



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. #16-21

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 Request:

B.A. 16-21 Michael and Cynthia Payne, 2124 Saddle Creek Ridge Court, Wildwood, Missouri 63005 - request an exception to the Natural Resource Protection Standards for the purpose of installing an in-ground swimming pool, with associated concrete decking, upon property located at 2124 Saddle Creek Ridge Road (Locator Number 20U530271, Lot 14 of Will's Trace Subdivision), requiring relocation of a portion of the Natural Resource Protection line to the location of the thirty (30) foot setback line at the rear of the residence. This request is contrary to the requirements of Chapter 420.200 *Natural Resource Protection Standards and Procedures* of the City of Wildwood *Subdivision and Development Regulations* and Planned Residential Development Overlay District [PRD] #842, which was approved by the Wildwood City Council in 2003. This particular request does not offer an exchange of protected/non-protected area, given the minimal area affected by the requested modification. (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. 16-21**, the issues relating to the variance's reasonableness and appropriateness are as follows:

General Site and Area Conditions

1. The subject site of this request is a two point three (2.3)-acre parcel of ground that is part of the Will's Trace Subdivision, which was originally platted with twenty-one (21) lots, but now

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includes five (5) additional lots that were added as part of Will's Trace Addition. The subject site has approximately one hundred eighty-six (186) feet of frontage along Saddle Creek Ridge Court, which is a privately maintained roadway by the Homeowners Association of this residential subdivision.

2. The subject property, Lot 14 of Will's Trace Subdivision, is zoned NU Non-Urban Residence District, with a Planned Residential Development Overlay District, and has a single-family residence, constructed in 2003, located upon it, along with associated accessory structures. This zoning district designation establishes certain areas on the lot where building and structures cannot be located (setbacks), along with the disturbance/preservation requirements established by the Natural Resource Protection Standards. These standards establish the 'Final Resource Protection Line,' and an accompanying twenty-five (25) foot foundation setback on the lot, which is platted as part of this overall subdivision. These standards specify where development on a lot can occur and areas on the same where no disturbance is allowed.
3. The twenty-five (25) foot setback from the 'Final Resource Protection Line' is intended to limit the placement of the building's foundation, but allows grading and the construction of accessory structures, such as pools, decks, and outbuildings, to occur within it.
4. The residence is located on the northern portion of the property with relatively flat manicured lawn and landscaping in the front and on the eastern side of the structure, with varied topography on the rest of the property. Total relief across the subject site is sixty-four (64) feet. The southern portion of the property, the protected area, is densely wooded.

Current Request

5. The intent of this request is to relocate the 'Final Resource Protection Line' existing behind the home to the thirty (30) foot setback line established by the zoning district for the purpose of installing an in-ground swimming pool, with associated concrete decking.
6. The area of the property affected by this change would be approximately one thousand six hundred twenty-five (1,625) square feet or approximately one point six (1.6) percent of the overall lot's size.

Subdivision and Development Regulations – Natural Resource Protection Standards

7. The intent of the Natural Resource Protection Standards is to protect those areas of the site that are most susceptible to erosion due to development practices and preserve those locations on the property where stormwater runoff naturally drains to avoid potential problems with their alteration, while allowing use of appropriate portions of the tract of land due to their soil depth, shape, content (attributes and restrictive layers), and slope.
8. The development of these regulations was prompted by conditions that existed at the time of the City's incorporation and verified by an imminent soil scientist from the University of

Missouri – Columbia, that were causing degradation of watersheds and related ecosystems, loss of private property, and damage to public infrastructure.

9. The Natural Resource Protection Standards have been applied to a number of residential subdivisions, like the Will's Trace Subdivision, since their adoption in 1996.
10. The City of Wildwood requires the rights and usage of areas designated under the Natural Resource Protection Standards be identified on the Record Plat and within the Trust Indentures, before any lot can be sold to an owner.

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, an advertisement in a newspaper, and a posting at City Hall. Along with these notifications, a direct mailing was sent to surrounding properties advertising the request.
12. The Department of Planning has received an email from the trustees of Will's Trace Subdivision supporting the request. No other comment has been received.
13. The Department's review of the Board of Adjustment's files indicates no variances have been granted to this particular lot, while five (5) previous variances have been approved in Will's Trace or Will's Trace Addition Subdivision, and one denied. The denial pertained to an in-ground swimming pool, with associated concrete decking, but occurred in January 2006, preceding similar variance requests for encroachment into the Natural Resource Protection Area that were ultimately approved in December 2007, August 2008, July 2016, January 2018, and April 2018, one (1) of which also specifically pertained to a pool.

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 area impacted is small relative to the overall protected area and currently covered in grass.
2. The current owner has preserved trees in other areas of the lot not under these same protection requirements.
3. The impacts on surrounding properties are minimal and unseen by any neighboring residence, since the encroachment is centrally located on the petitioner's property, to the rear of the dwelling, and surrounded by a densely wooded area.

4. Alterations of the Natural Resource Protection Lines and accompanying twenty-five (25) foot setbacks from them, has previously occurred, given similar variance requests in the subdivision have been approved.

Recommendation:

Considering the above-listed Findings of Fact, the Department recommends the Board of Adjustment approve the requested variance, as submitted by the petitioner. This favorable recommendation is conditioned on the property owner submitting a revised legal description and exhibit that reflects the changes in the Natural Resource Protection Line, and accompanying twenty-five (25) foot setback, which must be prepared by a Registered Land Surveyor, and then recorded with the St. Louis County Recorder of Deeds, after review and action of it by the Department of Planning.

Respectfully submitted,
CITY OF WILDWOOD

Department of Planning