



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