



**PUBLIC HEARING**  
**BOARD OF ADJUSTMENT OF THE CITY OF WILDWOOD,**  
**MISSOURI**  
**Thursday, May 19, 2016**

The Board of Adjustment of the City of Wildwood will hold a public hearing at **7:00 p.m. on Day, Month Date, Year** in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040. The purpose of this hearing is to consider requests for variances to certain Zoning Ordinance regulations or interpretations of their intent made by the Director of Planning relating to the individual properties identified below. Please review the individual notice of publication pertaining to your petition of interest for information relating to it. To report any inaccuracies in the text or seek further information about these requests, please contact the Department of Planning and Parks at (636) 458-0440, prior to the hearing date. At this hearing, the following requests will be considered by the Board of Adjustment for action:

**I. B.A. 5-16 [Postponed From 4/21/2016] Diane E. McCuaig, Family Gift Trust, 1128 Breton Woods Court, Wildwood, Missouri 63005 And Miceli Development, 1171 Breton Woods Court, Wildwood, Missouri 63005**

Request an exception to the City of Wildwood's Natural Resource Protection Standards for the purpose of constructing an addition to an existing single-family dwelling located at 1128 Breton Woods Court (Locator Number 20V140046; Breton Woods Subdivision, Lot 2), which would thereby authorize the relocation of a portion of the Natural Resource Protection Area, and accompanying twenty-five (25) foot foundation setback, to another lot that is not contiguous to the subject property (Locator Number 20V420083, 1171 Breton Woods Court, Breton Woods Subdivision, Lot 5), while maintaining an equal amount of preservation area within the overall subdivision. These requirements and conditions regarding protected areas of the lot and related disturbance setbacks are specified by Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood Subdivision and Development Regulations, Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Ordinance, and the Planned Residential Development Overlay District Regulations, per Ordinance #1025, approved by the Wildwood City Council on December 8, 2003. **(Ward Two)**

**[postponed from 4/21/2016]**

**II. B.A. 8-16 Hencken Valley Investments, LLC, 3828 South Lindbergh, Saint Louis, Missouri 63127**

requests an exception to the Natural Resource Protection Standards for the purpose of constructing a single-family dwelling upon the property located at 18490

Hencken Valley Drive (Locator Number 26X130072; Hencken Valley Estates Re-Subdivision, Lot 1), which would thereby authorize the relocation of the Natural Resource Protection Line, and accompanying twenty-five (25) foot building setback, to another area of the lot, but maintain the existing amount of preserved land relative to the current totals indicated on the Record Plat. These requirements and conditions associated with the protected areas of the lot, and the related disturbance setbacks, are specified by Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood's Subdivision and Development Regulations, Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood's Zoning Ordinance, and the Record Plat, per ordinance #1238, approved by the Wildwood City Council on November 14, 2005. **(Ward Six)**

Documents: [BA8-16 HENCKEN VALLEY RECOMMENDATION REPORT.PDF](#)

- III. **B.A. 9-16 Greg Valett, 313 Copper Mountain Court, Wildwood, Missouri 63040**  
Requests an exception to the Natural Resource Protection Standards for the purpose of constructing a stormwater swale at 313 Copper Mountain Court (Locator Number 24U631123, The Estates at Copper Lakes Subdivision, Lot 6), which would thereby authorize grading and disturbance within the platted Natural Resource Protection Area. These requirements and conditions associated with the protected areas of the lot, and related disturbance setbacks, are specified by Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood's Subdivision and Development Regulations, Chapter 415.120 R1 -A 22,000 square foot Residence District of the City of Wildwood Zoning Ordinance, and Planned Residential Development Overlay District Ordinance #446, which was approved by the Wildwood City Council August 10, 1998. The extent of this disturbance in the protected area of the lot is estimated at one thousand one hundred (1,100) square feet. **(Ward Seven)**

Documents: [BA9-16 VALETT- COPPER MOUNTAIN - RECOMMENDATION REPORT.PDF](#)

**If you would like to submit a comment regarding an item on this meeting agenda, please visit the [Form Center](#).**

The City of Wildwood Is Working to Comply with the Americans with Disabilities Act Mandates. Individuals Who Require an Accommodation to Attend a Meeting Should Contact City Hall, 636-458-0440 at Least 48 Hours in Advance.



## WILDWOOD

### Determination of Issues and Findings of Facts

#### Board of Adjustment Case B.A. #8-16

City of Wildwood's Board of Adjustment

Public Hearing of May 19, 2016

City Hall Council Chambers

16860 Main Street

#### ***Nature of Request:***

**B.A. 8-16 Hencken Valley Investments, LLC, 3828 South Lindbergh, Saint Louis, Missouri 63127** requests an exception to the Natural Resource Protection Standards for the purpose of constructing a single-family dwelling upon the property located at 18490 Hencken Valley Drive (Locator Number 26X130072; Hencken Valley Estates Re-Subdivision, Lot 1), which would thereby authorize the relocation of the Natural Resource Protection Line, and accompanying twenty-five (25) foot building setback, to another area of the lot, but maintain the existing amount of preserved land relative to the current totals indicated on the Record Plat. These requirements and conditions associated with the protected areas of the lot, and the related disturbance setbacks, are specified by Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood's Subdivision and Development Regulations, Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood's Zoning Ordinance, and the Record Plat, per ordinance #1238, approved by the Wildwood City Council on November 14, 2005. **(Ward Six)**

#### ***Determination of Issues:***

Principle to this request is the identification of its issues. This identification process is intended to determine whether the variance is reasonable and appropriate under the criteria that the property's site-specific characteristics create a unique hardship or practical difficulty with the application of individual ordinance requirements and, if granted, its impacts are contained to the tract of land under consideration or negligible enough upon adjoining properties to be considered acceptable. In the instance of B.A. 8-16, the issues relating to the variance's reasonableness and appropriateness are as follows:

#### **General Site and Area Conditions**

1. The subject site of this request is a 3.32 acre parcel of ground that is part of the Hencken Valley Estates Subdivision and has over seven hundred thirty (730) feet of frontage along Hencken Valley Estates Drive, which is a privately-maintained roadway by the Homeowners Association of this residential subdivision.
2. The subject property, known as Lot 1 of the Resubdivision of Hencken Valley Estates, is zoned NU Non-Urban Residence District and vacant at this time. This zoning district designation establishes certain areas on the lot, where building and structures cannot be located (setbacks), along with the disturbance/preservation requirements established by the Natural Resource Protection Standards.

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3. The subject site was platted by the City of Wildwood, as part of a thirteen (13) lot residential subdivision, and is governed by the regulations and procedures of the Natural Resource Protection Standards of the Subdivision and Development Regulations. These standards establish the 'Final Resource Protection Line,' and an accompanying twenty-five (25) foot foundation setback on the lot, which is platted as part of this overall subdivision. These standards specify where development on a lot can occur and areas on the same where no disturbance is allowed. Approximately 2.24 acres, or 67.6%, of the site is preserved by these standards.
4. The twenty-five (25) foot setback from the 'Final Resource Protection Line' is intended to limit the placement of the building's foundation, but allows grading and the construction of accessory structures, such as pools, decks, and outbuildings, to occur within it.
5. The intent of the Natural Resource Protection Standards is to protect those areas of the site that are most susceptible to erosion due to development practices and preserve other locations on the property where stormwater runoff naturally drains to avoid potential problems with their alteration, while allowing use of appropriate portions of the tract of land due to their soil depth, shape, content (attributes and restrictive layers), and slope.
6. The development of these regulations were prompted by conditions that existed at the time of the City's incorporation, and verified by an eminent soil scientist from the University of Missouri – Columbia, which were causing degradation of watersheds and related ecosystems, loss of private property, and damage to public infrastructure.
7. The Natural Resource Protection Standards have been applied to a number of residential subdivisions, like Hencken Valley Estates, since its adoption in 1996.
8. The City of Wildwood mandates the requirements relating to the Natural Resource Protection Standards be included on the Record Plat and within the Trust Indentures, before any lot can be sold.

### **Current Request**

9. The intent of this request is to allow the current 'Final Resource Protection Line,' and accompanying twenty-five (25) foot foundation setback, to be reconfigured on the site. This reconfiguration will better accommodate the placement of the new single family dwelling.
10. The information provided by the applicant in support of this request indicates a nearly equal exchange of ten thousand six hundred twenty-four (10,624) square feet, originally calculated as disturbance area on the lot, will now be protected, while an area of ten thousand three hundred two (10,302) square feet, currently designated as protected, is being sought for building use.
11. The area proposed for this dwelling's location is slightly less steep, has less vegetative cover, and does not have a drainageway in its proximity, like the original disturbance area.

### **Correspondences and Previous Actions**

12. The site was duly posted in accordance with City code requirements, including the placement of a sign on the property, an advertisement in a newspaper, and a posting at City Hall. Along with these notifications, a direct mailing was sent to surrounding properties advertising the request.
13. The Department of Planning has received no comments in support, or opposition, of said request, at the time of the writing of this report.
14. The Department's review of the Board of Adjustment's files indicates no variances have been granted to this particular lot, while one (1) previous variance has been granted in this residential subdivision. This previous variance, which was granted in February 2014, requested a similar

variance to authorize the movement of the defined Natural Resource Protection Area from its existing location on the lot to another area of it to better utilize the site's topographic and vegetative characteristics. This request was on Lot 12.

### **Findings of Fact:**

The Department of Planning has reviewed this request with regard to the criteria established for its approval or denial, i.e. site characteristics, which render a unique hardship or a practical difficulty and impacts on adjoining properties, and believes this request **does meet** the requirements set forth to be considered reasonable and appropriate. This position is premised upon a number of site-specific findings. These findings are as follows:

1. The requested relocation of the disturbance area defined upon the lot is minimal [0.24 of an acre] and logical from the standpoint of topography and attribute protection levels. This change guarantees the developable area of this site will not cause harm to the surrounding environment.
2. The Natural Resource Protection Standards, allow for some flexibility in the movement of the Final Resource Protection Line, especially given that the net result will be a slightly larger amount of preservation area upon it.
3. The proposed disturbance area removes potential disturbance from the side yard setback area and is entirely located within a portion of the property that does not have tree cover. The original disturbance area would have required tree removal, as well as disturbance near a drainageway and within the side yard setback.
4. The impacts on surrounding properties are limited, since the proposed dwelling location is to be centrally located on this lot and retains the vegetative buffer between the subject site and the abutting property to the south.
5. The design of the buildable areas on the thirteen (13) lots that form this subdivision were premised on housing footprints almost a decade ago, which have changed, along with these properties being sold for custom-designed homes and not mass-produced models, thereby rendering a standard footprint less likely to match.

### **Recommendation:**

Considering the above-listed Findings of Fact, the Department recommends the Board of Adjustment approve the requested variance, as submitted by the petitioner.

Respectfully submitted,  
CITY OF WILDWOOD

Department of Planning



## WILDWOOD

**Determination of Issues and Findings of Facts  
regarding  
Board of Adjustment Case B. A. #09-16  
City of Wildwood's Board of Adjustment  
Public Hearing of May 19, 2016  
City Hall Council Chambers  
16860 Main Street**

### ***Nature of Request:***

**B.A. 9-16 Greg Valett, 313 Copper Mountain Court, Wildwood, Missouri 63040** requests an exception to the Natural Resource Protection Standards for the purpose of constructing a stormwater swale at 313 Copper Mountain Court (Locator Number 24U631123, The Estates at Copper Lakes Subdivision, Lot 6), which would thereby authorize grading and disturbance within the platted Natural Resource Protection Area. These requirements and conditions associated with the protected areas of the lot, and related disturbance setbacks, are specified by Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood's Subdivision and Development Regulations, Chapter 415.120 R1-A 22,000 square foot Residence District of the City of Wildwood Zoning Ordinance, and Planned Residential Development Overlay District Ordinance #446, which was approved by the Wildwood City Council August 10, 1998. The extent of this disturbance in the protected area of the lot is estimated at one thousand one hundred (1,100) square feet. **(Ward Seven)**

### ***Determination of Issues:***

Principle to this request is the identification of its issues. This identification process is intended to determine whether the variance is reasonable and appropriate under the criteria that the property's site specific characteristics create a unique hardship or practical difficulty with the application of individual ordinance requirements and, if granted, its impacts are contained to the tract of land under consideration or negligible enough upon adjoining properties to be considered acceptable. In the instance of **B.A. 09-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

### **Area and Site Characteristics**

1. The site of this subject variance request is a lot of record that is part of the Estates at Copper Lakes Subdivision. This lot was created by the City of Wildwood for Levinson Homes in 2000.
2. The subject lot is located on Copper Mountain Court, which is a public street that serves the total of nine (9) lots that form this subdivision. This street is a cul-de-sac that has a north/south orientation.
3. The lot of record is 0.57 acres in size and has an existing dwelling located upon it that was constructed in 2001, according to St. Louis County records. The dwelling has 2,200 square feet of gross floor area.
4. The lot is zoned R-1A 22,000 square foot, with a Planned Residential Development Overlay District (PRD) that was also approved by the City Council in 1998. This overlay district sets forth standards for the use of the lots that form this overall site. These standards include the placement of buildings and structures,

along with the amount of the property that can be disturbed and that amount of it that must be preserved for perpetuity. In this case, the overall subdivision must preserve 1.2 acres, while this lot has 9,870 square feet set aside as resource protected for this combined total.

5. The site has a slope that is moderate and is from north to south. The extent of this slope across the lot is eleven (11) percent.
6. The lot has signs of erosion relating to stormwater runoff from the rear of the dwelling to the backside of the lot (see attached photographs).
7. This lot, and the other eight (8) properties in this subdivision, does not have drainage to an on-site stormwater management facility, but runoff is piped to a nearby retention facility in the abutting subdivision to the west.
8. The property is abutted on three (3) sides by similar residential lots, while a portion of its western boundary adjoins common ground, where the aforementioned retention basin is located, in the adjacent subdivision.
9. The regulations associated with the Natural Resource Protection Standards have been formulated to determine locations on a site that are most suitable for land disturbance and use, while setting aside other portions of it for preservation due to soil/slope considerations. Where soil/slope conditions are most problematic, land disturbance is not authorized.
10. The development of the useable and protected areas of a site are set forth by the developer of a subdivision at the time of its approval, and is premised on a number of rules relating to the desire of the City to create the largest contiguous areas of useable and protected zones as possible, while not allowing disturbance of sensitive site features that are designated under the standards as one hundred (100) percent protected. Therefore, the placement of protected zones may be in areas of a property that appear to be acceptable for land disturbance or use.
11. The standards were developed by a professor of soil science at the University of Missouri-Columbia and structured to address the past development practices of St. Louis County that had led to environmental degradation and loss of mature woodlands. These practices were identified as major problems that had to be addressed to avoid costs to the taxpayers to repair and replace damaged infrastructure.
12. The City of Wildwood requires the regulations relating to the Natural Resource Protection Standards be included on the Record Plat, and within the Trust Indentures, before any lot can be sold. Additionally, the City's Department of Planning provided a letter to the developers of this residential subdivision, with the intent that potential buyers would receive it and be advised of the regulations governing the use of lots, relative to the Natural Resource Protection Standards.

### **Current Request**

13. The current request that has been submitted for consideration is for land disturbance in the resource-protected area of the lot. This disturbance is for a stormwater swale that is being requested by the property owner to address erosion that is occurring on the lot. This erosion is attributed to the runoff and poor soil conditions.
14. The property owner noted in the submitted application the need for the variance is premised on repairing damage to the yard area of the lot and stopping such from continuing in the future.
15. The petitioner is also proposing other work in the yard to address this erosion matter, but none of those improvements are planned in the resource-protected area of the lot.
16. The petitioner has not yet provided a letter noting the support or non-support of the Homeowners Association relative to this request.

### **Correspondences and Previous Actions**

16. The site was duly posted in accordance with City code requirements, including the placement of a sign on the property, an advertisement in a newspaper, and a posting at City Hall. Along with these notifications, a direct mailing was sent to surrounding properties advertising the request.
17. The Department of Planning has received two (2) letters and/or comments in support of this request at the time this report was written and completed for distribution in this regard.
18. The review of the City's files indicates the City of Wildwood's Board of Adjustment has not acted upon a request on this lot. A variance was approved within this subdivision, on Lot 9, for a reduction in the rear yard setback requirement for the installation of an in-ground swing pool. That variance was approved in 2003.

### ***Findings of Fact:***

The Department of Planning has reviewed this request with regard to the criteria established for its approval or denial; i.e. site's characteristics, which render a unique hardship or a practical difficulty and impacts on adjoining properties, and believes it **does meet** the requirements set forth to be considered reasonable and appropriate. This position is premised upon a number of site-specific characteristics. These factors are as follows:

1. The Department of Planning has considered this request and does believe there are currently physical characteristics associated with this lot that create a hardship and leading to the erosion problem that exists there. These characteristics are the slope and the proximity of the lot to the retention basin, which directs more runoff here than other locations in the subdivision.
2. The Department would note the extent of disturbance is limited to 1,100 square feet of the lot, or approximately eleven (11) percent of the overall resource protected area of the subject property. This amount will not cause significant changes to the resource protection requirements of the overall subdivision, given the intent of the disturbance is not for improvements, but to improve the existing yard area.
3. The extent of tree preservation, which matches the resource protection requirements of this lot, provides an on-going screen, so as this disturbance will not impact any adjoining lot's view. Therefore the impact is minimal in this regard.

### ***Recommendation:***

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be granted due to the defined hardship or practical difficulty relating to the characteristics of the land that have been developed in petitioner's application.

Respectfully submitted,  
CITY OF WILDWOOD  
Department of Planning