



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. #17-22

City of Wildwood's Board of Adjustment

Public Hearing of May 19, 2022

City Hall Council Chambers | 16860 Main Street

And Via Online Meeting Process [Zoom]

Nature of Request:

B.A. 17-22 Ryan and Rachel Rethy, 18508 Hawks Hill Road, Wildwood, Missouri 63069 – request an exception to the *Minimum Yard Requirements (General)* for the purpose of constructing a thirty (30) foot by forty-eight (48) foot accessory building onto a property with an existing single-family dwelling located at 18508 Hawks Road (St. Louis County Locator Number 25Y330072 – Hawks Rest Subdivision – Plat 3 – Lot 50), which would thereby authorize a western side-yard setback distance of twenty-five (25) feet in lieu of the thirty (30) foot standard and a front yard setback distance of forty (40) feet in lieu of the fifty (50) 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 Six)**

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 **BA #17-22**, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Conditions

1. The 3.88 acre site of this requested variance is an existing legal lot of record that is part of the Hawks Rest Subdivision, which was platted by St. Louis County in 1987.

2. The subject property's zoning designation is NU Non-Urban Residence District, which requires a front yard setback distance of fifty (50) feet and side and rear yard setback distances of thirty (30) feet for all new buildings or structures.
3. The lot has a fifty (50) foot wide easement for private roads along its north, east, and west sides, with twenty-five (25) feet area of said easement located upon it.
4. The subject site is utilized for a single-family, two (2) story dwelling, which was constructed in 1987, and has an approximate size of two thousand one hundred eighty-five (2,185) square feet in size.
5. The area around this site includes other similar lots and dwellings that are located on large parcels of ground, with the same zoning district designation as the subject location.
6. The lot is slightly irregular in shape, with frontage along Hawk's Hill Road, a private road, along the north.
7. The topography of the property slopes substantially beyond the rear of the home, with the highest point of the lot near the location of the existing home and a relief of nearly a one hundred (100) feet from there to the rear of the property.

Current Request

8. The petitioner is seeking authorization to replace an existing detached garage with a larger (thirty (30) foot by forty-eight (48) foot) accessory structure, which will require a side-yard setback distance of twenty-five (25) feet in lieu of the thirty (30) foot standard and a front yard setback distance of forty (40) feet in lieu of the fifty (50) foot standard.
9. The rationale for the petitioners' request, as noted in their application, relates to the location of an existing block wall and current grade of the lot.

Correspondences and Previous Actions

10. 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.
11. The Department's review of files indicates that no similar variances have been granted to properties in this subdivision by the City of Wildwood.
12. The petitioner provided signatures from four (4) out of five (5) neighbors that would be most directly impacted by the view; however, of these four (4) properties, it does not include the neighbor immediately to the west, who would be most directly impacted by the side yard setback variance.

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 that pending additional information provided during the

Public Hearing, this request **does meet** the requirements set forth to be considered reasonable and appropriate based on the following site-specific findings:

1. The physical characteristics of this property must be taken into consideration, when making a recommendation in favor or against such improvement and this lot exhibits a relief of nearly one hundred (100) feet, which is substantial.
2. The location of the structure elsewhere on the property would likely require a similar variance or increased grading, as well as pavement for vehicular access.
3. The current location of the proposed accessory structure would encroach into the fifty (50) foot building setback line but would be approximately sixty-eight (68) feet from the property line.
4. There is an existing block wall to the south of the existing accessory structure that would need to be relocated and additional grading required to locate the proposed accessory structure outside of the building setback line, all increasing site and area impacts. The variance, as requested would reduce these impacts.
5. The proposed structure would replace an existing accessory structure currently in need of property maintenance and thereby improve the overall character of the property.

Recommendation:

Considering the above-listed Findings of Fact, the Department recommends that, pending additional information that may be provided during the public hearing, the Board of Adjustment approves the requested setback variances for the proposed accessory structure.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning