

St. Charles County Board of Zoning Adjustment

VARIANCE REQUEST # VAR19-05

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

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- Letters Received:
 - None

BZA REPORT

To: County Board of Zoning Adjustment **Prepared by:** Mark Price Jr., AICP, CFM

Application No.: VAR19-05

Date: October 31, 2019

Background:

Owners/Applicant: Dardenne Realty Company

Applicant: Civil Engineering Design Consultants

Requested Action: To vary Section 405.355.B.2 of the Ordinances of St. Charles County (OSCCMo); to allow for the construction of a boathouse that is not elevated one foot above the base flood elevation.

Existing Zoning: A, Agricultural District with the FF/FW Floodway Fringe and Floodway overlay.

Location: 1865 Highway C, On the west side of the intersection of Highway B and Highway C, 1.25 miles south of the Mississippi River.

Parcel Size: 782.1 acres

Current Land Use: Private Club (Dardenne Duck Club)

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	A, Agricultural, FF/FW Flood Fringe and Flood Way	Vacant Agricultural
East	A, Agricultural District, FF/FW Flood Fringe and Flood Way	Vacant Agricultural
South	A, Agricultural District, FF/FW Flood Fringe and Flood Way	Single Family Dwelling Unit / Hanger
West	A, Agricultural District, FF/FW Flood Fringe and Flood Way	Vacant Agricultural

Description of Request:

The applicant proposes to replace a boat house that was destroyed during the flooding that occurred in 2019 without elevating the structure.

Site Characteristics:

The Dardenne Duck Club operates on 1,400 acres in the regulatory floodway for the Mississippi River. Two main structures and a few accessory structures occupy the center of the track, including a boat house building which was recently removed by housed boats. It is primarily a flat parcel with areas that have been designed to be flooded by the club to create man made areas for ducks to occupy for hunting purposes.

Relevant Property History:

The property does not have a history with the Board of Zoning Adjustment. The property does have a Conditional Use Permit (CUP 401) that allows for the Private Club.

Applicant's Statement of Hardship:

The applicant states the previous boat house was destroyed during the 2019 flood event. The ordinances that control flood plain development for the County would require any new structure to be elevated to a minimum of one foot above the base flood elevation. In this property's case, that would be 442 feet above mean sea level.

The applicant notes that the proposed structure will be of similar size and is proposed to be built in the same location and the previous structure. The function the structure is meant to serve requires a relationship with the water. The agricultural fields that are intentionally flooded by the club during the duck season will be three feet lower than the floor of the boat house. The floor will be at an elevation of 431.24 feet. The use of the first floor will be for building access, storage of gear and recording of each hunter's bag as required by the Missouri Department of Conservation.

When a flood occurs, the property employs an on-site caretaker that will secure all doors in the open position to mitigate the hydrostatic forces. The walls will be constructed of reinforced concrete walls and will have a concrete floor which will be considered flood resistant materials.

The second floor of the structure will be at an elevation of 448.24 feet which is six feet above the base flood elevation. Without the variance the first floor would have to be 15 feet above the water which would not allow for the structure to function as a boat house.

Commercial structures in the County are permitted to submit a plan to provide other options for flood proofing instead of elevation as they will have a person on staff that is available 24 hours a day, 7 days a week, that can implement the flood proofing plan prior to any flood event.

Questions for the Board:

The duty of the Board is to grant relief in the event of hardship as defined by ordinance or deny the request where no applicable hardship exists. The following needs to be proved by the applicant before a variance to the ordinance can be granted;

- 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.**
- 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 structure is being built to replace a structure that was damaged during the 2019 flood event. The property owner wishes to reconstruct in substantially the same location with a stronger structure.

- 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?***

If another property were to be erecting a boat house a similar variance would be required prior to erecting the structure.

- 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 structure is designed to function as a boat house. As such it would require access directly to the water to store floating boats as intended.

The board should also consider the following items as they are specific to variances in the special flood hazard areas.

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 2) The danger to life and property due to flooding or erosion damage;
- 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 4) The importance of the services provided by the proposed facility to the community;
- 5) The necessity to the facility of a waterfront location, where applicable;
- 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- 7) The compatibility of the proposed use to the Master Plan and floodplain management program for that area;
- 8) 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, and;
- 9) The cost of providing governmental service 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.

Please note, per the flood plain ordinances of St. Charles County, variances from the flood plain ordinance shall only be issued upon:

- 1) A showing of good and sufficient cause;
- 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- 3) 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.

Staff Recommendation:

If the Board approves the variance request, staff requests the following conditions be added to the variance approval:

- 1) This variance applies to the proposed structure only.
- 2) The structure would still be required to meet all other applicable Saint Charles County Ordinances.



VAR 19-05 – Aerial View



VAR 19-05 – Zoning



VAR 19-05 - Topography

The proposed structure is a replacement structure for a boathouse that was destroyed by Mississippi River flooding during the summer of 2019. The proposed structure is of similar size and proposed to be built in the same location as the destroyed structure.

The function of the building requires that the first floor elevation has a relationship to the varying pool elevations when the agricultural fields are intentionally flooded by the club during duck season. The first floor elevation is proposed to be 431.24, three feet above the maximum pool elevation. The primary use of the first floor is building access, storage of gear and recording of each hunter's bag as required by the Missouri Department of Conservation.

The club has an onsite caretaker that will secure the doors on the first floor in the open position as a method of mitigating hydrostatic forces. The first floor construction consists of a concrete slab on grade with reinforced concrete walls, thereby providing flood resistant materials.

The base flood elevation (BFE) of 442.0; is taken from the Flood Insurance Rate Map numbered 29183C0235G with an effective date of January 20, 2016. The second floor elevation is proposed to be at 448.24 which will be more than six feet above the BFE.

Without the variance, the ordinance would require the first floor elevation to be 443.0; which is almost fifteen feet higher than the elevation of maximum pool which does not allow the structure to function as a boathouse.



SITE PLAN

BOATHOUSE REPLACEMENT for DARDENNE HUNTING CLUB

PART OF SECTION 35, TOWNSHIP 48 NORTH, RANGE 3 EAST AND
PART OF SECTION 2, TOWNSHIP 47 NORTH, RANGE 3 EAST
ST. CHARLES COUNTY, MISSOURI

PROPERTY DATA

OWNER	DARDENNE REALTY CO.
ADDRESS	1865 HWY C ST. CHARLES, MISSOURI 63301
LOCATOR NUMBER	2-0015-5035-00-0002.00000000 2-0020-5002-00-0002.00000000 2-0020-5001-00-0002.00000000 2-0015-5035-00-0002.00000000 2-0082-1684-00-0002.00000000
EXISTING ZONING	VACANT AGRICULTURAL (WITH FLOODWAY & FLOODWAY FRINGE OVERLAY DISTRICT)
AREA (TOTAL)	1,481.5± ACRES
WATER SHED	MISSISSIPPI RIVER
FIRE DISTRICT	CENTRAL COUNTY
SCHOOL DISTRICT	FORT ZUMWALT

BENCHMARK

MODOT Station MOOF Elev. 496.90'
Lat. 38°15'14.06199" N Long. 90°41'44.78110" W NAVD 88

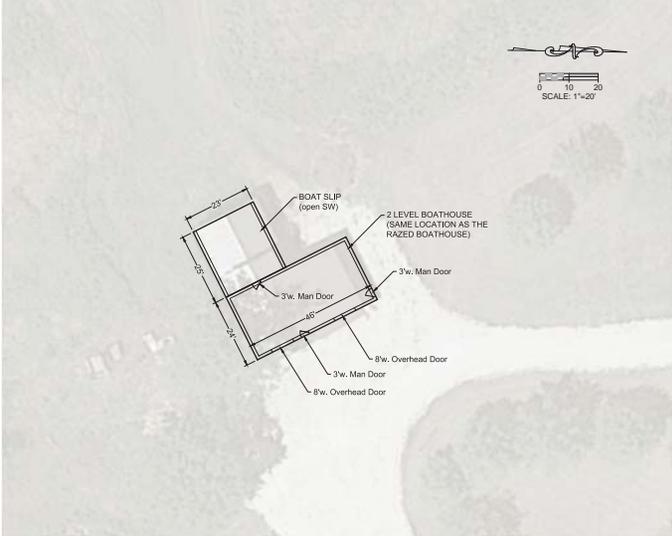
BASE FLOOD ELEVATION (BFE): 442.00
FIRM FM29183C0235G

BOATHOUSE ELEVATIONS

LEVEL 1: 431.24
LEVEL 2: 448.24

LEVEL 1 FLOOR AREA: 968 S.F.
Required opening: 1 square inch per S.F. of enclosed area
1 in²/S.F. X 968 S.F. = 968 in² = 6.72 S.F.

- THE CLUB HAS AN ONSITE CARETAKER THAT WILL BE RESPONSIBLE FOR OPENING THE DOORS OF LEVEL 1 WHEN THE MISSISSIPPI IS AT ELEVATION 437.0
- THE PROPERTY IS PROTECTED BY AN EXISTING LEVEE UP TO ELEVATION 438.0



SITE PLAN

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Boathouse Replacement for
DARDENNE HUNTING CLUB
1865 Hwy C
St. Charles, Missouri, 63301

Proj. #	1348
No. Description	Date
Submittal	10/03/19

Site Plan

DRAWING NO.

C1