



# WILDWOOD

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

### **Board of Adjustment Case B.A. #12-21**

City of Wildwood's Board of Adjustment

Public Hearing of July 15, 2021

City Hall Council Chambers - 16860 Main Street

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

**B.A. 12-21 Randy and Mary Bueckendorf, 2057 Wild Horse Creek Road, Wildwood, Missouri 63038** - request an exception to the Minimum Yard Requirements (General) for the purpose of authorizing the retention of a ground-mounted solar panel system at 2057 Wild Horse Creek Road (Locator Number 23X530105, Section 4, Township 44, Range 3 located north of Lehmann Acres Lot A) within the front yard setback area at a distance of twenty-three (23) feet in lieu of the fifty (50) foot standard, as well as retaining roof-mounted solar panels, which are situated on the existing dwelling, visible from an abutting roadway, and also encroaching into the same building line location. This request is contrary to the requirements of Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood's Zoning Ordinance. **(Ward One)**

### ***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. #12-21**, 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 west side of Wild Horse Creek Road, north of Falzone Road.
2. The subject site is somewhat rectangular in shape, with over six hundred (600) feet of frontage along Wild Horse Creek Road, a City-maintained arterial roadway. The depth of the lot ranges between one hundred seventy-five (175) to four hundred forty (440) feet, as measured from Wild Horse Creek Road, with the greatest depth being at the southern boundary line of the subject site.

3. The subject site is zoned NU Non-Urban Residence District, which requires all structures and buildings to be setback fifty (50) feet for the front-yard area of lots and thirty (30) feet from all side and rear property lines. The original dwelling and garage were constructed prior to 1965, thereby predating the required fifty (50) foot setback distance, with a variance granted by the City's Board of Adjustment in 1997 to accommodate an addition to the home, which was placed within the front yard setback area.
4. The single family dwelling that is located upon the lot was constructed in 1936, with an addition to the home completed in 1997. According to St. Louis County Records, such has a total living area of approximately 3,680 square feet in size.
5. The lot is heavily wooded, with an area of the site cleared for the single-family dwelling, driveway, and other improvements. The property slopes toward the west, from the roadway and, at certain locations, somewhat steeply.
6. The area in the immediate vicinity of the subject site is zoned NU Non-Urban Residence District. The subject site is generally surrounded by residential lots that are three (3) acres or greater in area. Many of the properties located along this same length of roadway have a variety of building placements, relative to it, which reflects the development of many of these residences long before the establishment of zoning and subdivision regulations in this area by St. Louis County.

### ***Current Request***

7. The petitioner is requesting to retain a ground-mounted solar energy system, which encroaches into the front yard setback area, as well as the retention of roof-mounted solar panels, which are situated on the existing dwelling, visible from an abutting roadway, and also infringing into the same building line location.
8. The solar energy systems, both ground and roof-mounted, were installed without the benefit of the City's permitting process being completed. This permitting process includes a required Conditional Use Permit (CUP), as well as the Zoning Authorization process, followed by permits issued by St. Louis County that are typically required for improvements such as these items.
9. The petitioner has provided a number of alternative options to remedy the encroachment of the solar energy systems into the front yard setback area.
10. The petitioner noted the solar energy system installer placed such for optimal solar gain and energy generation.

### ***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, advertisement in a newspaper, and posting at City Hall. Along with these notifications, direct mailings were sent to surrounding properties advertising the request.



12. The Department of Planning has received six (6) comments in total regarding this request, at the time this report was completed. Three (3) of these comments are in support of the request, noting the benefit solar energy systems provide to the overall physical environment and the tidiness of the lot over the years. Three (3) of the comments are opposed, of which, all noted impacts the solar energy system would have on the rural character of the roadway.
13. The City of Wildwood's Board of Adjustment has granted one (1) variance for the subject lot to allow for an addition onto the original structure. The variance allowed the building addition to encroach into the front yard setback area at a distance of thirty (30) feet in lieu of the fifty (50) feet requirement.

***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 petitioner's request does not present a practical difficulty relating to the physical characteristics of the subject site. Specifically, areas exist on the site that are devoid of trees, and outside of the front yard setback area, for the placement of the ground-mounted system, particularly if it were reduced in overall area and/or otherwise reconfigured. A number of these alternative configurations have been offered for consideration by the petitioner.
2. A number of other requirements relative to the City's regulations for solar energy systems must also be addressed (i.e., framing and mounting color, landscaping considerations, etc.) for these installations, all of which can be accomplished through the City's Conditional Use Permit (CUP) process, which is still pending before the Planning and Zoning Commission.
3. The denial of the authorization of the ground-mounted component of the overall solar energy system encroaching into the front yard setback area does not render the subject lot unusable for its primary use, which is the existing single-family dwelling. Accessory uses do not justify the same allowance, as the addition onto the single-family dwelling received from the Board of Adjustment, which allowed a smaller building to be increased in area to better accommodate its use and viability for the owners.
4. The allowance for the roof-mounted component of the overall solar energy system is reasonable, given its location does not create a greater encroachment into the front yard setback area than the existing dwelling.

***Recommendation:***

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment deny the requested variance for the ground-mounted solar energy system, but authorize the rooftop component, inclusive of the support rack and framing being changed to a darker color.

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