')

PROPOSED 2 MG ELEVATED WATER TOWER
(PEDESTAL DIA 54') (BOWL DIA 100')

EXISTING PUMP STATION
(8.4' X 12.25')

EXISTING R.O.W. LINE

PROPOSED GRAVEL DRIVE

SITE PLAN
1" = 30'

N

0

30'

60'

119.42'

3.55'

Ø100'

Ø54'

EXHIBIT

DECEMBER 2019

KNAUST ROAD - PUMP STATION AND TANK

AMERICAN WATER

PROPOSED PRE-PACKAGED PUMP STATION
(EST. 15' BY 30')

PROPOSED 2 MG ELEVATED WATER TOWER
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APPLICATION VAR19-04

VARIANCE REQUEST - 1414 HIGHWAY Z

Application: VAR19-04
Owner: Wentzville Memorial VFW Post #5327
Applicant: Michal Giunta
Variances Requested:
1. A request to vary Section 405.475.A.1 of the Ordinances of St. Charles County (OSCCMo); to allow for the display of an electronic sign in the A, Agricultural District, which is not permitted; and
2. A request to vary Section 405.490.B of the Ordinances of St. Charles County (OSCCMo); to allow the sign to operate so that it is flashing, which is not permitted.

Property Zoning: A, Agricultural District
Area: 8.57 acres
Location: Approximately 320 feet south of the intersection of Highway Z and Peruque Hills Parkway, adjacent to the City of Wentzville
Council District: 2
Account No.: 726270B000

CONTENTS:
- Staff Recommendation Report & Site Photos
- Aerial photo
- Zoning map
- Topographical Map
- Applicant’s Statement of Hardship
- Site Plan
- Photos of Property Submitted by the Applicant
- Applicant’s Request to Withdraw Rezoning Application and Proceed with Variance Request dated 12/02/19
- Letters Received:
  - Opposition - Jason Durham
  - Support – Bryan Spencer, State Representative 63rd District
  - Support – Adam Schnelting, State Representative 104th District
  - Support – Randy Pietzman, State Representative 41st District
  - Support – Nick Schroer, Missouri House of Representatives District 107
  - Support – Jeff Porter, Missouri House of Representatives, District 42
  - Support – William Eigel, Missouri Senate District 23
  - Support – Senator Robert Onder, Missouri Senate District 2
  - Support – Ron Hicks, State Representative District 102
  - Support – Justin Hill, State Representative District 108
  - Support – Tony Lovasco, State Representative District 64
  - Support – John Wiemann, Speaker Pro Tem VFW Post #5327
UPDATED BOARD OF ZONING ADJUSTMENT REPORT

To: County Board of Zoning Adjustment  
Prepared by: Robert Myers, AICP

Application No.: VAR19-04  
Date: December 23, 2019

BACKGROUND

Owners/Applicant: Wentzville Memorial VFW Post #5327

Requested Actions: 1. To vary Section 405.475.A.1 of the Ordinances of St. Charles County (OSCCMo); to allow for the display of an electronic sign in the A, Agricultural District, which is not permitted; and

2. To vary Section 405.490.B of the Ordinances of St. Charles County (OSCCMo); to allow the sign to operate so that it is flashing, which is not permitted.

Zoning: A, Agricultural District

Location: 1414 Highway Z, Approximately 320 feet south of the intersection of Highway Z and Peruque Hills Parkway, adjacent to the City of Wentzville.

Size: 8.57 acres

Current Land Use: Institutional (Wentzville Memorial VFW Post #5327)

Adjacent Land Use and Zoning:

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<th>Land Use</th>
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<tr>
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<td>Single Family Dwelling Units</td>
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<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Single Family Dwelling Unit</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Single Family Dwelling Unit</td>
</tr>
<tr>
<td>West</td>
<td>R-1C, Single Family Residential (City of Wentzville Zoning)</td>
<td>Single Family Dwelling Unit</td>
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</tbody>
</table>

Request Summary:

The applicant proposes to continue to use the new electronic message center that was erected without sign permits. The applicant would like to also be able to flash the sign to be able to generate revenue.
Site Characteristics:
The parcel has been developed with a VFW meeting hall, parking lot, and memorial park. It is immediately adjacent the City of Wentzville.

The land that is in the City contains two large and dense residential subdivisions and a state highway. (Highway Z). Land to the south and east is rural in nature and contains one single family dwelling. The sign is located on top of a hill near the Highway.

Relevant Property History:
In December 1989, the County issued a conditional use permit (CUP 313) for the VFW Post to operate a private club in the A, Agricultural Zoning District. The VFW Post operates under this CUP.

The applicant applied for the variances after receiving a notice of violation issued by Saint Charles County (File number 19-003747). The applicant had erected this new electronic message center without a permit.

These variance were introduced at the September 2019 Board of Zoning Adjustment meeting, but at the request of the applicant, the Board tabled the application so that the applicant could instead pursue an application to rezone the property to C1, Neighborhood Business District. Under the County’s zoning regulations, a digital sign could be approved in the C1 District but not operated with less than 10-second hold times between messages. The applicant submitted a rezoning application to the County but recently withdrew that request.

Applicant’s Statement of Hardship:
The applicant states they replaced an 11-year-old sign with regular light bulbs with a sign with LED light display for clarity and upkeep of the VFW Post. They state that without the sign they will lose revenue and that would cause a hardship to their members.

COUNTY STAFF ANALYSIS

Driver distraction. An important governmental interest in regulating digital signs and billboards is that driver distraction can be a significant traffic hazard. Drivers can be distracted by a variety of ways, including texting while driving, cell phones, navigation systems, and digital signs and billboards. A 2006 study conducted by the National Highway Safety Administration shows that drivers who take their eyes off the road for more than two seconds are far more likely to suffer a crash or near crash. In order to mitigate the potential of digital signs and billboards to distract drivers, states and many local jurisdictions have enacted standards to prohibit moving images and to control brightness.
Hold time between images. Under the Federal Highway Beautification Act (23 USC 131), as a requirement for receiving Federal transportation funding, states must adopt and administer specific limitations along routes which are part of the Federal-aid highway system. As part of this Act “intermittent”, “flashing”, or “moving” lights along these routes are prohibited.

In a September 25, 2007 memorandum, the Federal Highway Administration provided official guidance to state Departments of Transportation as to whether or not digital signs/billboards would be considered “intermittent” or “flashing” lights. The memorandum counsels that the Federal Highway Administration would recommend a hold time of 8 seconds (or greater), and a transition time between images of no more than 1-2 seconds as complying with the Highway Beautification Act.

The applicant may have to obtain a permit from MoDOT to erect their sign. If the County issues a variance to allow the sign, MoDOT may still refuse the sign permit. Below are the pertinent state statutes that regulate this type of sign along state highway right of way:

Per MODOT’s Outdoor Advertising summary book that covers RSMo 226.500 to 226.600 and 7 CSR 10-6, the following regulations apply:

Per RSMo 226.540.1.a states “No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed; tri-vision, projection, and other changeable message signs shall be allowed subject to Missouri highways and transportation commission regulations.”

Per RSMo 226.520.5 Permitted Signs states “Outdoor advertising for tourist-oriented businesses, and scoreboards used in sporting events or other electronic signs with changeable messages which are not prohibited by federal regulations or local ordinances.”

Saint Charles County’s sign code requires a 10-second hold time between images for Electronic Display On-Premise Signs, and such signs are only allowed in commercial and industrial zoning districts.

VARIANCE CRITERIA:

Under Section 405.590.C of the County Code, the Board of Zoning Adjustment may vary the strict application of a regulation if the property owner proves that the property has met all four of the following criteria:

1. The variance is requested due to unique circumstances inherent to the specific piece of property and not to personal considerations of the property owner.

No exceptional situation or condition applies to this property that would dictate the use of a digital sign as opposed to a traditional sign. The VFW’s application indicates that not granting the requested variances would cause a hardship to its members but does not
state that it would result from unique circumstances inherent to this specific property. The VFW Hall has alternative means of expression but has a preference for electronic/digital signage. Also, no situation unique to the property would dictate that digital messages be allowed with less than 10-second delay between messages.

2. **The variance is not needed as the result of an affirmative act of the property owner that could have been avoided through a different course of action.**

The applicant could have applied for a sign permit which would have alerted them to requirements to erect a sign in the A, Agricultural District. The applicant could also rezone the property to a commercial zoning district which would allow approval of a digital sign with a 10-second delay between messages. The applicant applied to rezone the property but then withdrew their request prior to the public hearing before the Planning & Zoning Commission.

3. **The variance would not merely grant a special benefit to the property beyond what is enjoyed by other properties regulated by the same set of zoning regulations.**

Granting a variance would create a special benefit to the property owners because other properties in the A, Agricultural District could not use electronic/digital signage.

4. **The application of such non-use regulation would result in practical difficulties to the property owner.** In determining whether “practical difficulties” exist, relevant factors to consider include whether, or to what degree, the owner can pursue the permitted use without a variance; the financial hardship to the property owner from the strict application of the regulation; how substantial the variance request is in relation to the regulation; whether the difficulty can be obviated by some method other than a variance; and whether such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning regulations as embodied in the Unified Development Ordinance and maps.

County staff would view granting of one or both variances as a substantial detriment to the public good and as impairing the intent, purpose, and integrity of the zoning regulations. The public good would be impaired by allowing a flashing sign. The County’s 10-second hold time between messages conforms to State and Federal laws and regulations to eliminate flashing and intermittent signs along the Federal-aid highway system and is also adopted to reduce driver distraction and promote public safety. Second, the variance would allow the introduction of an electronic/digital sign within an area now zoned agricultural and residential. And third, the zoning regulations would be undermined because granting a variance would create a precedent whereby the owners of other noncommercial and non industrial properties can claim the necessity to operate electronic/digital signage.
STAFF RECOMMENDATION:
The options of the Board of Zoning Adjustment are to:

- Approve the requested variance without conditions
- Approve the requested variance with conditions, or
- Deny the requested variance.

County staff recommends that the Board of Zoning Adjustment deny both variances as having not met any of the four variance criteria of Section 405.590.C and based on the above information.

It is requested that the Board vote on each variance separately.

If the Board should decide to approve one or both variances, staff recommends the following conditions:

1. The variances shall be valid for only the subject freestanding sign; and
2. A copy of the Missouri Department of Transportation sign permit shall be submitted with the application for the County sign permit. Should MoDOT determine that no State sign permit is required, a letter from that agency shall be required stating such.

If deciding to approve the variance to eliminate the 10-second hold time between images, the Board should also consider adding a condition to impose an alternative minimum hold time to minimize traffic hazards caused by flashing and intermittent lights.
Sign as installed
Installed sign from across Highway Z
VAR 19-04 - Topography

Subject Property
Statement of Hardship

The VFW has change the 11 year old sign from existing regular light bulbs to LED Lights on our signage for the clarity and upkeep of the VFW Post. We as a Non-Profit Organization have provided to the public and veterans a service to the St. Charles and Wentzville Community for the good of the order a place for boy scouts, events for the public to enjoy, for the community service work program, VOD, and Patriots Pen for students and teaches in our schools, for Memorial Services, for the POW Run For the Wall Events for the last 31 years in which the Fire Department Mayor of Wentzville, Police and Other Elective Officials have provided support. Without this sign we lose Revenue and that is the Hardship to the people.
SKETCH OF SIGN LOCATION
NOT TO SCALE
VFW POST 5327
DETAIL
1414 HIGHWAY 2
N.T.S.
WENTZVILLE M. 63385
Photos of Property Submitted by Applicant
Photos of Property Submitted by Applicant
Photos of Property Submitted by Applicant
From: commandervfw5327 <commandervfw5327@gmail.com>
Sent: Monday, December 2, 2019 1:25 PM
To: Price, Mark <MPrice@sccmo.org>
Subject: Withdraw from Pz

VFW Post 5327 respectfully withdraws from Zoning request. Per Post Membership would like to continue with Boa request. With draw from rezoning per cost and other issues.

Respectfully,

Jeff Bornefeld
Commander
VFW Post 5327
I won’t be able to attend the hearing on this matter but would like to cast a vote to have the sign removed. I’m sitting in my living room right now _with my blinds closed_ and can still see the green sign through the gap between the edge of my vertical blinds and my sliding door. With my blinds open, I can read every word on the sign sitting on my couch. It does not belong in a residential area and we ask that it be removed immediately.

Jason Durham
1226 Peruque Ridge Dr, Wentzville, MO 63385
To Whom It May Concern:

As a Representative in Wentzville, I recognize the value of the VFW Post 5327, and the importance of serving our veterans and our communities. I write you today to express my support in VFW Post 5327 and their efforts to keep their sign. The location of the sign is not a distraction to other drivers, and there are many similar signs in the area.

Veterans of Foreign Wars Post has been at the same location in Wentzville since 1979. The sign became lighted 11 years ago and changed to LED bulbs a year ago. It does not have flashing lights, it is over 50ft from the road, and doesn’t have any safety concerns.

As an Auxiliary member of Post 5327, I regularly visit the Post. I would like to convey my commitment and support to VFW Post 5327 on 1414 Highway Z, Wentzville, MO 63385 and their initiative to keep their sign outside the VFW Post 5327.

If you have any further questions regarding this matter, feel free to contact my office at 573-751-1460.

Sincerely,

Bryan Spencer
State Representative for the 63rd District
September 10, 2019

To Whom It May Concern:

I would like to convey my commitment and support to VFW Post 5327 on 1414 Highway Z, Wentzville, MO 63385 and their initiative to keep their sign outside the VFW Post 5327.

Veterans of Foreign Wars Post has been at the same location in Wentzville since 1979. The sign became lighted 11 years ago and changed to LED bulbs a year ago. It does not have flashing lights, it is over 50 feet from the road, and doesn’t have any safety concerns.

As a Representative in St. Charles, I have visited the location for many different events and I recognize the value of the VFW Post 5327, and the importance of serving our veterans and our communities. The location of the sign is not a distraction to other drivers, and there are many similar signs in the area. I write you today to express my support in VFW Post 5327 and their efforts to keep their sign.

If you have any further questions regarding this matter, feel free to contact my office at 573-751-2250.

Sincerely,

Adam Schnelting
State Representative for the 104th District
September 10, 2019

To Whom It May Concern:

I am writing this letter to express my support of the current sign that is being used by St. Charles County VFW, Post 5327.

This post is located on Hwy Z and I do not see why this sign would be any cause of concern to the City or other entities.

Again, I am in full support of the post being able to continue using their current sign.

If you have further questions on this issue don’t hesitate to call my office at (573) 751-9459.

Sincerely,

Rep. Randy Pietzman
District 41
To Whom It May Concern,

The Missouri Veterans of Foreign Wars has a rich tradition of serving veterans, military families and their local communities. Therefore, with this letter I confirm my support of VFW Post 5327 and their right to continue using their current sign.

Post 5327 has been in the same location for 40 years and has had a lighted sign for over 11 years. While they updated to LED bulbs a year ago, their sign does not have flashing lights, is over 50 feet from the road, and doesn’t cause any distraction or safety hazard.

As a staunch supporter of our veterans, I fully support VFW Post 5327’s right to retain their current sign.

Respectfully,

Nick Schroer
Missouri House of Representatives – HD 107
September 10, 2019

St. Charles County Council
100 N. Third St.
Suite 124
St. Charles, MO 63301

Dear Council Members,

I would like to convey my commitment and support to the Veterans of Foreign Wars (VFW) of Wentzville and their initiative to keep their sign outside the VFW Post 5327 on Highway Z.

As you know, the purpose of the VFW is to serve our veterans and promote Americanism by means of education in patriotism. VFW Post 5327 has been serving disabled veterans, and their families, of all war in matters of government compensation and pension claims, hospitalization, civil services and employment needs at this very location since 1983.

As State Representative of the southern portions of St. Charles County, specifically New Melle and Augusta, I recognize the tremendous value of the VFW Post and its constructive service to our community.

Furthermore, the location of their sign is not a distraction to drivers and there are multiple similar signs in this area. I write to you today to express my support in VFW Post 5327 on Highway Z and their efforts to keep their sign, and in its original place. Thank you for your time and consideration in this matter.

Best regards,

Jeff Porter
Missouri State Representative
House District 42
St. Charles County Council
201 N. Second St.
St. Charles, MO 63301

Dear Council Chairman White and Council Members,

I write to you today in support of VFW Post 5327, the location of which is 1414 Highway Z in Wentzville, retaining possession of their lighted building sign. It has come to my attention that the City of Wentzville apparently is requesting and/or requiring the VFW Post’s lighted sign to be removed for no reason which involves public or private safety concerns; does not disrupt neighboring residents; nor is an issue of aesthetics.

My specific request is that as you explore this issue please keep in mind several things: this VFW post has served the community for more than three decades; that the lighted sign has been a part of the building for more than 11 years; and, perhaps most important of all, the purpose of all VFW Posts it to “to speed rehabilitation of the nation's disabled and needy veterans, assist veterans' widows and orphans and the dependents of needy or disabled veterans, and promote Americanism by means of education in patriotism and by constructive service to local communities.”

As you can imagine the VFW Post members take great pride in their service to veterans in the surrounding community. I cannot imagine any current, significant reason for the city to push forward with this type of interference with a local philanthropic organization.

Thank you for taking up my request and for all you do for Saint Charles County.

Sincerely,

William C. Eigel
Senate District 23

Cc: Senator Bob Onder
    Representative Bryan Spencer
    VFW Post 5327 Commander Jeff Bornefeld
September 11, 2019

St. Charles County Council  
100 N. Third St.  
Suite 124  
St. Charles, MO 63301

Re: Wentzville Memorial VFW Post #5327

To Whom It May Concern:

This letter is to support the Wentzville Memorial VFW Post #5327 and their request to allow use of an electronic sign on their property located at 1414 Hwy Z, Wentzville, MO 63385. This sign replaced the previous eleven year old sign, in hopes of saving energy cost and boosting revenue.

The Wentzville Memorial VFW Post #5327 was chartered in 1983. The support they provide to veterans and their families plays an important role not only in the lives of those veterans, but also in the community. As a nonprofit organization the services they provide are made possible by revenues and volunteer work.

The services provided by the VFW are a great asset to my district and to the entire state. Thank you for your consideration. I strongly support their request and hope you will consider authorizing the use of their sign.

Sincerely,

[Signature]

Senator Robert F. (Bob) Onder  
State Senator – District 2
Dear Saint Charles County Council,

It has been brought to my attention that the Veterans of Foreign Wars Hall 5327 has faced intense scrutiny simply for updating a sign on their property to LED lighting. This is a sign that has been on the property since 1979. It has been a lighted sign for 11 years. During all that time, there were no complaints. The sign is not a safety concern, it is fifty feet from the highway. The VFW is a respectable organization which honors our military heroes and provides incredible value to our Greater St. Charles County community. In order to respect the men and women that have served our country, I believe we should respect the property rights of VFW #5327 and allow them to have their sign.

Sincerely,

Ron Hicks
District 102
Chair - Special Committee on Homeland Security

cc: VFW 5327
Dear Councilmembers,

Please accept this letter as evidence of my strong support for the Veterans of Foreign Wars of Wentzville. It has come to my attention that various complaints have been made against this specific post regarding a sign near Highway Z.

There are nearly 2 million members of this tremendous organization. Their mission is to foster camaraderie among United States veterans of overseas conflicts and to serve our veterans, the military and our communities. The VFW ensures that veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.

We must do everything in our power to make our region as welcoming and accepting of veterans as possible. I have visited this specific post many times and I can assure you that the sign is not an issue. This post has been at this same location since 1979, long before nearby development. There are also similar signs up and down Highway Z.

The American Legion’s success depends entirely on active membership, participation and volunteerism. When local organizations harass the VFW with petty complaints, it directly hurts their ability to organize and fulfill their grassroots campaign.

I strongly advise the St. Charles County Council to support the post and dismiss these complaints.

Very Sincerely,

Justin Hill
State Representative
District 108
September 11, 2019

I support Veterans of Foreign Wars Post 5327 on Highway Z in St. Charles County, and their ability to keep their sign outside on their property without harassment from neighboring municipal authorities.

The VFW was founded with the sacred purpose of honoring and serving those have gone far from home to fight for our United States. Post 5327 has been serving veterans, service members and the local community in St. Charles County since 1979.

As a Representative in St. Charles County, I recognize the value of VFW Post 5327 and the importance of serving our veterans and our communities. The location of the Sign is not a distraction to other drivers, and is not a nuisance to the neighboring residential communities. Therefore, I write you to express my support of VFW Post 5327 and their efforts to keep their sign.

Sincerely,

Tony Lovasco
State Representative, District 64
September 11, 2019

St. Charles County Council
201 N Second St.
St. Charles, MO 63301

Dear Council Members;

I write in support of the VFW Post 5327 on Highway Z in St. Charles County, and their initiative to keep the sign outside their Post.

The Post has endeavored to update this sign since 1979 in order to keep it attractive, not a distraction for drivers, and comport in design with similar signs in the area.

This VFW Post is an important part of our community and provides a valuable service for our citizens.

I strongly express my support for their efforts to keep their sign.

Respectfully,

John D. Wiemann
Speaker Pro Tem

cc: VFW Post 5327
CALL TO ORDER

Board of Zoning Adjustment Chairman Gerry Prinster called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, he welcomed the audience, explained the functions of the Board of Zoning Adjustment and the format of the meeting, and explained the procedures for speakers. Chairman Gerry Prinster also introduced The Unified Development Ordinance (UDO) and Zoning Maps of St. Charles County into the record.

CHANGES TO THE AGENDA

NONE
I. **VARIANCE REQUEST – 1865 HIGHWAY C**

Application: VAR19-05  
Owner: Dardenne Realty Company  
Applicant: Civil Engineering Design Consultants  
Variance Requested: A request to vary Section 405.355.B.2 of the Ordinances of St. Charles County (OSCCMo) to allow for the replacement of the Dardenne Hunting Club Boathouse to be constructed at 11.76 feet below the base flood elevation rather than at 1-foot above the base flood elevation, in accordance with Section 405.375 OSCCMo.  

Property Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts  
Parcel Area: Approximately 782 acres  
Location: Approximately 2,125 feet north of the intersection of Highway B and Highway C; a mile south of the Mississippi River  
Council District: 6  
Account No.: 267150A000

Board Secretary Kevin DeSain read the variance request aloud. Chairman Gerry Prinster then opened the public hearing and asked the owner or owner’s representative to approach the podium to explain the request.

Art Bond, property owner, was sworn in. Mr. Bond is representing Bond Architect and is one of the owners of Dardenne Duck Club. The applicant is requesting to replace a boat house that was destroyed during the flooding that occurred this summer. He stated that the footprint of the new structure will essentially be the same as the original footprint of the previous boat house that had stood since the early 1960s. The applicant is requesting to have the base floor level 11.76 feet lower because they flood the fields during the fall and raise it up almost to grade level, about 2.5 feet lower than their floor elevation. He stated that if they had to raise it up, they could not access the boats that come onto the boat docks. He stated that there is a caretaker on the property that has been instructed in the past to open all garage doors to allow flooding to move through freely.

Chairman Gerry Prinster asked if the County staff had any comments regarding to this variance request.

Mark Price, County Planner, stated that commercial structures in the County are required to implement a flood proofing plan. Mr. Price stated that the first floor of the structure is made of concrete and should be flood resistant.

John Matlick asked if it would be necessary to have an automatic system to handle potential flooding on the property in case someone is not there.

Mark Price responded that would be required for a residential structure. Mr. Price stated that since this is a Commercial structure with a staff member on site 24 hours a day, 7 days a week, they are allowed to provide that as an alternative.

Vicki LaRose asked if the electrical and HVAC are above the flood base level.
Art Bond responded in the affirmative. Mr. Bond stated that they won’t use a HVAC system, but will utilize a radiant heating unit on the second floor.

Dave Bauer asked if the structure has flooded in the past.

Art Bond responded in the affirmative and stated that the previous boat house was a wooden structure. Mr. Bond stated that the wave action on the wood frame walls has destroyed the entire building.

Mark Price stated that there will be no changes to the footprint of the proposed structure, therefore it does not require any kind of notarized certification.

For the record, the County did not receive any written communications regarding this variance request.

Chairman Gerry Prinster asked if there was anyone in the audience that would like to speak for or against this application.

Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon MO, was sworn in. Mr. Dienoff stated that County staff recommended denial for this application because the property is in a floodplain and a flooded area. He stated that he is not opposed to the variance request, but he does have concerns. He stated that he is concerned that the environment is protected if it is going to flood on an annual basis. He is concerned about trash dumpsters floating away and believes that the responsibility should be put on the property owner. He stated that this property has flooded annually over the past 5 years, and the County should have strict requirements on cleaning up the environment after a flood occurs and prevention. He stated that he would like for the Board to consider his concerns and to have conditions that will handle future floods.

Chairman Prinster stated that after flooding a few years prior, there were propane tanks and dumpsters floating around at the north end of the County.

Mark Price responded that the County ordinance has provisions on anchoring after a flood event. For the record, County staff did not make a recommendation for approval or denial. If the Board chooses to approve the variance request, County staff recommended that two conditions be added to the variance approval.

Robert Myers stated that County staff has specific criteria with typical variances, but there are additional considerations with variances that are in the flood zone or that deal with flooding, as shown in the Staff Report. Mr. Myers stated that because of the nature of this application that deals with flooding, the Board could address those part of the conditions. For instance, if there was a propane tank built at grade, the Board could ensure that one of the conditions be that it is anchored or tied down to prevent it from floating away. In terms of this application, County staff has not seen any concerns or comments about a dumpster.

Chairman Prinster asked County staff if they had any further comments regarding this application.

Mark Price responded in the negative and stated that the Board should review this variance request and add conditions if they feel it is necessary.

David Bauer asked the applicant if there were any loose items on the property that floated away during the last flood.

Art Bond responded that there is not a dumpster located at the boat house, but on an elevated platform at the other end of the property. Mr. Bond stated that they also have a diesel tank on an elevated platform.

David Bauer asked if they were flooded this year.
Art Bond responded in the negative and stated that they were dropped. Mr. Bond stated that they were located on the mound behind the residence, located at the east end of the property.

Chairman Prinster asked if any debris floated onto the subject property.

Art Bond responded in the affirmative and stated that they lost several Robo Ducks.

There being no further speakers from the audience, Chairman Gerry Prinster closed the public hearing and called for discussion from the Board members.

There being no further discussion from the Board, Chairman Prinster asked for a motion to approve this variance.

David Bauer made a motion to approve VAR19-05, subject to staffs recommended conditions. The motion was seconded by John Matlick.

The vote on the motion was as follows:

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<tr>
<td>Gerry Prinster</td>
<td>- Yes</td>
<td>Kevin DeSain</td>
<td>- Yes</td>
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<tr>
<td>John Matlick</td>
<td>- Yes</td>
<td>Vicki LaRose</td>
<td>- Yes</td>
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<td>David Bauer</td>
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Application VAR19-05 was **APPROVED**.

The vote count was 5 Yeas, 0 Nays, and 0 Abstentions.

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**II. APPEAL OF DIRECTOR’S DECISION – 233 LAKEVIEW DRIVE**

Application: ZAP19-01  
Owner: Thomas P. Adams  
Applicant: Suddarth & Koor, LLC  
Appeal Request: An appeal of the Planning & Zoning Division Director’s determination that a residence has sustained substantial damage  
Property Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts  
Parcel Area: 0.66 acres  
Location: In the Karmill Wood Acres Subdivision, 500 feet south of the Mississippi River  
Council District: 6  
Account No.: T090400004

Board Secretary Kevin DeSain read the appeal aloud. Chairman Gerry Prinster then opened the public hearing and asked the owner or the owner’s representative to approach the podium to explain the appeal.

Andrew Koor with Suddarth & Koor LLC, the applicant’s representative, was sworn in. Mr. Koor stated that the property owner, two of his neighbors, and the contractor who gave the owner a bid for repairs for this property are also present this evening. Mr. Koor stated that the property owner would like to move back into his house. He presented a copy of an appraisal of the subject property (which was dated November
and asked for the Board and County staff to review it. Mr. Koor stated that County staff may or may not be aware of this appraisal, but it shows the value of the property to be $165,000 dollars.

David Bauer asked when the submitted appraisal was done.

Andrew Koor responded that it was done within the past two days.

Gerry Prinster asked if this appraisal was done prior to the damage from the 2019 flood event.

Andrew Koor responded in the affirmative.

John Matlick asked if the comparisons for this appraisal were based on the home being in a non-flooded state.

Andrew Koor responded in the affirmative.

Ardita Roark, Associate County Counselor, stated that the standard of review for the Board of Zoning Adjustment when it is alleged that a decision or determination made by the Director of Planning and Zoning has been made in error is to make a decision based on the evidence that was submitted to County staff at the time the decision or determination was made. Since the applicant's appraisal was not submitted at that time, the Board should choose whether they wish to consider this appraisal as part of their decision. If the Board chooses to consider this new information, they should then give the Planning and Zoning Division staff an opportunity to take time to review this appraisal and reconsider their original determination.

Andrew Koor stated that one week prior, he received a letter in the mail from County staff with information about tonight's meeting. He stated that he doesn't know when the next Board meeting will be, but his client would like to begin making the necessary to move back into his home and is unable to do so until the Board makes a decision on this appeal.

Kevin DeSain asked if the estimated value shown on the submitted appraisal report reflects the value of the home before or after the flood damage.

Andrew Koor responded that this report shows what the home would appraise for in proper condition.

Kevin DeSain asked if it was in March or April when the flooding started.

Andrew Koor responded that the appraisal report shows what the appraised value of the home would have been prior to the flood. Mr. Koor stated that the property owner is unable to obtain a permit to repair his home because County staff has determined that the amount of damage to the home exceeds 50% of the value of the structure. If their recent appraisal is correct, the damage is less than 50% and would allow for his client to repair and move back into his home.

Mark Price asked about the instructions given to the appraiser in terms of appraising the property. He asked Mr. Koor if the submitted appraisal includes the land, additional structures on the property, and the house, or if the appraised value of $165,000 dollars is only for the house.

Andrew Koor believes that only the property was appraised and stated that the property owner could provide that answer.

Tom Adams, the property owner, was sworn in. Mr. Adams disagreed with the damage assessment done by St. Charles County, so he hired an appraiser to do an appraisal of what his home would be worth without the damage caused prior to the flood.

Mark Price asked if the appraisal includes the outdoor structures on the property, and the land.
Tom Adams responded in the affirmative.

Mark Price stated that County staff only used the Assessor’s current value on the home when making this determination. The determination does not include the outdoor structures, the land, the septic system, or any of the other improvements on the property.

Tom Adams responded that the appraiser stated that the buildings and carport only account for a small percentage of the appraised value. He added that prior to this appraisal, St. Charles County forced him to combine his lots with his buildings and carport so that he could not sell the carports without the house.

Mark Price stated that F.E.M.A. provides County staff with guidelines to use when documenting damage to structures after a flood event. Staff is instructed to only use the value of the home, and to enter the information about the building into F.E.M.A.’s Substantial Damage Estimator, as shown on the items included in the Board’s agenda packet.

Kevin DeSain stated that the value of the land and other structures on the property is not going to change the damage determination, and the Board should only be concerned about the value of the home.

Tom Adams responded that he believes that the value of his home is significantly greater than the value calculated by St. Charles County.

Andrew Koor stated that the owner’s repair estimate differs from St. Charles County’s repair estimates. He stated that they received their estimate from James Sullivan with Sullivan Contracting, and his estimate to make repairs the home would be $31,995. He stated that Mr. Sullivan’s bid for the necessary electrical work is $3,800, compared to the County’s estimate of $8,900. He stated that the estimate to repair the flooring is $5,465.37, compared to the County’s estimate of $13,201.19.

Gerry Prinster stated that the applicant’s estimates don’t seem to coincide with the information provided by County Staff. The estimate from Building Element for electrical repairs done by the applicant shows $4,100, and the County’s estimate shows $4,115. The estimate for flooring done by the applicant shows $4,200 and the County’s estimate shows $13,201.

Andrew Koor responded that this is all a part of the total estimate of $31,995 from Sullivan Contracting. He stated that St. Charles County’s flooring estimate is $9,000 more than Sullivan Contracting’s estimate. The total estimated cost of repairs is approximately $32,000 and not $160,000. Mr. Koor also stated that he has an engineer’s report that indicates there are no damages to the foundation, the superstructure, the exterior finish, or the windows. There are missing doors, which are allotted for in the estimate from Sullivan Contracting. He believes that the appraisal of $165,000 is accurate, which makes his total cost of repairs well below the 50%. Since none of the structural components of the house need to be repaired, it supports the estimate from Sullivan Contracting.

David Bauer asked if they repaired or replaced the septic system, and what the cost was.

Andrew Koor responded in the affirmative, and stated that the property owner paid $1,400 to repair the septic system.

David Bauer asked why the property owner did not obtain a building permit to repair the septic system.

Tom Adams responded that he replaced the septic system himself in order to save money.

David Bauer asked if the new septic system has been inspected by the County.

Tom Adams responded that it has not. He stated that he has photos showing the repairs that he made.
Andrew Koor stated that his client is waiting for the Board of Zoning Adjustment to grant them permission before moving forward with any further repairs.

Gerry Prinster asked if the photos of the damage to the home were taken by County staff.

Mark Price responded in the affirmative.

Gerry Prinster stated that there appears to be significant foundation cracks throughout the entire basement of the house. The information presented by the applicant stating that there are no structural damages does not coincide with the photos of the house that were taken by County staff.

Tom Adams responded that there are some cracks in the foundation of the basement and garage, but they are a result of aging which is expected with any home. He stated that new homes also have cracks in the foundation. The Structural Engineer’s report states that the cracks will not negatively affect the house.

David Bauer asked how long the property owner has lived at this residence.

Tom Adams responded that he has lived there since 1996.

David Bauer asked if the property had frequently flooded in the past.

Tom Adams responded in the negative. In the past there was flooding in his yard and around his house, but not inside of the house. He rebuilt his entire house in 2008 and obtained all of the proper building permits from the County, so he considers his house to be only 12 years old instead of 30 years old. He stated that he would just like to move back into his house.

Gerry Prinster stated that he noticed that the house next door has new plywood on the lower level. He asked Mr. Adams if the neighbor’s house had as much flood damage as his house.

Tom Adams responded that the neighboring house was elevated prior to the updated County Ordinance. In 1994 there was water on the second floor of that house, but it is a stick-frame house so it would have to have been rebuilt. His neighbor’s house was determined to be 19% damaged and nine feet of water on the first level, whereas his house was determined to be 100% damaged with 42 inches of water in the house. He stated that the County completed their damage assessment on his house when it was unkempt, and they refused to come back to reinspect the property.

Gerry Prinster stated that County staff provided several photos of the property.

Tom Adams responded that County staff took those photos at the initial inspection. Mr. Adams stated that he made County staff aware of his Structural Engineer’s Report, showing that his structure was not substantially damaged. He stated that Connie Faherty, Code Enforcement Inspector is great at her job, but does not have the expertise of his Structural Engineer.

James E. Sullivan, the applicant’s contractor, was sworn in. Mr. Sullivan stated that he understands County’s staff procedure, but he does not agree with their estimates. He stated that the County’s flooring estimate of $13,201 is unnecessary for a 1,300 square foot structure. He stated that he could have the carpet installed for $2 per foot. He stated that the County’s interior finish estimate of $16,761 for is too expensive. He stated that the structure is needing the drywall, walls, mud, paint, and trim completed. He stated that Mr. Adams gutted out his house after the water evaporated from the flood event. He stated that his estimates are the actual cost to repair the structure.

Chairman Prinster asked if the roof was damaged.

James Sullivan responded in the negative. Mr. Sullivan stated that The County’s estimate for Roof Covering is $0, but $22,802 for Superstructure (sheathing, wall studs, floor joists, roof structure). He stated
that there is no damage to the exterior of this house, and it had vinyl siding. He stated that the house could be rewired, insulated and drywalled to function the way that it used to. He believes his estimates are realistic and considers that the house is less than 50% substantially damaged.

Kevin DeSain stated that County staff requested the applicant to have three estimates and asked if they had adequate time to get those estimates.

Mark Price responded in the affirmative and stated that County staff’s request was made on August 13, 2019 during an appeal meeting held in Planning and Zoning Division office.

Tom Adams stated that they had an informal meeting and had the information for County staff to review, but he was told that his structure was substantially damaged. He stated that County staff did not inform him that he needed to have three estimates. He stated that if he had known that, then he would have sought out two other contractors. He believes that their estimates would also be more affordable compared to County staff’s estimates.

David Bauer asked how the F.E.M.A. program determines the numbers for the Damage Estimates.

Mark Price responded that the program that County staff uses is the Substantial Damage Estimator 3.0, and it asks to input a number for replacement value per square foot. County staff referred to the Marshall & Swift book and it stated that on the average replacement cost for a Single-Family Home in St. Charles County is $122.46 per square foot. He stated that the estimates are shown on page 4 of the Substantial Damage Estimator packet. F.E.M.A. determined the percentages of the replacement value that each system cost. County staff entered the percent damage column based upon the applicant’s table they submitted. It then takes County staff’s percentage multiplied by the element cost, which determines the damage value.

Chairman Prinster asked how the County staff’s estimates and the applicant’s estimates are significantly different.

Mark Price responded that F.E.M.A. requires a Substantial Damage Estimate packet for every structure. Mr. Price stated that is their controlling document, unless there are other documents provided that can counter it. The applicant provided the insurance damage estimate is at $91,000 and the engineer’s estimate at approximately $68,000. The contractor’s estimate is approximately $32,000. County staff did request the applicant to have three contractor estimates, but they failed to provide that information.

Andrew Koor responded that they still have an appraisal at $165,000.

Kevin DeSain stated that appraisal is for the entire property and includes the value of the land.

Robert Myers stated that in reviewing the new Residential Appraisal Report, the indicated value by cost approach is $254,047. He stated that is the total value of everything on the property. He stated that the breakdown shows that the house is 60% of the value equating to $99,000. The County Assessor’s appraisal was $101,023, which is about a $1,000 difference.

John Matlick asked if they could refer to Marshal & Swift for what the applicant intends to repair.

Mark Price responded that the damage assessment is of the actual damage to the structure. County staff is not determining replacement and repair costs but what loss occurred.

Robert Myers stated that County staff appreciates the contractor’s estimate but is concerned that it is incomplete. He stated that a septic system for a small lot like the subject property is typically expensive. He believes it is impossible to replace it for $1,400. The average cost ranges from $10,000 to $12,000. He stated that the cost for smaller lots can cost up to $25,000. He stated that those are some of the concerns County staff had with the contractor’s total repair estimate of $31,000.
Tom Adams stated that the tanks have been 4-feet underground since 1993 and asked how his septic system is considered damaged by the 2019 flood event.

David Bauer asked what the County is going to do to ensure that the septic system is up to standard, since they are not going to inspect the $1,400 repair.

Robert Myers responded that inspections for septic systems are required to be inspected by a licensed, third-party inspector with specific training in septic installation, and that was communicated in writing to the applicant.

Kevin DeSain asked if it was prior to getting an occupancy permit.

Robert Myers responded in the affirmative.

Chairman Prinster stated that there is a difference in replacement and repair.

Mark Price responded that in order for the County to participate in the National Flood Insurance program, County staff must abide by F.E.M.A. guidelines, which require that staff count the total cost of repairs in today's currency and refer to Marshall & Swift values.

James Sullivan stated that he understands the County has to refer to Marshall & Swift, but he believes the applicant could find other contractors that have similar estimates to his that would be much lower than the County’s damage estimate.

For the record, the County did not receive any written communications regarding this variance request.

Chairman Gerry Prinster asked if there was anyone in the audience that would like to speak for or against this application.

Charles Lopanec, 101 Bowen Avenue, St. Charles MO, was sworn in. Mr. Lopanec stated that he lives across the street from Mr. Adams. He stated that Mr. Adams is noted as “Turkey”, and has helped the neighborhood on many occasions, and after a flood event. He stated that Mr. Adams uses his equipment to help his neighbors. He stated that Mr. Adams maintains his property and has fixed up his house. He believes that Mr. Adams should be able to move back into his house.

Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon, MO, was sworn in. Mr. Dienoff stated that he sympathizes with the applicant, but flooding will continue due to upstream construction and with the U.S. Army Corps of Engineers redesigning the Mississippi River. He recommends that this application be tabled for 60 days or two months to let the applicant get two estimates from certified contractors. He stated that one estimate from a contractor is not fair in this case. He stated that the Planning and Zoning Commission has a responsibility as a Board to go above the administrative approval process to ensure the public health, safety, and welfare. He stated that this includes the homeowners and the applicant. He stated that the County ordinance has strict septic system requirements, and its purpose is to protect neighbors and well waters. He stated that he understands that the applicant would like to save money, however septic systems should obtain the proper permits. He stated that he values the County’s professional staff and their recommendation of this application. He believes that the property should be elevated to ensure and protect taxpayers from future F.E.M.A. payments or costs and insurance ratepayers. He asked the Planning and Zoning Commission to either table this application or support County staff’s recommendation. He stated that he does not want the County or taxpayers to suffer the loss of F.E.M.A. accreditation, cutting off the insurance for homeowners.

Robert Myers stated that the house next door to the subject property was not 19% damaged but 32.5% according to the Substantial Damage Estimate. Mr. Myers stated that it was not 50% damaged or more because the finished floor is raised, and a garage is located below. He stated that if the dwelling level was
down below, then it would be a high chance of being 50% damaged or more. He stated that the photograph shows the interior of the house in July 2019. There is no tile on the floor and the flooring appears to be wavy. He stated that you can see damage to the stud on the outside wall. He stated that the report stating that there is 0% damage to the superstructure doesn’t coincide with this photograph. He stated that there is testimony that the interiors have been refinshed since July, but that has been done without permits. He stated that the recent appraisal would not be a fair comparison to what was assessed by the County in July. He stated that the damage occurred between March and July during that flood event. Structures in this area were underwater for several weeks and a couple of months. He stated that the highwater mark, as shown in the photograph, is over 41 inches deep on the first-floor level. County staff uses that highwater mark to input the calculations to determine the percentage of the damage. He stated that there should be an opportunity for the property owner to provide alternative estimates and to provide an appraisal from a licensed appraiser. He stated that if the applicant would like this new evidence to be taken into consideration, County staff would need more time to review the information and prepare a new recommendation to the Board of Zoning Adjustment so that they could make a decision.

Chairman Prinster asked how much time County staff would need.

Robert Myers stated that he doesn’t like the idea of delaying the decision because he understands that the applicant needs the decision to be finalized, however County staff would need several days to review the new information submitted at tonight’s meeting. He stated that the next scheduled regular meeting would provide staff with enough time to provide sufficient feedback to the Board.

David Bauer asked when the applicant would need to submit two additional estimates before the December regular meeting.

Robert Myers responded that the appeal is based on the information County staff had at that time and determining if the decision was correct or in error. Mr. Myers stated that the new information presented by the applicant will restart the process over with a new point.

Chairman Prinster asked if the new information should not be taken into consideration and stated that if it was his house he doesn’t know if he would agree with that.

Robert Myers responded that County staff could newly consider that, but the appeal is based on if an incorrect determination was made throughout this process.

Mark Price stated that the applicant can come to County staff tomorrow with a new appraisal and new estimates, and County staff can reconsider if the structure is substantially damaged. Mr. Price stated that the Board is determining if the Director made an error of his decision based on the information that County staff had at that time.

Andrew Koor stated that if the Board decides to uphold the Director of Planning and Zoning’s damage determination, they will then file an appeal to the County Council. Mr. Koor stated that they can provide County staff with additional appraisals and estimates, but his client would like to move back into his house and finish the repairs.
Chairman Prinster stated that the Board can be sympathetic with that, but they have guidelines that they must adhere to.

Andrew Koor responded that he understands and asked when the next meeting will be held.

Mark Price responded that the next meeting is scheduled for December 5, 2019.

David Bauer asked if the applicant submitted a new appeal would County staff reinspect and re-evaluate their substantial damage estimates.

Robert Myers responded that County staff is looking at the condition of the structure to determine if it was damaged more than 50% between March and July. To add, County staff keeps a record of damages of 50% and repairs over a 5-year period per County ordinance. If the repairs are greater than 50% of the value of that building, then additional repairs require the structure to be elevated.

Chairman Prinster stated that the Staff report stated that the subject property had no previous history with the County and asked if there were any permits from the Community Development Department for repairs.

Robert Myers responded in the negative and stated that the permits go through the Community Development Department, but the subject property does not have a history of repairs on the structure within the past five years. There was more than $200 million worth of damages done in St. Charles County in the 2019 flooding. According to F.E.M.A., in order to qualify for disaster assistance, County staff has to abide by the Federal Government’s development requirements.

Andrew Koor asked the Board to abide by the elements and stated that their estimates does not put them over 50% of the value of the house.

Cheryl Lopanec, 101 Bowen Avenue, St. Charles MO, was sworn in. Ms. Lopanec stated that she would like for Mr. Adams to be able to move back into his house. She stated that she experienced having to repair her home after the 1993 flood event. She stated that Mr. Adams takes care of his property and believes he is being treated unfair.

There being no further speakers from the audience, Chairman Gerry Prinster closed the public hearing and called for discussion from the Board members.

John Matlick asked if the Board placed a condition on this request by having the applicant provide two more estimates and involved Sandy May, Waste Water System Inspector, involved, how that would affect the County’s disaster assistance program with F.E.M.A.

Ardita Roark responded that it would not bear on the decision whether the Director’s determination was erroneous or not, given the information he had. Ms. Roark stated that this is a non-use regulation Board, and the conditions upon the next steps are not a part of the standard of review for this specific Appeal.

John Matlick asked if the Board upheld Staff’s findings could the applicant come back with new information.

Ardita Roark responded in the affirmative.

David Bauer asked if their motion would be that the Planning and Zoning Division Director made a proper determination.

Ardita Roark responded that the Board will vote on whether his determination is affirmed or reversed, based upon whether an error was found.

Chairman Prinster asked what the next step was if his determination is reversed.
Ardita Roark responded that County staff also has the right to appeal.

Chairman Prinster asked if the applicant is unable to attend the December regular meeting, could the Board table this item for the next subsequent meeting.

Robert Myers responded that if the applicant requests to table this application, the Board of Zoning Adjustment has 45 days from the date of this meeting to make a decision on the appeal.

Vicki LaRose asked how the F.E.M.A. assistance program would affect the County if the determination is reversed.

Mark Price responded that County staff could potentially be at risk of losing their F.E.M.A. accreditation if they allow a substantially damaged structure to be rebuilt in the floodplain.

Kevin DeSain asked of the 3,500 structures inspected by County staff during the flood event, what percentage of Substantial Damage Estimates were overturned.

Mark Price responded none of them.

Chairman Prinster stated that he does not believe that F.E.M.A. would discontinue the County’s participation in the National Flood Insurance Program based on this applicant rebuilding a house on the property.

Andrew Koor stated that they would exercise their right to appeal if the Board affirms the Director’s decision because his client has to protect his interest.

Chairman Prinster asked how long the applicant would have to make an appeal.

Robert Myers responded that the applicant has 14 days to appeal from the date of the decision.

Vicki LaRose asked if the damage is assessed by a photograph or Structural Engineer.

Mark Price responded that County staff does not have a Structural Engineer, but they use F.E.M.A.’s guidelines as provided to determine the amount of water that entered the structure.

Robert Myers stated that the applicant’s claim of no damage to the superstructure does not appear to be credible. Mr. Myers stated that the photograph provided by County staff shows evidence of water stains and mold. County staff followed F.E.M.A. guidelines to determine the damage.

Andrew Koor does not agree F.E.M.A.’s Substantial Damage Estimator and believes it is not dispositive of the damages. Mr. Koor stated that there are exceptions, thus they can appeal to the Board or at the next level. He stated that the Structural Engineer’s report is credible.

Vicki LaRose asked if the applicant needs a permit to complete any repairs on the house.

Robert Myers responded in the affirmative.

There being no further discussion from the Board, Chairman Prinster asked for a motion to affirm the Planning and Zoning Division Director’s determination.

David Bauer made such motion, and the motion was seconded by John Matlick.

The vote on the motion was as follows:
The Board of Zoning Adjustment voted to uphold the decision of the Director of the Division of Planning and Zoning.

The vote count was 5 Yeas, 0 Nays, and 0 Abstentions.

**TABLED ITEMS**

1. **VARIANCE REQUEST - 1414 HIGHWAY Z**

   **Application:** VAR19-04  
   **Owner:** Wentzville Memorial VFW Post #5327  
   **Applicant:** Michal Giunta  
   **Variances Requested:**  
   1. A request to vary Section 405.475.A.1 of the Ordinances of St. Charles County (OSCCMo); to allow for the display of an electronic sign in the A, Agricultural District, which is not permitted; and  
   2. A request to vary Section 405.490.B of the Ordinances of St. Charles County (OSCCMo); to allow the sign to operate so that it is flashing, which is not permitted.  
   **Property Zoning:** A, Agricultural District  
   **Area:** 8.57 acres  
   **Location:** Approximately 320 feet south of the intersection of Highway Z and Peruque Hills Parkway, adjacent to the City of Wentzville  
   **Council District:** 2  
   **Account No.:** 726270B000

**APPROVAL OF THE MINUTES FROM THE SEPTEMBER 5, 2019 REGULAR MEETING**

Chairman Gerry Prinster asked for a motion to approve the minutes from the September 5, 2019 regular meeting. John Matlick made the motion to approve, and the motion was seconded by Vicki LaRose.

Upon a vote, the minutes were approved by unanimous voice acclamation.

**OTHER BUSINESS**

**NONE**

**ADJOURNMENT OF MEETING**

Chairman Gerry Prinster called for a motion to adjourn the meeting.
The motion was made by David Bauer and was seconded by Vicki LaRose.

The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 8:34 PM.

Respectfully submitted by:

______________________________  ____________________________
Gerry Prinster, Chairman        Date