



# WILDWOOD

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

### **Board of Adjustment Case B.A. #06-22**

City of Wildwood's Board of Adjustment

Public Hearing of February 17, 2022

City Hall Council Chambers - 16860 Main Street

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

**B.A. 06-22 Kathleen O. Maxwell and Margaret H. Lewis, 1901 Shiloh Oaks Drive, Wildwood, Missouri 63005, c/o Caroline L. Hermeling, 190 Carondelet Avenue, Suite 600, Clayton, Missouri 63105** - request an exception to the Minimum Yard Requirements (General) for the purpose of retaining an existing indoor riding arena structure at its present location upon the property located at 1901 Shiloh Oaks Drive (Locator Number 23X630052, Shiloh Oaks Farm – Lot 1), which would authorize a side yard setback of thirty-one (31) feet in lieu of the one hundred (100) foot standard. This request is contrary to the requirements of Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood 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. #06-22**, the issues relating to the variance's reasonableness and appropriateness are as follows:

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

1. The site of this request is a twelve (12) acre parcel of ground that is part of the Shiloh Oaks Farm Subdivision (a lot split plat). The plat, and associated lot, were established in 1994.
2. The lot has somewhat uneven boundaries, and its dimensions reflect such. The lot shape reflects the surrounding property lines of other parcels of ground and the abutting private roadway and easement area for it. This lot's amount of frontage onto Shiloh Oaks Drive is approximately four hundred (400) feet.
3. The property is utilized for a single family dwelling and a number of accessory structures and use areas for equestrian purposes. The dwelling was constructed in 1970 and, according to St. Louis.

County records, has approximately 3,100 square feet of gross living area. The dwelling is a ranch type and situated in the northern portion of the lot, or toward the private roadway – Shiloh Oaks Drive

4. The remaining accessory structures that are situated on this subject property include a stable, an outbuilding, an outdoor riding ring, and the indoor riding arena, which is the subject of this request. Other than the indoor riding arena, the other outbuildings were constructed in 1979, again, according to St. Louis County records. These other outbuildings have sizes that range between six hundred (600) square feet to over one thousand eight hundred (1,800) square feet in area.
5. The lot's southern boundary is encumbered by a set of utility towers and high-voltage electrical lines. The easement area for these utility lines is generally one hundred twenty-five (125) feet in width. The new indoor riding arena's relative position to this easement area is approximately one hundred (100) feet from its edge, at its closest point.
6. The property is primarily pasture and lawn area. The pasture areas are fenced for equestrian needs. A grove of trees is located in the center of the site, where a drainageway is also located. This drainageway almost bisects the property into two (2) unequal halves, in a north to south direction.
7. The slope of subject lot is toward its southern end, and the location of the transmission line easement area. The relief across the site varies, with it being most severe at the southern boundary of the site. Where slope is greatest, no structures exist there.
8. The area in the vicinity of this site is large lots that are utilized for principally single family dwellings and related accessory uses. Lot sizes range from three (3) acres in area to over twenty (20) acres in some instances.
9. The subject lot is zoned NU Non-Urban Residence District and has been since 1995. This district has requirements for the placement of structures and buildings, both primary and accessory. These setback locations include the front, side, and rear yard areas of lot. Other setback distances, of a greater magnitude, exist for certain sized outbuildings that are over 2.5% of the lot size, where the outbuilding is to be constructed, when it has a minimum lot area is greater than five (5) acres (as in this case).
10. The Zoning Ordinance, as part of the NU Non-Urban Residence District, limits the largest outbuilding of an accessory nature, in terms of its size, to no greater than 10,890 square feet. Larger outbuildings of this nature must obtain a Simplified Conditional Use Permit (CUP).

***Current Request:***

11. The petitioner is requesting the authorization to allow the existing indoor riding arena to remain at its current location, which was constructed within the required setback from the nearest property line. This intrusion into the setback is based on the size of this indoor riding arena

structure. Given its size, i.e., 10,080 square feet, the City's regulations in this regard require an additional five (5) feet of setback distance for every five hundred (500) square feet of size over 3,270 square feet. Therefore, the setback in this instances is ninety-nine (99) feet, not thirty-one (31) feet, as constructed.

12. The petitioner notes in the application submitted to the Board of Adjustment that zoning authorization was provided by City of Wildwood for this structure at its current location, along with a duly-issued building permit from St. Louis County.

### ***Correspondences and Previous Actions:***

13. 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.
14. The City of Wildwood's Board of Adjustment has not granted any previous variances to this lot.

### ***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 Department, as part of this recommendation, is requesting the Board of Adjustment require a landscaping design, of a sufficient number, appropriate types, and adequate sizes of plant species, be installed between the eastern side of this outbuilding and nearby property line. This design and the other requested information would be provided in the form of a Landscape Plan for review and action by the Department of Planning.

### ***Recommendation:***

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment support the requested variance, as submitted, with condition that a landscaping design, of a sufficient number, appropriate types, and adequate sizes of plant species, be installed between the eastern side of this outbuilding and nearby property line. This design and other information would be provided in the form of a Landscape Plan for review and action by the Department of Planning.

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