PUBLIC HEARING
BOARD OF ADJUSTMENT OF THE CITY OF WILDWOOD, MISSOURI
Thursday, April 21, 2016

The Board of Adjustment of the City of Wildwood will hold a public hearing at **7:00 p.m. on Thursday, April 21, 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. 4-16 Terrence E. McDermott, 1620 Ashford Oaks Court, Wildwood, Missouri 63038**

requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing an in-ground swimming pool at 1620 Ashford Oaks Court (Locator Number 22V410383, Ashford Oaks Subdivision, Lot 3), which would thereby authorize a rear yard setback distance of fifteen (15) feet in lieu of the required thirty-five (35) foot standard, being set forth in the site-specific ordinance. This request is contrary to the requirements of Chapter 415.120 R-1A Residence District Regulations of the City of Wildwood Zoning Ordinance and St. Louis County Planned Environment Unit (PEU) Ordinance #16151. **(Ward One)**

Documents: REPORT FOR BA 4-16 - MCDERMOTT - ASHFORD OAKS.PDF

II. **B.A. 5-16 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)**

Documents: REPORT FOR BA 5-16 - MCCUAIG - BRETON WOODS.PDF

III. **B.A. 6-16 David Rapp, 1852 Shiloh Woods Road, Wildwood, Missouri 63005** requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing an accessory structure at 1852 Shiloh Woods Road (Locator Number 23X540041, Shiloh Valley Subdivision, Lot 16), which would thereby authorize a side yard setback distance of sixteen (16) 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 One)**

Documents: REPORT FOR BA 6-16 - RAPP - SHILOH WOODS.PDF

IV. **B.A. 7-16 Wabash, Frisco, And Pacific Association, 199 Grand Avenue, Wildwood, Missouri 63038 C/O Mike Lorance, Treasurer, Wabash, Frisco, And Pacific Association, 17238 Hilltop Ridge Drive, Eureka, Missouri 63025** requests an exception to the Minimum Yard Requirements (general), the regulations governing non-conforming uses, lands, and structures, and the standards for development within floodplain to allow for the construction of a storage building upon property addressed as 101 and 155 Grand Avenue (Locator Numbers 26V341241 and 26V341252 – Glencoe Subdivision, Plats 1-6, Lot 7), which would thereby authorize a rear yard setback distance of six (6) feet, in lieu of the thirty (30) foot standard, from the property's eastern boundary line; the expansion of a non-conforming use; and the construction of a structure in a designated 100-year floodplain area, as defined by Chapter 415.070 'FP' Floodplain District Regulations, Chapter 415.090 'NU' Non-Urban Residence District Regulations, and Chapter 415.460 Non-Conforming Uses, Lands, and Structures of the City of Wildwood Zoning Code. **(Ward Six)** ***This request, per B.A. 19-02, was approved on June 20, 2002, but a Zoning Authorization for building permit was not obtained within the required timeframe; therefore, said action was voided as of December 20, 2002. This request, per B.A. 20-15, was reauthorized on October 15, 2015, but a Zoning Authorization was again not obtained within the required timeframe, therefore, said action was voided as of April 15, 2015.***

Documents: REPORT FOR BA 7-16 - WFP.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
regarding
Board of Adjustment Case B. A. #04-16
City of Wildwood's Board of Adjustment
Public Hearing of April 21, 2016
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 4-16 Terrence E. McDermott, 1620 Ashford Oaks Court, Wildwood, Missouri 63038 requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing an in-ground swimming pool at 1620 Ashford Oaks Court (Locator Number 22V410383, Ashford Oaks Subdivision, Lot 3), which would thereby authorize a rear yard setback distance of fifteen (15) feet in lieu of the required thirty-five (35) foot standard, being set forth in the site-specific ordinance. This request is contrary to the requirements of Chapter 415.120 R-1A Residence District Regulations of the City of Wildwood Zoning Ordinance and St. Louis County Planned Environment Unit (PEU) Ordinance #16151. **(Ward One)**

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. 04-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

<u>Area and Site Characteristics</u>

1. The subject site of this request is a 0.53 acre lot that is part of the Ashford Oaks Subdivision, which was platted by St. Louis County in 1993. This lot is located on Ashford Oaks Court, which is a City-maintained street, with eventual access to Old Eatherton Road.
2. The Ashford Oaks Subdivision consists of forty-four (44) lots that are zoned a combination of the R-1 One Acre Residence District and the R1A 22,000 square foot Residence District, with a Planned Environment Unit (PEU). The Planned Environment Unit (PEU) sets forth the requirements of how the project would be developed and the placement of all improvements on the lots themselves.
3. The lot that is the subject of the request is zoned R-1A 22,000 square foot Residence District, with the aforementioned Planned Environment Unit (PEU). This zoning designation and overlay district component set forth the parameters for the structure and building setback distances. The setback distances for this lot are as follows: twenty feet (20) for the front yard area; six (6) feet for the side yard areas; and thirty-five (35) feet for the rear yard area. Given this lot adjoins Old Eatherton Road, it has double frontage. This setback distance is greater than normal for a rear yard area of a lot, but set by the overlay district's site-specific ordinance for those lots adjoining this roadway location only.
4. The imposition of this special setback for the lots abutting Eatherton Road was intended to address the impact of the new development on this rural roadway.

5. The lot has an existing dwelling located upon it that was constructed in 1997 and is 3,570 square feet in size.
6. The lot is relatively flat, but with a steep rise from the rear of the dwelling toward the abutting roadway (Old Eatherton Road), while draining toward the north side of the lot, into an area inlet that is now impacted by the construction of a retaining wall in advance of the pool's consideration by the Board of Adjustment.
7. The lot is lawn area and has extensive landscaping associated with it. As noted above, a multiple-tiered retaining wall was recently installed on the lot to accommodate the planned pool. This wall received authorization from the City, given its height is less than six (6) feet. Retaining walls that are six (6) feet or less in height are permitted in the setback areas by the City's Zoning Ordinance.
8. The area around the subject lot is developed with other single family dwellings on individual parcels of ground that are associated with the Ashford Oaks Subdivision. Of the seven (7) lots located on the same side of the street as the subject site, four (4) of them have in-ground swimming pools.

Current Request

9. The intent of this request is to allow the petitioner to construct an in-ground swimming pool, with decking, into the rear yard setback area of the subject lot. This installation will require the rear yard setback distance to be reduced from thirty-five (35) feet, as required by the site-specific ordinance governing this subdivision, to fifteen (15) feet.
10. The petitioner notes in the submitted application this reduction is needed due to the Homeowners Association's requirements that no portion of a pool be visible from the side yard areas of the property, which requires the pool to be shaped to fit behind the dwelling in its entirety.
11. The size of the pool is sixteen (16) feet by thirty-two (32) feet for a total size of 512 square feet. The decking, which is required to be installed in conjunction with the pool structure is twenty-eight (28) feet by forty-eight (48) feet and is inclusive of the pool area as well. In total, the pool and decking require approximately one thousand fifty (1,050) square feet of the rear yard area to be dedicated to this use.

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 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.
14. The review of the City's files indicates the City of Wildwood's Board of Adjustment has acted upon these following requests in the Ashford Oaks Subdivision - B.A. 21-96 Maynes Construction Company – subdivision promotion sign 120 sq. ft. in lieu of 50 sq. ft. – Recommendation for denial – Board denied; and B.A. 37-08 Jeff & Pamela Panchot (*1624 Ashford Oaks Court*) – front yard setback of 20' in lieu of 35' – pool and decking – Recommendation for denial – Board approved (**see attached report**).

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 request is not necessary to allow for the principle use of the property to be established upon it, since the single family dwelling has already been constructed and occupied there. Variances to ensure the principle use of the property are generally reasonable, but accessory structures, like in-ground swimming pools, typically do not meet the high standard necessary for granting a variance to a zoning requirement.
2. The installation of this pool, now preceded by the retaining wall system, is being accomplished with a known impact on stormwater drainage, which has already been altered. This alteration, without the benefit of an engineering study, creates concerns about impacts associated with this improvement.
3. The granting of a variance is premised on a unique hardship or practical difficulty relating to the physical characteristics of the property. None of these items are noted in petitioner's application for this variance.
4. The petitioner has proceeded forward with multiple alterations to the property making an assessment of its prior physical characteristics difficult.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be denied, given the extent of impact and no hardship or practical difficulty relating to the characteristics of the land have been developed in petitioner's application.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning

WILDWOOD

Determination of Issues and Findings of Facts
regarding
Board of Adjustment Case B. A. #05-16
City of Wildwood's Board of Adjustment
Public Hearing of April 21, 2016
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 5-16 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)***

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. 05-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The sites of this subject request are two (2) legal lots of record located within the Breton Woods Subdivision, on Breton Woods Court, which intersects with Orrville Road. One (1) of these two

(2) lots is the site of the requested construction of a building addition (Lot 2), while the other is the location where the intended additional preservation area would be placed (Lot 5).

2. The subject lot for construction purposes is 3.53 acres in size and zoned NU Non-Urban Residence District, while the other property is 2.15 acres and also designated NU Non-Urban Residence District. Both were part of a Planned Residential Development Overlay District (PRD) that was approved by the City of Wildwood in 2009. This overlay district allows the lot sizes to range from a minimum of one (1) acre to over three (3) acres in size.
3. The dwelling was constructed in 2014 and is 4,548 square feet in size. Associated with the dwelling are a driveway, parking pad, and deck. All combined, the existing improvements have a footprint of approximately six thousand (6,000) square feet. These improvements must be placed within an overall area of the site that is designated for use, which is approximately 46,200 square feet in total area of it.
4. The lot has limited areas of woodlands, while the majority of it is lawn, with new landscaping that was installed when the dwelling was completed on the lot.
5. The property, based upon the Natural Resource Protection Standards, has some steep slopes and shallow soils, which led to the dwelling being placed upon a location of the lot orientated more toward its eastern side yard area.
6. 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.
7. 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.
8. 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.
9. 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

10. The intent of this request is to allow for an addition onto the existing dwelling, which is orientated on it east side. The addition has a size of approximately 2,450 square feet and will meet all other structure and building setback requirement of its zoning district designation.

11. The reason for the request relates to the impact of the protected area of the lot on its overall buildable square footage. The addition's size, in conjunction with a new driveway area requires it to extend into an area protected by the Natural Resource Protection Standards requirements by 3,580 square feet.
12. The application submitted by the petitioner indicates the need for the addition and associated variance is premised on the need for a guest in-law suite and additional garage space. With the additional garage space, a motor court area will also be placed on the property.
13. The unique character of this request relates to the placement of the addition on the east side of the house and related improvements, which do not allow enough space for it, without encroaching into its protected area. Since no available area as suitable exists on the lot to trade, the developer of the subdivision is willing to increase the protected area of another lot located therein, so as the total protection amount for the total twelve (12) lots remains the same. This application and the nature of it is the first the City has ever been asked to consider.

Correspondences and Previous Actions

14. 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.
15. 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.
16. The review of the City's files indicates the City of Wildwood's Board of Adjustment has not granted any variances in this subdivision or this specific lot.

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 request is not necessary to allow for the principle use of the property to be established upon it, since the single family dwelling has already been constructed and occupied there. Variances to ensure the principle use of the property are generally reasonable, but this addition is for a guest-in-law suite and additional parking. In fact, the requested encroachment associated with this request is for the new driveway/parking area.
2. The addition to the existing dwelling appears to be accommodated without the need for a variance and granting such for the driveway encroachment is not justified, given the high standard for allowing variances to City land use codes that must be applied.
3. The petitioner notes in the application for the requested variance the slope of the lot as a primary physical characteristic necessitating the request, but the area of the lot chosen for this building addition is very similar as other locations that are already intended to be disturbed, but are situated on the wrong side of the dwelling to complement the existing garage area and

driveway for their combined use.

4. The Department remains concerned the potential buyer of Lot 5 will also then need a variance at some point in the future, given an area of that lot would now be eliminated from use. Therefore, a favorable action by the Board of Adjustment on Lot 2 appears to be setting into place a poor precedence for the future.
5. The impact of granting this request is associated with the use of the side yard setback area to accommodate the requested construction. The City's Grading Code protects the side yard areas, even without the Natural Resource Protection Standard requirements being applied to the subject lot.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance not be approved due to the fact the necessary practical difficulty or unique circumstance has not been established relative to this request.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning

WILDWOOD

Determination of Issues and Findings of Facts
regarding
Board of Adjustment Case B. A. #06-16
City of Wildwood's Board of Adjustment
Public Hearing of April 21, 2016
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 6-16 David Rapp, 1852 Shiloh Woods Road, Wildwood, Missouri 63005 - requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing an accessory structure at 1852 Shiloh Woods Road (Locator Number 23X540041, Shiloh Valley Subdivision, Lot 16), which would thereby authorize a side yard setback distance of sixteen (16) 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 One)**

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. 06-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The subject site is a 3.15 acre lot of record that is part of the Shiloh Valley Subdivision and located on Shiloh Woods Road, a private street maintained by the homeowners of this residential development. This lot and subdivision were platted prior to the incorporation of Wildwood.
2. The subject lot is zoned NU Non-Urban Residence District and has been since 1995, the time of the City of Wildwood's incorporation. With the incorporation of the City, the setback requirements for the NU Non-Urban Residence District changed from a twenty (20) foot distance for side and rear yard setback areas to thirty (30) feet for all.

3. The dwelling was constructed in 1990 and is 3,072 square feet in size. This dwelling is sited in the southwestern corner of the lot and its front elevation faces toward the northwest. Serving this dwelling is a driveway and turning apron to a three (3) car garage.
4. The property is served by an on-site wastewater treatment system and a private well for potable water purposes.
5. The lot is almost entirely treed, except for the lawn area around the dwelling and a small field that abuts a minor drainage feature. In the vicinity of the dwelling, additional landscaping has been added.
6. The property exhibits a mix of topography, with steep slopes defining much of it, but a relatively level area by the small drainage feature that is located within the northwestern portion of the lot. The relief of this site, the difference between its high and low points in terms of its elevation, is over fifty (50) feet.
7. The land use pattern in the vicinity of this site is entirely low-density residential land uses, defined by lots that are three (3) acres or greater in size and occupied by detached single family dwellings. The nearest existing residence is to the south of the subject lot and has a clear line of site to its current improvements. Many of these surrounding properties have accessory structures associated with them, principally storage buildings and barns.

Current Request

8. The intent of this request is to allow for the construction of an accessory structure (utility shed), which would thereby authorize a side yard setback distance of sixteen (16) feet in lieu of the required thirty (30) foot standard.
9. The utility shed would be one hundred sixty (160) square feet in size.
10. The reason for the request relates to the need to provide "an alternate storage location for equipment in the garage bay and improve parking."
11. The application submitted by the petitioner indicates the hardship relates to the fact that "our residence sits on a hill. Steep slopes and trees in the front and one side yard prevent locating the shed there. The rear yard is shallow with a steep upward slope. The side yard adjoining the driveway will require some excavation but is far more convenient and has access for additional parking."

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 one (1) comment letter in support of the requested variance, 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 in this subdivision or this specific lot.

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 request is not necessary to allow for the principle use of the property to be established upon it, but accessory structures of this nature are allowed on residentially-zoned lots, if a practical difficulty or unique hardship can be established relative to the physical characteristics of the property.
2. The physical characteristics of this lot limit the potential buildable areas to one (1) logical location upon it. These characteristics include steep slopes, mature woodlands, and a drainage feature. Compounding these characteristics are the locations of the potable water well and wastewater treatment system, which further limit buildable areas upon the lot.
3. The impact of the proposed shed would appear to be limited to the abutting lot to the south, which, again, has a clear line of sight. To offset this line of sight, landscaping can be added to provide a non-seasonal screen between the two (2) adjoining properties.
4. The size of the utility shed is very small, so the area of its footprint limits its impact.
5. The Department visited the property and considered other locations for the utility shed, but the principle, alternative location is where the water well has been placed. Other placements would require much more site disturbance leading to other issues.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be approved due to the fact the necessary practical difficulty or unique circumstance has been established relative to this request. The Department is recommending a non-seasonal screen of plantings, spruce trees or other similar types, be planted between the proposed utility shed and the abutting single family dwelling to the south.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning

WILDWOOD

Determination of Issues and Findings of Facts
regarding
Board of Adjustment Case B. A. #07-16
City of Wildwood's Board of Adjustment
Public Hearing of April 21, 2016
City Hall Council Chambers
16860 Main Street

Nature of Request:

B.A. 07-16 Wabash, Frisco, and Pacific Association, 199 Grand Avenue, Wildwood, Missouri 63038 c/o Mike Lorance, Treasurer, Wabash, Frisco, and Pacific Association, 17238 Hilltop Ridge Drive, Eureka, Missouri 63025 - requests an exception to the Minimum Yard Requirements (general), the regulations governing non-conforming uses, lands, and structures, and the standards for development within floodplain to allow for the construction of a storage building upon property addressed as 101 and 155 Grand Avenue (Locator Numbers 26V341241 and 26V341252 – Glencoe Subdivision, Plats 1-6, Lot 7), which would thereby authorize a rear yard setback distance of six (6) feet, in lieu of the thirty (30) foot standard, from the property's eastern boundary line; the expansion of a non-conforming use; and the construction of a structure in a designated 100-year floodplain area, as defined by Chapter 415.070 'FP' Floodplain District Regulations, Chapter 415.090 'NU' Non-Urban Residence District Regulations, and Chapter 415.460 Non-Conforming Uses, Lands, and Structures of the City of Wildwood Zoning Code. ***(Ward Six)*** ***This request, per B.A. 19-02, was approved on June 20, 2002, but a Zoning Authorization for building permit was not obtained within the required timeframe; therefore, said action was voided as of December 20, 2002. The following request, per B.A. 20-15, was reauthorized on October 15, 2015, but a Zoning Authorization was again not obtained within the required timeframe, therefore, said action was voided as of April 15, 2015.***

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. 07-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The site of petitioner's request is a 1.23 acre tract of land located in the historic community of Glencoe, which was first subdivided into residential lots in 1857. This community is also located

along the banks of the Meramec River, which floods regularly from its watercourse onto adjoining properties. This property has flooded many times in the past decade, two (2) of the more severe of these events in 1993 and 2008.

2. The subject site is owned by a not-for-profit organization, which operates 12-guage, miniature steam railroads for the general public on a limited schedule during the year. The petitioner uses an old, but not abandoned railroad line, which parallels the Meramec River, from the Glencoe Area toward the east and, now, north on the Rock Hollow Trail.
3. The property under consideration for these variances is currently used for track placement and five (5) existing buildings dedicated for storage and maintenance purposes in association with the operation of this miniature railroad activity.
4. The subject site's zoning district designation is FPNU Floodplain Non-Urban Residence District and it has had this designation since 1965 with the approval of St. Louis County's Comprehensive Zoning Ordinance.
5. The location of these existing structures do not comply with the requirements of underlying zoning district designation, specifically with regards to the structure setbacks, which are fifty (50) feet for the front yard area and thirty (30) feet for any side or rear yard setback area, except for Building #5, as identifed on the submitted plan sheet.

Current Request

6. The intent of this request is to allow for the construction of one (1) new structure on this site to accommodate the growth of this activity and the need to provide more shelter for the equipment and trains themselves. The location of this structure necessitates a six (6) foot rear yard setback in lieu of the required thirty (30) foot distance.
7. The City's Zoning Code considers all structures located in the floodplain as non-conforming in their nature due to the damage they can incur during these high water events. The Zoning Code further states that development of structures or buildings in the floodplain should be regulated and discouraged, whenever possible.
8. The design of buildings and structures in the floodplain, when authorized, must take into account the location of utilities and the disposal of wastewater. The Department of Public Works has provided a memorandum on these requirements for use by the Board of Adjustment in its consideration of these requests.

Correspondences and Previous Actions

9. 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.
10. 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.
11. The review of the City's files indicates the City of Wildwood's Board of Adjustment granted this property variances in 2002 and 2015. These varinances were for two (2) strcutures in the floodplain, along with the necessary allowance for use of this protected area for development, while also granting a four (4) foot rear yard area in lieu of the requried thirty (30) foot distance.

A historical review of St. Louis County records indicates a variance was approved on this same site (199 Grand Avenue – Locator Number 26V341241) for this petitioner to allow an exception of the floodplain regulations for constructing a train shelter, with a front yard setback distance of three (3) feet for the same. Additionally, St. Louis County approved another front yard setback variance at 311 Grand Avenue at a distance of twenty (20) feet in lieu of the required fifty (50) foot distance.

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 proposed structures are located in area where St. Louis County purchased private properties from owners as a result of a major flood in 1993. All buildings or structures on these properties were removed and the land returned to lawn area. Therefore, the impact of the reduced setback on neighboring properties will be minimal.
2. The structures are not intended for habitable purposes, but storage of materials and equipment used in association with the operation of the miniature railroad. Therefore, no plumbing facilities will be installed in the structures.
3. The need for the structures is clear and the benefit this association provides to the community far exceeds the impact the construction in the floodplain may cause to the area.
4. The construction of these structures in the floodplain must adhere to the requirements of the Department of Public Work's correspondence to guarantee compliance to the Federal Emergency Management Agency's regulations relative to this community's floodplain certification.
5. The Department would note by conforming with these requirements impacts to upstream and downstream properties would be very limited and create no future problems within the floodplain of the Meramec River.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the variance be granted, per the petitioner's request, and in accordance with Department of Public Work's requirements as defined in the attached letter.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning