



PUBLIC HEARINGS
BOARD OF ADJUSTMENT OF THE CITY OF WILDWOOD,
MISSOURI
City Hall Council Chambers
16860 Main Street
Thursday, January 19, 2017, 7:00 PM

The Board of Adjustment of the City of Wildwood will hold public hearings that will begin at **7:00 p.m., on Thursday, January 19, 2017,** in the City Hall Council Chambers, 16860 Main Street, Wildwood, Missouri 63040. The purpose of these hearings 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 feel free to contact the Department of Planning and Parks at (636) 458-0440, prior to the hearings' date. At these hearings, the following requests will be considered by the Board of Adjustment for action:

- I. **B.A. 1-17 Michael R. Nettles, 17517 Radcliffe Place Drive, Wildwood, Missouri 63025**
requests an exception to the *Minimum Yard Requirements (General)* for the purpose of retaining a single family residence at 17517 Radcliffe Place Drive (Locator Number 26W340113, Radcliffe Place Addition Subdivision, Lot 111), which would thereby authorize a front yard setback of twenty-eight (28) feet, in lieu of the required thirty (30) foot standard. This request is contrary to the requirements of 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 #285, which was approved by the Wildwood City Council on December 9, 1996. **(Ward Six)**

Documents:

[B.A. 1-17 MICHAEL R. NETTLES - RECOMMENDATION REPORT.PDF](#)

- II. **B.A. 2-17 Thomas And Rhonda Loggia, 17830 Orrville Road, Wildwood, Missouri 63005**
request an exception to the *Minimum Yard Requirements (General)* for the purpose of constructing a detached garage at 17830 Orrville Road (Locator Number 20W540034), which would thereby authorize a side yard setback of five (5) feet, in lieu of the required thirty (30) foot standard. This request is contrary to the requirements of Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Ordinance. **(Ward Three)**

Documents:

B.A. 2-17 THOMAS AND RHONDA LOGGIA - RECOMMENDATION
REPORT.PDF

III. ****POSTPONED****

B.A. 3-17 NP Wildwood, LLC/NP Senior Living Development, c/o Bill Biermann, 4825 Northwest 41st Street, Suite 500, Riverside, Missouri 64150 - requests an exception to the *Miscellaneous Regulations (Temporary Structures)* for the purpose of installing an off-site construction trailer, along with material staging and equipment/employee parking areas, at 2850 Market Avenue (Locator Number 23V220215, Wildwood Town Center Subdivision, Lot 5) which would be utilized during the development of a senior living facility that is to be located at 251 and 261 Plaza Drive (on an adjacent site to the subject location). This request is contrary to the requirements of Chapter 415.380 Miscellaneous Regulations of the City of Wildwood Zoning Ordinance and the Amended C-8 Planned Commercial District Regulations, per Ordinance #2200, which was approved by the Wildwood City Council on July 25, 2016. **(Ward Eight)**

Documents:

[B.A. 3-17 NP WILDWOOD LLC - RECOMMENDATION REPORT.PDF](#)

IV. **Prior To The Conclusion Of The Meeting, The Board Members Will Discuss, And May Elect, Officers For The Upcoming Year (2017).**

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

The City of Wildwood will provide reasonable accommodations for persons attending Board of Adjustment meetings. Requests for reasonable accommodations should be made by contacting Laura Rehtin, Deputy City Clerk at 636-458-0440 or email at laura@cityofwildwood.com at least 48 hours prior to the start of the meeting.



WILDWOOD

Determination of Issues and Findings of Facts

regarding

Board of Adjustment Case B. A. #01-17
City of Wildwood's Board of Adjustment
Public Hearing of January 19, 2017
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 1-17 Michael R. Nettles, 17517 Radcliffe Place Drive, Wildwood, Missouri 63025 – requests an exception to the Minimum Yard Requirements (General) for the purpose of retaining a single family residence at 17517 Radcliffe Place Drive (Locator Number 26W340113, Radcliffe Place Addition Subdivision, Lot 111), which would thereby authorize a front yard setback of twenty-eight (28) feet, in lieu of the required thirty (30) foot standard. This request is contrary to the requirements of 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 #285, which was approved by the Wildwood City Council on December 9, 1996. **(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. 01-17**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

- 1) The location of this request is a 2.8 acre residential lot that is located in the Radcliffe Place Subdivision. The lot is shaped similar to a parallelogram and is defined by the abutting private roadway and other property lines of adjoining parcels of ground.
- 2) The property has a depth of approximately of 455 feet at its greatest extent and a width of 151 feet at its front line building line along Radcliffe Place Drive.
- 3) The abutting roadway is Radcliffe Place Drive, which provides access to the subject lot. This roadway is privately maintained, rural in character and, along petitioners' frontage, increases slightly in grade toward its southern end, which is a cul-de-sac. The roadway does

not have formal stormwater drainage facilities or sidewalks, given its narrow nature (a centerline is not striped upon it).

- 4) The zoning district designation of this property is NU Non-Urban Residence District, with a Planned Residential Development Overlay District (PRD), which establishes a number of regulations regarding the types of uses allowed upon sites so zoned, as well as building and structure placement and heights. Along with these regulations, other requirements exist in this zoning district designation relating to accessory structures and their respective sizes.
- 5) The property is almost entirely wooded, except where existing improvements are located, which include the two-story dwelling that was constructed in 1998 (according to St. Louis County records), and access drive. These trees are mature, large, and appear to be in good condition.
- 6) The slope of the subject property is toward the southwest corner, which is moderately sloping. Overall relief across the site, from east to west, is 72 feet. Also defining this site is a drainageway that is located in that southwest corner of the property.
- 7) The surrounding land use to this subject property is all-residential and consists of large size lots, with single family dwellings located upon them. The adjoining lot to the west is approximately ten (10) acres in size, while others in the vicinity are greater than three (3) acres in area.
- 8) The City of Wildwood's Zoning Ordinance contains regulations that govern the placement of buildings and structures, along with the overlay district that contains specific requirements for the front, side, and rear yard areas.

Current Request

- 9) The current request is to allow a reduction in the front yard setback area along Radcliffe Place Drive from its required distance of thirty (30) feet to twenty-eight (28) feet to accommodate the existing dwelling, which was constructed into it in 1998.
- 10) The application filed by the petitioner notes the need for this variance is premised on the desire to retain the dwelling at its existing location and not remove the portion of it that encroaches into the setback area.
- 11) The petitioner has also identified in their filed application the dwelling was at this location when they purchased it and a title survey was completed.

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 not received any letters and/or comments at the time this report was written and completed for distribution in this regard.
- 14) The review of the City's files indicates the City of Wildwood's Board of Adjustment has not granted any variances to this property, but in its vicinity four (4) cases have been considered. These cases include the following:

- a. 29-99 Radcliffe Place Association - permitted information signs be 9' in lieu of 6' within front yard setback - recommends that all applicable easement releases are provided from all utility holders in area of these proposed signs – approved with conditions;
- b. 23-03 Hastie – Radcliffe Bluffs - Natural Resource Protection setback line of 12' in lieu of 25' - Maintaining an existing hearth room – approved;
- c) 8-09 Hastie – Natural Resource Protection Line setback distance of five (5) feet in lieu of the required twenty-five (25) feet – room addition – postponed; and
- d) 14-09 Degnan - encroachment across the platted Natural Resource Protection Line a maximum distance of thirty-five (35) feet to accommodate its construction – gazebo – denied

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 petitioner has established that, to remove the portion of the dwelling that encroaches into the setback area, would create a practical difficulty and an undue hardship, since it was no fault of theirs in terms of this current situation.
2. The encroachment of this dwelling into the front yard setback has been in place for almost eighteen (18) years and has not unduly impacted the neighborhood, nor surrounding property values – a major responsibility of local governments to preserve.
3. The impact of this request appears to be very minimal and limited to the property itself.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be approved.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning



WILDWOOD

Determination of Issues and Findings of Facts

regarding

Board of Adjustment Case B. A. #02-17
City of Wildwood's Board of Adjustment
Public Hearing of January 19, 2017
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 2-17 Thomas and Rhonda Loggia, 17830 Orrville Road, Wildwood, Missouri 63005 - request an exception to the Minimum Yard Requirements (General) for the purpose of constructing a detached garage at 17830 Orrville Road (Locator Number 20W540034), which would thereby authorize a side yard setback of five (5) feet, in lieu of the required thirty (30) foot standard. This request is contrary to the requirements of Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Ordinance. (**Ward Three**)

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. 02-17**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

- 1) The location of this request is a 3.2 acre residential lot that is located on the west side of Orrville Road, southeast of its intersection with Old Eatherton Road. The lot is relatively square in shape and defined by the abutting roadway (Orrville Road) and other property lines of adjoining parcels of ground.
- 2) The property has an approximate length of four hundred (400) feet and a width of three hundred sixty (360) feet.
- 3) The abutting roadway is Orrville Road, which provides access to the subject lot, through the abutting property to the north. This roadway is City-maintained, rural in character, and, along petitioners' frontage rises sharply from Old Eatherton Road to the south. The roadway

does not have formal stormwater drainage facilities or sidewalks, given its narrow nature (a centerline is not striped upon it).

- 4) The zoning district designation of this property is NU Non-Urban Residence District, which establishes a number of regulations regarding the types of uses allowed upon sites so zoned, as well as building and structure placement and heights. Along with these regulations, other requirements exist in this zoning district designation relating to accessory structures and their respective sizes.
- 5) The property is almost entirely wooded, except where existing improvements are located, which include the one-story dwelling, an in-ground swimming pool, pool house, and access drive, with a long driveway from the aforementioned Orrville Road. These trees are mature, large, and appear to be in very good condition.
- 6) The slope of the subject property parallels that of the roadway, which is steep, with the fall of the site from south to north. Overall relief across the site, from east to west, is 96 feet. Also defining this site is a drainageway that bisects the site and drains to the south, toward Old Eatherton Road.
- 7) The surrounding land use to this subject property is all-residential and consists of three (3) acre or greater lots, with single family dwellings located upon them. The adjoining lot to the west is approximately fourteen (14) acres in size, while others in the vicinity are greater than ten (10) acres in area.
- 8) The City of Wildwood's Zoning Ordinance contains regulations that govern the placement of buildings and structures

Current Request

- 9) The current request is to allow a reduction in the sideyard setback area along the southern boundary of the lot from its required distance of thirty (30) feet to five (5) feet to accommodate a one-story detached garage that will have an overall size of 1,088 square feet (43.5' by 25'). The garage will accommodate three (3) vehicles of parking.
- 10) The application filed by the petitioner notes the need for this variance is premised on the topography of the site precludes any other location upon it from being able to accommodate this allowable accessory structure. Additionally, the placement is intended to allow for the use of the existing driveway and parking apron by the current garage to be utilized.
- 11) The petitioners have also identified in their filed application this location will require minimal grading and almost no existing trees will be removed to accommodate the garage's construction.

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 not received any letters and/or comments at the time this report was written and completed for distribution in this regard.

- 14) The review of the City's files indicates the City of Wildwood's Board of Adjustment has not granted any variances to this property, but in its vicinity three (3) cases have been considered. These cases include the following:
- a. 10-01 Barry Custom Homes – 17735 Orrville Road – front yard of 25' in lieu of 50' and height of 21' in lieu of 6' for retaining wall – Department recommended denial – Board denied;
 - b. 23-01 Barry – 17735 Orrville Lane – front yard of 0' in lieu of 30' – waterfall – Department recommended approval – Board approved; and
 - c. 23-13 Alioto – 17770 Orrville road – Board horse on temporary basis – Department recommended approval – Board approved.

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 petitioner has established a practical difficulty relating to the physical characteristics of the site - its very difficult topography.
2. The location of existing improvements dictate a location of this requested nature on the subject lot and, with the current design, allows for the logical use of them for the purposes of this accessory structure. By utilizing existing improvements for access and maneuverability, less grading and tree removal is required.
3. The impact of this request appears to be minimal and isolated to the abutting property to the south of the subject site. However, this impact is substantially mitigated by the elevation change (abutting dwelling is at a higher elevation) and the retention of trees in the remaining five (5) feet of lot area. Additionally, this nearby dwelling on the lot to the south of the subject site is approximately 175 feet away from the proposed detached garage.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be approved.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning



WILDWOOD

Determination of Issues and Findings of Facts

regarding

Board of Adjustment Case B. A. #03-17
City of Wildwood's Board of Adjustment
Public Hearing of January 19, 2017
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 3-17 NP Wildwood, LLC/NP Senior Living Development, c/o Bill Biermann, 4825 Northwest 41st Street, Suite 500, Riverside, Missouri 64150 – requests an exception to the Miscellaneous Regulations (Temporary Structures) for the purpose of installing an off-site construction trailer, along with material staging and equipment/employee parking areas, at 2850 Market Avenue (Locator Number 23V220215, Wildwood Town Center Subdivision, Lot 5) which would be utilized during the development of a senior living facility that is to be located at 251 and 261 Plaza Drive (on an adjacent site to the subject location). This request is contrary to the requirements of Chapter 415.380 Miscellaneous Regulations of the City of Wildwood Zoning Ordinance and the Amended C-8 Planned Commercial District Regulations, per Ordinance #2200, which was approved by the Wildwood City Council on July 25, 2016. **(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. 03-17**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

- 1) The location of this request is a vacant lot that is situated in the Wildwood Town Center development that encompasses a total of fifteen (15) acres of commercial and now residential types of uses. This development includes the Walgreens Store, the Starbucks Restaurant, and the new Stonecrest Senior Care Facility. Also located in this development are the Wildwood Hotel and the public parking garage.

- 2) This vacant lot is bounded on three (3) sides by roadways. These roadways are Plaza Drive, Main Street, and Market Avenue. All of these streets are maintained by the City of Wildwood. Currently, the lot does not have a formal curb cut onto any of these roadways.
- 3) These public streets have been constructed with the City's streetscape requirements, which include vertical curbs, with gutters, wide sidewalks, and street trees, with grates and lights. All of these items are themed and consistent throughout the commercial areas in the Town Center Area.
- 4) The property is zoned Amended C-8 Planned Commercial District and designated by the Town Center Regulating Plan as "Downtown" District. These zoning district and land use designations allow a range of activities, including some of the most intense commercial types allowed in the City.
- 5) The property is all lawn area and slopes from its north end to the south, as well as from west to east. The slope is more substantial on its southernmost end, while along the entire eastern boundary the grade is very steep. This slope reflects a relief of approximately sixteen (16) feet across the site.
- 6) The lot is one (1) acre in size and has a greater length than width. The length of this lot is 275 feet, while the width is 136 feet.
- 7) The surrounding land use to this subject property includes the soon to be constructed senior service facility to north, the City's parking garage to the east, Wildwood City Hall to the south, and residential homesites to the west.
- 8) The City of Wildwood's Zoning Ordinance contains regulations that govern the placement of temporary structures for development and/or construction purposes. These requirements are contained in the Miscellaneous Regulations of the ordinance and specifically state the following in regards to this request:

Chapter 415.380, Subsection M. Temporary Structures. Temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land may be erected or located on said tract prior to and may remain thereon during the construction or development period.

1. Temporary buildings and trailers may be used as construction offices, field offices or for storage of materials to be in connection with the development of said tract, provided that said temporary structures are removed from said tract within this thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development, after revocation of building permits or on order of the Director of Public Works upon a finding that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand dollars (\$1,000.00) for their removal shall be posted with the City of Wildwood. Additional regulations are as follows:
 - a. No temporary building or trailer can be located within view of any public roadway, other than those streets, which are or have been constructed as part of the overall development currently underway. If the placement of any temporary building or trailer cannot meet this

requirement for the preservation of the viewscape along a public roadway, the following alternative may be employed: a solid board fence, six (6) feet in height, shall be erected around the perimeter of the site where the trailers are proposed. This fence must be painted white, black or left natural in color, unless a comparable material is submitted and approved by the Department of Planning for use on the site.

3. No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located, unless otherwise not authorized by paragraphs (1)(a) and (b) of this Subsection.
4. Any other provision of the law notwithstanding, a building permit or occupancy permit shall not be required for buildings or trailers permitted in paragraph (1) of this Subsection. However, an electrical permit shall be required for the establishment of service to any temporary building or trailer used for the aforementioned purposes.
5. The storage of construction materials shall comply with the location permitting and screening requirements identified in paragraphs (1)(a) and (b) of this Subsection, including authorization from the respective fire district to maintain or store hazardous or flammable materials on the site according to the applicable Fire Code. Additionally, no storage of construction materials or debris, regardless of its nature, shall be allowed on a property adjoining, abutting or otherwise adjacent to an occupied single-family dwelling or where construction on the same is underway, unless a minimum of fifty (50) feet is maintained between the material storage area and the property line of the lot where the single-family dwelling is located or under construction.

Current Request

- 9) The current request is to allow this vacant, commercially zoned lot to be used as the construction staging area, which would include the construction trailer, equipment and material storage, and employee/contractor parking. This use of the property would incorporate the entire area of it, which is to be fenced to screen it, while also providing security.
- 10) The application filed by the petitioner notes the need for this variance is the construction site across Plaza Drive is too small to accommodate the planned building and improvements, along with the needed construction staging, storage, and parking area.
- 11) The underlying regulations of the Zoning Ordinance cannot be altered by the site-specific ordinance in this case, so as a variance is needed in this regard.

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 not received any letters and/or comments at the time this report was written and completed for distribution in this regard.
- 14) The review of the City's files indicates the City of Wildwood's Board of Adjustment has granted a number of variances within this development, with the majority for business signage. The most recent variance consideration and action was on the property located immediately to the north of this subject site, which sought a reduction in the sideyard setback area along the western boundary of the lot, from forty (40) feet to fifteen (15) feet, which was granted for the three (3) story, 75,000 square foot senior care facility planned there.

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 not 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 information provided by the petitioner does not include the location of any of the proposed improvements associated with the planned use of the subject lot for construction purposes. These improvements include areas/locations for access, parking, material and equipment storage, and the placement of the construction trailer. Without a better depiction of the use of this lot, the Department cannot ascertain impacts on the surrounding roadway systems or nearby residences in this regard.
2. The applicant has not sought a Special Use Permit (SUP) for the required work in the City's right-of-way to accommodate a curb cut for access and provide a description of how workers, equipment, and other activity will not impact the public's use of Plaza Drive and Market Drive. Without this information, the Department must assume a safety concern exists and it has not been adequately addressed.
3. The petitioner, in a previous plan submittal to the City's Planning and Zoning Commission, indicated the construction staging area on the property where the construction of the senior care facility is located, which now has changed. This depiction on the Site Development Plan would indicate another alternative exists to the subject property, thereby negating the need for the requested variance.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance not be approved.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning