



WILDWOOD

Determination of Issues and Findings of Facts
Board of Adjustment Case B.A. #03-16
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. 3-16 Ellington Homes By McBride L.L.C., 16091 Swingley Ridge Road, Chesterfield, Missouri 63017 requests an exception to the Minimum Yard Requirements (General) for the purpose of allowing the recently-constructed single-family dwelling at 100 Strecker Road (Locator Number 22U310543, Benjamin F. Hutchinson Subdivision) to be retained at its current placement, which would thereby authorize a front yard setback distance of forty-eight and one-half feet (48.5) feet in lieu of the fifty (50) foot standard from the property's eastern boundary (its frontage along Strecker Road). 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 Record Plat, per Ordinance #2122, which was approved by the Wildwood City Council on August 25, 2015. (**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. 03-16**, the issues relating to the variance's reasonableness and appropriateness are as follows:

General Site and Area Conditions

1. The site of this subject request is a newly created one (1) acre lot that is located on the west side of Strecker Road, a short distance north of the City Limits of Ellisville, Missouri. This lot was created by the combination of two (2) smaller parcels of ground in 2015.
2. The property is rectangular in shape and has a deeper depth than width. The depth of the lot is 408 feet, while the width of it is 160 feet.
3. The lot predates the surrounding subdivision activity of the 1970's and 1980's, first being established as the two (2) original lots in 1800's.
4. The frontage and access to this lot is from Strecker Road, a City-maintained roadway that is two (2) lanes in width and has a mix of sidewalks and shoulders, with stormwater improvements. This property does not have formal shoulders, or sidewalks at this time.
5. The site is used for a new single family dwelling that has yet to be occupied. The dwelling is approximately 3,663 square feet in overall size and two (2) stories in height. This dwelling is the subject of this request.
6. The property is zoned NU Non-Urban Residence District and has been since 1995. This zoning district designation typically requires a minimum three (3) acre lot area and setbacks of fifty (50) feet for any front yard area and the thirty (30) feet for any rear and side yard areas. The lot, although not three (3) acres in size, is legal due to it being the combination of even two (2) smaller lots, again created sometime in the 1800's.
7. The lot is level and has a few larger trees located upon it. A new lawn area has been graded on this property and will be sodded and seeded, once the weather allows for such.
8. The area around the subject site is residential in nature, with a mix of larger lots and smaller types as well.

Current Request

9. The current request is to authorize a slight reduction in the fifty (50) foot front yard setback area to 48.5 feet to allow the newly-constructed dwelling to be retained at its current location on the lot.
10. The applicant notes in the submitted information the encroachment was caused in part by a misunderstanding of the extent of new right-of-way associated with the lot and the proposed buyer's desire to have an extended garage.
11. The need for the variance is to preserve the new residence from partial demolition or removal. Given these options, the applicant would note the impact is the hardship.

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 comments in favor or opposition to this request, at the time of the writing of its report.
14. The Department's review of City's files indicates that no variances have previously been considered, or granted, to this 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 characteristics, which render a unique hardship or a practical difficulty as well as potential impacts upon 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 request will not have a negative impact on the area, since a mix of lot sizes and setback distances exist along this length of Strecker Road, particularly by the subject site. This minimal impact offsets the slight encroachment of a corner of the dwelling into the fifty (50) foot front yard setback area.
2. The error in placement of the dwelling is unfortunate, but no benefit would be derived to the City of the surrounding community by its removal or alteration.
3. The front yard setback distance, even with the reduction, is greater than many of the surrounding lots in its vicinity and will not lead to a change in the current appearance of the streetscape.
4. The dedication of right-of-way from this lot for Strecker Road of ten (10) feet is noted as a contributing factor in the placement of the dwelling in the setback area due to the confusion it caused, which was required by the City to address an issue with future pedestrian improvements caused by an existing notch in its current width. This notch would have led to an offset in the location of future improvements, if not addressed at this time. This dedication could be considered a practical difficulty relative to this lot.
5. The majority of the newly-constructed dwelling complies with the required front yard setback distance of the zoning district designation of the property.

Recommendation:

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

Respectfully submitted,
CITY OF WILDWOOD

Department of Planning