



# WILDWOOD

## Determination of Issues and Findings of Facts

### Board of Adjustment Case B.A. #2-16

City of Wildwood's Board of Adjustment

Public Hearing of March 17, 2016

City Hall Council Chambers

16860 Main Street

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

**B.A. 2-16 Joseph E. and Sara E. Wylie, 510 Cloverleaf Hill Court, Grover, Missouri 63040** request an exception to the City of Wildwood's Natural Resource Protection Standards for the purpose of constructing a single-family dwelling upon the property located at 3925 Autumn Farms Drive (Locator Number 26Z320172; Estates at Autumn Farms (The) Lot 11A), which would thereby authorize the relocation of the Natural Resource Protection Line, and accompanying twenty-five (25) foot foundation setback, to another portion of the lot, while maintaining an equal amount of preservation area on the overall property. 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 Record Plat, per Ordinance #2118, approved by the Wildwood City Council on July 27, 2015. **(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. 2-16, 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 9.59 acre parcel of ground that is part of the Estates at Autumn Farms Subdivision and has approximately five hundred thirty-five (535) feet of frontage along Autumn Farms Drive, which is a privately-maintained roadway by the Homeowners Association of this residential subdivision.
2. The subject property, known as Lot 11A, is zoned NU Non-Urban Residence District and contains a barn. This zoning district designation establishes certain areas on the lot where building and structures cannot be located (setbacks), along with the disturbance/preservation requirements of the Natural Resource Protection Standards.
3. The subject site was platted by the City of Wildwood, as part of a twelve (12) lot residential subdivision, and is governed by the regulations and procedures of the Natural Resource

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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, platted as part of this overall subdivision. These standards specify where development on a lot can occur and areas on the same where no disturbance is allowed. Approximately 8.29 acres of the site is preserved by these standards. The intent of these standards is to protect those areas of the site, which are most susceptible to stormwater runoff and related erosion, and limit the amount of this water leaving the overall site.

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 Estates at Autumn Farms, since its adoption in 1996.
8. The City of Wildwood mandates the requirements relating to the Natural Resource Protection Standards be included on the Record Plat and within the Trust Indentures, before any lot can be sold.

#### **Current Request**

9. The intent of this request is to allow the current 'Final Resource Protection Line,' and accompanying twenty-five (25) foot foundation setback, to be reconfigured on the site. This reconfiguration will better accommodate the placement of the new single family dwelling.
10. The information provided by the applicant in support of this request indicates an equal exchange of twenty-seven thousand (27,000) square feet, originally calculated as disturbance area on the lot, will now be protected, while an area of twenty-seven thousand (27,000) square feet, currently designated as protected, is being sought for building use.
11. The area proposed for this dwelling's location is similar to the previously designated buildable area in terms of topography, vegetative cover, and lack of drainageways.

#### **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 in support of said request, at the time of the writing of this report.
14. The Department's review of the Board of Adjustment's files indicates no variances have been granted to this particular lot, while three (3) previous variances have been granted in this residential subdivision. Of particular importance, in December 2001, Lot 6 received a similar variance to authorize the movement of the defined Natural Resource Protection Area from its

existing location on the lot to another area of it to better utilize the site's topographic and vegetative characteristics.

### **Findings of Fact:**

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

1. The requested relocation of the disturbance area defined upon the lot is minimal [0.62 of an acre] and logical from the standpoint of topography and attribute protection levels. This change guarantees the developable area of this site will not cause harm to the surrounding environment.
2. The large size of this lot, at over nine (9) acres, allows for some flexibility in the movement of the Final Resource Protection Line, given the net result will be the same amount of preservation area upon it.
3. The impacts on surrounding properties are limited, since the proposed dwelling location is centrally located on this lot and removed from the private subdivision roadway by several hundred feet.
4. The design of the buildable areas on the existing twelve (12) lots that form this subdivision were premised on housing footprints more than a decade ago, which have changed, along with these lots being sold for custom-designed homes and not mass-produced models, thereby rendering a standard footprint less likely to match.

### **Recommendation:**

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

Respectfully submitted,  
CITY OF WILDWOOD

Department of Planning