



BOARD OF ADJUSTMENT AGENDA
January 5, 2026

BOARD OF ADJUSTMENT:

| | |
|------------------------------------|-------------------------------|
| Richard Alferman, Chair | Don Garrison Jr., Alternate |
| Latonya Grotegeers, Vice-Chair | Brian Andrzejewski, Alternate |
| Maureen Rogers-Bouxsein, Secretary | Bob Kneemiller, Alternate |
| Marita Malone | |
| Keith Whittemore | |

In accordance with Chapter 400 (Zoning Code) of the Code of Ordinances of the City of St. Charles, Missouri, notice is hereby given that the Board of Adjustment will conduct a public hearing on **Monday, January 5, 2026** at 6:00 p.m. on the fourth floor of City Hall in the City Council Chambers, 200 North Second Street in St. Charles, Missouri for the purpose of giving interested parties and citizens an opportunity to be heard on the following matters:

Call to Order and Call the Roll

The Pledge of Allegiance

Approve the Minutes from the November 3, 2025 Meeting

1. Case No. BOA-2025-11. Address: 959 Portwest Drive (Crawford, Murphy, & Tilly). A request to increase the maximum height for a proposed commercial/industrial fence from eight (8) feet to ten (10) feet as regulated in Section 400.550(A)(3)(a) of the St. Charles Code of Ordinances. The property is zoned I-1 Light Industrial District (Ward 4).
This application was TABLED by the applicant at the November 3, 2025 Board of Adjustment meeting.
2. Case No. BOA-2025-13. Address: 1753 S. River Road (Bax Engineering). A request to decrease the front yard setback along S. River Road from thirty-five (35) feet to ten (10) feet to allow for parking as regulated in §400.240(D)(9)(a) of the City of St. Charles Code of Ordinances. The property is zoned St. Charles County I-1 Light Industrial District and is requesting to be zoned I-1 Light Industrial District (Ward 3 upon annexation).

3. Case No. BOA-2025-12. Address: 2250 S. Old Hwy 94 (WOCO Partners LLC). Three requests:
1.) A request to decrease the minimum lot width from seventy-five (75) feet to twenty-six (26) feet as regulated in section 400.170(E)(2)(a) the St. Charles Code of Ordinances; 2.) A request to decrease the minimum lot depth for the proposed Lots 31-34 from one hundred twenty-five (125) feet to ninety-eight point seven (98.7) feet as regulated in Section 400.170(E)(3) of the St. Charles Code of Ordinances; and 3.) A request to decrease the minimum side yard setback from seven (7) feet to zero (0) feet as regulated in Section 400.170(E)(5)(b) of the St. Charles Code of Ordinances. The property is zoned St. Charles County “R1E” Single Family Residence and is requesting to be zoned R-3A Multiple-Family Residential District (Ward 5 upon annexation).
4. Approve the 2026 Meeting Schedule
5. Board Rules and Procedures

Adjournment

The next meeting of the Board of Adjustment is scheduled for Monday, February 2, 2026 on the fourth floor of City Hall in the City Council Chambers, 200 N. Second Street, St. Charles, MO 63301.

The City of St. Charles offers all interested citizens the opportunity to attend public meetings. If you wish to attend this public meeting and require an accommodation due to a disability, please contact the Office of the City Clerk to coordinate an accommodation at least two (2) business days in advance of the scheduled meeting at 636-949-3282 or 636-949-3289 (TTY – for the hearing impaired). The City of St. Charles, Missouri fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information or to obtain a Title VI Complaint Form, please call the City Clerk’s Office at 636-949-3282 or visit City Hall located at 200 North Second Street, St. Charles, Missouri, 63301.

All decisions and official actions of the Board of Adjustment are considered filed in the office of the Board upon the adjournment of the meeting in accordance to Section 89.080 RSMo.

INCLEMENT WEATHER: In case of inclement weather, please call 636-949-3222 after 4:00 p.m. on the day of the meeting to be informed of the status of the meeting.

POSTED ON 01/02/2025 @ 8:00 am by MPB

CITY OF ST CHARLES

STATE OF MISSOURI

BOARD OF ADJUSTMENT MEETING

November 3, 2025

THE HONORABLE RICHARD ALFERMAN, CHAIRMAN PRESIDING

TIME: 6:00 p.m.

MINUTES

By Madelyn P. Brown

City of St. Charles, Missouri

200 N Second Street

St. Charles, Missouri 63301

(636) 949-3222

PROCEEDINGS

(WHEREUPON, at 6:00 p.m. o'clock, Wednesday November 3, 2025, at the Saint Charles City Hall Building, 200 North Second Street, Fourth Floor, Saint Charles, Missouri, and the following proceedings were held, to-wit: with the following persons being present.)

Richard Alferman, Chairman

Maureen Rogers-Bouxsein

Latonya Grotegeers

Marita Malone

Keith Whittemore

Madelyn Brown, City Planner

AGENDA ITEM #1 – CRAFTORD, MURPHY, & TILLY

CASE NO. BOA-2025-11. ADDRESS: 959 Portwest Drive

MOTION WAS MADE BY MARITA MALONE: I move to table a request to increase the maximum height for a proposed commercial/industrial fence from eight (8) feet to ten (10) feet as regulated in Section 400.550(A)(3)(a) of the St. Charles Code of Ordinances.

MOTION WAS SECONDED BY LATONYA GROTEGEERS

ROLL-CALL VOTE 5 IN FAVOR 0 AGAINST: TABLED.

Meeting adjourned at 6:04 p.m.



AGENDA ITEM #1

**STAFF REPORT
BOA-2025-11
959 PORTWEST DRIVE**

**DECEMBER 1, 2025
BY MADELYN P. BROWN**

GENERAL INFORMATION

Applicant/Owner: Crawford, Murphy, & Tilly
1 Memorial Drive, Suite 500
St. Louis, Missouri 63102

Location: 959 Portwest Drive
Ward 4

Request: A request to increase the maximum height for a proposed commercial/industrial fence from eight (8) feet to ten (10) feet as regulated in Section 400.550(A)(3)(a) of the St. Charles Code of Ordinances.

Zoning: I-1 Light Industrial District

***Adjacent Zoning
& Land Use:***

| <u>Direction</u> | <u>Zoning</u> | <u>Land Use</u> |
|------------------|---------------|-----------------------------|
| North | I-1 | Industrial |
| South | R-1E | Single-Family Residential |
| East | R-3A | Multiple-Family Residential |
| West | R-1E | Single-Family Residential |

REQUEST

The subject property of this variance request is located at 959 Portwest Drive. The property is approximately 12.89 acres, is zoned I-1 Light Industrial District, and is the location of Ameren Substation. 959 Portwest Drive is currently in permit review for improvements to the site, including a proposed replacement of a fence which serves as security of the substation. The applicant is seeking a variance to increase the minimum height for the proposed commercial/industrial fence from eight (8) feet to ten (10) feet.

ANALYSIS

Criteria for Granting a Variance:

A variance is intended to provide relief to property owners who, due to their unique circumstances, would face practical difficulties or unnecessary hardship from the strict application of the zoning ordinance. However, while a variance can provide relief to a property owner and still protect the

zoning ordinance from invalidation, variances are typically granted because of conditions or circumstances existing that are peculiar to the property or lot of record and not the result of the actions of the applicant.

Pursuant to §400.1080, the power to hear and decide variance cases regarding the requirements of Chapter 400 (Zoning Code) lies with the Board of Adjustment. The Board's decision is considered a quasi-judicial act; thus, the board shall consider the evidence submitted by staff, as well as the evidence presented by the applicant and make a finding with regard to the request for a variance. The decision of the Board is subject to appeal to the Circuit Court of St. Charles County.

In addition to the criteria established §400.1090(E & F), G of the same section provides additional policies that should be considered before a ruling on a variance. Therein, it establishes that:

1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning;
2. The Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved;
3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of the chapter; and
4. The Board shall study the effects of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare.

According to §400.1090 (F), the following factors are relevant to determining whether strict application of the regulation would result in practical difficulties or unnecessary hardship:

- (1) ***Size of the variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five foot variance is substantial if the required setback is seven feet; it is not as substantial if the required setback is 100 feet.***

The request to increase the minimum height of a fence from eight (8) feet to ten (10) feet is an approximate 20% increase. This request would be considered not substantial because it is greater than 25%.

- (2) ***Effect on government services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.***

No negative effects on government services have been documented via staff review.

- (3) ***Effect on neighbors or neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.***

Overall, the approval of the variance would not have a negative impact on the adjacent properties. The subject property is located within an industrial corridor with more intense uses compared to other areas of the City. While there are residential subdivisions to the east, west, and south of the property, dense vegetation is present to screen the substation from view of

the residences. The request applies only to a small portion of fencing proposed at 10 feet in height, which is located around the substation within the interior of the property and set away from neighboring properties. Additionally, the fence serves as both security for the substation and screening of the equipment. This security and screening would provide a benefit to the neighboring properties and general welfare of the neighborhood.

(4) *Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.*

An alternative to the increased fence height would be to install a fence which is compliant with the eight (8) foot code restriction. Per the applicant's testimony, a fence of a height less than ten (10) feet would provide inadequate protection for the infrastructure within the substation. Based on review of the fence specifications and the substation equipment, staff can testify that a 10 foot tall fence would be ideal to serve its designated purpose within the industrial property.

(5) *Justice. The granting of a variance is a just action. The cause of the difficulty or the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.*

Per Section 400.550(A)(3)(a) of the City of St. Charles Zoning Code, fence heights are limited to eight (8) feet for commercial and industrial properties. However, the Code permits a maximum height of ten (10) feet for electric fences. The intent of this allowance is to provide additional height for fences serving a security purpose. In this case, while the proposed fence will not be electrified, it is intended as a security measure to protect equipment and ensure public safety. The substation's operations and related safety needs create a unique circumstance which warrants a higher security fence. Staff is of the opinion that the intent of the height restriction was not to limit the height of security fencing on industrial properties.

As noted above, the property is located within an industrial corridor and is well screened from adjacent residential areas. Additionally, the request applies only to a limited portion of fencing proposed at ten (10) feet in height, located around the substation within the interior of the property and situated away from neighboring properties. Based on these factors, staff finds that the proposed fence would not negatively impact the surrounding neighborhood. The ten foot fence would instead provide a security benefit in the best interest of the community.

Based on these factors, Staff believes the approval of this request would be considered a just action.

STAFF RECOMMENDATION

After review of the request and all pertinent information, the Department of Community Development recommends that the request be **APPROVED**.



Figure 1: Aerial Photo of Subject Property.

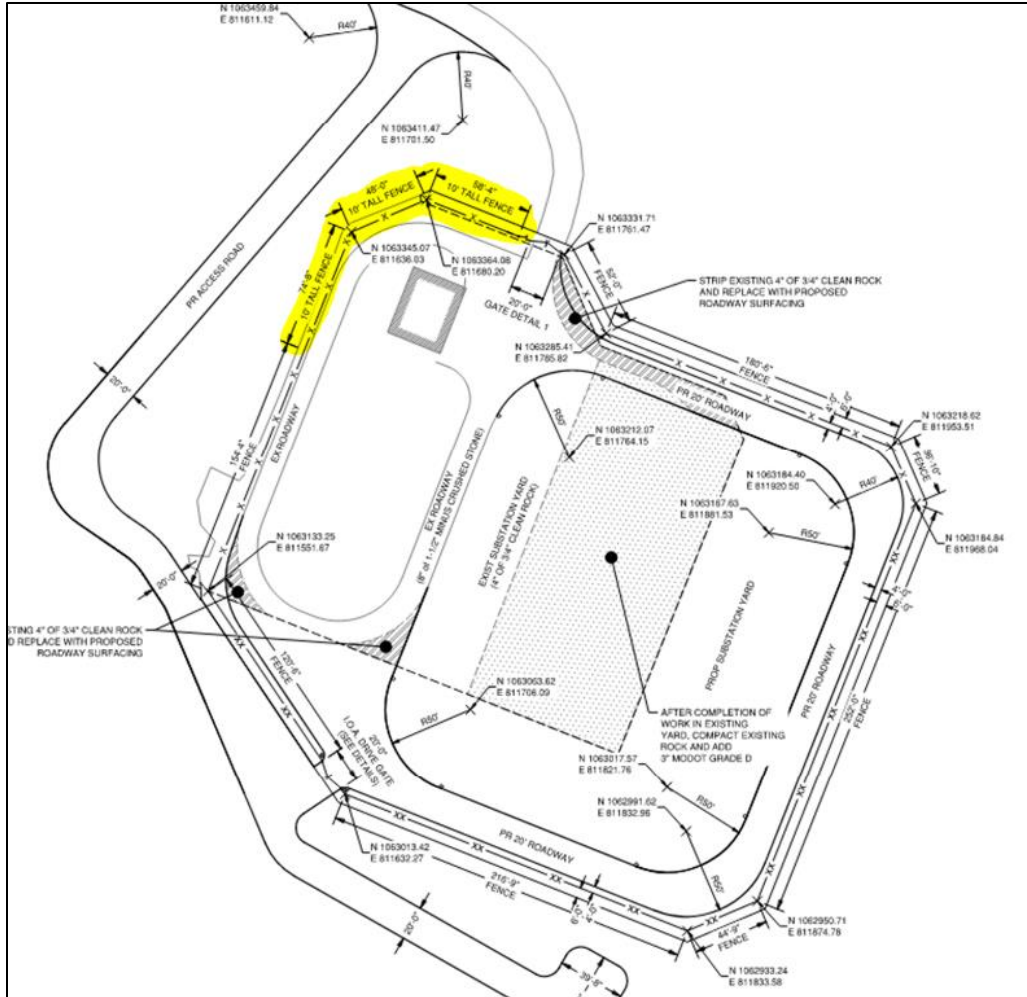


Figure 2: Site plan with proposed fence.

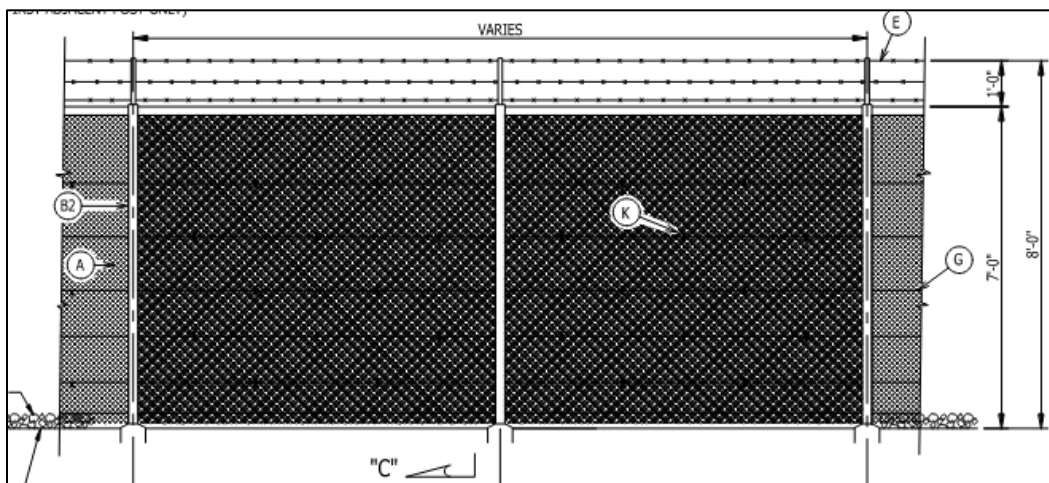


Figure 3: Proposed fence detail.

The following are the criteria that the Board of Adjustment must consider when hearing an appeal to the zoning ordinance. Please address the following criteria in relation to your request:

1. Size of the Variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five-foot variance is substantial if the required setback is seven feet, it is not as substantial if the required setback is 100 feet.

Existing max fence height is 8' and we are requesting an additional 2'

for a 10' fence for a 181-ft long section.

2. Effect on Government Services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.

There is no effect on government services.

3. Effect on the Neighbors or Neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.

The site is at the end of an industrial area with a lot of trees and vegetation

around the sides and back of the site. There would be no effect on the

neighbors or neighborhood.

4. Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.

There are no reasonable alternatives that will allow for the proper

protection of the infrastructure.

5. Justice. The granting of the variance is a just action. The cause of the difficulty - the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty:

The requested variance will help in promoting the public safety by helping

to prevent unauthorized personnel from accessing the interior of the

substation and potentially getting injured and/or damaging equipment that

could result in power outages for the local community and surrounding

areas.

One (1) copy of the following shall be submitted when filing for an appeal to the Board of Adjustment. Digital submittal of application preferred via BOA@stcharlescymmo.gov. Directions for digital submittal are attached.

1. A complete application. Please answer every question as completely as possible. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

2. A complete site plan of the property and all structures located on the property. Including but not limited to:
 - a. The actual shape and dimension of the lot.
 - b. Any existing or proposed building, accessory building, and their locations upon the lot.
 - c. Any existing or proposed parking spaces, driveway entrances and exits, street, alleys, creeks, etc.
 - d. The existing and intended use of each building or part of a building.
 - e. Photos of existing structures.
 - f. Any other information with regard to the lot and neighboring lots as may be necessary.

* Depending on the specifics of the case, the applicant (s) may be required to submit further information deemed necessary.

3. Signature by the legal owner or an attached affidavit by the legal owner authorizing the Board of Adjustment action.

I (We), the undersigned, file this petition for a Board of Adjustment action and authorize the Department of Community Development to post the above described property with a notice describing the action applied for and the date of the public hearing on such action, I (We) also understand that property owners within three hundred (300) feet of the petitioned property will be notified by letter of the requested action by the Department of Community Development.

Applicants wishing to have a transcript of their hearing must contact the Department of Community Development and request the transcript within 20 days following the appeal. The applicant will be responsible for paying for the expense of the transcript. Transcripts will not be available beyond the 30 days following the date of the appeal.

The above statements and the statements contained in all of the attached exhibits transmitted herewith are true, to the best of my knowledge.

Signature of the applicant:  Date: 9-25-25

Signature of the property owner:  Date: 9-24-25

NOTE: APPLICANTS ARE REQUIRED TO ATTEND THE PUBLIC HEARINGS.

Application Fees:

Commercial and New Construction Residential for 1st variance request: \$300.00

Existing duplex unit or existing single-family home: \$100.00

Additional request on the same property: \$50.00

Decision Appeals: Same as applicable variance rate



AGENDA ITEM #2

**STAFF REPORT
BOARD OF ADJUSTMENT
CASE NO. BOA-2025-13
1753 S. RIVER ROAD**

**DECEMBER 1, 2025
BY LARA BERRY**

GENERAL INFORMATION

- Applicant:*** BAX Engineering Company
Drake Johnston
221 Point West Blvd.
St. Charles, Missouri 63301
- Owner:*** 1735, LLC
1715 Deer Tracks Trail, Suite 220
St. Louis, Missouri 63131
- Location:*** 1753 S. River Road
Ward 3 upon annexation
- Request:*** Request to decrease the front yard setback along S. River Road from thirty-five (35) feet to ten (10) feet to allow for parking as regulated in §400.240(D)(9)(a) of the City of St. Charles Code of Ordinances.
- Zoning:*** St. Charles County I-1 Light Industrial District and is requesting to be zoned I-1 Light Industrial District, upon annexation.

***Adjacent Zoning
& Land Use:***

| <u>Direction</u> | <u>Zoning</u> | <u>Land Use</u> |
|------------------|---------------|-----------------|
| North | City I-1 | Commercial |
| South | City I-1 | Commercial |
| East | City C-2 | Vacant |
| West | City I-1 | Residential |

REQUEST

The subject property is approximately 14,960 square feet and is located within unincorporated St. Charles County with an I1 Light Industrial District designation. The site was previously used by St. Charles Sign Company as a storage lot and contains no structures—only a gravel surface with an existing retaining wall along the rear of the property. While currently within the County, the property owner is looking to annex to the City and would like to utilize this lot as an overflow parking lot for their adjoining business (north) at 1735 S. River Rd.

Per current City code, parking is not permitted within a front yard setback, which the applicant would like to vary and utilize to maximize their parking spaces. In the I-1 Light Industrial District,

the required front yard setback is thirty-five (35) feet. The applicant is requesting a variance to reduce this setback to ten (10) feet to allow parking within the front yard area.

Background:

The property owner also owns the adjoining parcel to the north, located at 1735 S. River Road, which lies within the City limits and is zoned I-1 Light Industrial District. That parcel is developed with a mixed-use, multi-tenant building. In 2024, the adjoining property was granted a parking variance (BOA-2024-10) based on the combination of existing, proposed, and anticipated uses within the building. At the time of that request, the property owner was unable to acquire additional land to support off-site parking but indicated they would continue to explore such opportunities. Since then, the owner has acquired the subject property as part of an effort to meet ongoing parking needs.

In addition to this variance request, the subject property is currently undergoing annexation into the City under the same I-1 Light Industrial zoning classification. The annexation petition is expected to be considered by the Planning and Zoning Commission on December 8, 2025. If annexed, the parcel would be incorporated into Ward 3 and establish an I-1 zoning designation. Following annexation, the applicant intends to consolidate the parcels to support the planned expansion of the existing parking lot.



Figure 1: Aerial Photo of Subject Property.

ANALYSIS

Applicable Regulations:

The applicant is requesting a variance from the City's Zoning ordinance, as follows:

- §400.240(D)(9)(a): No parking shall be permitted in a required front yard.

Criteria for Granting a Variance:

A variance is intended to provide relief to property owners who, due to their unique circumstances, would face practical difficulties or unnecessary hardship from the strict application of the zoning ordinance. However, while a variance can provide relief to a property owner and still protect the zoning ordinance from invalidation, variances are typically granted because of conditions or circumstances existing that are peculiar to the property or lot of record and not the result of the actions of the applicant.

Pursuant to §400.1080, the power to hear and decide variance cases regarding the requirements of Chapter 400 (Zoning Code) lies with the Board of Adjustment. The Board's decision is considered a quasi-judicial act; thus, the board shall consider the evidence submitted by staff, as well as the evidence presented by the applicant and make a finding with regard to the request for a variance. The decision of the Board is subject to appeal to the Circuit Court of St. Charles County. In addition to the criteria established §400.1090(E & F), G of the same section provides additional policies that should be considered before a ruling on a variance. Therein, it establishes that:

1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning;
2. The Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved;
3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of the chapter; and
4. The Board shall study the effects of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare.

According to §400.1090 (F), the following factors are relevant to determining whether strict application of the regulation would result in practical difficulties or unnecessary hardship:

(1) Size of the variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five foot variance is substantial if the required setback is seven feet; it is not as substantial if the required setback is 100 feet.

The request to reduce the front yard setback for parking should be considered substantial since it decreases the setback from 35 feet to 10 feet, an overall decrease of 71.4%.

(2) Effect on government services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.

The applicant has provided a site plan depicting the proposed parking layout. All parking is located outside the City right-of-way, and no adverse impacts to governmental services are anticipated. One parking space at the southwestern corner encroaches into an existing storm sewer easement; however, since the encroachment involves only pavement and not a structure, it is not expected to impede access for future maintenance or repairs.

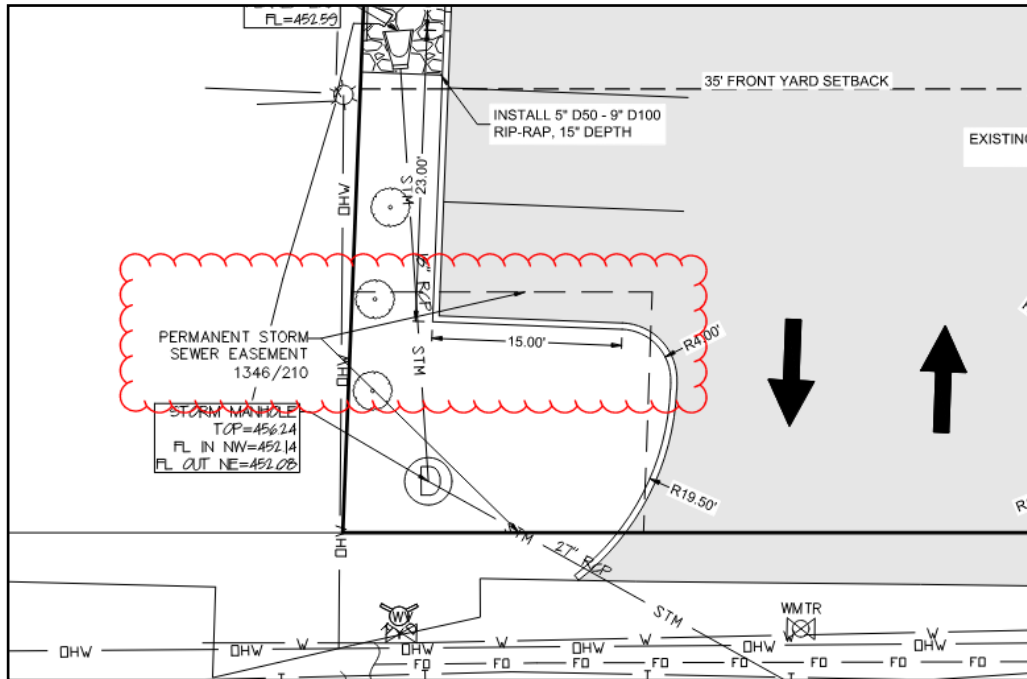


Figure 2: Screenshot of storm sewer easement.

(3) **Effect on neighbors or neighborhood.** *The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.*

The reduction of the front yard setback for parking is not expected to significantly affect the surrounding area. The surface is already gravel, and the use of the area for parking would be consistent with existing site conditions. Additionally, many non-residential parcels within this block have parking located within the front yard setback (as shown on the aerial photo on page 2), including the adjoining parcel owned by the applicant.

(4) **Alternatives to a variance.** *The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.*

The applicant has acknowledged that reducing the number of parking spaces could serve as an alternative; however, complying with the 35-foot setback would further limit available parking for the multi-tenant building at 1735 S. River Road, where parking capacity is already constrained. This limitation presents a practical difficulty in meeting the needs of the existing uses on the adjoining property.

(5) **Justice.** *The granting of a variance is a just action. The cause of the difficulty or the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.*

The parcel is small in size and does not meet multiple minimum design standards for development within the I-1 Light Industrial District: it falls short of the one-acre minimum lot area, the minimum lot width of 150 feet (existing width is 80 feet), and the minimum lot depth of 200 feet (existing depth is 187 feet). These dimensional limitations prevent the property from being developed independently for any permitted use under current zoning standards and further hinder the construction of any buildings or compliance with standard

setback requirements. As a result, the logical and practical option is to consolidate the subject parcel with the adjoining lot, which the owner intends to pursue following annexation.

Strict application of the thirty-five (35) foot front yard setback for parking would significantly restrict the functional use of the site and would hinder its ability to serve its intended supportive role for the adjoining multi-tenant building, where parking capacity is already constrained. This difficulty is directly tied to the lot's size and configuration, rather than to any action of the applicant or economic circumstances.

Additionally, commercial properties to the south commonly include parking within the front yard setback and are non-compliant with current standards, reflecting the long-standing development pattern of this block. The applicant's adjoining parcel also contains front-yard parking. Allowing parking on the subject property in a similar manner would be consistent with surrounding conditions and would not adversely affect neighboring properties, government services, or the character of the area.

Considering these unique on-site constraints, including lot size, width, and depth, and the consistent off-site development pattern, staff concludes that the requested variance represents a reasonable and just action.

STAFF RECOMMENDATION

After review of this request, staff recommends the Request to decrease the front yard setback along S. River Road from thirty-five (35) feet to ten (10) feet to allow for parking as regulated in §400.240(D)(9)(a) of the City of St. Charles Code of Ordinances be **APPROVED**, as submitted.



Figure 3 & 4: Site Photos of the area of the proposed parking encroachment.

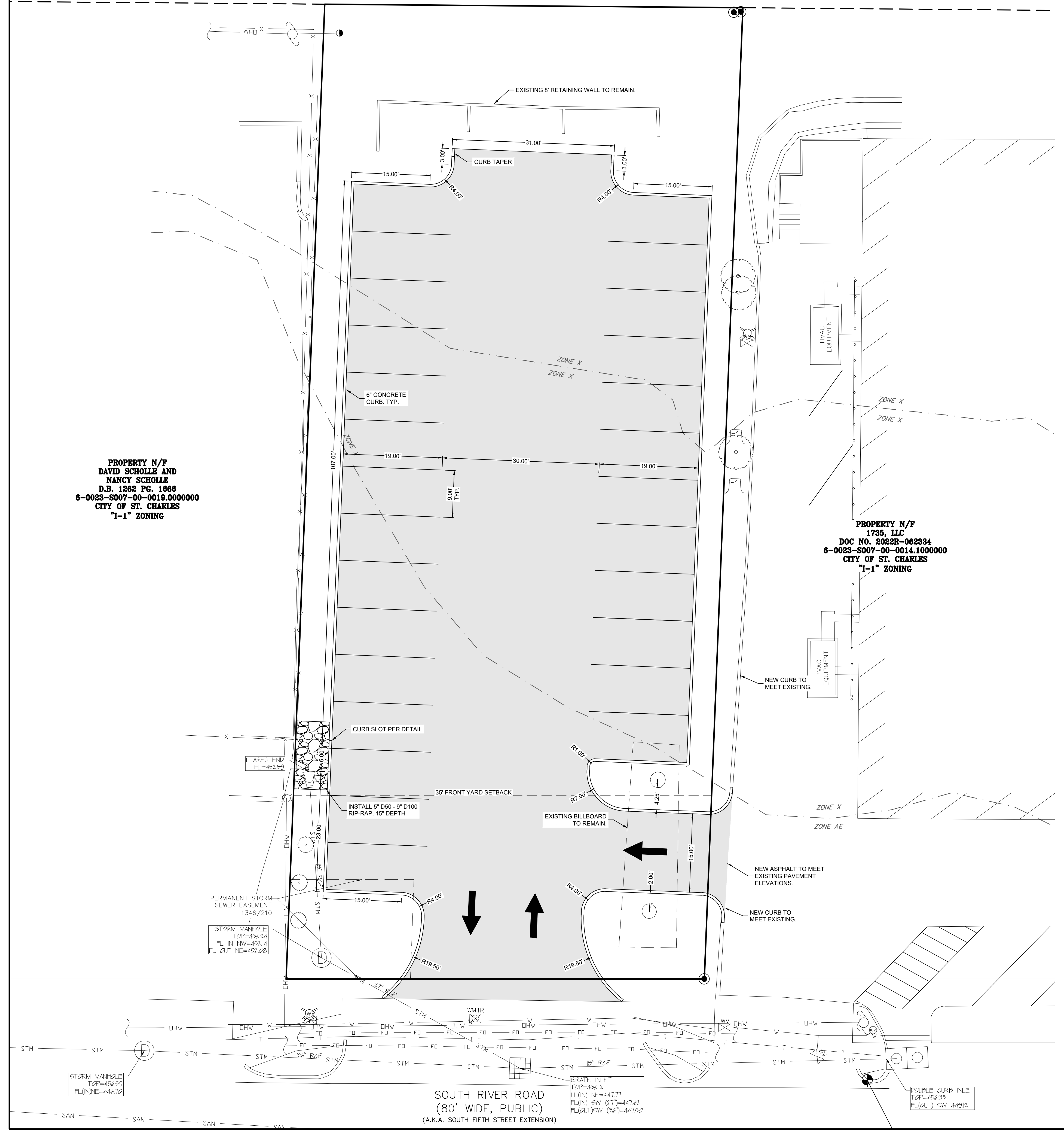
PROPERTY N/F
 JAMES L. BURNITT AND
 LISA A. BURNITT
 D.B. 1336 PG. 1469
 6-0023-8007-00-0022.0000000
 CITY OF ST. CHARLES
 "I-1" ZONING

HATCH LEGEND:

- [Hatched Box] = 3" ASPHALT PAVEMENT OVER 8" ROCK.
- [Stippled Box] = INSTALL RIP-RAP AS NOTED.

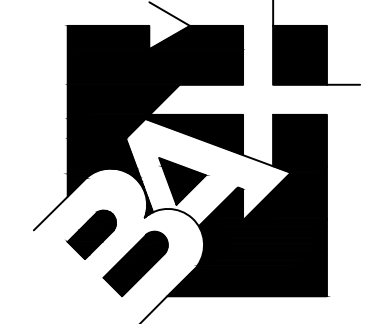
PROPERTY N/F
 DAVID SCHOLLE AND
 NANCY SCHOLLE
 D.B. 1262 PG. 1666
 6-0023-8007-00-0019.0000000
 CITY OF ST. CHARLES
 "I-1" ZONING

PROPERTY N/F
 1735, LLC
 DOC NO. 2022R-062334
 6-0023-8007-00-0014.1000000
 CITY OF ST. CHARLES
 "I-1" ZONING



A VARIANCE EXHIBIT FOR
SOUTH RIVER ROAD PARKING ADDITION
 1753 S RIVER ROAD
 ST. CHARLES, MO, 63303

PREPARED FOR:
 1715 DEER TRACKS TRAIL
 ST. LOUIS, MO 63131
 (314) 984-9700



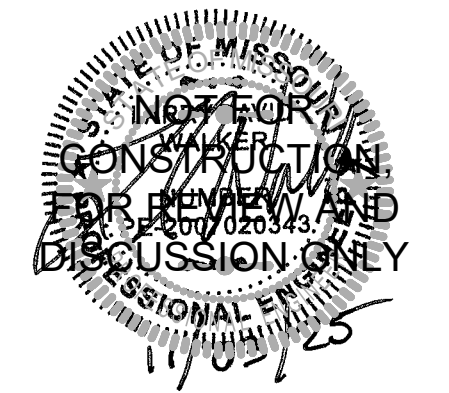
ENGINEERING
 PLANNING
 SURVEYING
 221 POINT WEST BLVD.
 ST. CHARLES, MO 63301
 636-938-6552
 FAX 928-4718

Bax Engineering Company, Inc.
 Missouri State Certificate of Authority
 Engineering #000655
 Missouri State Certificate of Authority
 Surveying #000144

REVISIONS

| Date | Description |
|------|-------------|
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DISCLAIMER OF RESPONSIBILITY:
 I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part or parts of the architectural or engineering project or survey other than those authenticated by my seal.



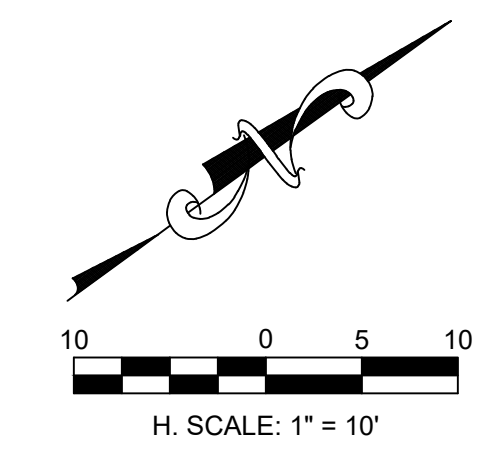
Larry D. Walker
 Civil Engineer
 Engineers License No. 2007020343

IF YOU ARE LOOKING AT AN INCOMPLETE SET OF CONTRACT DOCUMENTS (DRAWINGS & SPECIFICATIONS), YOU MAY BE MISSING PORTIONS OF THE WORK FOR WHICH YOU WILL BE RESPONSIBLE.

PROJECT NO: 04-13125E DATE: 11-03-2025
 DRAWN: DOJ
 DESIGNED: DOJ CHECKED: LDW
 ISSUED FOR: EXHIBIT

SHEET NAME:
SITE PLAN

SHEET NUMBER:
C2.01



CALL BEFORE YOU DIG!
 1-800-DIG-RITE

UNDERGROUND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE INFORMATION AND THEREFORE THEIR LOCATIONS SHALL BE CONSIDERED APPROXIMATE ONLY. THE VERIFICATION OF THE LOCATION OF ALL UNDERGROUND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, AND SHALL BE LOCATED PRIOR TO ANY GRADING OR CONSTRUCTION OF THE IMPROVEMENTS.

The following are the criteria that the Board of Adjustment must consider when hearing an appeal to the zoning ordinance. Please address the following criteria in relation to your request:

1. Size of the Variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five-foot variance is substantial if the required setback is seven feet, it is not as substantial if the required setback is 100 feet.

Reduce the setback for parking from 35' to 10'.

2. Effect on Government Services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.

There should be no effect on government services for the few additional parking stalls this variance would allow.

3. Effect on the Neighbors or Neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.

There should be little to no effect on the neighbors/neighborhood for the few additional parking stalls this variance would allow.

4. Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.

Alternative to the variance to allow the addition of more parking stall would require the removal of the retaining wall at the northwest, as well as construction of a new retaining wall exceeding 10' in height and 100' in length.

5. Justice. The granting of the variance is a just action. The cause of the difficulty - the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty:

Alternative to the variance to allow the addition of more parking stall would require the removal of the retaining wall at the northwest, as well as construction of a new retaining wall exceeding 10' in height and 100' in length.

Ameren – Blanchette – 10' Fence Variance

These photos show the existing site and how it is well screened and a good distance away from neighbors. The fence plan shows the exact location of the 10' fence.





AGENDA ITEM #3

**STAFF REPORT
BOARD OF ADJUSTMENT
CASE NO. BOA-2025-12
2250 S OLD HIGHWAY 94**

**DECEMBER 1, 2025
BY MADELYN P. BROWN**

GENERAL INFORMATION

Applicant/Owner: WOCO Partners LLC
2299 S Spoede Lane
Truesdale, MO 63380

Location: 2250 S. Old Hwy 94
Ward 5 upon annexation

Request: Three requests: 1.) A request to decrease the minimum lot width from seventy-five (75) feet to twenty-six (26) feet as regulated in section 400.170(E)(2)(a) the St. Charles Code of Ordinances; 2.) A request to decrease the minimum lot depth for the proposed Lots 31-34 from one hundred twenty-five (125) feet to ninety-eight point seven (98.7) feet as regulated in Section 400.170(E)(3) of the St. Charles Code of Ordinances; and 3.) A request to decrease the minimum side yard setback from seven (7) feet to zero (0) feet as regulated in Section 400.170(E)(5)(b) of the St. Charles Code of Ordinances.

Zoning: St. Charles County “R1E” Single Family Residence and is requesting to be zoned R-3A Multiple-Family Residential District upon annexation.

Adjacent Zoning

& Land Use:

| <u>Direction</u> | <u>Zoning</u> | <u>Land Use</u> |
|------------------|---------------|------------------------|
| North | R-1C | Meeting Facility |
| South | C2 (County) | Commercial |
| East | R1E (County) | Single-Family Dwelling |
| West | R1E (County) | Single-Family Dwelling |

ANALYSIS

The subject property is approximately 5.0 acres and is zoned St. Charles County “R1E” Single Family Residence. This property has submitted a petition for annexation, in which the subject property area will then be zoned R-3A Multiple-Family Residential District. The property is currently vacant. The applicant is seeking to construct a new development with thirty-four (34) single-family attached townhomes. Each individual unit is to be situated on an individual fee-simple lot with shared common ground. With this proposal, the applicant has submitted three (3) requests.

1. A request to decrease the minimum lot width from seventy-five (75) feet to twenty-six (26) feet.

2. A request to decrease the minimum lot depth for the proposed Lots 31-34 from one hundred twenty-five (125) feet to ninety-eight point seven (98.7) feet.
3. A request to decrease the minimum side yard setback from seven (7) feet to zero (0) feet.

It should be noted that the site plan is planned to be reviewed by the Planning and Zoning Commission at the December 8th meeting if these variance requests are approved by the Board of Adjustment (as they do not have authority to waive zoning design standards via the straight R-3A District).



Figure 1: Elevations of construction.

BACKGROUND

The R-3A District standards view/assumes a multi-family development as one under single ownership on one large parcel, such as a typical apartment complex, or a condominium-style development where units are subdivided synonymously with the unit footprint but all ground/land is part of a common ownership entity like a Home Owner's Association (HOA). This district does not provide for the product type where the units (in this case townhomes) are not part of one large parcel but are rather subdivided into individual lots. Although the proposed development will be zoned R-3A upon annexation, the straight district standards do not provide design standards which allow for a fee-simple townhouse subdivision, even though townhouse dwellings themselves are a permitted by-right land use/housing type within the R-3A District.

Individually owned, townhouse developments of this design have been achieved within the City of St. Charles through a Planned Development Residential zoning. This includes the nearby Oakleigh Park Addition at the southeast corner of the intersection of McClay Road and Hackman Road which were approved in 2021. Staff has determined that the applicant has the following pathways forward to develop the proposed as designed:

1. Seek a PD-R (Planned Development Residential) zoning designation with an underlying R-3A Multiple-Family Residential District. Exceptions from the design standards would be established through the PD-R approval process.
2. Maintain straight zoning through the R-3A Multiple Family Residential zoning district. Variances from the design standards would be granted by the Board of Adjustment.

While the applicant has explored both options, it was determined through the review process that

each would still require variance approvals via specific PD standards through the Board of Adjustment. It has been determined through conversations with staff that the best option is to maintain straight zoning and seek approval for the three (3) variances being presented within this report. Additional information outlining the available options and supporting the validity of this request is included in the “Alternatives to a Variance” section on page 5.

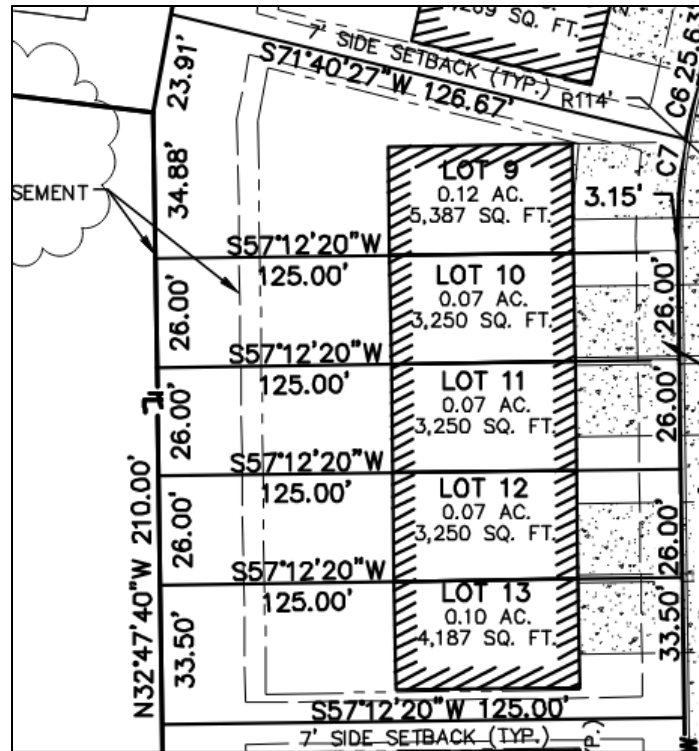


Figure 2: Example of proposed lots configuration.

Criteria for Granting a Variance:

A variance is intended to provide relief to property owners who, due to their unique circumstances, would face practical difficulties or unnecessary hardship from the strict application of the zoning ordinance. However, while a variance can provide relief to a property owner and still protect the zoning ordinance from invalidation, variances are typically granted because of conditions or circumstances existing that are peculiar to the property or lot of record and not the result of the actions of the applicant.

Pursuant to §400.1080, the power to hear and decide variance cases regarding the requirements of Chapter 400 (Zoning Code) lies with the Board of Adjustment. The Board’s decision is considered a quasi-judicial act; thus, the board shall consider the evidence submitted by staff, as well as the evidence presented by the applicant and make a finding with regard to the request for a variance. The decision of the Board is subject to appeal to the Circuit Court of St. Charles County.

In addition to the criteria established §400.1090(E & F), G of the same section provides additional policies that should be considered before a ruling on a variance. Therein, it establishes that:

1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning;

2. The Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved;
3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of the chapter; and
4. The Board shall study the effects of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare.

According to §400.1090 (F), the following factors are relevant to determining whether strict application of the regulation would result in practical difficulties or unnecessary hardship:

(1) *Size of the variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five foot variance is substantial if the required setback is seven feet; it is not as substantial if the required setback is 100 feet.*

- The request to decrease the minimum lot width from seventy-five (75) feet to twenty-six (26) feet is a 65.4% decrease. This request would be considered substantial because it is greater than 25%.
- The request to decrease the minimum lot depth from one hundred twenty-five (125) feet to ninety-eight point seven (98.7) feet is an approximately 21% decrease. This request would be considered not substantial because it is less than 25%.
- The request to decrease the minimum side yard setback from seven (7) feet to zero (0) feet 100% decrease. This request would be considered substantial because it is greater than 25%.

(2) *Effect on government services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.*

No negative effects on government services have been documented via staff review as adequate utilities services (transportation, water, sewer, and emergency services) are present and plans will abide by City Building & Fire Code.

(3) *Effect on neighbors or neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.*

After review by the planning staff, the approval of the variances should not have a negative impact on the adjacent properties or the character of the neighborhood.

- Decreasing the minimum lot width from 75 feet to 26 feet: The request to decrease the minimum lot width is specific to the proposed townhomes within the proposed subdivision and will not have an impact on the nearby, existing residential development outside of this site. The reduced width reflects a typical townhouse configuration where each unit is placed on an individually platted lot, but the setbacks from existing structures outside of the subdivision remain compliant. This results in no added impact on visibility or proximity to surrounding properties. Additionally, the proposed subdivision is located in a mixed-use area, with both residential and commercial uses nearby. Furthermore, the Oakleigh Park Addition (referenced in the Background) is

similar in design and located close by to this development. These existing neighborhood conditions are well suited for a higher density, townhouse subdivision such as what is being proposed. Based on these factors, decreasing the minimum lot width would not have a negative impact on the neighboring properties.

- Decreasing the minimum lot depth from 125 feet to 98.7 feet: As indicated above, the request to decrease the lot depth is to achieve the proposed townhouse design within the confined subdivision. Even with the reduced lot depth, the front and rear yard setbacks will remain compliant. This minimizes any potential impact for the existing structures of neighboring properties outside of the subdivision. The neighborhood's existing development types (mixed-use and nearby townhomes) further reduces the potential impact of the subdivision as designed. Additionally, this reduction applies only to Lots 31–34, which further minimizes any potential impact. That being said, this request will not have an impact on surrounding properties and the neighborhood as a whole.
- Decreasing the minimum side yard setback from 7 feet to 0 feet: The applicant is proposing a zero foot side yard setback; however, this reduction is specific to the shared walls of the attached townhomes. The end units of each structure will remain compliant with the required side yard setback. This reduction permits the structures as designed. Additionally, this request will not provide an impact on the surrounding neighborhood based on the design of the subdivision proposal and existing conditions of neighboring properties. Therefore, this request would have not have a negative effect on the neighborhood and neighbors.



Figure 3: Location of subject property and Oakleigh Park Addition.

(4) Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.

As indicated within the "Background" section on page 2, the applicant has explored alternatives to the subject variance requests. This includes perusing a PD-R zoning as opposed

to developing under straight zoning through the R-3A district. Initially, the applicant sought the PD zoning, with the intent to avoid a request through the Board of Adjustment (lot dimension setbacks can be approved via the PD review without variances to the Board of Adjustment). However, Planned Developments require additional landscape buffer requirements to ensure separation from neighboring properties where the subject property is more dense than the adjacent. The required landscape buffers would not be feasible at this site with the structures as designed and would ultimately require a greater variance through the Board of Adjustment. Following discussions with Planning Staff, it was determined that seeking the necessary design standard reductions through the Board of Adjustment under straight zoning is the most suitable and least impactful path.

- Alternative to decreasing the minimum lot width from 75 feet to 26 feet: While the R-3A zoning district requires a lot width of 75 feet, this standard would not provide for a townhome product type in which the units are subdivided into individual lots. This requested reduction in lot width would allow for the developer to construct the units as proposed. As discussed above, the R-3A District standards permit this type of multi-family development but do not provide the design standards to carry out this construction type (assumes one large lot, or multiple large lots which include more than one unit). Additionally, the PD zoning approach would result in greater variance requests through the Board of Adjustment. While there is an alternative to redesign the proposed development to meet code, the proposal as presented would not be possible.
- Alternative to decreasing the minimum lot depth from 125 feet to 98.7 feet: The required 125 foot lot depth cannot be implemented with the proposed townhouse design. A decrease in the minimum lot depth for Lots 31–34 only will allow for the attached, individually owned units while maintaining the street network and common ground areas. As discussed above, pursuing a PD zoning would not resolve this issue, as the site configuration would require additional, more substantial variances. If the design was to comply with zoning code, the proposal could not be achieved.
- Alternative to decreasing the minimum side yard setback from 7 feet to 0 feet: As stated above, the applicant has requested a variance to decrease the sideyard setback to zero. This request is specific to the shared walls of the interior townhomes and will achieve attached units with fee-simple lots under the R-3A zoning district, as opposed to a PD request with more extensive variance requests. Maintaining the 7-foot separation would require the units to be constructed as detached dwellings, which is not compatible with the intended building form or division of lots.

(5) Justice. The granting of a variance is a just action. The cause of the difficulty or the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.

While the requests to reduce the minimum lot width, minimum lot depth, and minimum side yard setback have been analyzed independently under the variance criteria, this section will collectively address the “justice” of all three (3) variances.

As indicated above, the hardship in this case is the result of the proposed type of housing, and not the number of units being proposed by the applicant. The R-3A standards are not designed for individually platted townhouse units, despite the use being permitted in the district. Therefore, the requested variances are tied directly to the townhouse building type and ownership model, rather than the applicant. The attached townhomes with fee-simple lots could not be achieved without the granting of all three variances. The requested variances maintain the overall intent of the R-3A District by providing a townhouse housing type which is identified as a permitted use of the district. Additionally, the surrounding area supports townhome style development, through the uses present in the surrounding area and a similar subdivision design nearby (Oakleigh Park Addition). As stated above, granting these requests will not have a negative impact on the neighborhood or neighboring properties due to the requests being specific to the proposed subdivision and all other design requirements being met which would have a direct impact on neighboring properties. While the Planned Development route is an option as an alternative to the applicant, this option would result in more substantial variance requests. In comparison, the variances requested under straight zoning are limited in scope and represent the minimum relief needed to allow the permitted housing type to be developed as intended. **Given this, Staff believes the approval of this request would be considered a just action.**

STAFF RECOMMENDATION

After review of the request and all pertinent information, the Department of Community Development recommends that the request be ***APPROVED***.

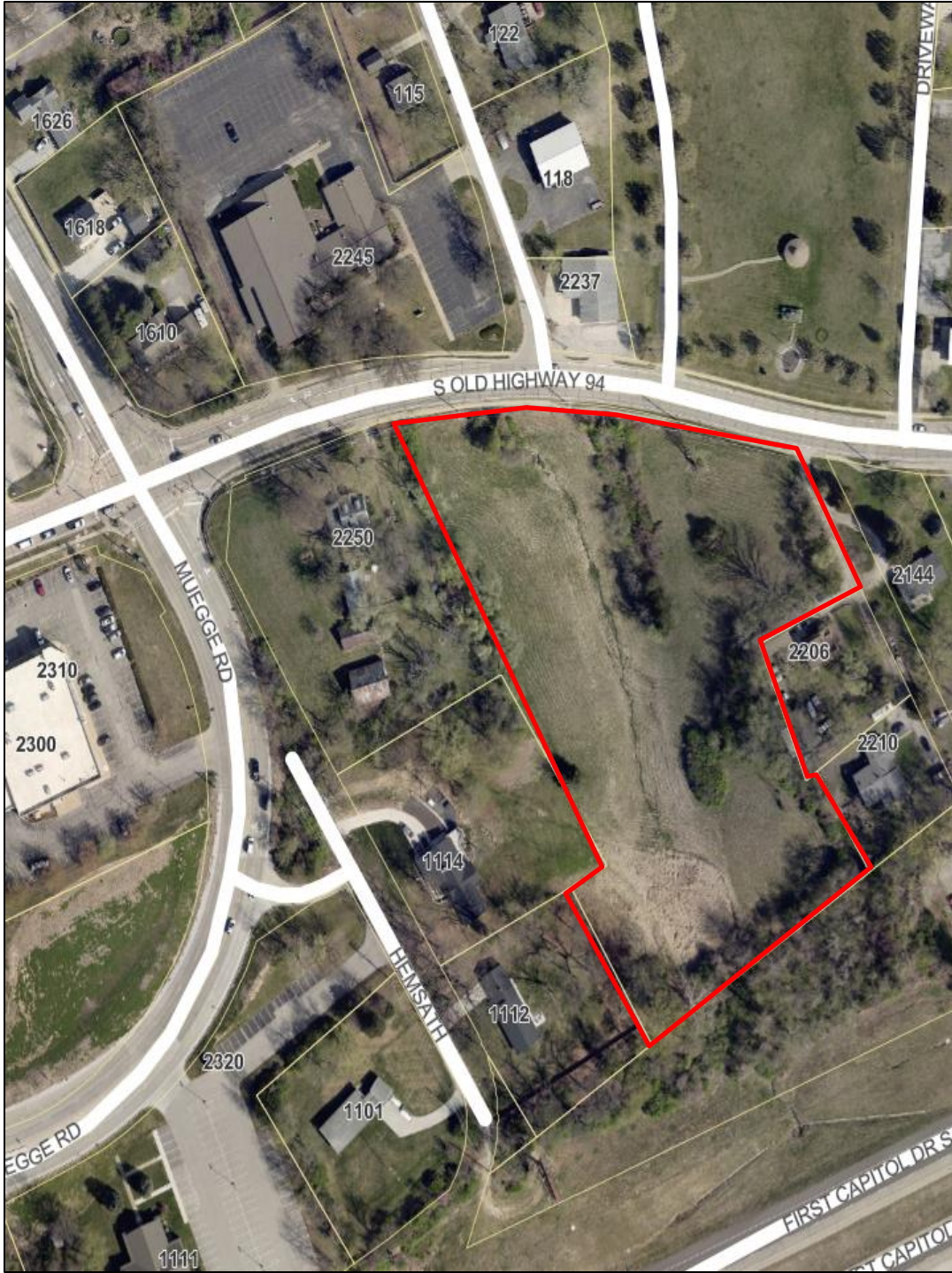


Figure 4: Aerial view of subject property.

The following are the criteria that the Board of Adjustment must consider when hearing an appeal to the zoning ordinance. Please address the following criteria in relation to your request:

1. Size of the Variance. The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e. a five-foot variance is substantial if the required setback is seven feet, it is not as substantial if the required setback is 100 feet.

Lot width variance: 70' Required within R-3A. 26' & 33.5" lot widths requested.

Lot Depth Variance: 125' required within R-3A. Lots 31-34 requesting minimum lot depth of 98.70'.

2. Effect on Government Services. The effect of the requested variance on population, density and available government facilities such as water, fire and police protection, and sanitary services.

The requested adjustment will have no negative effect on the population, density, or available government services.

3. Effect on the Neighbors or Neighborhood. The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.

The requested adjustment will have no effect on the surrounding neighbors or general character of the subject neighborhood.

4. Alternatives to a variance. The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.

No alternatives are available as St. Charles does not have a Townhome plat provision within any of their existing zoning codes or ordinances.

5. Justice. The granting of the variance is a just action. The cause of the difficulty - the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot, or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty:

The nature of the land requires significant amounts of fill material creating difficulties when designing building pad locations. The St. Charles city code also does not contain provisions for Townhome style platting.

One (1) copy of the following shall be submitted when filing for an appeal to the Board of Adjustment. Digital submittal of application preferred via BOA@stcharlescitemo.gov. Directions for digital submittal are attached.

1. A complete application. Please answer every question as completely as possible. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

2. A complete site plan of the property and all structures located on the property. Including but not limited to:
 - a. The actual shape and dimension of the lot.
 - b. Any existing or proposed building, accessory building, and their locations upon the lot.
 - c. Any existing or proposed parking spaces, driveway entrances and exits, street, alleys, creeks, etc.
 - d. The existing and intended use of each building or part of a building.
 - e. Photos of existing structures.
 - f. Any other information with regard to the lot and neighboring lots as may be necessary.

* Depending on the specifics of the case, the applicant (s) may be required to submit further information deemed necessary.

3. Signature by the legal owner or an attached affidavit by the legal owner authorizing the Board of Adjustment action.

I (We), the undersigned, file this petition for a Board of Adjustment action and authorize the Department of Community Development to post the above described property with a notice describing the action applied for and the date of the public hearing on such action, I (We) also understand that property owners within three hundred (300) feet of the petitioned property will be notified by letter of the requested action by the Department of Community Development.

Applicants wishing to have a transcript of their hearing must contact the Department of Community Development and request the transcript within 20 days following the appeal. The applicant will be responsible for paying for the expense of the transcript. Transcripts will not be available beyond the 30 days following the date of the appeal.

The above statements and the statements contained in all of the attached exhibits transmitted herewith are true, to the best of my knowledge.

Signature of the applicant: *Dana C. Moloney* Date: 10-29-25

Signature of the property owner: *Dana C. Moloney* Date: 10-29-25

NOTE: APPLICANTS ARE REQUIRED TO ATTEND THE PUBLIC HEARINGS.

Application Fees:

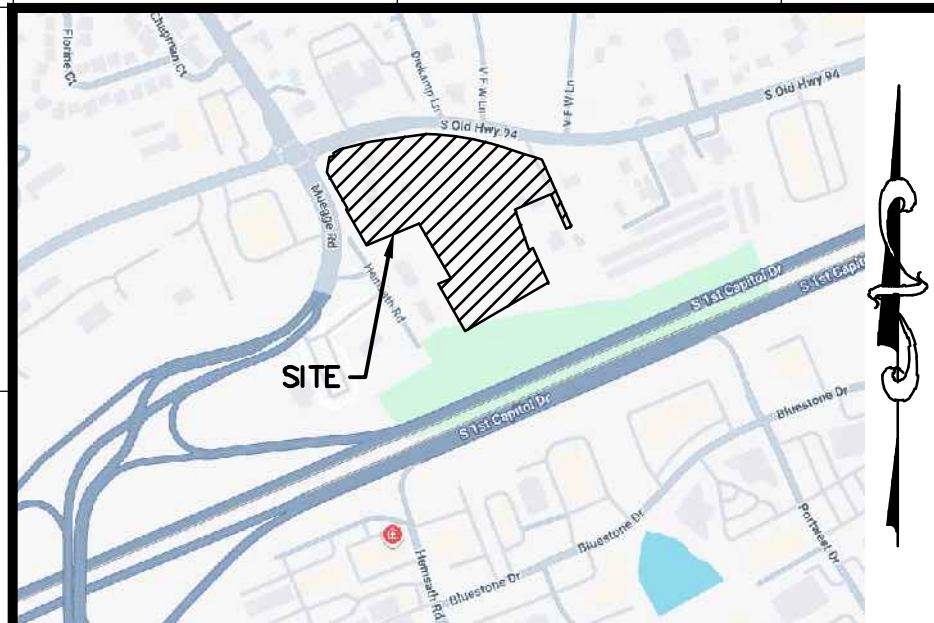
Commercial and New Construction Residential for 1st variance request: \$300.00

Existing duplex unit or existing single-family home: \$100.00

Additional request on the same property: \$50.00

Decision Appeals: Same as applicable variance rate

PRELIMINARY PLAT



DRAWING LEGEND

| | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------|------------------------|-------------------|------------------|-----------------------------|---------------------|----------------------|------------------------|---------------------------|-----------------------------------|---------------------|-----------------------|------------------------|-----------------------------|---------------|-------------------------------|-----------------------|----------------------|-----------------------|----------------|--------------------|---------------|----------------------------|--------------------------------|---------------------------|----------------------------|-----------------|
| RIGHT-OF-WAY PROPERTY LINE | NEW MAJOR CONTOUR | NEW MINOR CONTOUR | NEW SETBACK LINE | NEW EASEMENT LINE | NEW FENCE | NEW STORM SEWER PIPE | NEW WATER LINE | NEW SANITARY MAIN | NEW SANITARY LATERAL | SANITARY MANHOLE | STORM MANHOLE | STORM INLET | FLARED END SECTION | GRATED INLET | GRATED INLET WITH SIDE INTAKE | SIGN | WATER VALVE | FIRE HYDRANT | WATER METER | LIGHT | NEW BUILDING | NEW STANDARD DUTY CONCRETE | NEW CONCRETE PAVEMENT/SIDEWALK | | | |
| EXISTING MAJOR CONTOUR | EXISTING MINOR CONTOUR | EXISTING EASEMENT | EXISTING FENCE | EXISTING OVERHEAD UTILITIES | EXISTING WATER LINE | EXISTING STORM SEWER | EXISTING SANITARY LINE | EXISTING SANITARY MANHOLE | EXISTING SANITARY/STORM CLEAN-OUT | EXISTING CURB INLET | EXISTING GRATED INLET | EXISTING STORM MANHOLE | EXISTING FLARED END SECTION | EXISTING SIGN | EXISTING WATER VALVE | EXISTING FIRE HYDRANT | EXISTING WATER METER | EXISTING UTILITY POLE | EXISTING LIGHT | EXISTING BENCHMARK | EXISTING TREE | EXISTING TREELINE | EXISTING BUILDING | EXISTING ASPHALT PAVEMENT | EXISTING CONCRETE PAVEMENT | EXISTING GRAVEL |



NOTES

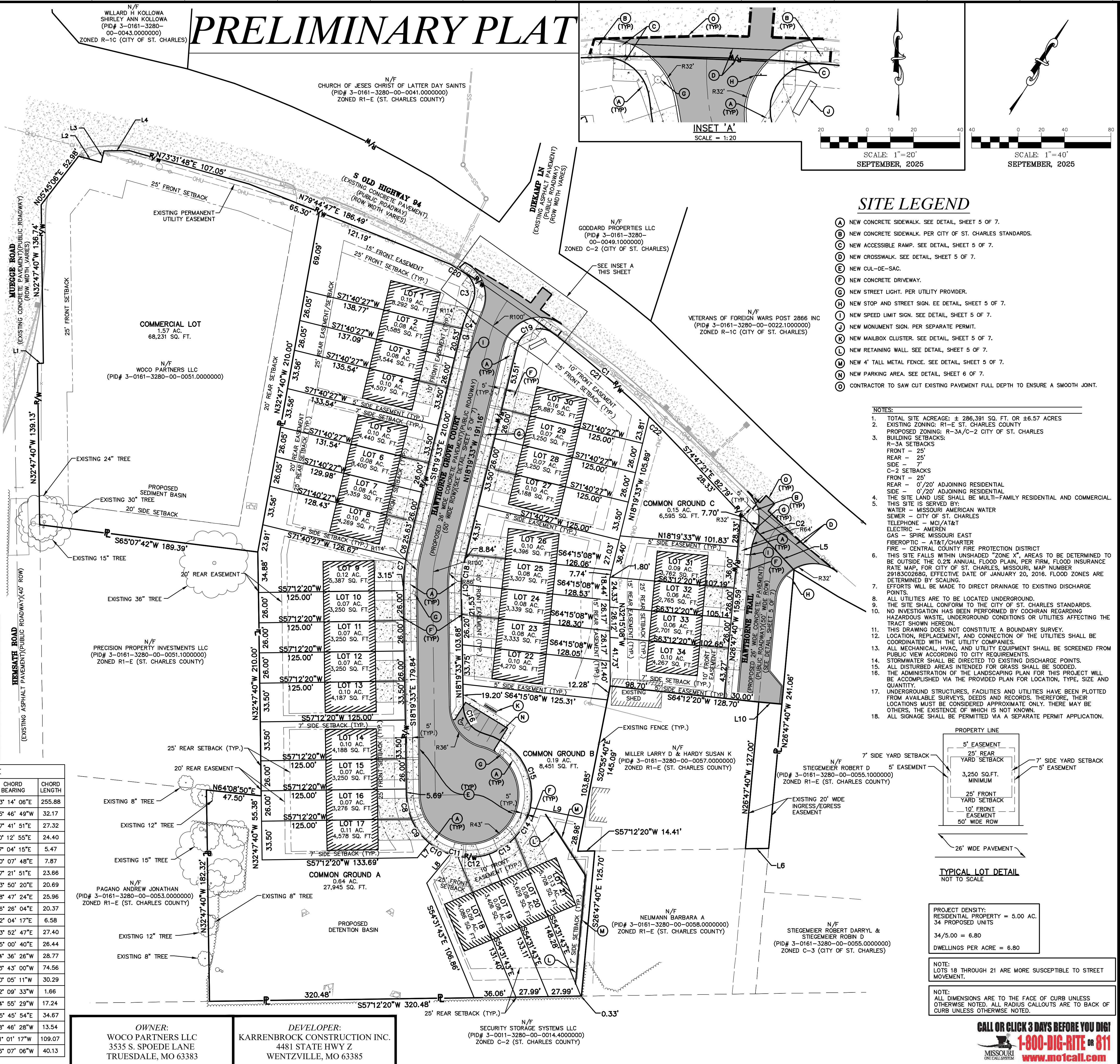
- NEW CONCRETE SIDEWALK. SEE DETAIL, SHEET 5 OF 7.
- NEW CONCRETE SIDEWALK. PER CITY OF ST. CHARLES STANDARDS.
- NEW ACCESSIBLE RAMP. SEE DETAIL, SHEET 5 OF 7.
- NEW CROSSWALK. SEE DETAIL, SHEET 5 OF 7.
- NEW CUL-DE-SAC.
- NEW CONCRETE DRIVEWAY.
- NEW STREET LIGHT. PER UTILITY PROVIDER.
- NEW STOP AND STREET SIGN. SEE DETAIL, SHEET 5 OF 7.
- NEW SPEED LIMIT SIGN. SEE DETAIL, SHEET 5 OF 7.
- NEW MOUNTAIN SIGN. PER SEPARATE PERMIT.
- NEW MAILBOX CLUSTER. SEE DETAIL, SHEET 5 OF 7.
- NEW RETAINING WALL. SEE DETAIL, SHEET 5 OF 7.
- NEW 4' TALL METAL FENCE. SEE DETAIL, SHEET 5 OF 7.
- NEW PARKING AREA. SEE DETAIL, SHEET 6 OF 7.
- CONTRACTOR TO SAW CUT EXISTING PAVEMENT FULL DEPTH TO ENSURE A SMOOTH JOINT.

NOTES

- TOTAL SITE ACREAGE: ± 286,391 SQ. FT. OR ± 6.57 ACRES
- EXISTING ZONING: R-1-E ST. CHARLES COUNTY
- PROPOSED ZONING: R-3A/C-2 CITY OF ST. CHARLES
- BUILDING SETBACKS:
R-3A SETBACKS:
FRONT - 25'
REAR - 25'
SIDE - 7'
C-2 SETBACKS:
FRONT - 25'
REAR - 0'/20' ADJOINING RESIDENTIAL SIDE YARD
THE SITE LAND USE SHALL BE MULTI-FAMILY RESIDENTIAL AND COMMERCIAL.
- THIS SITE IS SERVED BY:
WATER - MISSOURI AMERICAN WATER SEWER - CITY OF ST. CHARLES
TELEPHONE - MCI/AT&T
ELECTRIC - AMEREN
GAS - SPIRE MISSOURI EAST
FIBEROPTIC - AT&T/CHARTER
FIRE - CENTRAL COUNTY FIRE PROTECTION DISTRICT
- THIS SITE FALLS WITHIN UNSHADED "ZONE X" AREAS TO BE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD PLAIN, PER FIRM, FLOOD INSURANCE RATE MAP, FOR CITY OF ST. CHARLES, MISSOURI, MAP NUMBER 2918302686, EFFECTIVE DATE OF JANUARY 20, 2016. FLOOD ZONES ARE DETERMINED BY SCALING.
- EFFORTS WILL BE MADE TO DIRECT DRAINAGE TO EXISTING DISCHARGE POINTS.
- ALL UTILITIES ARE TO BE LOCATED UNDERGROUND.
- THE SITE SHALL CONFORM TO THE CITY OF ST. CHARLES STANDARDS.
- NO INVESTIGATION HAS BEEN PERFORMED BY COCHRAN REGARDING HAZARDOUS WASTE, UNDERGROUND CONDITIONS OR UTILITIES AFFECTING THE TRACT SHOWN HEREON.
- THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY.
- LOCATION, REPLACEMENT, AND CONNECTION OF THE UTILITIES SHALL BE COORDINATED WITH THE UTILITY COMPANIES.
- UNDERGROUND STRUCTURES, FACILITIES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, DEEDS AND RECORDS. THEREFORE, THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS NOT KNOWN.
- ALL SIGNAGE SHALL BE PERMITTED VIA A SEPARATE PERMIT APPLICATION.

| LINE # | BEARING | LENGTH |
|--------|------------------|--------|
| L1 | S57° 12' 19.96"W | 5.00 |
| L2 | S73° 31' 48.96"W | 20.00 |
| L3 | S18° 09' 12.04"E | 10.00 |
| L4 | S57° 12' 18.88"W | 21.89 |
| L5 | N75° 18' 46.32"E | 28.70 |
| L6 | N57° 12' 20.04"E | 20.11 |
| L7 | N07° 18' 12.86"E | 16.34 |
| L8 | S07° 18' 12.86"W | 37.31 |
| L9 | N69° 04' 20.16"E | 42.05 |
| L10 | N63° 12' 20.04"E | 20.00 |

| CURVE # | ARC LENGTH | RADIUS | CHORD BEARING | CHORD LENGTH |
|---------|------------|--------|---------------|--------------|
| C1 | 256.81 | 872.19 | S83° 14' 06"E | 255.88 |
| C2 | 32.17 | 930.00 | N75° 46' 49"W | 32.17 |
| C3 | 30.08 | 20.00 | S47° 41' 51"E | 27.32 |
| C4 | 24.44 | 125.00 | S10° 12' 55"E | 24.40 |
| C5 | 5.48 | 125.00 | S17° 04' 15"E | 5.47 |
| C6 | 7.87 | 125.00 | S20° 07' 48"E | 7.87 |
| C7 | 23.69 | 125.00 | S27° 21' 51"E | 23.68 |
| C8 | 20.82 | 54.00 | S43° 50' 20"E | 20.69 |
| C9 | 26.21 | 54.00 | S68° 47' 24"E | 25.96 |
| C10 | 20.49 | 54.00 | N86° 26' 04"E | 20.37 |
| C11 | 6.59 | 54.00 | N72° 04' 17"E | 6.58 |
| C12 | 27.71 | 54.00 | N53° 52' 47"E | 27.40 |
| C13 | 26.71 | 54.00 | N25° 00' 40"E | 26.44 |
| C14 | 29.12 | 54.00 | N04° 36' 26"W | 28.77 |
| C15 | 82.30 | 54.00 | N63° 43' 00"W | 74.56 |
| C16 | 32.54 | 25.00 | N70° 05' 11"W | 30.29 |
| C17 | 1.66 | 75.00 | N32° 09' 33"W | 1.66 |
| C18 | 17.28 | 75.00 | N24° 55' 29"W | 17.24 |
| C19 | 41.77 | 20.14 | N35° 45' 54"E | 34.67 |
| C20 | 13.54 | 872.19 | S88° 46' 28"W | 13.54 |
| C21 | 109.14 | 872.19 | N81° 01' 17"W | 109.07 |
| C22 | 40.14 | 872.19 | N76° 07' 06"W | 40.13 |



636-332-4574 (Tel.)
636-327-0760 (Fax)
www.motocall.com
North Office
8 East Main Street
Wentzville, Missouri 63385

COCHRAN
Civil Engineering
Land Surveying
Architecture
Site Development
General Consulting
Master Planning



Missouri State Certificate of Authority Numbers:
2010000046

Two working days prior to the start of any excavation, call 1-800-DIG-RITE for utility location information.

All OSHA rules & regulations construction required by these plans shall be strictly followed (ie. trenching, blasting, etc.)



PRELIMINARY PLAT - SITE PLAN
HAWTHORNE GROVE
ST. CHARLES, MISSOURI

| | | |
|-------|---------|--------------------|
| DATE: | 11/3/25 | PER CITY COMMENTS: |
| DATE: | 11/3/25 | PER CITY COMMENTS: |
| DATE: | 11/3/25 | PER CITY COMMENTS: |

| | | |
|-------|---------|--------------------|
| DATE: | 11/3/25 | PER CITY COMMENTS: |
| DATE: | 11/3/25 | PER CITY COMMENTS: |
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| | | |
|-------|---------|--------------------|
| DATE: | 11/3/25 | PER CITY COMMENTS: |
| DATE: | 11/3/25 | PER CITY COMMENTS: |
| DATE: | 11/3/25 | PER CITY COMMENTS: |

PROJECT DENSITY:
RESIDENTIAL PROPERTY = 5.00 AC.
34 PROPOSED UNITS

34/5.00 = 6.80

DWELLINGS PER ACRE = 6.80

NOTE: LOTS 18 THROUGH 21 ARE MORE SUSCEPTIBLE TO STREET MOVEMENT.

NOTE: ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. ALL RADIUS CALLOUTS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.

CALL OR CLICK 3 DAYS BEFORE YOU DIG!
1-800-DIG-RITE OR 811
www.motocall.com

1 OF 7



BOARD OF ADJUSTMENT

2026 MEETING DATES AND DEADLINES

| <i>MEETING DATE</i> | <i>APPLICATION DEADLINE</i> |
|----------------------------|------------------------------------|
| JANUARY 5, 2026 | DECEMBER 1, 2025 |
| FEBRUARY 2, 2026 | JANUARY 5, 2026 |
| MARCH 2, 2026 | FEBRUARY 2, 2026 |
| APRIL 6, 2026 | MARCH 2, 2026 |
| MAY 4, 2026 | APRIL 6, 2026 |
| JUNE 1, 2026 | MAY 4, 2026 |
| JULY 6, 2026 | JUNE 1, 2026 |
| AUGUST 3, 2026 | JULY 6, 2026 |
| SEPTEMBER 14, 2026 | AUGUST 3, 2026 |
| OCTOBER 5, 2026 | SEPTEMBER 14, 2026 |
| NOVEMBER 2, 2026 | OCTOBER 5, 2026 |
| DECEMBER 7, 2026 | NOVEMBER 2, 2026 |

Please note that while these are minimum deadlines for submittal, staff will provide a projected meeting date upon review and confirmation of a complete submittal.

The Board of Adjustment meetings begin at 6:00 p.m. on the fourth floor of St. Charles City Hall, 200 North Second Street, St. Charles, MO. Applicants are required to attend the public hearing.



Memorandum

To: Board of Adjustment

From: John Boyer, Assistant Director of Community Development/Planning Manager

Date: November 25, 2025

Subject: Rules and Procedures

As an official Board of the City of St. Charles, The Board is charged to hear and decide cases as required via Article XIII of the City of St. Charles Zoning Ordinance. To discharge these duties, public meetings are required and Section 400.1070 of the City’s Municipal Code states: “The Board shall adopt rules in accordance with provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140 RSMo”. Upon review of City records, no official rules and/or procedures of the Board of Adjustment have been located other than what is stated within Article XIII (also attached for convenience). To ensure compliance with City Code and to provide consistency for the running of meetings, City staff (Planning Staff and Legal Staff) recommend the Board of Adjustment officially adopt Rules and Procedures for their meetings.

Attached is a drafted document which accomplishes compliance with the above code section and provides consistency with past meeting operation and will ensure consistency moving forward. It is recommended that the Board review these rules and procedures and adopt them by vote at the December 2025 Board of Adjustment meeting. Upon adoption, these rules and procedures should then be followed. While these rules are being brought forward for adoption, it is NOT an indication that previous meetings have not being run properly, this request is simply being brought forward to provide code compliance and consistency in the operation of meetings.

Please let me know if you have any questions or require more information on this item. If so, you may reach me at 636-949-3221 (direct line) or via email at john.boyer@stcharlescitemo.gov.

Draft Rules and Procedures – Board of Adjustment
Adopted 12/2/2025

This is not intended nor should be used to re-state requirements provided via the City Code (Chapter 125 or Title IV: Land Use).

Rules & Voting

1. Roberts Rules of Order Newly Revised, In Brief.
2. Motion shall be made only in the form of a positive.
3. A motion shall not be made by the presiding officer (Chair of the meeting).
4. No Motion shall be considered until it is seconded, and no motion shall be debated before it is seconded.

Decorum

1. The Chair, or in their absences, the Vice-Chair, shall run the meeting. In the absence of the Chair and Vice-Chair, the meeting shall be called to order by a quorum of the Board, and a temporary Chair shall be elected by the members of the Board in attendance to run the meeting.
2. When a member of the Board of Adjustment wishes to speak, the member shall raise a hand, or use some other Board approved signaling device, and respectfully address the chair, but shall not proceed to speak until recognized and named by the Chair. The members remarks shall be confined to the question under debate and avoid disparaging, offensive or slanderous statements. Any member failing to comply with the provisions of this section shall be called to order.
3. When two or more members shall seek recognition at the same time, the Chair shall name the member who is to speak first.
4. Except in case of the defeat of an item before the Board, when a motion has been made and carried in the affirmative or negative, it shall be in order for any member who voted on that side which prevailed to move for a reconsideration thereof at the same meeting.
5. All votes shall be taken and entered on the minutes. On all variance requests or other items required to be voted on by the Board of Adjustment, a roll call vote shall be required. On procedural/administrative matters, a roll call vote shall not be taken unless requested. The request for a roll call vote can be made either before or after the vote.
6. Roll Call Voting shall be successively rotated.
7. Following any vote, the Chair shall state the decision of the Board.
8. A motion to adjourn shall always be in order, except:

- a. When a member is in possession of the floor;
- b. While the members are voting;
- c. When it was the last preceding motion;
- d. When it has been decided that the previous questions shall be taken; or
- e. When any member had indicated (by light, hands, etc.) a request to speak.

Public Hearing and the Orderly Conduct of Meetings

1. Public Hearings

- a. Any person, including the Applicant, or the Applicant's representative, is allowed a total of five (5) minutes to address the Board at a Public Hearing. A speaker is not permitted to reserve time or yield time.
- b. Any person speaking at a Public Hearing shall limit their comments to the topic of the Public Hearing and shall comply with Conduct Section.
- c. Once a Public Hearing has been closed, no further oral or written comments will be accepted.
- d. All persons who desire to speak at a Public Hearing shall complete a Speaker's Card in its entirety and present it to the City Staff prior to speaking.

2. Orderly Conduct of Meetings

- a. Persons speaking during the Public Hearing shall address all comments to the Board of Adjustment as a body and not to any staff member or to the audience.
- b. Speakers shall not make comment that are:
 - i. Irrelevant or unrelated to the topic;
 - ii. Unduly repetitious; or
 - iii. Personal attacks, personal accusations, threats, explicit or obscene. The Presiding Officer shall immediately call a Speaker who violates this rule to order and if the conduct continues, the Speaker will be asked to sit down or the Presiding Officer may recess the meeting.
- c. Meeting attendees shall not engage in any disruptive or disorderly behavior of conduct that actually disrupts, disturbs or impedes the orderly conduct of the business of the Board. At the discretion of the Presiding Officer, such behavior or

conduct may incur a warning(s), recess of the meeting, or other appropriate actions, to allow the Board to resume the orderly conduct of its business.

- d. All persons who desire to speak at a Public Hearing shall complete a Speaker's Card in its entirety and present it to the City Staff prior to speaking. A Speaker's Card must be completed for each Public Hearing on which the person desires to speak.
- e. Written Comments or Materials
 - i. Written Public Comments provided to the office of Community Development by 5:00 p.m. the day of the Board of Adjustment meeting will be distributed to the Commission prior to the meeting and will be included in the records of the meeting. Written comments will not be read aloud at the meeting.
 - ii. A person who wishes to have paper copies of any printed material distributed at a Board meeting as part of a public hearing shall provide six (6) copies for staff to distribute to Board on the day of the meeting.

Decisions of the Board of Adjustment

1. The filing of the decision in the office of the board shall be deemed to have occurred the next business day after any vote of the Board of Adjustment.
2. The office of the Board of Adjustment is the Department of Community Development.

Article XIII of the Zoning Ordinance

Section 400.1060 Created.

The Board of Adjustment is created with the powers and duties as set forth in this Article.

Section 400.1070 Board Of Adjustment – Appointment -Term – Vacancies – Organization.

The City Council shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Sections [89.010](#) to [89.140](#), RSMo., may provide that the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The Board of Adjustment shall consist of five (5) members, who shall be residents of the City except as provided in Section [305.410](#), RSMo. Notwithstanding Section [125.100](#), the Mayor does not serve as an additional member of and there shall be no Council liaison on the Board of Adjustment. The membership of the first Board appointed shall serve respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairperson who shall serve for one (1) year. **The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections [89.010](#) to [89.140](#), RSMo.** Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his/her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

Section 400.1080 Board Of Adjustment – Powers.

A. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Sections [89.010](#) through [89.140](#), RSMo., or of any ordinance adopted pursuant to such Sections;
2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;

3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done, provided that, in any City with a population of three hundred fifty thousand (350,000) or more inhabitants which is located in more than one (1) County, the Board of Adjustment shall not have the power to vary or modify any ordinance relating to the use of land.
4. In exercising the above-mentioned powers such Board may, in conformity with the provisions of Sections [89.010](#) through [89.140](#), RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance except as provided in Section [305.410](#), RSMo.

Section 400.1090 Appeals And Variances

- A. Applications for appeals and variances to this Chapter shall be processed in the following manner:
 1. All appeals and variances shall be taken within sixty (60) days from the date of the action which is appealed.
 2. The application for an appeal or variance shall be addressed to the Board of Adjustment and submitted to the Department of Community Development.
 3. An application shall be filed with the Board of Adjustment for review. Such application shall show the location and intended use of the site and any other material pertinent to the application.
 4. An appeal stays all proceedings in furtherance of the action appealed, unless the Department of Community Development certifies to the Board of Adjustment that, by reason of facts in the record, a stay would cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a court order.
 5. The Department of Community Development shall review the application and determine that the application contains sufficient data to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Department of Community Development shall return the application to the applicant for additional information. Applications that are completed shall be forwarded to the Board of Adjustment.

- B. Unless otherwise specified at the time a variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any future owner of subject property, but cannot be transferred by the applicant to a different site.
- C. A variance shall continue for an indefinite period of time unless specified by the Board.
- D. The procedure for amendment of a variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application, except where the Department of Community Development determines the change to be minor, relative to the original approval, it shall transmit the same to the Board, with the original record, without requiring that a new application be filed.
- E. The Board of Adjustment shall hold a public hearing on applications for appeals and variances to this Chapter.
 - 1. Notice of public hearings before the Board shall be given by publishing the date, time, place and nature of the hearing at least fifteen (15) days before the date of the hearing in a newspaper of general circulation in the City. The notice shall contain the time and place within the City where the text, maps, plans, ordinances, appeals or variances may be examined. In addition, the Department of Community Development shall erect a sign containing the notice on the property at least fifteen (15) days prior to the hearing and shall notify the applicant and the property owners of record within three hundred (300) feet of the boundaries of the subject property, in writing, of the hearing at least fifteen (15) days prior to the hearing. In the event an application is tabled by the Board, it shall be the developer's responsibility to provide written notification to the Department of Community Development at least fifteen (15) days prior to the next regularly scheduled Board meeting of their intent to have the item removed from the table. The developer shall also be responsible for providing written notification to all property owners within three hundred (300) feet of the subject property of their intent to request their application be taken off the table and acted upon by the Board at least fifteen (15) days prior to such meeting. Should the developer wish an application to be tabled that has been advertised for public hearing, the developer must provide written notification to the Department of Community Development at least four (4) working days prior to the scheduled meeting to ensure the public can be made aware of the request.
 - 2. Following the public hearing, a concurring vote of four (4) of the members of the Board who are present and voting at a meeting shall be necessary for the approval of any application for an appeal or variance.
- F. In considering an application for an area variance, i.e., regulations relative to height, density, setbacks and green space, the Board of Adjustment is to determine whether strict application of the zoning regulation would result in practical difficulties or unnecessary hardship for the applicant. The following factors are relevant to determining whether strict application of the regulations would result in practical difficulties or unnecessary hardship:

1. **Size Of The Variance.** The relationship of the requested variance to the requirements of the applicable zoning regulations, i.e., a five-foot variance is substantial if the required setback is seven (7) feet; it is not as substantial if the required setback is one hundred (100) feet.
 2. **Effect On Government Services.** The effect of the requested variance on population, density and available government facilities such as water, fire and police protection and sanitary services.
 3. **Effect On Neighbors Or Neighborhood.** The effect of the requested variance on adjoining properties or on the character of the neighborhood generally.
 4. **Alternatives To A Variance.** The existence of a feasible alternative to the applicant's proposal or other means of alleviating the hardship.
 5. **Justice.** The granting of the variance is a just action. The cause of the difficulty — the hardship should be unique to the land rather than to the applicant and should be related to the topography, configuration of the lot or other characteristics of the land. The applicant or economic conditions should not be the cause of the difficulty.
- G. The following policies will be considered by the Board of Adjustment before ruling on a variance:
1. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
 2. The Board does not possess the power to grant a zoning variance permitting the use of land or buildings that is not included as a use in the district involved.
 3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.
 4. The Board shall study the effect of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare.

Section 400.1100 Repetitious Requests To The Board Of Adjustment

No appeal, request or application under the provisions of Sections [400.1060](#) through [400.1110](#) to the Board of Adjustment shall be allowed on the same piece of property concerning the same provision of this Chapter and any other zoning ordinance of the City prior to the expiration of one (1) year from a ruling of the Board on any appeal, request or application to the Board. Notwithstanding the foregoing, upon the written consent of the Councilmember in whose ward the property is located, the one-year period may be reduced to sixty (60) days.

Section 400.1110 Appeals From Decision Of Board

An appeal of any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or any taxpayer, officer, department, board or official of the City to the Circuit Court of St. Charles County.

Section 400.1120 Through Section 400.1170 (Reserved)