



# WILDWOOD

PUBLIC HEARING

**BOARD OF ADJUSTMENT OF THE CITY OF WILDWOOD, MISSOURI**

**Thursday, May 16, 2019**

*This meeting will not be 'Livestreamed', due to the Wildwood Preservation Commission meeting in the Community Room at 6:30.*

The Board of Adjustment of the City of Wildwood will hold a public hearing at **7:00 p.m. on Thursday, May 16, 2019** 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:

**If you would like to submit a comment regarding an item on this meeting agenda, please visit the [Form Center](#).**

- i. **B.A. 7-19 Covert-Corsair Homes, Inc., Profit Sharing Plan, P.O. Box 280, Wildwood, Missouri 63040 C/O Mary Kay Corsair, 17617 Melrose Road, Wildwood, Missouri 63038**

requests an exception to the *Failure to Commence Construction (General)* and the *General Development Conditions (Particular)* for the purpose of extending the deadline for the commencement of substantial construction at 16815 Manchester Road (Locator Number 24V630286), which would thereby authorize the deadline for substantial construction to begin on this project no later than July 17, 2020, in lieu of the previous deadline of January 17, 2019. This request is contrary to the requirements of Chapter 415.190 C-8 Planned Commercial District Regulations of the City of Wildwood Zoning Ordinance and C-8 Planned Commercial District Ordinance #1953, which was approved by the City of Wildwood in 2013, and governs this property. The City Council did not extend this timeline, when presented this request on February 25, 2019. **(Ward Eight) This item was postponed at the April 18, 2019 Meeting and no action was taken.**

Documents:

[BA7-19 COVERT-CORSAIR RECOMMENDATION REPORT.PDF](#)

II. **B.A. 10-19 Matthew And Kelly Godi, 278 Bountiful Pointe Circle, Wildwood, Missouri 63040**

request an exception to the Natural Resource Protection Standards for the purpose of completing the installation of a fence, which will encroach into a portion of the **100% protected area** upon the subject property, which is located at 278 Bountiful Pointe Circle (Locator Number 24U410531, Enclaves at Cherry Hills Subdivision, Plat 4, Lot 45), with the lot currently being zoned 'R-1A' 22,000 square foot Residence District, with a Planned Residential Development Overlay District [PRD]. This request is contrary to the requirements of Chapter 415.120 'R-1A' Residence District Regulations of the City of Wildwood's Zoning Ordinance, Chapter 420.200 Natural Resource Protection Standards of the City of Wildwood's *Subdivision and Development Regulations*, and Planned Residential Development Overlay District Ordinance #865. **(Ward Eight)**

Documents:

[BA10-19 GODI RECOMMENDATION REPORT.PDF](#)

III. **B.A. 11-19 John & Roberta Millham, 2576 Viola Gill Lane, Wildwood, Missouri 63040**

request an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new ranch-style single-family dwelling, which replaces the previous, 2-story fire-damaged dwelling [total loss], being located at 2930 County Point Court (Locator Number 24X420041; Country Point Subdivision, Lot 1), thereby authorizing a front-yard setback distance of forty (40) feet, in lieu of the fifty (50) foot standard, from the lot's southern boundary line (edge of Booness Lane private roadway easement). 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 Six)**

Documents:

[BA11-19 MILLHAM RECOMMENDATION REPORT.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 will provide reasonable accommodations for persons attending Board of Adjustment meetings. Requests for reasonable accommodations should be made by contacting Amanda Foster, City Clerk at 636-458-0440 or email at [afoster@cityofwildwood.com](mailto:afoster@cityofwildwood.com) at least 48 hours prior to the start of the meeting.*



## WILDWOOD

**Determination of Issues and Findings of Facts**  
**Board of Adjustment Case B.A. #7-19**  
City of Wildwood's Board of Adjustment  
Public Hearing of May 16, 2019  
City Hall Council Chambers – 16860 Main Street

### **Nature of Request:**

**B.A. 7-19 Covert-Corsair Homes, Inc., Profit Sharing Plan, P.O. Box 280, Wildwood, Missouri 63040 c/o Mary Kay Corsair, 17617 Melrose Road, Wildwood, Missouri 63038** – requests an exception to the *Failure to Commence Construction (General)* and the *General Development Conditions (Particular)* for the purpose of extending the deadline for the commencement of substantial construction at 16815 Manchester Road (Locator Number 24V630286), which would thereby authorize the deadline for substantial construction to begin on this project no later than July 17, 2020, in lieu of the previous deadline of January 17, 2019. This request is contrary to the requirements of Chapter 415.190 C-8 Planned Commercial District Regulations of the City of Wildwood Zoning Ordinance and C-8 Planned Commercial District Ordinance #1953, which was approved by the City of Wildwood in 2013, and governs this property. The City Council did not extend this timeline, when presented this request on February 25, 2019. **(Ward Eight) This item was postponed at the April 18, 2019 Meeting and no action was taken regarding its consideration.**

### **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. 7-19**, the issues relating to the variance's reasonableness and appropriateness are as follows:

#### **Area and Site Characteristics**

1. The site of this requested variance is an approximately 11.5 acre tract of land that is located on the north side of Manchester Road, west of the Taylor Road roundabout. This property has approximately 425 feet of frontage along Manchester Road and has substantial visibility along its length at this location.
2. The site generally reflects a rectangle in its shape, but with greater width than depth. The property is abutted on three (3) sides by other parcels of ground that are used for commercial, residential, and institutional purposes, which is somewhat typical of the Manchester Road Corridor and its long history of existence and use. This pattern is why the property has had zoning district designations that have accommodated greater uses and activities associated with it, starting with St. Louis County in the middle part of the 1980's.
3. The site has a major drainageway that extends from its western boundary to its eastern boundary, which is defined by mature woodlands, while the remainder of it is lawn area that is regularly maintained.
4. The property is currently vacant and has been in excess of twenty (20) years.

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5. The property is currently zoned C-8 Planned Commercial District and has been since 2007. This zoning district designation was approved by the City of Wildwood and authorized up to 165 multiple-family units on this site, with common areas and public space. The City's Planning and Zoning Commission approved the Site Development Plan for this project on July 6, 2010.
6. The C-8 Planned Commercial District contains regulations that require certain timelines be met relative to the approval of the Site Development Plan, which did occur, and then the commencement of construction on the site, which is the subject of this request. Commencement of construction was to be met under the requirements of the underlying regulations of the Zoning Ordinance within eighteen (18) months of the plan's approval by the City. The original date, based upon the approval of the Site Development Plan, was December 6, 2011. This date has been extended multiple times by the Planning and Zoning Commission and City Council, with the most-recent extension was denied by the Council on February 25, 2019.
7. The Department would note that it supported the last request for an extension of time, when presented to both the Planning and Zoning Commission and City Council at their respective and recent meetings earlier this year. The Department noted in its support that another extension of time was reasonable, given that no changes to the regulations had occurred by the City that would alter the project's components.

#### **Current Request**

8. The current request relates to the timeline for commencement of construction on this site and the delay associated with this required activity. Twice, the Planning and Zoning Commission, and its membership, reviewed this matter and denied any further extensions, yet supported the 2019 extension request. However, this action was also reviewed by the City Council, which denied any additional extension of time for the commencement construction at the project site.
9. Given the language of the site-specific ordinance, the extension can only be granted by the Planning and Zoning Commission, which many were supported dating back to July 2013, while two (2) requests were denied in 2016 and 2017. The Board of Adjustment heard the matter and granted these extensions. With all these previous extensions expired, the Planning and Zoning Commission supported a recent request early in 2019, yet it was overruled by the City Council. Therefore, the petitioner is seeking another eighteen (18) month extension of time for the allowance of commencement of construction to begin on the site from the Board of Adjustment.
10. The petitioner has noted the reasons for the delay in commencement of construction relate to the Great Recession, which began about the same timeframe as the approval of this project, limited interest thereafter, and the complexity of the Town Center standards and guidelines, when reviewed by potential developers of the project.
11. The petitioner has also noted a growth in the amount of recent interest by potential developers of the site and is trying to retain the right in this regard, so as to offer any buyer a savings in time in regards to the zoning process thereafter.

#### **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 communications from surrounding property owners in opposition or favor of it, at the time this report was written and completed for distribution.
14. The review of the City's files indicates the City of Wildwood's Board of Adjustment granted variances of a similar request to this specific property in September 2016 and December of 2017.

### **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 for the extension of time for commencement of construction on the site. This position is premised upon a number of site-specific characteristics. These factors are as follows:

1. The Department would note that it supported the current request for an extension of time, when presented to the Planning and Zoning Commission at its meeting in January 2019. The Department noted in its support of another extension of time that no changes to the regulations had occurred by the City that would alter the project's components, yet the City Council overruled the Commission's determination in February 2019.
2. The impact of such an action does not preclude further review by the City, once a proposal is submitted to it for the use and development of property in the future. The City's multiple-tiered review processes does ensure that any project will meet the requirements of this community's land use codes and limit any potential impacts that might be associated with it.
3. With the update of the Town Center Plan in 2012, the land use designation of this site was changed from 'Neighborhood General' to 'Neighborhood Edge,' which would now dramatically change its use. The alteration of the type of use, given the surrounding land use pattern, would create a practical difficulty for its future use.

### **Recommendation:**

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment be approved the requested variance.

Respectfully submitted,  
**CITY OF WILDWOOD**  
Department of Planning



# WILDWOOD

**Determination of Issues and Findings of Facts**  
**Board of Adjustment Case B.A. #10-19**  
City of Wildwood's Board of Adjustment  
Public Hearing of May 16, 2019  
City Hall Council Chambers – 16860 Main Street

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

**B.A. 10-19 Matthew and Kelly Godi, 278 Bountiful Pointe Circle, Wildwood, Missouri 63040** - request an exception to the Natural Resource Protection Standards for the purpose of completing the installation of a fence, which will encroach into a portion of the **100% protected area** upon the subject property, which is located at 278 Bountiful Pointe Circle (Locator Number 24U410531, Enclaves at Cherry Hills Subdivision, Plat 4, Lot 45), with the lot currently being zoned 'R-1A' 22,000 square foot Residence District, with a Planned Residential Development Overlay District [PRD]. This request is contrary to the requirements of Chapter 415.120 'R-1A' Residence District Regulations of the City of Wildwood's Zoning Ordinance, Chapter 420.200 Natural Resource Protection Standards of the City of Wildwood's *Subdivision and Development Regulations*, and Planned Residential Development Overlay District Ordinance #865. **(Ward Eight)**

## ***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.#10-19**, the issues relating to the variance's reasonableness and appropriateness are as follows:

### **Area and Site Characteristics**

1. The subject site of this request is a 0.32-acre lot that is located within the Enclaves at Cherry Hills Subdivision. This lot is part of Plat 4 and was established in June 2004 (one (1) of eight (8) plats for this large residential subdivision that began in 2003). This subdivision is located on the former Cherry Hills Golf Course site and consists of one hundred eighty five (185) lots on a one hundred forty-two (142) acre site.
2. The zoning of this property is the R-1A 22,000 square foot Residence District, with Planned Residential Development Overlay District (PRD). This zoning district designation and special procedures permit sets forth requirements for the development of the overall site, as well as the regulations for the individual lots themselves. All of the lots must meet the City of Wildwood's Zoning Ordinance and Subdivision and Development Regulation requirements, including the Natural Resource Protection Standards.

3. The lot is rectangular in shape, with frontage onto Bountiful Pointe Circle, and backs to an area of the subdivision's common ground and Old Fairway Drive. Both of the aforementioned streets are maintained by the City.
4. The property is used for single-family residential purposes and has a dwelling located upon it that was constructed in 2004. The location of the dwelling and original accessory improvement [i.e. 168-square-foot patio] were all in compliance with the required zoning regulations established by the site-specific ordinance approved for this development at the time of initial occupancy. This compliance included the Natural Resource Protection Standards.
5. The City of Wildwood requires the regulations relating to the Natural Resource Protection Standards be defined upon the Record Plat and incorporated 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.
6. The site-specific ordinance governing this residential subdivision required the preservation of forty-seven (47) acres of this site, with ninety-four (94) acres authorized to be disturbed for the placement of the roads, utilities, sidewalks, buildings, and structures. Along with the designation of acreage for preservation and disturbance, a fifteen (15) foot foundation setback was required from the edge of the "preservation limits" to ensure no grading activity would occur beyond the limits established on the Record Plat for these lots.
7. 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.
8. 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.
9. 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.

#### **Current Request**

10. The petitioners are seeking authorization to install a fence upon their property, which is within the Natural Resource Protection Area of it.
11. The application indicates the property owners are concerned with safety of their young children, given the proximity of Old Fairway Drive, located beyond their backyard and the common ground area and the City's improved multiple-use trail easement.
12. The Department's site investigation, conducted with respect to this request, noted that all of the fence posts and a portion of the fencing had already been installed, as well as a lengthy berm filled with evergreen trees, a majority of which is within common ground and located between the fence posts and the City's trail.

### Correspondences and Previous Actions

13. 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.
14. The Department of Planning has received one (1) Public Hearing Comment Form, in opposition of this request, as of the writing and distribution of this report.
15. The Department of Planning's review of City records indicates the Board of Adjustment has heard a total of twenty (20) requests [several being submitted twice] within this overall subdivision, including the addition of Plat 9, between 2005 and 2018. The following list summarizes the requests and actions taken for each case, in no particular date order, yet grouped by similarities:
  - **BA6-14** was approved for a setback distance reduction from the rear property line for an inground swimming pool and associated tiered retaining wall.

The following requests [19] were all relative to the Natural Resource Protection Area [NRPA]:

- **BA12-05** was denied for grading in the NRPA to construct a landscape berm.
- **BA43-07** was approved for installation of a french drain for stormwater control and using excavated material for the previously requested landscape berm.
- **BA25-15**, specifically, by the current petitioner for the subject property, was conditionally approved by the Board for a poured-in-place, stamped concrete, retaining wall, exceeding a thirty-six-inch (36") height, as well as a 925-square-foot extension to the original patio. While the original patio was code-compliant, as part of the construction of the new home by the developer, none of the other improvements were permitted, prior to commencing work by the homeowner. Furthermore, a sizeable portion of these improvements encroached into the 100%-protected area of the property, being in violation of the Natural Resource Protection Standards, but could have been avoided, if the proper permit procedure had been followed. Conditional approval of the above was based upon a restoration plan and removal of the irrigation lines that exist in the NRPA.

Of the remaining sixteen (16) cases, and similar to the current request, all involved fences - again, within in the 'Final Natural Resource Protection Area' - with the following actions taken:

- Eleven (11) cases were ultimately approved due to trespass issues (7 - **BA14-06, BA36-07, BA25-08, BA13-09, BA15-10, BA23-12, BA17-15**); to be retained, given fence was installed by prior owner [2 - **BA33-11 & BA33-18**]; or required as part of another compliant accessory use, i.e. inground swimming pools [2 - **BA13-11 & BA19-17**].
- Four (4) requests were denied that could not prove a hardship [**BA6-06, BA17-09, BA29-13, & BA21-16**].
- **BA26-16** was withdrawn.

#### **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 it **does not meet** the strict standards 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 for the variance fails to define a unique circumstance relating to the physical characteristics of this lot, since other properties, in this general vicinity, exhibit the same conditions,

nor does the imposition of the Natural Resource Protection Standard requirements preclude the full utilization of the property for its intended principle activity – a single-family dwelling.

2. The request is contrary to the City’s intended rationale for adopting the Natural Resource Protection Standards of the Subdivision and Development Regulations, which is to protect sensitive land areas, regardless of a specific individual need, from disturbance. Although this lot is part of a traditional residential subdivision, and previously used as part of the active golf course area, before its conversion to homesites, collectively all these designated protected areas situated throughout the overall site form the total acreage preserved from disturbance, which created an improved stormwater management plan for this project and the areas downstream from it.
3. The requirements relating to the Natural Resource Protection Standards for this lot were in place prior to the petitioner’s purchase of it. Therefore, regardless of petitioner’s knowledge or not, the requirement was not unduly imposed upon the lot, since it was in place from its platting fifteen (15) years ago.
4. The City Council considered a subdivision-wide request for allowances to the Natural Resource Protection Standard Area in 2010 and rejected it. Thus, an approval of structures and other improvements [i.e. fences; irrigation systems] within these protected areas seems to be creating a precedence that is an unacceptable standard to the City of Wildwood from the perspective of previous legislative actions of its elected officials.
5. The petitioners have other alternatives to fencing into the Natural Resource Protection Area, which would include securing a smaller area of the rear yard, given the need is not based upon a trespass issue. As for the safety aspect, the playset in the backyard, currently well-screened by the landscape berm and, beyond it, a wide multiple-use trail easement and common ground, is over ninety (90) feet to the street.
6. The current owners have previously been to the City’s Board of Adjustment regarding the use of the protected area of their lot, which certainly provided them the needed background regarding its protection and process for possible use. This previous 2015 case was specific to allow for retaining a patio extension and the poured-in-place wall section supporting it within the protected area, which was approved, as well as retaining new irrigation, yet not approved, and should have been removed. Future improvements of the protection area, such as this fence, would require another request to the Board of Adjustment, prior to installation. Furthermore, although the addition of plantings is allowable with the protected area, such landscaping should have been contained to the lot itself and not encroach onto common ground, as it becomes a maintenance issue between the property owners and the Homeowners Association.

**Recommendation:**

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment not approve the requested variance, as submitted, and require the petitioner to remove the posts and small section of fencing already installed. As for retaining the landscape berm, due to the majority of it, if not in its entirety being located on common ground, approval of such would need to be obtained in writing by the Homeowners Association, given its responsibility for maintenance of the common ground.

Respectfully submitted,  
CITY OF WILDWOOD  
Department of Planning



## WILDWOOD

**Determination of Issues and Findings of Facts**  
**Board of Adjustment Case B.A. #11-19**  
City of Wildwood's Board of Adjustment  
Public Hearing of May 16, 2019  
City Hall Council Chambers – 16860 Main Street

### **Nature of Request:**

**B.A. 11-19 John & Roberta Millham, 2576 Viola Gill Lane, Wildwood, Missouri 63040** - request an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new ranch-style single-family dwelling, which replaces the previous, 2-story fire-damaged dwelling [total loss], being located at 2930 Country Point Court (Locator Number 24X420041; Country Point Subdivision, Lot 1), thereby authorizing a front-yard setback distance of forty (40) feet, in lieu of the fifty (50) foot standard, from the lot's southern boundary line (edge of Booness Lane private roadway easement). 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 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.11-19**, the issues relating to the variance's reasonableness and appropriateness are as follows:

#### **Area and Site Characteristics**

- 1) The location of this request is a three (3) acre residential lot that is located on the east side of Country Point Court, north of Booness Lane, both being privately-maintained rural roadways, and more generally situated west of the State Route 100/Old Manchester Road intersection, both being publicly-maintained roadways by the State and City, respectively.
- 2) The subject property, being Lot 1 of the total eight (8) lots that form the Country Point Subdivision [circa. 1987], is rectangular in shape, with a width of five hundred eighty-nine (589) feet at its frontage along Booness Lane and an average depth of two hundred thirty-one (231) feet.
- 3) The subject lot is zoned NU Non-Urban Residence District, which establishes a number of regulations regarding the types of uses allowed, as well as building placement for the principal use, which in this case is a single-family dwelling. The structure setback distances for said zoning

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district is fifty (50) feet along its frontages [both Booness Lane and Country Point Court] and thirty (30) feet along the side and rear property lines.

- 4) The subject property contains a fire-damaged 2-story dwelling that was built in 1993, but is currently undergoing demolition. Other accessory improvements include an inground swimming pool and a tiered retaining wall system between the pool and dwelling.
- 5) The remainder of the subject property is equally manicured lawn and mature woodlands, with a small pond that is shared with the neighbor to the north.
- 6) The property slopes from the intersection of the roadways to the northeast, exhibiting an overall relief of forty-four (44) feet, to its low point at the pond.
- 7) The immediate surrounding land use is all residential, containing single-family dwellings upon lots of three (3) acres to upwards of seventy (70) acres in size.

### **Current Request**

- 8) The current request is to allow a reduction in the front-yard setback area along the southern boundary of the lot, from the required fifty (50) foot distance to forty (40) feet, to accommodate rebuilding a ranch-style single-family home, replacing the total-loss, fire-damaged 2-story home.
- 9) The application filed by the petitioners notes the need for this variance is premised on utilizing the existing pool and retaining walls, as currently constructed, which would prohibit placement of a larger ranch-style footprint at the same setback distance as the former smaller footprint of the 2-story residence. Furthermore, it is the petitioners' desire to construct a ranch-style home to better fit their needs as they age.
- 10) The petitioners have also identified in their filed application this location will require minimal grading, given the front-yard area is the most level portion of the overall property, and grand tree specimen would be saved, if the Board accommodates the requested setback reduction of ten (10) feet.

### **Correspondences and Previous Actions**

- 11) 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.
- 12) The Department of Planning has not received any comments regarding this request, at the time this report was written and completed for distribution.
- 13) The review of the City's files indicates the City of Wildwood's Board of Adjustment has not granted any variances to this property, nor the overall subdivision.

### ***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 petitioner has established a practical difficulty relating to the physical characteristics of the site, specifically in noting the current location of the existing accessory improvements, which were not damaged from the fire and are to be retained, thereby limiting the placement of a new dwelling, a ranch-style footprint in place of the former 2-story, at the fifty (50) foot front-yard setback.
2. The placement of the new home, at a forty (40) foot setback in lieu of the standard distance, will also allow for the use of the existing driveway and turn-pad to accommodate a required side-entry garage. This placement also minimizes impacts caused by further land disturbance, since the removal of the circular portion of the existing driveway is not needed under the proposed dwelling's placement that is being requested, while retaining a grand tree specimen.
3. The impact of this request appears to be minimal in nature, given the offset placement of other residences along this same roadway and distances to neighboring homes.
4. The existence of two (2) roadway frontages along the subject lot restricts the buildable area, both of which have fifty (50) foot setback requirements. These setback distances limit options for the placement of the primary use of the property, which is a single-family dwelling and creates a unique hardship, when topographic conditions are also factored into the lot's buildable area.

**Recommendation:**

Based upon the above-listed Findings of Fact, the Department recommends the variance be approved, as requested.

Respectfully submitted,  
CITY OF WILDWOOD  
Department of Planning