PUBLIC HEARINGS
BOARD OF ADJUSTMENT OF THE CITY OF WILDWOOD, MISSOURI
City Hall Council Chambers
16860 Main Street
Thursday, November 17, 2016 - 7:00 PM

The Board of Adjustment of the City of Wildwood will hold a public hearing at **7:00 p.m. on Thursday, November 17, 2016** 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. 22-16 Colonial Bank, 12230 Manchester Road, St. Louis, Missouri 63131, C/O Dale Sign Service, Inc., Dennis Caldwell, 13652 Manchester Road, St. Louis, Missouri 63131**

   requests an exception to the Business Signs – Attached to Wall and the Sign Regulations (Particular) for the purpose of installing a second sign attached to the drive-through canopy and facing a roadway on a commercial property located at 16415 Village Plaza View Drive (Locator Number 23U140657, The Village Plaza Subdivision, Part of Lot 1), which would thereby authorize a second wall sign facing the same roadway on a single business, in lieu of the required one (1) business sign attached to wall facing a roadway standard. Additionally, the petitioner is requesting this additional sign be illuminated by halo lighting in lieu of the required externally illuminated sources. This request is contrary to the requirements of Chapter 415.420 Sign Regulations for All "C" and "M" Districts of the City of Wildwood Zoning Ordinance and C-8 Planned Commercial District Ordinance #1404, which was approved by the City of Wildwood in 2007, and governs this property. (Ward Four)

   Documents:

   BA 22-16 COLONIAL BANK RECOMMENDATION REPORT.PDF

II. **B.A. 25-16 Alan And Tina Stevenson, 6 Guyenne Drive, Lake St. Louis, Missouri, 63367**

   request exceptions to the Natural Resource Protection Standards and the Specific Yard Requirements and Exceptions for the purposes of constructing a single-family dwelling at 832 Forby Road (Locator Number 28W630223; Bopp Estates Resubdivision, Lot B), which would thereby authorize the following: (1.) a relocation of the Natural Resource Protection Area, and accompanying twenty-five (25) foot Foundation Setback Area, from

the Final Resource Protection Area Line; (2.) development that would encroach into the limits of the 100-year floodplain; (3.) development that would encroach into an area outside of the Natural Resource Protection Area; (4.) an encroachment of twenty (20) feet into the required twenty-five (25) foot Foundation Setback Area from the Final Resource Protection Area Line; and (5.) an encroachment of thirty-eight (38) feet into the fifty (50) foot floodplain setback. This request is contrary to the requirements of 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, and Chapter 415.070 FP Floodplain District Regulations of the City of Wildwood Zoning Ordinance. (Ward Six)

Documents:

BA 25-16 STEVENSON RECOMMENDATION REPORT.PDF

III. **B.A. 26-16 David And Kelly Brown, 438 Blackwolf Run Drive, Wildwood, Missouri 63040**

request an exception to the Natural Resource Protection Standards for the purpose of constructing a fence at 438 Blackwolf Run Drive (Locator Number 24U110608, Enclaves at Cherry Hills Subdivision – Plat 8, Lot 152), which would thereby authorize this improvement to be placed within the Natural Resource Protection Area, where it is not allowed. The extent of encroachment into this one hundred (100) percent protected area is approximately two thousand two hundred thirty-six (2,236) square feet (this total encroachment is two hundred sixty-four (264) square feet less than the previous application heard by the Board at its October meeting). This request is contrary to the requirements of Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood Subdivision and Development Regulations, Chapter 415.120 R-1A 22,000 square foot Residence District of the City of Wildwood Zoning Ordinance, and Planned Residential Development Overlay District Ordinance #865, which was approved by the City of Wildwood in 2002, and governs this property. (Ward Eight)

Documents:

BA 26-16 BROWN 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. #22-16
City of Wildwood's Board of Adjustment
Public Hearing of November 17, 2016
City Hall Council Chambers
16860 Main Street, Wildwood, Missouri

Nature of Request:

B.A. 22-16 Colonial Bank, 12230 Manchester Road, St. Louis, Missouri 63131, C/O Dale Sign Service, Inc., Dennis Caldwell, 13652 Manchester Road, St. Louis, Missouri 63131 requests an exception to the Business Signs – Attached to Wall and the Sign Regulations (Particular) for the purpose of installing a second sign attached to the drive-through canopy and facing a roadway on a commercial property located at 16415 Village Plaza View Drive (Locator Number 23U140657, The Village Plaza Subdivision, Part of Lot 1), which would thereby authorize a second wall sign facing the same roadway on a single business, in lieu of the required one (1) business sign attached to wall facing a roadway standard. Additionally, the petitioner is requesting this additional sign be illuminated by halo lighting in lieu of the required externally illuminated sources. This request is contrary to the requirements of Chapter 415.420 Sign Regulations for All "C" and "M" Districts of the City of Wildwood Zoning Ordinance and C-8 Planned Commercial District Ordinance #1404, which was approved by the City of Wildwood in 2007, and governs this property. ***(Ward Four)***

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. 22-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The site of this request is a legal lot of record that is owned by Central Bank, the petitioner of this request. This lot of record is located within the Village Plaza Center, which collectively consists of a total of two (2) parcels of ground, that are situated to the northwest of the intersection of Westglen Farms Drive and State Route 100. This lot has frontage on Fullerton Meadows Drive, Westglen Farms Drive, and Village Plaza View Drive, all of which are City-

maintained streets, and provide access into/out of the Westglen Farms and Villas at Newpoint Subdivisions, along with the Village Plaza Center – the subject site.

2. The lot is 1.16 acres in size and has a large building located upon it that is the financial institution. The building is 5,052 square feet in size and has a canopy that provides cover over the three (3) drive-through lanes and the ATM machine.

3. The lot, where the bank building is located, also has an area of parking spaces associated with it. These spaces are located to the front of the building (its south side).

4. The site is zoned C-8 Planned Commercial District, per a site-specific ordinance first approved by St. Louis County in 1978, but later amended by the City of Wildwood in 2009. This amendment of the governing ordinance by the City of Wildwood was to accommodate additional permitted uses within the development, but also required the inclusion of many of the Town Center Plan's requirements, including all ground and wall-mounted signage be externally illuminated.

5. The financial institution has a number of signs associated with it, including business, directional, and window types. The directional and window signs are in conjunction with the parking lot area and entry/exit locations, the drive-through lanes, and the ATM machine.

6. The financial institution is located in a neighborhood commercial center that has a number of other businesses situated there that provide a mix of uses, including restaurants, offices, service facilities, and retail spaces. All of these businesses have signage on the front of their respective tenant spaces, including wall and window, while the center itself shares a single monument style sign that identifies the development as "Village Plaza."

7. The area around the financial institution is a mixed land use pattern that includes other commercial uses, apartments, and single family detached dwellings on individual lots. Located across Village Plaza View Drive, is a Reliance Bank lot that is commercially zoned, and has another financial institution located on it, along with a separate office building.

Current Request

8. The nature of this request is to allow a second wall sign that faces toward the south (the same direction and elevation as the current authorized wall sign) and to be internally illuminated in lieu of externally lit, as required by the site-specific ordinance. This external illuminated lighting requirement is a standard set forth by the Town Center Plan's Architectural Requirements. This sign is 10.5 square feet in overall size.

9. The petitioner is proposing to light the sign, with a halo type of arrangement, where the illumination is projected from inside of the individually pinned letters, toward the wall, where they are attached, then the reflected light forms halos around their outlines.

Correspondences and Previous Actions

11. 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.

12. The Department of Planning has received no letters in support or opposition to this request; at the time this report was written and completed for distribution.

13. The City of Wildwood's Board of Adjustment has approved one (1) variance on this property in the past. This variance authorized a halo-lit sign for the business located at 16457 Village Plaza View Drive (in 2008).

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 not 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 request for a second sign would create an unwanted precedence relative to the City's regulations in this regard by allowing a single elevation of a building to have two (2) wall type business signs displaying the name of the company/entity. The current regulations are intended to allow ample signage for commercial purposes, i.e. one (1) wall sign per allowable elevation, while ensuring ample space is set aside to maintain the character of the buildings themselves.

2. The need for this variance appears to be self-imposed, given the building has a wall sign, along with other signage upon the drive-through facility and ATM machine, and including directional types. It would be difficult not to determine the building's current ownership and purpose.

3. The impact of this request on the surrounding area would be minimal, given the commercial nature of the business center, where this financial institution is located, and the other business signage that currently exists there. However, this additional wall signage, at the requested location, would place it closer to the residential areas located across Westglen Farms Drive.

4. The inclusion of this sign on the drive-through facility, which is a structural component of the principal structure, increases the overall square footage of signage associated with the overall building to 37.5 square feet and the petitioner has not provided rationales that define the physical characteristics of the property as the causes of it seeking this variance, since it

has three (3) frontages associated with it, and ample visibility from the abutting roadway system.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment not approve the requested variance, as submitted.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning

WILDWOOD

Determination of Issues and Findings of Facts
Board of Adjustment Case B.A. #25-16
City of Wildwood's Board of Adjustment
Public Hearing of November 17, 2016
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 25-16 Alan and Tina Stevenson, 6 Guyenne Drive, Lake St. Louis, Missouri, 63367 – request exceptions to the *Natural Resource Protection Standards* and the *Specific Yard Requirements and Exceptions* for the purposes of constructing a single-family dwelling at 832 Forby Road (Locator Number 28W630223; Bopp Estates Resubdivision, Lot B), which would thereby authorize the following: (1.) a relocation of the Natural Resource Protection Area, and accompanying twenty-five (25) foot Foundation Setback Area, from the Final Resource Protection Area Line; (2.) development that would encroach into the limits of the 100-year floodplain; (3.) development that would encroach into an area outside of the Natural Resource Protection Area; (4.) an encroachment of twenty (20) feet into the required twenty-five (25) foot Foundation Setback Area from the Final Resource Protection Area Line; and (5.) an encroachment of thirty-eight (38) feet into the fifty (50) foot floodplain setback. This request is contrary to the requirements of 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, and Chapter 415.070 FP Floodplain District Regulations of the City of Wildwood Zoning Ordinance. **(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. 25-16**, 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 3.03 acre parcel of ground that is part of the Bopp Estates Resubdivision and has over two hundred thirty (230) feet of frontage along Forby Road, which is a City-maintained roadway.
2. The subject property, known as Tract B of the Bopp Estates Resubdivision, is zoned NU Non-Urban Residence District and FPNU Floodplain 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 and floodplain), along with the disturbance/preservation

requirements established by the Natural Resource Protection Standards of the City's Subdivision and Development Regulations.

3. The subject site was platted by the City of Wildwood, as part of a six (6) 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. Over two (2) acres, or 66%, of the site is preserved by these standards and cannot be disturbed.
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 the Bopp Estates Resubdivision, 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.
9. The area of the subject site along Forby Road is encumbered by the 100-year floodplain, as determined by the Federal Emergency Management Agency (FEMA). The City's standards do not allow for the construction of structures or buildings within this area, and also require an additional setback from the limits of the defined flooplain area of fifty (50) feet. The intent of these standards is to protect people and their property from the devastation and danger of a flood.

Current Request

10. The intent of this request is to allow for a number of variances, five (5) in total. These requests include: 1. Relocation of the Natural Resource Protection Area and accompanying twenty-five (25) foot Foundation Setback Area, from the Final Resource Protection Area Line; 2. Allow development that would encroach into the limits of the 100-year floodplain; 3. Allow development that would encroach into an area outside of the Natural Resource Protection Area (NRPA); 4. Allow the dwelling's foundation to encroach twenty (20) feet into the twenty-five (25) foot foundation setback zone of the Final Resource Protection Area; and 5. Allow the home to encroach thirty-eight (38) feet into the fifty (50) foot floodplain setback.
11. The information provided by the applicant in support of this request indicates the relocation of the Natural Resource Protection Area is a shift to the north of fifty (50) feet, but the size and shape of the NRPA remains unchanged.

12. The proposed area for this dwelling's location is slightly less steep and already free of vegetative cover.

Correspondences and Previous Actions

13. 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.
14. The Department of Planning has received no comments in opposition or support of said request, at the time of the writing of this report.
15. The Department's review of the Board of Adjustment's files indicates no variances have been granted to this particular lot, or within this subdivision.

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 (NRPA) is 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, the steeply sloped portion of the yard, the existing vegetative cover, nor the floodplain.
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 not change the minimum amount of preservation area upon the respective site. Utilizing this flexibility, the northern limits of the NRPA could be modified to match the floodplain line, which was modified by FEMA in February 2015, after the subdivision and the accompanying NRPA line was recorded in 2014. If the northern limits of the NRPA was modified to match the floodplain, two (2) of the requested variances would be unnecessary. These two (2) components of this variance request that would no longer be applicable include the use of the floodplain area and development into a one hundred (100) percent protected area of the lot.
3. The proposed disturbance area keeps the potential activity and construction off the steeper slopes and wooded areas that traverse much of the southern portion of the site and is entirely located within a portion of the property that has the least amount of tree cover.
4. The impacts on surrounding properties are limited, since the proposed dwelling location is to be centrally placed on this lot.
5. The extent of floodplain on the property increased to nearly double the size of the previous area with the release of FEMA's revised Flood Insurance Rate Maps (FIRM) in 2015. Long-standing neighbors in the area have never witnessed a flood to the full extent of the floodplain limits.

Recommendation:

Considering the above-listed Findings of Fact, the Department recommends the Board of Adjustment approve three (3) of the five (5) requested components of this variance request, as submitted by the

petitioner. The Department would recommend the Board authorize the relocation of the NRPA, the encroachment into the twenty-five (25) foot foundation setback, and the encroachment into the fifty (50) foot floodplain setback. Additionally, the Department will request, as part of the Board of Adjustment's favorable action, that it require the Natural Resource Final Protection Line, and the accompanying twenty-five (25) foot foundation setback line, be replatted, by deed and exhibit, and recorded with St. Louis County to accommodate the modifications.

Respectfully submitted,
CITY OF WILDWOOD

Department of Planning

WILDWOOD

Determination of Issues and Findings of Facts
Board of Adjustment Case B.A. 26-16
City of Wildwood's Board of Adjustment
Public Hearing of November 17, 2016
City Hall Council Chambers
16860 Main Street, Wildwood, Missouri

Nature of Request:

B.A. 26-16 David And Kelly Brown, 438 Blackwolf Run Drive, Wildwood, Missouri 63040 request an exception to the Natural Resource Protection Standards for the purpose of constructing a fence at 438 Blackwolf Run Drive (Locator Number 24U110608, Enclaves at Cherry Hills Subdivision – Plat 8, Lot 152), which would thereby authorize this improvement to be placed within the Natural Resource Protection Area, where it is not allowed. The extent of encroachment into this one hundred (100) percent protected area is approximately two thousand two hundred thirty-six (2,236) square feet (this total encroachment is two hundred sixty-four (264) square feet less than the previous application heard by the Board at its October meeting). This request is contrary to the requirements of Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood Subdivision and Development Regulations, Chapter 415.120 R-1A 22,000 square foot Residence District of the City of Wildwood Zoning Ordinance, and Planned Residential Development Overlay District Ordinance #865, which was approved by the City of Wildwood in 2002, and governs this property. **(Ward Eight)**

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. 26-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The location of this requested variance is a 13,504 square foot lot in the Enclaves at Cherry Hills Subdivision, it being in the southeast quadrant of the City of Wildwood, which is a Sub-Urban Residential Area of the City under the Master Plan's Conceptual Land Use Categories Map. This

residential subdivision was approved by the City of Wildwood in September 2002 and consists of one hundred eighty-five (185) lots, all of which are over 13,500 square feet in size.

2. The lot is served by Blackwolf Run Drive, which is a public street that is maintained by the City of Wildwood. The street eventually terminates into two (2) cul-de-sacs south of the subject lot. The right-of-way width of this street is forty (40) feet, which allows two (2) lanes of roadway surface, tree lawn areas, and sidewalks. In the tree lawn area, street trees have been planted.

3. The zoning district designation of the property is R-1A 22,000 square foot Residence District, with a Planned Residential Development Overlay District (PRD), which was approved by the City Council in 2003. This zoning district and special procedures permit were designated and approved on the former location of the Cherry Hills Golf Course site.

4. The site has an existing single family dwelling located upon it. This dwelling is two (2) stories in height and has over 3,313 square feet of total living area.

5. The property is primarily lawn area, with landscaping placed along the rear property line. The property is level and has very limited relief. In association with the property, there are a number of accessory structures in association with the lot, including an outdoor game court, a large patio area, and raised landscaping beds.

6. The surrounding area is entirely residential in nature, with other lots that are part of the Enclaves at Cherry Hills Subdivision and the Meadows at Cherry Hills Subdivision. To the east, and at least two (2) streets removed from the subject site is Fairway Elementary School.

7. The R-1A 22,000 square foot Residence District, with a Planned Residential Development Overlay District (PRD), contains a number of parameters for the development and use of this property, while the Subdivision and Development Regulations were applied to it as well, which imposed the requirements relating to the Natural Resource Protection Standards.

8. 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 those 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.

9. The development of these regulations were prompted by conditions that existed at the time of the City's incorporation, and verified by an imminent soil scientist from the University of Missouri – Columbia, that were causing degradation of watersheds and related ecosystems, loss of private property, and damage to public infrastructure.

10. The Natural Resource Protection Standards have been applied to a number of residential subdivisions, like the Enclaves at Cherry Hills Subdivision, since their adoption in 1996.

11. 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, to provide to potential buyers, regarding the regulations governing the use of lots, where preservation is required.

Current Request

12. The nature of the current request is for an exception to the Natural Resource Protection Standards for the purpose of installing a fence within the protected area of the property, which would thereby authorize the encroachment of it beyond the platted 'Disturbance Limits' [i.e. natural resource protection area]. This request for disturbance in the protected area of the site is contrary to Chapter 415.120 R-1A 22,000 square foot Residence District Regulations of the City of Wildwood Zoning Ordinance, Chapter 420.200 Natural Resource Protection Standards and Procedures of the City of Wildwood *Subdivision and Development Regulations,* and Planned Residential Development Overlay District Ordinance #865.

13. The petitioners' note in the revised application the fence is now needed to address a trespassing issue that has been determined to exist on the lot, where they now reside, as well as to ensure their dog is not allowed to run from their yard.

14. The petitioners have revised their proposal by changing the location of the proposed fence along the rear lot line by moving it closer to the residence. This change reduces the previous amount of disturbance from the proposal considered by the Board of Adjustment at its October meeting by approximately 264 square feet.

Correspondences and Previous Actions

15. 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.

16. At the time of the writing of this report, the Department of Planning has received two (2) comments in opposition to this request, which are attached hereto. At the October meeting on this same matter, three (3) letters of opposition were submitted by three (3) separate individuals, none of who are the authors of the two (2) responses submitted for the November meeting.

17. The Department of Planning's review of City records indicates the Board of Adjustment has approved requests for fencing at 108 Elderberry Lane (Lot 3), 508 Roaring Fork Drive (Lot 184), and 503 Roaring Fork Drive (Lot 170) due to trespass issues on these lots (near Schnucks - Wildwood Crossing and Fairway Elementary School). The Board of Adjustment denied two (2) requests on the same lot to allow a fence. This lot is located at 7 Bally Bunion Court (Lot 112) and these requests were heard in June 2009 and July 2009. A variance was also granted at 218

Bountiful Pointe Circle (Lot 30) to allow disturbance within in the 'Final Natural Resource Protection Area' to accommodate a small landscape wall and french drain. In 2015, the Board of Adjustment denied a fence request for a single family lot, where the owners noted issues with trespass by children through their yard, leading to safety concerns for them (ultimately, these property owners installed a fence that followed the Final Resource Protection Line and did not encroach into the protected area of the lot). The most recent request relates to a fence application on a lot in the vicinity of Fairway Elementary School, which students used as a cut-through for access. The Board granted this variance based upon property rights and public safety considerations (B.A. 17-15 William and Joanna Keller, 504 Roaring Fork Drive).

18. The City's Board of Adjustment heard this request at its October 2016 meeting and recommended denial of the request, since the trespass issue had not been fully defined and the petitioners were not full-time residents of the property.

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 not 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 request for the variance fails to meet the test of court precedence to be considered a unique circumstance relating to the physical characteristics of this lot, since other properties in this general vicinity have the same condition, nor does the imposition of the Natural Resource Protection Standard requirements preclude the full utilization of the property for its intended principle activity – a single family dwelling.
2. The imposition of the requirements relating to the Natural Resource Protection Standards for this lot was in place prior to the petitioner's purchase of the dwelling. Therefore, any potential claimed hardship is self-imposed.
3. The request is contrary to the City's intended rationale for adopting the Natural Resource Protection Standards of the Subdivision and Development Regulations, which is to protect sensitive land areas, regardless of specific individual need, from disturbance. Although this lot is part of a traditional residential subdivision, and previously used as part of the active golf course area, before its conversion to homesites, collectively all these designated protected areas situated throughout the overall site form the total acreage preserved from disturbance, which created an improved stormwater management plan for this project and the areas downstream from it.
4. The petitioners have other alternatives to fencing into the Natural Resource Protection Area, which would include securing still a smaller area of the rear year area and not encroach into the protected area of the property.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment not approve the requested variance, as submitted.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning

Kathy Arnett

From: noreply@cityofwildwood.com
Sent: Sunday, November 13, 2016 9:06 PM
To: Ryan Thomas; Elizabeth Weiss; Kathy Arnett; Travis Newberry; Kathy Arnett
Subject: Online Form Submittal: Public Hearing Comment Form

Public Hearing Comment Form

By utilizing this form, your comments will be considered by the Department of Planning in its development of a recommendation of this request. Additionally, the Planning and Zoning Commission, the City Council, and/or the applicable board or committee will also receive copies of your comments, as they consider the merits of these land use proposals being reviewed by the city. You must submit a separate form for each public hearing for which you have comments.

Request Being Considered	B.A. 26-16 David and Kelly Brown - 438 Blackwolf Run Drive
Item Description	*Field not completed.*
Position on Request	Do Not Support
General Comments	*Field not completed.*
Suggestions	*Field not completed.*
	(Section Break)
Name	Michael & Carol Dreith
Address	16231 Port of Nantucket Drive
City	Grover
State	MO
Zip	63040
Phone Number	325-207-6520
Email	cdreith@wtc.edu

Email not displaying correctly? View it in your browser.

Kathy Arnett

From: noreply@cityofwildwood.com
Sent: Friday, November 04, 2016 5:12 PM
To: Ryan Thomas; Elizabeth Weiss; Kathy Arnett; Travis Newberry; Kathy Arnett
Subject: Online Form Submittal: Public Hearing Comment Form

Public Hearing Comment Form

By utilizing this form, your comments will be considered by the Department of Planning in its development of a recommendation of this request. Additionally, the Planning and Zoning Commission, the City Council, and/or the applicable board or committee will also receive copies of your comments, as they consider the merits of these land use proposals being reviewed by the city. You must submit a separate form for each public hearing for which you have comments.

Request Being Considered	B.A. 26-16 David and Kelly Brown - 438 Blackwolf Run Drive
Item Description	*Field not completed.*
Position on Request	Do Not Support
General Comments	*Field not completed.*
Suggestions	One of the reasons we moved here was because of the natural protection areas in Wildwood and I believe this would degrade the neighborhood
	(Section Break)
Name	Rob Duchild
Address	409 Blackwolf Run Dr
City	Wildwood
State	MO
Zip	63040
Phone Number	314-550-1240
Email	rgduch@gmail.com

Email not displaying correctly? View it in your browser.