



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. #11-21

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. 11-21 Robert and Geraldine Specker, 16225 Berry View Court, Wildwood, Missouri 63011 - request an exception to the Minimum Yard Requirements (General) for the purpose of constructing a deck and screened pavilion area at 16225 Berry View Court (Locator Number 22U540382 – Turnberry Place Plat 1, Lot 708), which would thereby authorize a rear yard setback distance of twelve (12) feet in lieu of thirty (30) feet. This request is contrary to the requirements of Chapter 415.120 R-1A 22,000 square-foot Residence District of the City of Wildwood Zoning Ordinance and St. Louis County Planned Environment Unit Ordinance #13,439 that was approved in 1987. **(Ward Two)**

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. #11-21**, 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 north side of Berry View Court, which is a public street maintained by the City of Wildwood, and west of Turnberry Place Drive. 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 eighty-five (85) feet along its frontage and a depth of one hundred fifteen (115) feet. The lot is 11,325 square feet in overall area.
3. The subject site is part of the Turnberry Place Subdivision, which consists of 202 single family dwellings on individual lots. This subdivision was approved by St. Louis County in 1987 and

started under its review and regulations, but was finally completed by the City of Wildwood, after its incorporation in 1995.

4. The property is zoned R-1A 22,000 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 1989 and, according to St. Louis County Records, has a total living area of approximately 3,200 square feet in size (ranch style). Along with the single family dwelling, with an attached garage, is an elevated brick patio area, with a block retaining wall, off the rear of the building.
6. The lot has a limited area of turf, with a number of mature and large trees located upon it, with abundant landscaping around the dwelling. Slope is minimal across the subject lot, given it is located at the top of high point within the overall subdivision (704 feet about sea level).
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, with large areas of common ground.
8. The subject lot's rear yard area abuts a 2.88 acre common ground tract of land that is fully wooded, with mature trees that extends to the west, east, and north of the lot.

Current Request:

9. The petitioner is requesting the authorization to construct a deck and gazebo at 16225 Berry View Court, which would thereby authorize a rear yard setback distance of twelve (12) feet in lieu of thirty (30) feet.
10. The sundeck's dimensions are approximately twenty-nine (29) feet in length, inclusive of steps, and thirteen (13) feet in width. The overall size of the sundeck, based upon these dimensions, is 377 square feet. Part of this sundeck's structure is a gazebo, which incorporates some of this size, but also cantilevers out from it an additional three (3) feet.
11. The reasons provided by the lot owner for this request relate to a desire to upgrade the older patio structure, along with the matter relating to the governing site-specific ordinance that was approved by St. Louis County, which deferred to the underlying zoning district designation for all setback distances, now, with the incorporation of the City of Wildwood, being changed from fifteen (15) for all rear yard areas to thirty (30) feet.

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, two (2) written letters from neighbors of the subject property, and the trustees' authorization, all of which are in support of the setback reduction for this rear yard area.
14. The City of Wildwood's Board of Adjustment has not granted any previous variances to this lot. Within this subdivision, several variances have been granted for different types. These variances include the following cases: five (5) variances have been approved within this residential subdivision, all of which were 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 a number of site-specific findings. These findings are as follows:

1. The location of the proposed sundeck is logical in its planned placement, given it will replace an existing patio area of the relatively same size.
2. The impact of the installation of the sundeck into the rear yard setback area will be minimal, given the abutting property is common ground and heavily wooded.
3. The practical difficulty associated with the subject lot relates to the change in jurisdiction, from St. Louis County to the City of Wildwood, and how the site-specific ordinance that was crafted by the former, which now increases the rear yard setback area by fifteen (15) additional feet. Without a variance, no structure of this nature could be constructed in this rear yard area, given its current depth.
4. The extension of the sundeck into the rear yard setback does not appear to have any negative impact on any stormwater management features, given its design relative to the subject lot and no greater portion of the lot is encumbered by impervious surface.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment support the requested variance, as submitted.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning