



## WILDWOOD

### Determination of Issues and Findings of Facts

#### Board of Adjustment Case B.A. #1-21

City of Wildwood's Board of Adjustment

Public Hearing of January 21, 2021

City Hall Council Chambers - 16860 Main Street

And Via Online Meeting Process [Zoom]

#### *Nature of the Request:*

**B.A.1-21 Stephanie Valli, 16308 Cherry Hills Meadows Court, Wildwood, Missouri 63040, c/o Cory Geroski, Geroski Design Group LLC, 4 Seclusion Woods, Festus, Missouri 63028** - requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing an in-ground swimming pool, with associated concrete decking and retaining wall, all of which are accessory to the established principal use (i.e. existing single-family dwelling, circa 1994), upon the property located at 16308 Cherry Hills Meadows Court [St. Louis County Locator Number 24V621101; Lot 101 – The Meadows at Cherry Hills Subdivision]. If granted, this variance would thereby authorize a rear-yard setback distance of twelve (12) feet in lieu of the required fifteen (15) foot standard. This request is contrary to the requirements of Chapter 415.140 R-3 10,000 square foot Residence District Regulations of the City of Wildwood's Zoning Ordinance and Section 2(2)(e) St. Louis County Planned Environment Unit (PEU) Ordinance #16,676. **(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. #1-21**, 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 located on the east side of Cherry Hills Meadows Court, which is a five (5) lot cul-de-sac within the Meadows at Cherry Hills Subdivision. This cul-de-sac, and all other streets within the subdivision, are publicly maintained by the City of Wildwood, with right-of-way widths of fifty (50) feet.
2. The subject property is generally wedge shaped, as is typical of properties abutting cul-de-sacs, being approximately forty-five (45) feet at its frontage along Cherry Hills Meadows Court, then

widening, nearly three times in size, to over one-hundred ten (110) feet along its rear property limits. The depth of this lot averages one hundred ten (110) feet.

3. The zoning district designation of the property is R-3 10,000 square foot Residence District, with a Planned Environment Unit (PEU), which dates back to St. Louis County's Ordinances #16,676. This zoning district designation, in conjunction with the overlay district, establishes the allowances for the use of the subject lot, including the placement of all structures and buildings. Structure and building setback distance requirements on this lot are as follows: a twenty (20) foot front-yard; six (6) foot side-yards; and a fifteen (15) foot rear-yard.
4. The subject lot has a single-family dwelling located upon it, which, according to St. Louis County Department of Revenue records, was constructed in 1994. This two-story dwelling has an overall living area of approximately 2,584 square feet, with an attached two-car garage, a fenced rear yard, and a small sundeck.
5. The property is flat, with less than eight (8) feet of fall from the property's frontage at the driveway to its southeast corner.
6. The rear yard contains only one (1) tree for landscaping.
7. The property is in an area that is entirely residential in nature, with one hundred sixty-two (162) lots constituting this subdivision. This subdivision is entirely surrounded by other residential subdivisions as well.

### *Current Request*

8. The current request that has been submitted for consideration is to construct a new inground swimming pool, which is accessory to the principle use of the lot [i.e. the existing single-family dwelling]. If granted, this variance would thereby authorize a rear-yard setback distance of twelve (12) feet in lieu of the required fifteen (15) foot standard. Included with the petitioner's application is an approval letter from the Homeowner's Association, as well as the adjacent neighbor to the north, who is supporting this request.
9. The placement of the pool, based upon the petitioners' plans for the same, is orientated in an east-west configuration, in keeping with the shape of the rear yard. The angles of the rear property line have caused a portion of the pool decking to be located within the setback area.
10. A retaining wall is proposed in conjunction with the swimming pool, but given its height is under six (6) feet tall, its placement does not require a variance.

### *Correspondences and Previous Actions*

11. The site was duly posted in accordance with City code requirements, including the placement of a sign on the properties, advertisements in a newspaper, and posting at City Hall. Along with these notifications, direct mailings were sent to surrounding properties advertising this request.
12. The Department of Planning has received one (1) online comment form from the City of Wildwood's website in support of the request. As previously mentioned, and part of the petitioner's application, the adjacent neighbor to the north is also in support of it, as well as the Homeowner's Association
13. The Department of Planning has reviewed the files relating to the Board of Adjustment's activities relative to this specific lot and no variances have been requested upon it. However, the Board of

Adjustment has reviewed three (3) variance requests within this subdivision and approved two (2), both for setback reductions for in-ground swimming pools.

***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 this request **does meet** the requirements set forth to be considered reasonable and appropriate. This position is premised upon several site-specific findings. These findings are as follows:

1. The granting of a variance is to be only considered under what can be described as the most extenuating circumstances, typically when without this type of accommodation being allowed, the property's primary use could not necessarily be achieved. Given the primary use is in place - the dwelling - this accommodation in terms a variance would not appear needed for such; however, the request is minimal in nature [i.e. a difference of three (3) feet] and only for concrete decking.
2. The practical difficulty in situating this pool relates to the physical characteristics of the subject property. Specifically, the rear property lines, which angle back towards the front, and renders the buildable area of the rear yard to a narrow space. Since the in-ground swimming pool does not extend into the setback areas, but rather the required decking around it for structural purposes, such encroachment is minimal in nature and not impactful in regards to abutting lots.
3. The vast majority of the decking adheres to the setback. Two (2) of the corners extend beyond it because of the angular shape of the rear property line. The encroachments are three (3) feet and just over one (1) foot respectively. The encroachment amounts are less than ten (10) square feet on the northeast corner and twenty-four (24) square feet on the southwest corner. These amounts reflect a minimal impact, if the variance would be granted.
4. The petitioner's plans identify the one (1) existing tree as to be relocated and show additional landscaping to be provided around the existing wood deck and pool equipment.

***Recommendation:***

Considering the above-listed Findings of Fact, the Department recommends the Board of Adjustment to approve this request as submitted.

Respectfully submitted,  
**CITY OF WILDWOOD**

Department of Planning