



**BOARD OF ADJUSTMENT  
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BLVD  
Wednesday, January 11, 2023**

**MEMBERS:** Jonathan Giallanzo (Chair), Joseph Hendrickson, Robert Lindsley, David McCreery (Alternate), Joan Boyles (Alternate), Jennifer Kammien (Alternate). **STAFF:** Allison Sweeney (City Attorney), David Bookless (Community Development Director), Sarah Turner (Senior Planner)

**REGULAR SESSION**

1. CALL TO ORDER
2. ROLL CALL
3. READING OF THE PROCEDURES
4. PUBLIC HEARING(S):
  - a. **BA-2023-01 Ameren Substation (Setback Variance):** A request by Garrett Conklin (Ameren) for relief from rear setback regulations [§405.110(E)(1)(d)(15)] to allow for the remodel of an existing electrical substation at 11 Tenbrook Industrial Park within the “R-5” Residential District, as provided in the Arnold Zoning Ordinance.
5. OTHER BUSINESS: *None*
6. ADJOURNMENT OF REGULAR SESSION

**EXECUTIVE SESSION**

7. NEW BUSINESS: (Note: *The Board of Adjustment may vote on these items tonight.*)
  - a. **BA 2023-01 Ameren Substation (Setback Variance)**
8. APPROVAL OF MINUTES: *August 24, 2022*
9. ADJOURNMENT OF EXECUTIVE SESSION

*The Public is welcome to comment on any item on this agenda following presentations by the Staff and petitioner. Comments concerning items not on the agenda should be made during the Public Comment section of the agenda, near the beginning of the meeting. When you address the Board of Adjustment, please come forward and state your name and address into the microphone. Unless otherwise directed by the Chairperson, individuals may speak for three minutes, while those representing a group may speak for six minutes.*

**NOTE: You may also attend this meeting virtually via Zoom by following the link and instructions below:**

- To join by computer, tablet, smartphone, etc. (video and/or audio): <https://zoom.us/join>
- To join by telephone (audio only): **1-312-626-6799**

**Meeting ID:** **879 0275 3242**

**Passcode:** **202703**

*Upon request, reasonable accommodations will be provided. Contact Tammi Casey, City Clerk, Arnold City Hall, 2101 Jeffco Boulevard, Arnold, Missouri 63010. Phone: 636-296-2100.*





**BOARD OF ADJUSTMENT MEETING  
CITY HALL – COUNCIL CHAMBERS – 2101 JEFFCO BLVD.  
AUGUST 24, 2022**

**MINUTES**

**REGULAR SESSION**

1. **CALL TO ORDER:** The regular meeting of the Arnold Board of Adjustment was called to order by Chairman Jonathan Giallanzo at 7:00 p.m. The Board, Staff, and members of the public recited the Pledge of Allegiance.
2. **ROLL CALL OF BOARD MEMBERS:** Jonathan Giallanzo, Joseph Hendrickson, Robert Lindsley, David McCreery (Alternate), Joan Boyles (Alternate, Excused), Jennifer Kammiem (Alternate). **STAFF PRESENT:** Allison Sweeney (City Attorney), Sarah Turner (Senior Planner).
3. **READING OF THE PROCEDURES:** Giallanzo read the Board of Adjustment procedures.
4. **PUBLIC HEARING(S):**
  - a. **BA-2022-03 Jeffco Estates (Appeal):** Motion by McCreery to open the public hearing. Second by Hendrickson. Ms. Turner presented the Staff's report stating the applicant's request to appeal a decision, based upon non-conforming provisions for mobile home parks, made by the Zoning Enforcement Officer (City Staff) for the purpose of seeking zoning approval of five mobile home placement permit applications within the Jeffco Estates Mobile Home Park. Jessica Sharpe, an attorney from Fredrikson and Byron on behalf of Jeffco Estates, presented the applicant's claims. Staff were provided with a collection of residents' letters in support of the appeal for the hearing record. The Board asked about their jurisdiction for appeal cases. Ms. Sweeney provided clarification. Board members asked for more information on the mobile home placement permit applications. Ms. Turner explained the nature of the permit requests and final determinations. Giallanzo asked for any public comments. There were members of the public present but they did not choose to comment. The Board did not have further questions for the applicant.
5. **ADJOURNMENT OF REGULAR SESSION:** Adjourned by Giallanzo 7:42 p.m.

**EXECUTIVE SESSION**

6. **NEW BUSINESS:**
  - a. **BA-2022-03 Jeffco Estates (Appeal):** Giallanzo began discussion by reiterating the jurisdiction of the Board in cases of appeal. Ms. Sweeney concurred with Giallanzo's summary. The Board had a short discussion. Ms. Sweeney provided additional guidance. Giallanzo requested a motion in the affirmative for the appeal. Motion by Hendrickson to grant the requested appeal. Second by Giallanzo. *Roll call vote:* Giallanzo, No; Hendrickson, No; Lindsley, No; McCreery, No; Kammiem, No. 0 yeas, 5 nays. Appeal denied.
7. **APPROVAL OF MINUTES:** Motion by Giallanzo to approve the minutes from the June 8, 2022 meeting. Second by Hendrickson. *Voice vote:* Approved 5-0.

8. **ANNOUNCEMENTS:** Ms. Turner stated that there are no submitted applications at the time of the hearing and the next meeting of the Board of Adjustment will be set as needed. There were no other announcements.
9. **ADJOURNMENT:** Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Sarah Turner  
Acting Board Secretary

DRAFT



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# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD

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**APPLICATION NUMBER:** BA-2023-01

**APPLICATION NAME:** AMEREN TENBROOK SUBSTATION

**APPLICANT NAME:** Ameren Missouri  
Garret Conklin  
1901 Chouteau Ave  
St Louis MO 63103

**PROPERTY OWNER NAME:** Union Electric Company (dba Ameren Missouri)  
1901 Chouteau Ave  
St Louis MO 63103

**APPLICANT'S REQUEST:** A request for relief from rear setback regulations [§405.110(E) (1)(d)(15)] to allow for the remodel of an existing electrical substation within the "R-5" Residential District, as provided in the Arnold Zoning Ordinance.

**STREET ADDRESS:** 11 Tenbrook Industrial Park

**SITE LOCATION:** Along the north side of Tenbrook Industrial Park, at the curve 500 feet east of the intersection of Tenbrook Rd and Arnold Tenbrook Rd.

**ZONING DISTRICT:** "R-5" Residence

**PARCEL ID:** 01-8.0-28.0-2-001-072

**TOTAL SITE AREA:** 0.33 acres

**MEETING DATE:** January 11, 2023

**REPORT DATE:** January 4, 2023

**CASE MANAGER:** Sarah Turner





# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD

### REQUEST SUMMARY

The property owners and applicant, Ameren Missouri, applied for a building permit in October 2022 to rebuild the aged substation. The switchgear structures of the proposed renovated substation did not meet zoning setbacks.

In November 2022, Ameren put in an application to request relief from minimum setback standards, 13 ft. instead of the code-required 15 ft., to allow for the existing electrical substation to be rebuilt to modern standards. Ameren has an application filed with the Planning Commission for site plan review for the substation remodel as a whole.

### ZONING MAP



### FUTURE LAND USE MAP / CITY PLANNER'S COMMENTS:



There is no proposed change to the use of the subject property as a utility facility. The property is located in a residential area on the Future Land Use Map. Utility facilities located near residential and industrial areas ensures all users have adequate service.

# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



### DESCRIPTION OF EXISTING SITE CONDITIONS

The approximately 0.33 acre, or 14,375 square foot, parcel is located along the curve of Tenbrook Industrial Park. This street is also known as Arnold Tenbrook Rd. The parcel has a short gravel drive for access to the electrical substation.

### LAND USE AND ZONING CONTEXT MATRIX

DIRECTION	EXISTING LAND USE	ZONING DISTRICT	COMMENTS
North	Residential	R-5	Single-family dwellings
East	Residential	R-5	Single-family dwellings
South	Industrial	M-2	Industrial park, warehousing/distribution
West	Residential	R-5	Single-family dwellings

### OPEN STREET MAP OF SITE







# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD

### PLANNING AND ZONING ANALYSIS—APPLICABLE REGULATIONS

Appeals or variances to Chapter 405, Zoning, of the Code of Ordinances, shall be made to and reviewed by the Board of Adjustment.

#### ANALYSIS OF APPLICABLE REGULATIONS

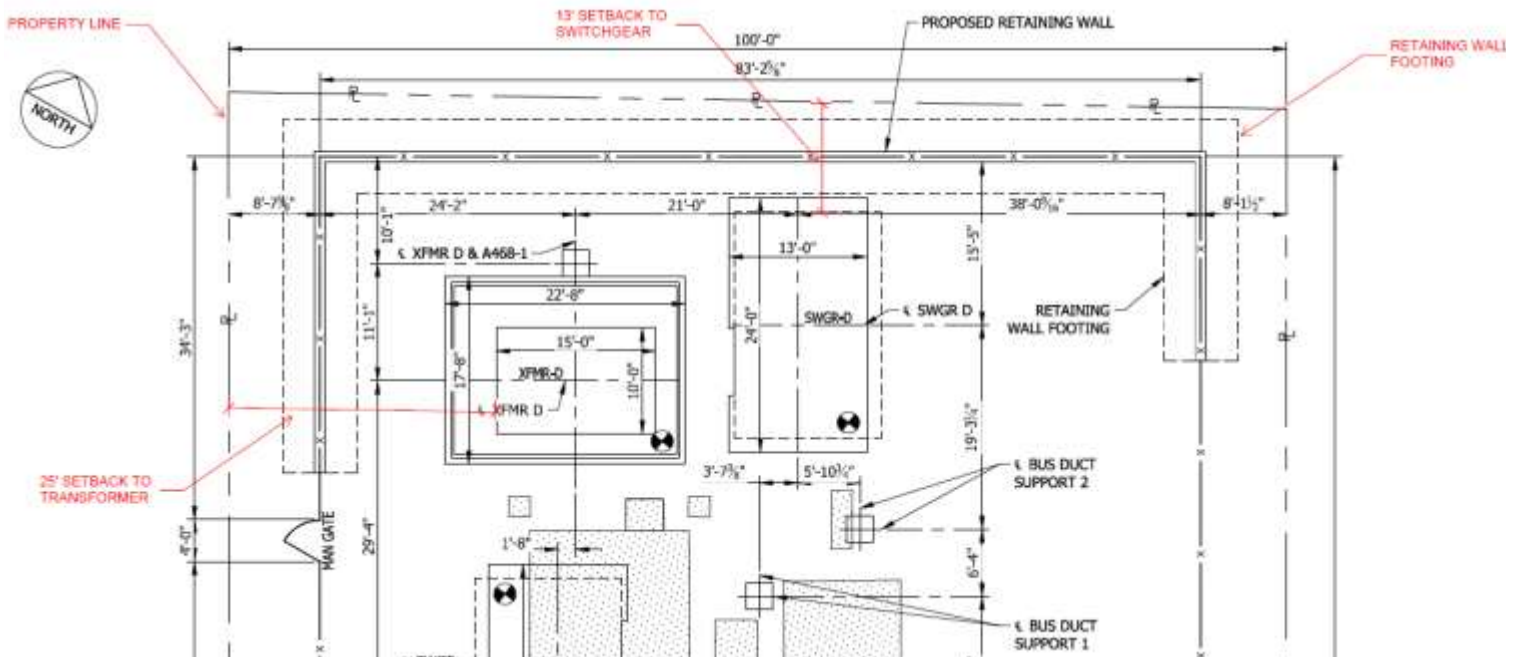
The subject property is within an “R-5” Residence District. The “R-5” District regulations, Section 405.110(E)(1)(d)(15), reads as follows:

*No structure shall be erected within fifteen (15) feet of a rear property line; except that this requirement shall not apply to any boundary walls or fence less than six (6) feet in height.*

The work proposed by Ameren to upgrade the Tenbrook Substation is extensive. Described as a “complete rebuild”, the work includes but is not limited to demolition of existing foundations and structural steel, installation of new foundation, minor regrading, installation of two retaining walls, installation of new underground conduit and manholes, installation of stormwater drainage system, installation of new electrical transformers and switchgear, and rocking of site yard.

One of the new switchgear structures is 13 feet from the rear property line, instead of the code-required 15 feet. The structure encroaches on the required setback as outlined in 405.110(E)(1)(d)(15) by 2 feet. The applicant’s options are to readjust their plans to preserve the 15-foot setback or the applicant may seek a variance from the minimum setback requirement to allow for the rebuilt substation as proposed.

**FIGURE 1: PROPOSED SITE PLAN**



Ameren Tenbrook Substation

# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



### PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA

#### REVIEW CRITERIA

The variance review criteria as provided in Section 405.240, Board of Adjustment, of the Zoning Ordinance are listed below in *italics*. Full statements from the applicant’s narrative (Exhibit B) in response to how this request meets the criteria are quoted in **bold**.

*The Board shall not grant variances unless it shall make finding based upon the evidence presented to it in each specific case that:*

*1. 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.*

Applicant Response: **“The current and future use of the property is a substation and as such has certain security and clearance requirements required by Ameren Missouri, IEEE standards, and National Electric Code (NEC). Granting of the variance will be in the best interest of public safety, health, and welfare by allowing the substation to remain in its currently location. The site/property is located in the rear of the adjacent properties and is surrounded by significant vegetation. This represents an ideal location for a substation to minimize visual impact to the surrounding community.”**

Staff Response: Submitted materials for variances are provided to various utilities and reviewing agencies for comment. The Rock Community Fire District, Public Water District #1, City of Arnold Public Works, Spire Gas, and AT&T all commented that they see no issue with the proposed variance.

Nearby residential uses are reasonably visually shielded from the substation due to geography and existing vegetation. Other adjacent properties are industrial and not as concerned with nuisances from an electrical substation.

**FIGURE 2: EXAMPLE OF SWITCHGEAR STRUCTURE (PHOTO: AMEREN MO MARKETING)**





# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD

### PLANNING AND ZONING ANALYSIS —REVIEW CRITERIA, CONT.

As for injury to other property or improvements to surrounding neighbors, the applicant states in their narrative that the location of substation structures are chosen to “ensure continued operation” and “minimal disruption to customer service” during the upgrade. Meeting setback requirements would necessitate more engineering time, extended substation outages, and possible loss of power during construction. Staff finds that this possibility is a far greater detriment to surrounding property owners than the proposed variance of 2 feet.

*2. 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.*

Applicant Response: **“The site/property is located on the outer section of a curve and has minimal room for expansion due to the topographic features of the site and the only available entrance location. The proposed substation layout is the only way to ensure continued access to the substation for maintenance and emergency services. Relocation of the substation would require substantial construction and relocation of existing distribution lines.”**

Staff Response: The subject site has been used since the 1960s as an electrical substation. The existing facility is located on a small parcel on Arnold Tenbrook/Tenbrook Industrial Park as it curves into the industrial park. The site is extremely limited due to constraints from the roadway, industrial park, and surrounding residential properties. Staff finds that the conditions of the site are unique and not generally applicable to other properties.

**FIGURE 3: PICTOMETRY OF SITE AND AREA, FACING WEST (MAR. 2022)**



Ameren Tenbrook Substation



# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



### PLANNING AND ZONING ANALYSIS — REVIEW CRITERIA, CONT.

3. *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.*

Applicant Response: **“Locations of substation structures have been chosen to ensure continued operation of the substation and minimal disruption to customer service from construction activities. Because of the property shape, location on a curve, and the higher ground located on three of the four sides of the substation, the substation can only be expanded north/south while maintaining access.”**

Staff Response: Based on the unique qualities of the parcel, Staff has found that the subject property’s situation limits it from having similar buildable area when compared to surrounding properties. The applicant noted in their narrative that adjacent property owners were not interested in selling property to Ameren to allow for a rebuild that would meet setback requirements. Due to the location of the property lines, Ameren is extremely limited with this parcel. The prospect of relocating the substation, along with all existing utility infrastructure, to a site that would meet setbacks would result in the substation being out for significantly longer than anticipated and loss of power for residential and industrial customers.

In summary, the applicant’s claim is as follows: because of the unique condition of the subject property’s size and location along a roadway curve, a hardship arises in that Ameren cannot rebuild and modernize the existing electrical substation. The requested variance would grant relief from the rear setback by an amount of 2 feet, meaning a switchgear structure would be 13 feet from the rear property line instead of 15 feet.

**FIGURE 4: GOOGLE STREETVIEW OF SUBSTATION AND INFRASTRUCTURE, OCT. 2022**





# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD

### RECOMMENDATION

The Board of Adjustment has been requested to review the subject application as pertains to:

*A request for relief from rear setback regulations to allow for the remodel of an existing electrical substation at 11 Tenbrook Industrial Park.*

The Board must keep the variance review criteria in mind when coming to a determination of whether to approve, approve with conditions, or deny this request:

- a. 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.*
- b. 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.*
- c. 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.*

In granting a variance, the Board may require conditions that would assist in securing the objectives or requirements of the Zoning Ordinance. Should the Board determine to approve this variance seeking relief from the minimum setback requirements in the "R-5" Residence District as found in Section 405.110(E)(1)(d)(15), Staff recommends including the following condition of approval:

- 1. This variance grants relief for utility structures to be setback a minimum of thirteen (13) feet from the rear property line. All other structures must adhere to applicable regulations contained in the Zoning Ordinance.**

A handwritten signature in black ink, appearing to read "Sarah Turner", written over a horizontal line.

Sarah Turner  
Senior Planner



# ATTACHMENTS

**Exhibit A: Site Plan\***

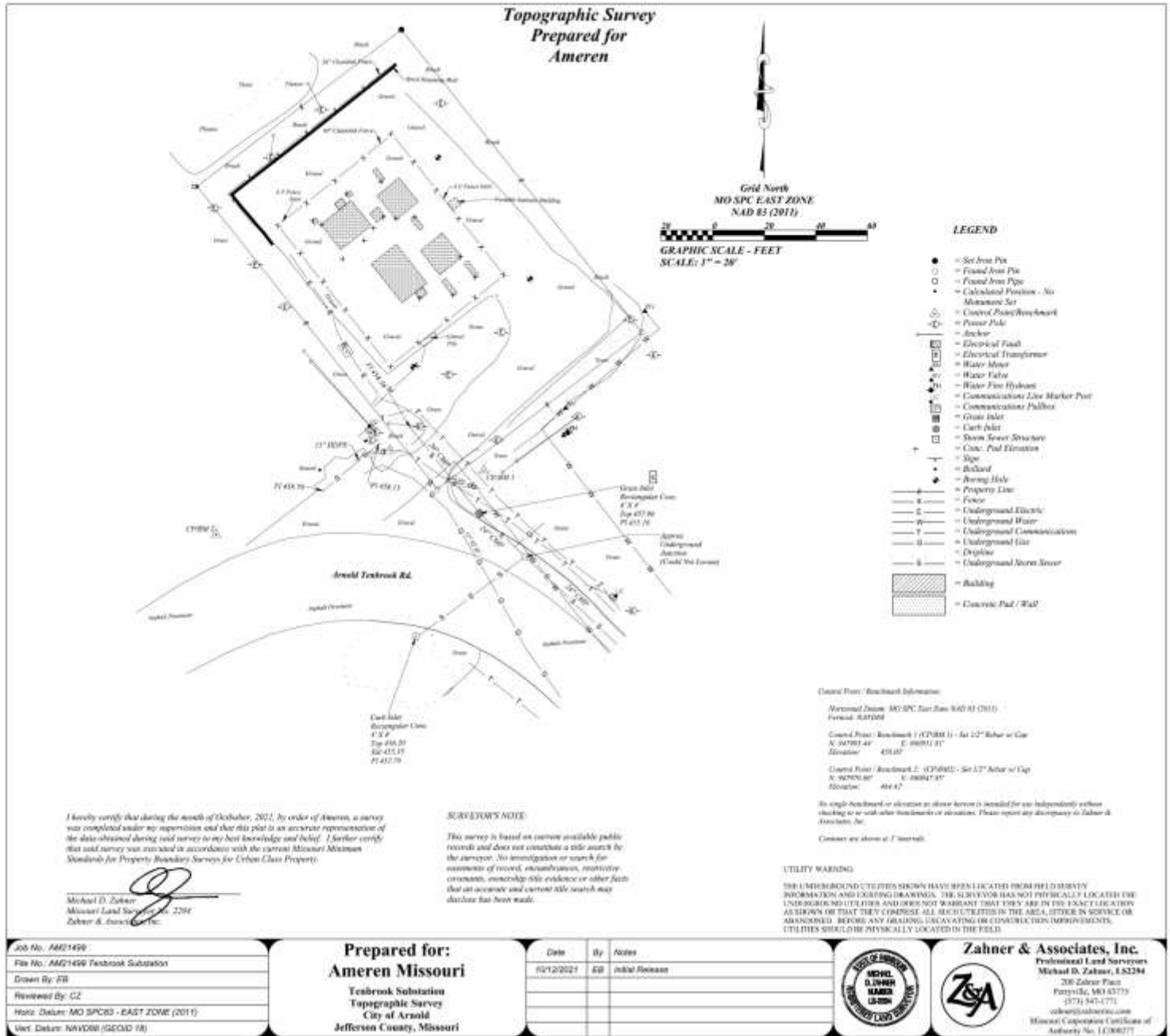
**Exhibit B: Applicant Narrative**

**Photos of Site**

\* The site plan sheets provided in this report are a selection of the submitted site plan.  
Contact the project manager if you would like to view the additional sheets.



# REPORT TO BOARD OF ADJUSTMENT CITY OF ARNOLD

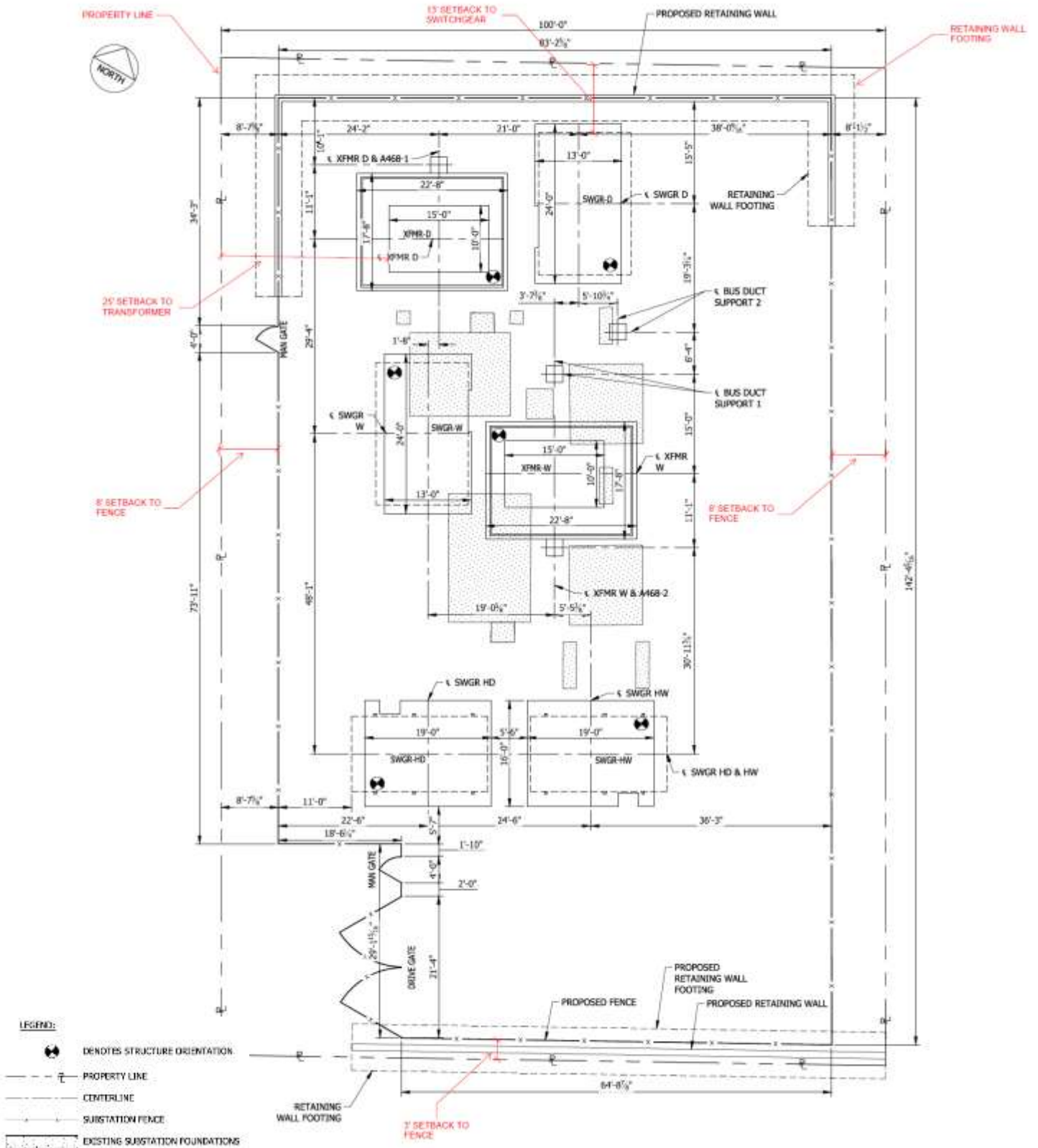


## EXHIBIT A: SITE PLAN, SURVEY OF EXISTING SITE

Ameren Tenbrook Substation

# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



**EXHIBIT A: SITE PLAN, FOUNDATION PLAN**

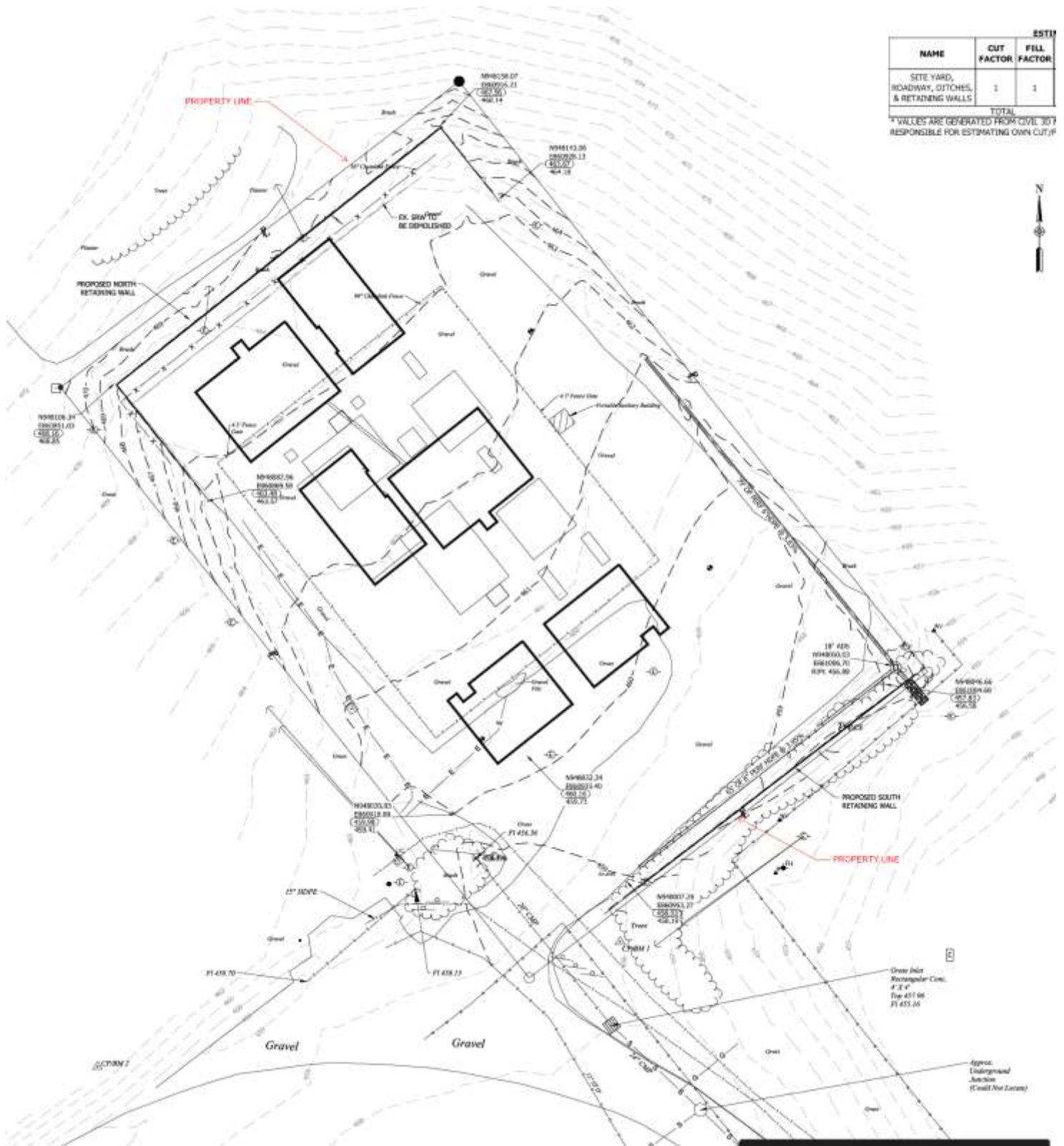
BA-2023-01 SETBACK VARIANCE





# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



**EXHIBIT A: SITE PLAN, SITE GRADING PLAN**

# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



**To** City of Arnold Planning Commission & Board of Adjustment

**From** Union Electric dba Ameren Missouri  
Garrett Conklin

**Date** November 1, 2022

**Topic** Variance Explanation for Ameren Missouri CBM Tenbrook Project

**Attachments** Board of Adjustment Variance Application  
Site Plans

**Project Name:** CBM Tenbrook Substation Upgrade

**Project Address:** 11 Tenbrook Industrial Drive, Arnold MO

**Project Description:** Condition Based Modernization of Ameren Missouri's Tenbrook Substation. Complete rebuild of Ameren Missouri's Tenbrook Substation including, but not limited to, demolition of existing foundations and structural steel, installation of new foundation, minor regrading, installation of two retaining walls, installation of new underground conduit and manholes, installation of stormwater drainage system, installation of new electrical transformers and switchgear, and rocking of site yard.

**Setback Variance Request:** Ameren Missouri is requesting total relief of 2' of the rear setback requirements of 15' for installation of our switchgear. Ameren Missouri is requesting a setback variance request for this project based on the following hardships:

- (a) Adjacent property owners were not interested in selling adjacent property for a full substation rebuild with appropriate setbacks
- (b) Locations of substation structures have been chosen to ensure continued operation of the substation and minimal disruption to customer service from construction activities. Meeting structure setback requirements would result in taking an extended substation outage and customers would likely face loss of power for duration of construction.

Ameren Missouri believes that the granting of this variance will satisfy the following criteria:

- (a) 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 current and future use of the property is a substation and as such has certain security and clearance requirements required by Ameren Missouri, IEEE standards, and National Electric Code (NEC). Granting of the variance will be in the best interest of public safety, health, and welfare by allowing the substation to remain in its currently location. The site/property is located in the rear of the



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## REPORT TO BOARD OF ADJUSTMENT

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### CITY OF ARNOLD

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adjacent properties and is surrounded by significant vegetation. This represents an ideal location for a substation to minimize visual impact to the surrounding community.

- (b) 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 site/property is located on the outer section of a curve and has minimal room for expansion due to the topographic features of the site and the only available entrance location. The proposed substation layout is the only way to ensure continued access to the substation for maintenance and emergency services. Relocation of the substation would require substantial construction and relocation of existing distribution lines.

- (c) 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.

Locations of substation structures have been chosen to ensure continued operation of the substation and minimal disruption to customer service from construction activities. Because of the property shape, location on a curve, and the higher ground located on three of the four sides of the substation, the substation can only be expanded north/south while maintaining access.



**REPORT TO BOARD OF ADJUSTMENT**  
**CITY OF ARNOLD**



**PHOTOS OF SITE: STREETVIEW OF SUBJECT PROPERTY, OCTOBER 2022**

BA-2023-01 SETBACK VARIANCE



# REPORT TO BOARD OF ADJUSTMENT

## CITY OF ARNOLD



PHOTOS OF SITE: AERIAL PICTOMETRY, MARCH 2022

Ameren Tenbrook Substation



**REPORT TO BOARD OF ADJUSTMENT**  
**CITY OF ARNOLD**



**PHOTOS OF SITE: SATELLITE WITH PARCEL LINES**

BA-2023-01 SETBACK VARIANCE