



## 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-gauge, 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 identified 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 variances were for two (2) structures 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 required 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