

AGENDA

PUBLIC HEARING

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Members
4. Reading of Board Procedure
5. BA2014-01: A Variance Requesting Relief from Zoning Code, Section 5, Non-conforming lots, non-conforming uses of land, non-conforming structures, non-conforming uses of structures and land, and non-conforming characteristics of use. #4 Non-conforming Uses of Structures, Land, or Structures and Lands in Combination for 3850 Vogel Road
5. Adjournment

REGULAR MEETING

1. Variance Requests
  - a) BA2014-01: A Variance Requesting Relief from Zoning Code, Section 5, Non-conforming lots, non-conforming uses of land, non-conforming structures, non-conforming uses of structures and land, and non-conforming characteristics of use. #4 Non-conforming Uses of Structures, Land, or Structures and Lands in Combination for 3850 Vogel Road
2. Approval of minutes from the December 18, 2013 meeting.
3. Other Business
  - A. Old Business:
  - B. New Business:
4. Adjournment

BOARD OF ADJUSTMENT

CITY HALL

PUBLIC HEARING/REGULAR MEETING

DECEMBER 18, 2013/7:00 P.M.

---

**NO TAPE RECORDING**

**MINUTES**

**PUBLIC HEARING**

Nick Dalba called the meeting to order at 7:00 p.m. Mr. Dalba outlined the duties and responsibilities of the Board.

**BA2013-02: A VARIANCE REQUESTING RELIEF FROM ZONING CODE, SECTION 6, C-3, COMMERCIAL, (U) OFF STREET PARKING REQUIREMENTS FOR A CLINIC, RICHARDSON CROSSING, OUT LOT 1C:** Mr. Mayfield introduced his wife and himself and briefly went over the request.

Discussion about the overall shopping center site layout; clarification on the access easements, shared parking area and if parking would be short for the commercial center. It was asked what the non-financial hardship was and the applicants responded that their needs are less than the requirements outlined in the code, which they went through with the Board. There was more discussion about variances granted in past.

There being no further questions or comments, the public hearing adjourned at 7:20 p.m.

**REGULAR MEETING**

The regular meeting was called to order at 7:20 p.m. The Pledge of Allegiance was recited by those in attendance.

**ROLL CALL OF MEMBERS:** Randy Hoselton, Dale Bast, Walter Bowers, David McCreery and Nick Dalba. 5 members present.

Mary Holden, Community Development Director

**Court Recorder:** Charmaine Spradling

**VARIANCE REQUEST:**

**A. BA2013-02:** Motion by Randy Hoselton to approve BA2013-02, variance requesting relief from zoning code, section 6, C-3 commercial (u) off street parking requirements for a clinic in Richardson Crossing. Second by Dale Bast. Motion was amended to include the findings:

1. The granting of this variance will not be detrimental to the public and other property's safety, health or welfare. There are provisions for overflow parking on the adjacent parking field if it is ever needed.
2. The physical surroundings do not make it difficult to provide the required parking. However, the physical surroundings make easier to grant the variance due to the large parking field available to the applicant.
3. The lot is located within a commercial center with an ample parking field, and while there are similar situations in the community, they are not common. In addition, the parking need is based on years of operating this type of business and their requirements are less than the code requirements.

Dale Bast amended his second. Roll call vote: Nick Dalba, yes; Dale Bast, yes; Walter Bowers, yes; David McCreery, no; Randy Hoselton, yes. 4 yeas, 1 nay – **Variance Approved.**

**APPROVAL OF MINUTES:** Motion by Randy Hoselton to approve the minutes from the July 17, 2013 meeting as presented. Second by Dale Bast. Voice Vote – **Unanimously Approved.**

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**ADJOURNMENT:** The meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Mary P. Holden  
Community Development Secretary  
Acting Board Secretary

---

---

**CITY OF ARNOLD, BOARD OF ADJUSTMENT, APRIL 23, 2014 MEETING**

---

---

**TO:** BOARD OF ADJUSTMENT

**FROM:** MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** BA 2014-01, A VARIANCE REQUESTING RELIEF FROM ZONING CODE, SECTION 5, NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND LAND, AND NON-CONFORMING CHARACTERISTICS OF USE. #4 NON-CONFORMING USES OF STRUCTURES, LAND, OR STRUCTURES AND LANDS IN COMBINATION FOR 3850 VOGEL ROAD

**DATE:** APRIL 14, 2014

**CC:**

---

### **REQUEST**

The Storage Banc of Arnold, LLC (owners) and Sovran Self Storage, Inc. (contract purchaser) have submitted a variance request to our Zoning Code, Section 5, #4 Non-Conforming Uses of Structures, Land or Structures and Lands for the property at 3850 Vogel Road. Attached are the application, request letter from the applicants, layout of the interior and aerial of the site.

### **ANALYSIS**

The property was reviewed, permitted and constructed while in unincorporated Jefferson County and then annexed into the City of Arnold resulting in the non-conformity with our Codes. First, mini-storage is not an allowed or conditional use in C-3 Commercial, the site coverage by buildings exceeds the allowed and there is no landscape plant material in the landscape buffer between this site and the R-3 Residentially zoned National Geospatial Intelligence Mapping.

The request involves #4 of Section 5, Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Use of Structures and Land, and Non-Conforming Characteristics of Uses of our Zoning Code and shown below:

*“4 Non-conforming Uses of Structures, Land, or Structures and Lands in Combination.* If lawful use involving individual structures with a replacement cost of \$10,000 or more, or of structure and lands in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such non-conforming use shall be enlarged, expanded or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

b) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

c) If any such non-conforming use of a structure, land or structure and land in combination ceases for any reason for a period of more than 60 days, (except when government action impeded access to the lands), any subsequent use of such structure, land or structure and land in combination shall conform to the regulations specified by this ordinance for the district in which such structure, land or structure and land in combination is located.

d) No additional structure or structures shall be erected in connection with such non-conforming use of land.

e) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

f) If no structural alterations are made, any non-conforming use of a structure, land or structure and lands, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

g) Any structure, land or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

h) Where non-conforming use status applies to a structure, land or structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 per cent of the replacement cost at time of destruction. “

The requested variance is to facilitate interior alterations so the new owners can make permanent storage units in the space currently used for mobile storage vaults. The storage business has operated for approximately 14 years with no detrimental impact to surrounding properties. This includes the large delivery trucks picking up and dropping off the mobile vaults. Granting of the variance will allow for permanent storage decreasing the intensity of the use.

In considering the request, the below criteria must be considered and findings made based on the below criteria:

**The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.** The granting of the variance will allow for interior modifications decreasing the intensity of the use thereby potentially improving the public safety. In addition, this use has operated without injury to other property and improvements.

**Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of these regulations are carried out.** 3850 Vogel Road sits below National Geospatial Intelligence Mapping and the slope does not allow for landscape plant material in the landscape buffer.

**The conditions upon which the request for a variance is based are unique to the property to which the variance is sought, and are not applicable generally to other property.** The properties along this stretch of Vogel Road, including Home Depot, Target and the strip mall to the west of Target were reviewed, permitted and constructed under Jefferson County regulations and then annexed into the City. To our knowledge this situation is limited and not generally applicable to other properties.

## RECOMMENDATION

Staff recommends the Board of Adjustment approve this request based on the following findings and conditions:

### Findings:

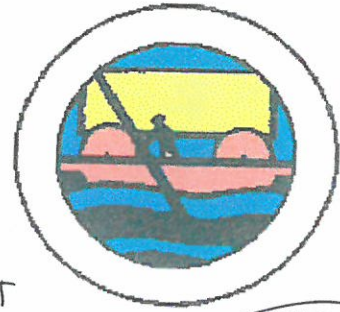
1. The granting of the variance will allow for interior modifications decreasing the intensity of the use thereby potentially improving the public safety. In addition, this use has operated without injury to other property and improvements.
2. 3850 Vogel Road sits below National Geospatial Intelligence Mapping and the slope does not allow for landscape plant material in the landscape buffer.
3. The properties along this stretch of Vogel Road, including Home Depot, Target and the strip mall to the west of Target were reviewed, permitted and constructed under Jefferson County regulations and then annexed into the City. To our knowledge this situation is limited and not generally applicable to other properties.

### Condition:

1. The variance granted is for Section 5, #4, a.-h. of our Zoning Code and applicable to 3850 Vogel Road only.

Community Development Department  
City of Arnold  
2101 Jeffco Blvd.  
Arnold, MO 63010  
636-282-2378  
636-282-6677 Fax

4/23/14  
M+9



Sign up by  
4/18/14

BOARD OF ADJUSTMENT  
VARIANCE APPLICATION

File Number, BA 2014-01

\$200.00 Fee Paid 3/17/14  
3/28/14

APPLICANT/CONTRACT PURCHASER

SOVRAN SELF STORAGE, INC.  
Name

6467 MAIN ST, BUFFALO, NY 14221  
Address, City, State, Zip

716-633-1850  
Telephone Number

716-630-5124  
Facsimile Number

3850 VOGEL RD, ARNOLD, MO 63010  
Property Address (or nearest intersection)

OWNER:

STORAGE BANK OF ARNOLD, LLC  
Name

7211 DELMAR, ST. LOUIS, MO 63130  
Address, City, State, Zip

314-863-8000  
Telephone Number

314-863-8001  
Facsimile Number

C-3  
Zoning of property

Adjacent Zoning/Uses

R-3      C-3      C-3      R-3  
North                  South                  East                  West

Requested Variance/Section of Code: Section 5(4) of the zoning ordinance of the City of Arnold, Missouri

3/14/14  
Date of application

ASAP  
Meeting date targeting

[Signature]  
Signature of applicant and or owner

To: City of Arnold  
Board of Adjustment

From: Storage Banc of Arnold, L.L.C. (d/b/a "Storage Banc") and Sovran Self Storage, Inc.

Date: March 13, 2014

Re: Storage Banc - 3850 Vogel Road

We, as owner (Storage Banc) and prospective purchaser (Sovran Self Storage), of the property located at 3850 Vogel Road (the "Property") are collectively writing this petition to seek a variance or, in the alternative, a special exception from Section 5 (Non-conforming lots, non-conforming uses of land, non-conforming structures, non-conforming uses of structures and land, and non-conforming characteristics of use) and specifically subsection 4 thereof of The Zoning Ordinance of the City of Arnold, Missouri. The below shall outline responses to the Board of Adjustment's application request to satisfy matters of public safety and welfare, unique conditions to the property, and hardships, and shall also outline why the requested changes are an equally appropriate or more appropriate use.

The existing storage Property at 3850 Vogel Road was developed and built in 2000 when the Property was located in unincorporated Jefferson County. The improvements existing on the Property today were built in full compliance with the zoning and other ordinances of Jefferson County. Such improvements consist of three (3) building structures which are divided into separate, secured self-storage units and one (1) one building structure (the "Mobile Vault Storage Building") which is used to store mobile storage vaults (large wooden storage containers) which are filled by the customer at their home or business and then shipped to and stored in such Mobile Vault Storage Building.

Sometime after completion of the existing improvements on the Property, the Property was annexed by the City of Arnold. Such annexation by the City of Arnold was not sought nor pursued, directly or indirectly, by the owner of the Property. Upon annexation of the Property by the City of Arnold, the Property was assigned to a C-3 zoning district and became a legal non-conforming use. According to the Community Development Director of the City of Arnold, the Property is non-conforming regarding use (storage is not allowed in commercial), site coverage, and buffering from residentially zoned property (Note: the parcel located north of the Property is zoned residential, but is occupied and used by National Geospatial Intelligence Mapping).

Upon acquisition of the Property, Sovran Self Storage proposes to make wholly interior alterations to the Mobile Vault Storage Building to convert such building into separate, secured self-storage units (like the other three (3) buildings located on the Property) rather than continue to use the Mobile Vault Storage Building for the storage of mobile vaults (Sovran Self Storage does not incorporate the practice of pick-up and delivery distribution of mobile vaults into its business strategy, and cannot effectively operate within this type of commerce). It is these proposed interior-only alterations to the Mobile



Vault Storage Building that has triggered the need for a variance or special exception from the Board of Adjustment.

We believe that the factors to be considered by the Board of Adjustment in connection with this request support the granting of a variance and/or a special exception as follows:

The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the Property is located. The proposed alterations to the Mobile Vault Storage Building and resulting storage use will actually be less intensive than the current storage use of such Building. Presently, the Mobile Vault Storage Building has a capacity to hold up to 1,100 mobile vaults, and mobile vaults are brought to and taken from the Building multiple times a day by large freight delivery trucks. Under Sovran Self Storage's proposed design for alterations to the Building (preliminary rendering attached), there will only be approximately 260 permanent, traditional self-storage units that would be installed through appropriate site plan approval and permitting, and large freight delivery trucks would no longer be accessing the Property multiple times per day to pick up and deliver mobile vaults. In addition, as noted above, Sovran's proposed alterations are solely interior; neither the size of the Mobile Vault Storage Building nor any other building on the Property is to be enlarged; and thus, the existing lot coverage ratio will not be adversely affected and there will be no greater impact on neighboring properties. If there were to be a negative impact on any property (which we do not believe there would be), that would be on the strip retail center located immediately south of the Property, which retail center shares a common driveway with the Property. Such retail center is also currently owned by Storage Banc, and Storage Banc, in its capacity as the owner of the retail center, is in full support of granting of the variance. The foregoing factors also suggest that the granting of a special exception is appropriate in this case, because the proposed use is equally or more appropriate than the current use of the Building.

The conditions upon which the request for a variance is based are unique to the Property and are not applicable generally to other property. The need for a variance arises out of the application of the C-3 zoning district imposed upon the Property when the Property and its existing improvements were annexed into the City of Arnold. We are not aware of any other storage facility in the City of Arnold facing a similar set of facts. And again, we are only requesting to make interior alterations to just one of four buildings located on the Property.


The Property and Storage Banc face a particular hardship if the variance is not granted. The Property was initially and legally developed at significant cost to Storage Banc for storage, whether for traditional self-storage units or for storage of mobile vaults. Had the Property not been annexed by the City of Arnold and put in a C-3 zoning district, the current improvements on the Property could legally be converted from traditional self-storage units to storage of mobile vaults and vice versa. If a variance is not granted and there is no longer the ability to make such changes, the value of the Property and the improvements thereon made by Storage Banc will be materially and negatively impacted.

All plans for interior modification of the Building shall be submitted through a formal site plan approval and permit process. Sovran Self Storage (Uncle Bob's Self Storage) is a national storage company with an existing presence within the St. Louis market and will be utilizing local contractors to perform the work.

Accordingly, we respectfully request the granting of an appropriate variance or, in the alternative, of a special exception.

Sincerely,

Storage Banc of Arnold, L.L.C.  
By: Lipton Realty, Inc., Manager

By:   
Randy Lipton  
President


Sovran Self Storage, Inc.

By: \_\_\_\_\_

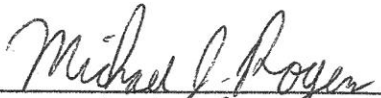
Accordingly, we respectfully request the granting of an appropriate variance or, in the alternative, of a special exception.

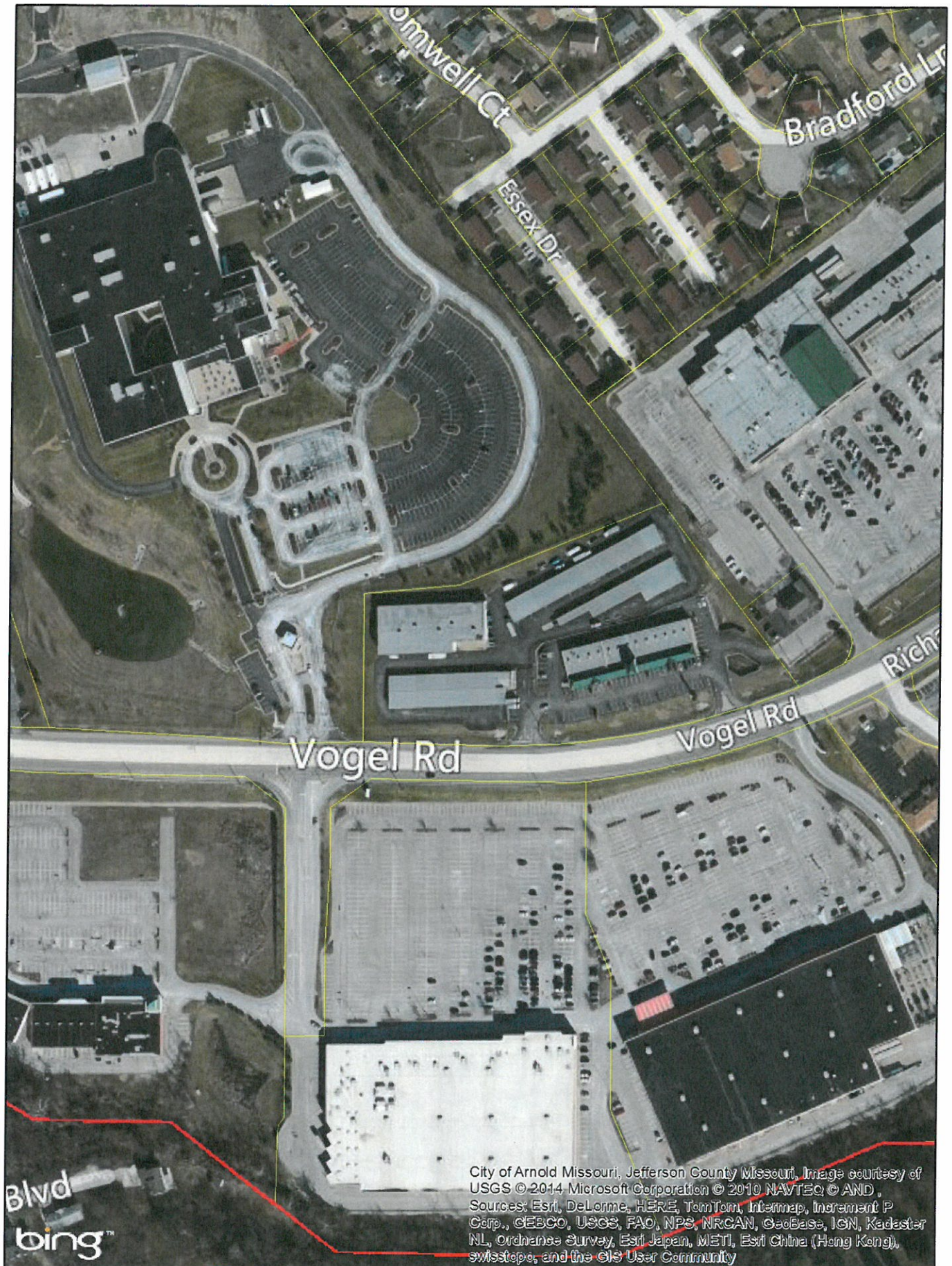
Sincerely,

Storage Banc of Arnold, L.L.C.  
By: Lipton Realty, Inc., Manager

By:   
Randy Lipton  
President

Sovran Self Storage, Inc.

By:   
Michael J. Rogers  
Vice President



City of Arnold Missouri, Jefferson County Missouri, Image courtesy of  
USGS © 2014 Microsoft Corporation © 2010 NAVTEQ © AND  
Sources: Esri, DeLorme, HERE, TomTom, Intermap, Increment P  
Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, ICN, Kadaster  
NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong),  
swisstopo, and the GIS User Community

A1.1  
15,800 SQ. FT.  
SECOND FLOOR PLAN

A1.1  
15,800 SQ. FT.  
FIRST FLOOR PLAN



A1.1

SHEET NUMBER:

03/06/14

DATE:

REVISIONS:

Sovran Self Storage, Inc.  
6467 Main Street  
Williamsville, NY 14221

Uncle Bob's Self Storage #000  
3850 Vogel Road  
Arnold, MO

