



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case **B.A. 15-18**

City of Wildwood's Board of Adjustment

Public Hearing of April 19, 2018

City Hall Council Chambers

16860 Main Street, Wildwood, Missouri

Nature of Request:

B.A. 15-18 Whalen Custom Homes, Inc., 338 S. Kirkwood Road, Kirkwood, Missouri 63122 C/O Michael Whalen, 640 Thorntree Lane, Eureka, Missouri 63025 requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new dwelling upon a legal lot of record [circa 1925] that is located at 2607 Center Avenue (Locator Number 24V420054, Grover Heights Subdivision – Part of Lots 13 and 14), which would thereby authorize a front-yard setback distance of twenty (20) feet and side-yard setback distances of ten (10) feet in lieu of the standard fifty (50) foot and thirty (30) foot distances, respectively. 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 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. 15-18**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The site of this variance request is a legal, non-conforming lot that is located in the Grover historical area of Wildwood and was part of a plat that was filed and recorded with St. Louis County in 1925. The lot is 21,600 square feet in size, with a frontage distance of ninety (90) feet, and an average depth of two hundred forty (240) feet.
2. The subject lot is served by Center Avenue, which is a narrow, private street and constructed of asphalt. The roadway is in poor condition, given it has experienced an increase in use due to new home construction along its entire length. The City of Wildwood and the residents along it have been meeting for over a year to address this matter, with the desire to have the street dedicated to public ownership for its future improvement, care, and upkeep.
3. The property is zoned NU Non-Urban Residence District and has been since 1995, the time of the City's incorporation. Prior to 1995, St. Louis County had zoned this residential lot NU Non-Urban District. St. Louis County considered its version of this district designation a holding category for the purposes of considering future development proposals, but not a true residential zoning category.

Given this zoning district designation of the property, which is intended to be applied to three (3) acre or greater sized lots, the property is considered non-conforming, but legal, and suitable for one (1) single family detached dwelling, with all allowable accessory uses.

4. The subject parcel of ground is located within the Town Center Area's boundary and to be developed under the 'Neighborhood Edge' District designation of its Regulating Plan. This designation of the Town Center Regulating Plan allows for single family detached dwellings on lots as small as 1,600 square feet, with build-to lines and front yard setbacks at distances as short as ten (10) feet, to five (5) feet for side yard areas, and then twenty-five (25) feet for rear yard areas.
5. The property is currently vacant and has no structures or buildings located upon it. The subject lot is partially wooded, but with the majority of it used for lawn purposes and as a temporary parking lot that is graveled for the dwelling's construction that is underway on the opposite side of the street. The wooded area of the lot is located to its rear yard area and has not been disturbed by the temporary use of it for construction related purposes.
6. The subject property has very limited slope associated with it and such is toward the south, while the overall site has a total relief of just less than ten (10) feet.
7. The surrounding development pattern in the vicinity of the subject site is a mixture of new and older residential housing. The area around this site has experienced an increase in development activity, all by this current petitioner – Whalen Custom Homes. This increase in development activity has led to the construction or planned construction of sixteen (16) new dwellings that access Center Avenue.
8. The City has a number of lots within its boundaries that have similar characteristics, i.e. smaller sized lots that do not meet the minimum lot areas of their specific zoning district designations. Accordingly, in the Zoning Ordinance, regulations exist that govern non-conforming uses, structures, and lands. These regulations are attached to this report for review.
9. The NU Non-Urban Residence District regulations also address these types of situations, i.e. smaller sized lots than generally allowed by the minimum lot area requirements associated with the designation. This regulation is as follows: *“any lot or tract of record on the effective date of this Chapter, which contains less than three (3) acres, may be used as a site for one (1) single-family dwelling together with customary accessory structures and uses.”*

Current Request

10. The current request is to construct a new single family dwelling that would be similar to others being constructed by the current petitioner – Whalen Custom Homes. This new dwelling will be a ranch type, with a foundation footprint of approximately 3,300 square feet in size. The new residence will have a side-entry garage associated with it.
11. The size of the dwelling relative to its area has led to the petitioner to seek a front-yard setback distance of twenty (20) feet and side-yard setback distances of ten (10) feet in lieu of the standard fifty (50) foot and thirty (30) foot distances, respectively.

12. The rationale for these components of the request relates to the desire of the petitioner to construct a similar type of dwelling to those residences that have been, or being, constructed in its immediate vicinity, such as in Stone Mill and Old Towne Parc Subdivisions.

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 not received any comments, whether in favor or opposed, from surrounding property owners or others that might have interest in this regard.
15. The review of the City's files indicates the City of Wildwood's Board of Adjustment has not authorized a variance on this subject lot in the past twenty-two (22+) plus years.

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 application of setback distances associated with a three (3) acre minimum lot size on a property that is less than one-half ($\frac{1}{2}$) acre in overall area creates a practical hardship for the owner of it. The hardship relates to, when the required side yard setback distances are applied to the property, the useable width of the lot is reduced from ninety (90) feet to thirty (30) feet. Therefore, the application of the required setback distances of the NU Non-Urban Residence District would lead to over two-thirds of it being non-buildable across its width.
2. The predominate pattern of development and building placements along this street, and in the general area, is not associated with the NU Non-Urban Residence District, but rather the historic pattern dating back to the 1920's and, more recently, the Town Center Plan.
3. The granting of the requested variances would be consistent with the character of the street and not lead to undue impacts in this regard.
4. The impacts of this variance, if the Board of Adjustment granted it, would be upon the property to the south, given the type of garage, side-entry, and the placement of the driveway and apron, which is approximately one (1) foot from the common boundary line. This impact must be mitigated, if the Department is to be supportive of this request in its recommendation (the Department would note this new driveway does abut the parking and drive area of the adjoining dwelling). Regardless, this new dwelling on this lot, as well as the other property, should be able to accommodate stormwater runoff and maintain a degree of privacy, thereby avoiding intrusions on neighboring sites.
5. The property's location and designation, as part of the Town Center Area, anticipates its future use for this type of use and setback distances being presented to the Board of Adjustment and could be

accommodated through the rezoning of the property to a district more consistent with the Neighborhood Design Standards and Architectural Guidelines of the City for this special location of it. Given timing considerations and a pending sale of the property to the future homeowners, the petitioner is seeking the Board of Adjustment's favorable action, while the eventual rezoning would moot the variance, if granted, in the near future.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be approved, as submitted by the petitioner, with the conditions as set forth below for the Board of Adjustment's consideration:

1. A fence must be placed on the common property line (southern line of subject lot, northern line of abutting lot) that meets or exceeds all of the requirements of the City's Neighborhood Design Standards and Architectural Guidelines of the Town Center Plan.
2. A plan for the management stormwater runoff from the south side of the property be provided, reviewed, and acted upon by the Department of Public Works, before Zoning Authorization is granted to the property owner for construction of the new dwelling.
3. An application for rezoning be filed and completed with the Planning and Zoning Commission and City Council within one hundred twenty (120) days of the Zoning Authorization being released by the City of Wildwood for this new dwelling. This application was received by the City of Wildwood on April 4th, but lacked full information to be considered completed for posting and hearing.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning