



# WILDWOOD

## **Determination of Issues and Findings of Facts**

### **Board of Adjustment Case B.A. #09-21**

City of Wildwood's Board of Adjustment

Public Hearing of June 17, 2021

City Hall Council Chambers - 16860 Main Street

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

**B.A. 09-21 Patrick Tueth, 251 Cherry Hills Meadows Drive, Wildwood, Missouri 63040** - requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing a sport court upon the property located at 251 Cherry Hills Meadows Drive (Locator Number 24V340628 – Lot 32 of The Meadows of Cherry Hills Subdivision), which would thereby authorize a rear yard setback distance of ten (10) feet in lieu of the required thirty (30) feet. 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 Zoning Ordinance and St. Louis County Planned Environment Unit (PEU) Ordinance #16,676 [1993]. **(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. #09-21**, the issues relating to the variance's reasonableness and appropriateness are as follows:

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

1. The subject site is a legal lot of record that is located on the west side of Cherry Hills Meadows Drive, which is a public street maintained by the City of Wildwood, and south of Manchester Road. The right-of-way of this public street is fifty (50) feet in width and contains the pavement area for the roadway, sidewalks, tree lawns on both sides of it, and stormwater management facilities.
2. The subject site is generally rectangular in shape and has a width of approximately seventy (70) feet along its frontage and a depth of one hundred twenty-five (125) feet. The lot is 8,712 square feet in overall area.

3. The subject site is part of the Meadows of Cherry Hills Subdivision, which consists of 162 single family dwellings on individual lots. This subdivision was approved by St. Louis County in 1993 and started under its review and regulations, but was completed by the City of Wildwood, after the incorporation in 1995.
4. The property is zoned R-3 10,000 square foot Residence District, with a Planned Environment Unit (PEU). The Planned Environment Unit (PEU) is St. Louis County's version of the City's Planned Residential Development Overlay District (PRD), both of which are intended to allow the clustering of lots and the creation of common ground properties and other subdivision amenities for its residents.
5. The single family dwelling that is located upon the lot was constructed in 1995 and, according to St. Louis County Records, has a total living area of approximately 1,800 square feet in size (ranch style). Along with the single family dwelling, with an attached garage, is an outdoor patio area.
6. The lot is primarily lawn area, with landscaping around the dwelling. Slope is minimal across the subject lot.
7. The area in the immediate vicinity of the subject site is developed with residential properties. The surrounding zoning district pattern is primarily R-3 10,000 square foot Residence District, with the Planned Environment Units (PEU's), which were approved by St. Louis County, or Planned Residential Development Overlay Districts (PRD) authorized by the City of Wildwood, creating extensive zone of single-family dwellings on individual lots.
8. The lot abuts properties that are part of the Seven Villages of Cherry Hills Subdivision. These lots exhibit more depth than width, while much of their rear yard areas are wooded. This thick tree line provides a screen between the subject lot and others that abut it.

***Current Request:***

9. The petitioner is requesting the authorization to install an outdoor game court in the rear yard area of the lot. The outdoor game court would be twenty-five (25) feet in width and thirty-eight (38) feet in length. These dimensions equate to a hard-surfaced area of 950 square feet.
10. The outdoor game court, given its proposed size, would require a rear yard setback distance of ten (10) feet in lieu of the required thirty (30) feet. The original rear yard setback at the time of the platting of this residential subdivision by St. Louis County that was applicable to all lots was fifteen (15) feet, but that site-specific ordinance for this development did not note that precise distance for all building lines, but differed to the underlying zoning district designation, which now is the City's thirty (30) foot requirement.



11. The reasons provided by the lot owner for this request relate to a desire to construct an outdoor game court for the family's use, while highlighting the support for this facility by at least three (3) of the neighbors in its vicinity.

### ***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, advertisement in a newspaper, and posting at City Hall. Along with these notifications, direct mailings were sent to surrounding properties advertising the request.
13. The Department of Planning has received one (1) comment from the City's Form Center regarding this request, at the time this report was completed. This comment was supportive to the location of the outdoor game court within the established rear yard setback area. The petitioners have provided three (3) letters of support from nearby neighbors as well.
14. The City of Wildwood's Board of Adjustment has not granted any previous variances to this lot. Within this subdivision, a number of variances have been granted for different types. These variances include the following cases: four (4) variances have been approved, three (3) of which for in-ground swimming pools and, the latest, a generator (2021).

### ***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 not meet** the requirements 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 granting of a variance for an accessory type of activity or structure is a difficult test to meet, when considering such as an undue hardship or practical difficulty due to the application of the zoning regulations that render the lot unusable for its primary use. Such use has been established on the subject lot, i.e., the dwelling. Therefore, the variance is not needed to accommodate such.
2. The physical characteristics of the lot are not the cause for the need for the variance, given the slope of the lot remains level from the front to rear yard areas, but is more a function of the size of the outdoor game court to the overall area of the subject lot. The lot is 8,712 square feet in size, while the outdoor game court is 950 square feet.
3. The proposed placement is in an area of the lot intended to manage stormwater runoff, which would be altered and add impervious surface that would lead to even greater potential issues in this regard. Therefore, from a stormwater management perspective, the location of the outdoor game court would have a negative impact on it.

4. The visual impact is minimized in almost all regards, given the depth of the abutting lots to the west and the tree line that exists there as well. The extent of impact in this regard is favorable to the variance, but does not assess the same type of impact on the properties that abut to the north and south, which will have unobstructed views of the outdoor game court area from the living areas of their dwellings. Such an impact is problematic.

***Recommendation:***

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment not support the requested variance, as submitted.

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