



## WILDWOOD

### Determination of Issues and Findings of Facts

#### Board of Adjustment Case B.A. #14-21

City of Wildwood's Board of Adjustment

Public Hearing of July 15, 2021

City Hall Council Chambers - 16860 Main Street

And Via Online Meeting Process [Zoom]

#### *Nature of the Request.*

**B.A. 14-21 Michael and Carrie Pulliam, 1015 Orrville Wood Lane, Wildwood, Missouri 63005** - requests an exception to the Minimum Yard Requirements (General) for the purpose of installing a forty (40) foot by eleven point five (11.5) foot in-ground swimming pool, with associated concrete decking, upon the property located at 1015 Orrville Wood Lane (Locator Number 20V430051, Lot 2 of Orrville Trace Subdivision) within the side yard setback area at a distance of twelve (12) feet in lieu of the thirty (30) foot standard. 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 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. #14-21**, 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 a three (3) acre lot that is located on Orrville Wood Lane, a private street that is maintained by property owners who are a part of the subdivision that established the easement for access purposes. This lot is bounded on two (2) of its four (4) sides by this private roadway easement. The extent of this frontage along this lot is approximately six hundred thirty-five (635) feet.
2. The subject site is zoned NU Non-Urban Residence District and has been since the incorporation of the City in 1995. This zoning district designation sets requirements for the use of the property under this category, which includes the type of use, primarily single-family dwellings, and their locations on the respective lots. Structure and building setback distance requirements on this lot are the most restrictive in the City's Zoning Ordinance in terms of overall distance, requiring a fifty (50) foot front-yard setback; thirty (30) foot side-yard setbacks; and a thirty (30) foot rear-yard setback.

3. The subject lot has a single-family dwelling located upon it, which, according to St. Louis County Department of Revenue records, was constructed in 2018. This one-story dwelling has an overall living area of approximately 2,550 square feet, with an attached three-car garage, a covered front porch, approximately one hundred thirty-eight (138) square feet in area, a front stoop that is approximately fifty-five (55) feet in size, and a screened-in porch on the side of the residence that is approximately three hundred fifty (350) square feet.
4. The property is generally flat towards the front, where the dwelling is positioned, but then slope trends to a lower elevation beyond the front stoop, then falling significantly beyond it. Overall relief across the lot is eighty-eight (88) feet.
5. The subject site contains landscaping around the front porch and perimeter of house, which is surrounded by manicured lawn, while the entire rear or western portion of the property is densely wooded.

### *Current Request*

6. The current request that has been submitted for consideration is to construct a new inground swimming pool and associated decking, 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 side-yard setback distance of fifteen (15) feet in lieu of the required thirty (30) foot standard. The fifteen (15) foot distance is revised from what was originally submitted, to reduce the setback intrusion. Included with the petitioner's application is a written letter from the most-impacted neighbor to the south, who is supporting this request.
7. The placement of the pool, based upon the petitioners' plans for the same, is necessary, given the densely wooded and steep drop off just to the rear or west of the residence, compounded by the fifty (50) foot building setback from the private road easement in the front and to the north.

### *Correspondences and Previous Actions*

8. 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.
9. The Department of Planning has received three comment forms (two from the same individual) from the City of Wildwood's website regarding the request, all opposed. As previously mentioned, and part of the petitioner's application, the most-impacted neighbor to the south is in support of it. Additionally, the Department has received email correspondence from the trustees stating that, "There's no indenture or deed restriction for the intended improvement by the applicant as long as it does not impede the roadway or recorded side yard easements." A follow-up conversation determined that the trustees do not oppose the variance but would need to further review the inground swimming pool with associated concrete decking, once there are more detailed plans pertaining to its construction, fencing, and landscaping, prior to their approval.
10. The Department of Planning has reviewed the files relating to the Board of Adjustment's activities relative to this specific lot and one (1) variance was requested and denied in 2010. The request was to adjust the front yard setback from fifty (50) feet to thirty (30) feet for the purpose of building a new dwelling. The Board of Adjustment denied a similar variance request in this subdivision in 2011.

*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, site characteristics support a pool in the requested location and the most-impacted neighbor to the south is in support of it.
2. The practical difficulty in situating this pool relates to the physical characteristics of the subject property. In this instance, the lot's steep and densely wooded topography to the rear of the residence and the road easement to the east and north limit buildable area.
3. The proposed location of the improvement, relative to the direction of the slope, ensures any excess drainage from the pool will not flood the neighboring property.
4. The proposed location for the pool is visually buffered by mature trees and tall grasses to the south, where intrusion to the setback is requested. The distance from the property line to the most impacted neighbor's home is greater than two hundred (200) feet. Accordingly, the possible impacts from this fifteen (15) foot encroachment are minimized.

*Recommendation:*

Considering the above-listed Findings of Fact, the Department recommends the Board of Adjustment to approve this request as submitted, yet conditioned upon obtaining approval of this inground swimming pool and related improvements from the trustees of the Homeowners Association.

Respectfully submitted,

**CITY OF WILDWOOD**  
Department of Planning