

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY BOARD OF ZONING ADJUSTMENT

DATE: **OCTOBER 7, 2021**

TIME: **7:00 P.M.**

PLACE: **COUNTY EXECUTIVE BUILDING
100 NORTH THIRD ST.
EXECUTIVE COUNCIL CHAMBERS
ST. CHARLES, MO 63301**

MEMBERS PRESENT: Gerry Prinster, Chairman; Kevin DeSain, Secretary; David Bauer; and Vicki LaRose

MEMBERS ABSENT: John Matlick; Robert Boschert, Alternate Board Member; and Leslie Gross, Alternate Board Member

STAFF PRESENT: Robert Myers, Planning & Zoning Division Director; Mark Price, County Planner; Ardita Roark, Associate County Counselor; and Mariza Almstedt, Recording Secretary

CALL TO ORDER:

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 Prinster introduced the Unified Development Ordinance (UDO) and Zoning Maps of St. Charles County into the record.

CHANGES TO THE AGENDA

NONE

PUBLIC HEARINGS

I. VARIANCE REQUEST - 800 DALBOW ROAD

Application Number: VAR21-04
Property Owner: Martha J. Boothman and Kevin H. Boothman
Applicant: Elmer Krussel for E. Krussel, LLC
Variance Requested: A request to Vary Section 405.355.B.2 of the Ordinances of St. Charles County (OSCCMo) to allow a 30-foot by 48-foot accessory structure to be constructed at the adjacent ground level 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: 5.56 acres
Location: Located approximately 3,500 feet south of the Mississippi River and north of the Burlington Northern Santa Fe Railroad; north of the City of O'Fallon
County Council District: 6
Parcel Account No.: 281310B000

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

Marty Boothman, Property Owner, 800 Dalbow Rd, O'Fallon, MO 63366, was sworn in. Mrs. Boothman stated that she and her husband purchased the property at 800 Dalbow Road on February 1, 2021. It is 5.50-acre property with a house that does not have a carport or garage, which is needed to store their lawn equipment. She explained that this is not equipment that can be stored in a basement. Mr. Boothman said that they interviewed eight different companies that provide steel buildings and ended up selecting Morton Buildings to build a garage for their home. She stated that two of her neighbors have garages that were constructed by Morton Buildings prior to the 1993 flood, and those building have both stood strong. The building being proposed will have smart vents and garage doors that will open. It will have 20 concrete piers, 4 feet deep, which will have concrete footings around them. The staff from Morton Buildings will construct it and a concrete floor will be poured after it is installed. These steps will ensure that the building will be substantial to withstand any conditions, and should the property flood, the building can be emptied of its contents so that the water can pass through. Mrs. Boothman stated that a civil engineer was hired and helped select the area on the property that would be the least impactful. Another engineer was hired to draw up plans for a building that would be suitable in this location. All of the submitted documents have the official signature and seal of the licensed engineers.

Chairman Prinster asked if staff had any comments to make about this variance request.

Mark Price provided a verbal report for Application No. VAR21-04. Mr. Price stated that According to Lidar data, the ground elevation of the proposed structure is approximately 432 feet above mean sea level, and the ground level is relatively flat around the building location. The effective FEMA Flood Insurance Rate Map indicates that the base flood elevation for this property is approximately 444 feet above mean sea level. The applicant proposes to build the accessory structure "at grade" rather than raising the ground level in the front yard by approximately 12 feet.

Chairman Prinster asked what the level of the existing house is, and Mr. Price is replied that it's at 444 feet.

Mrs. Boothman stated that the house was purchased from the original owner. They built the house and put in a pond and used the dirt from the pond to make the hill that the house sits on. She stated that the civil engineer said that it would be more detrimental to have a mound with this on it than for it to be at ground level so that water could pass through it easily.

Mark Price stated that should a mound be created for this structure, it would have to be a minimum of 38 feet by 56 feet, which would be much larger than the actual building. The maximum slope would be 3 to 1, and it would have a bigger footprint than the actual building. He concurs with Mrs. Boothman that the mound would create a larger impediment to the river than the structure itself would. The flood ordinances of St. Charles County require a minimum of 1 square inch of venting per 1 square foot of enclosed area. The proposed structure would contain 6 flood vents that would allow for 250 square inches of venting each. The structure's 1,440 square feet would require 1,440 square inches of venting. This structure would meet those requirements, as they provide 1,500 square inches of venting for 1,440 square feet of enclosure. Mr. Boothman stated that she was told that six vents on two sides would be needed. Mark Price stated that Mrs. Boothman stated earlier that doors on the structure would be kept open, which would be helpful, but since this is a residential-type structure staff cannot take that into account from a flood prevention standpoint as they may be out of town when a flood hits and the doors would not get opened.

Mark Price stated that County staff typically recommends that the Board of Zoning Adjustment deny floodplain variances to reduce risk to the lives of the County residents and ensure the safety of homeowners' investments in their properties. The decision to minimize variances in the special flood hazard area also minimizes the impact on the County's standing with the National Flood Insurance Program (NFIP). Failure of the County to minimize variances in the special flood hazard area could result in the loss of flood insurance coverage in the County. Insurance policies issued through the NFIP typically allow for a 10% coverage of the flood insurance on the home to apply to the accessory structures on the property. Due to this limited flood insurance coverage, the floodplain ordinance allows for up to a 400 square foot accessory structure to be constructed at grade and below the base flood elevation. This is to minimize any financial losses in the floodplain. Mark Price stated that are The Board of Zoning Adjustment should consider the following floodplain variance criteria (Section 405.375 of the County Code):

1. The danger that materials may be swept onto other lands to the injury of others.

The structure may be destroyed by flood waters if not erected a minimum of 1 foot above the base flood area. The proposed venting and emptying of the structure during a flood event should reduce the risk to the structure and the belongings being stored in the structure.

2. The danger to life and property due to flooding or erosion damage.

There would be low risk to life as the structure is not habitable. There will be minor risk to property as it will be used for storage purposes only and shall be wet flood proofed. Wet flood proofing involves the treatment of the structural members, and exterior cladding of the building to be resistant to the damage incurred during a flooding event.

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

The structure will be a metal pole barn type structure. The damages should be minimal if constructed with flooding in mind.

4. The importance of the services provided by the proposed facility to the community.

This facility provides no service to the community.

5. The necessity to the facility of a waterfront location, where applicable.

This facility needs no access to the waterfront. The Mississippi River is located approximately two-thirds of a mile to the north of the subject property.

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

The applicant has no other area on the property that is elevated, sufficiently to protect the building from flooding, other than the home's location.

7. The compatibility of the proposed use to the Master Plan and floodplain management program for that area.

This use is allowed by the 2030 Master Plan and the County's floodplain management program.

8. The relationship of the proposed use to the Master Plan and the floodplain management program for that area.

This use is allowed by the 2030 Master Plan and the floodplain management program.

9. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site.

The ground level around the home is approximately 432 feet above mean sea level, and the base flood elevation for the property is approximately 444 feet above mean sea level. Consequently, the depth of flooding at the proposed construction site is approximately 12 feet. During the last flood event in 2019, this property experienced significant flooding. This was close to a 100-year flood event, and as such, significant flooding is expected at this property if historical flood events continue to be a valid reference. Below is a photograph of the property at the height of the 2019 flood.

10. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

There are minimum costs to the public associated with this proposed structure.

The Board of Zoning Adjustment may vary the strict application of a regulation if the property owner proves all the following criteria from Section 405.375:

A. A showing of good and sufficient cause.

Staff does find a good and sufficient cause as the impact of the larger fill area on the river would be greater than the structures impact on the river. The structure will be vented and allow for water to flow through the structure during a flood event. The applicant has provided a "No-Rise" certificate for this project.

B. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

The applicants have not shown an exceptional hardship that would be placed upon them because of a failure to grant this variance. The cost would be greater upon the applicant and the impact on the river will be greater, should filling of the property be required.

C. A determination that the granting of a variance will not result in increased flood heights, extraordinary public expense, additional threats to public safety, creating nuisances, case fraud on or victimization of the public, or conflict with existing local laws and regulations.

The applicant has submitted a “No-Rise” certificate showing that this structure will not create an increase in flood heights. As the area is mainly cultivated farmland, the land is mostly open except for one home nearby to the Northwest.

Mark Price stated that County staff recommends that the Board of Zoning Adjustment deny this application because it fails to meet all the required criteria in Section 405.375 of the Unified Development Ordinance of St. Charles County, Missouri. Should the Board of Zoning Adjustment choose to approve the variance, County staff recommends that the Board consider doing so with the following conditions:

1. This variance shall become effective upon the Building and Code Enforcement Division’s issuance of a permit to construct the structure.
2. This variance shall expire should the proposed structure be destroyed or removed from the property.
3. The proposed structure shall comply with all County, State, and Federal standards for construction in the floodway.
4. Design of the structure shall include automatic flood vents sized at a minimum ratio of 1 square inch of flood venting per 1 square foot of building footprint or engineered flood vents. The vents must be distributed on a minimum of 2 sides.
5. All utilities servicing the structure must be elevated one foot above the base flood elevation.
6. Contents of the structure shall be removed in advance of flooding to reduce risk to the structure.

The structure must be “Wet Flood Proofed” to reduce future damage to the structure due to flooding.

For the record, Mark price stated that staff did not receive any correspondence regarding this application.

Chairman Prinster asked the board members if they had any questions for staff.

Dave Bauer asked if No. 5 of the staff recommended conditions which reads “All utilities servicing the structure must be elevated one foot about the base flood elevation.” means just to service the structure, or if it means that all service outlets would have to be 13 feet above the ground level. Mark Price answered the actual service outlets would have to be at least 13 feet above the ground level.

Mrs. Boothman stated that she has had a meeting with Cuivre River Electric Company, and there is an existing service pole on the property, and they would run the service from that pole to the structure. She confirmed that they would work with Cuivre River Electric and with a licensed electrician to make sure that the work is done properly. She added that there will be no sewer, water, or gas service to the building. In the event of a flood, she has two sons who would empty the building should that be necessary.

Chairman Prinster asked if the board members had any other questions for staff.

There being no further questions, Chairman Prinster asked for a motion be made to approve Application No. VAR21-04.

Dave Bauer made a motion to approve Application No. VAR21-04, subject to staff's seven recommended conditions. Kevin Desain seconded the motion.

The vote on the motion was as follows:

Gerry Prinster	Yes	Kevin DeSain	Yes	David Bauer	Yes
Vicki LaRose	Yes				

Application No. VAR21-04 was **Approved**.

APPROVAL OF THE MINUTES FROM THE SEPTEMBER 2, 2021 REGULAR MEETING

Chairman Prinster asked for a motion to approve the minutes from the September 2, 2021 regular meeting. Kevin DeSain made such motion, and the motion was seconded by Vicki LaRose.

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 Kevin DeSain. The motion was approved by unanimous voice acclamation, and the meeting adjourned at 7:23 PM.

Respectfully submitted by:

Gerry Prinster, Chairman

Date