



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. 37-22

City of Wildwood's Board of Adjustment

Public Hearing of January 19, 2023

City Hall Council Chambers

16860 Main Street, Wildwood, Missouri

Nature of Request.

B.A. 37-22 Gerardo Plaza, 113 Harvestgate Court, Lake St. Louis, Missouri 63367, C/O John Snyder, 10011 Empire Street, St. Louis, Missouri 63136 – requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing a three (3)-tiered retaining wall system, with these components equaling a total of twelve (12) feet of maximum height, upon the property located at 18060 Deer Haven Drive (Locator Number 21V330217, Deer Haven Resubdivision – Lot 2), which would authorize a western side yard setback distance of sixteen (16) feet in lieu of the thirty (30) foot standard. This request is contrary to the requirements of the Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Ordinance. **(Ward Three)**

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. 37-22**, 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 residential lot that is part of the Deer Haven Resubdivision. This lot is 3.3 acres in size and was platted in 2007.
2. The lot contains a portion of Deer Haven Drive within it, approximately 405 feet, plus the cul-de-sac, which is a thirty-four (34) foot wide private street maintained by the Homeowners Association. The included portion of Deer Haven Drive is bounded by one (1), twenty (20) foot wide easement to the south and two (2), ten (10) foot easements to the north of it.
3. The subject property is an irregularly shaped lot and has a single-family dwelling located upon it, which is presently under construction.
4. The dwelling is supported by a group of improvements, including a driveway, covered porch, 3-car garage, and the proposed retaining wall.
5. The subject property is zoned NU- Non-Urban Residence District, which establishes requirements for the placement of any structures or buildings upon it. Principle among these requirements are the setback

distances from any property line, which are fifty (50) feet for any front-yard area or roadway right-of-way line and thirty (30) feet for any side and rear yard areas

6. The topography of the property is varied, with the lot sloping in two (2) directions toward its center. From the western property line to slightly east of center, the property descends fifty-six (56) feet, then ascends thirty-two (32) feet to the eastern property line.
7. The subject property is primarily covered in woodlands, where the site is not cleared for construction.
8. The area around the subject property has a similar land use pattern as this lot. This pattern includes other dwellings that are part of the same residential subdivision.

Current Request

9. The current request is to install a three-tiered retaining wall, with each tier being three (3) feet in height, and all components equaling to a total of nine (9) feet in height, 16.25 feet from the western side property line in lieu of the required thirty (30) feet for walls over six (6) feet in height. Tiered walls, all components of them, are for zoning purposes considered to be a single structure.
10. According to the applicant, the proposed retaining wall system is designed to provide support to the impacted hillside to the west of the new dwelling, given its substantial slope. Accordingly, the retaining wall system provides for safe access to the house and the garage.

Correspondences and Previous Actions

12. 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.
13. The Department of Planning has received no written comments pertaining to this request at the time this report was written and completed for distribution in this regard.
14. The review of the City's files indicates no similar variances have been granted, nor denied, to lots in the Deer Haven Resubdivision.

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's characteristics, which render a unique hardship or a practical difficulty and impacts on adjoining properties, and believes it **does meet** the requirements set forth to be considered reasonable and appropriate. This position is premised upon a number of site-specific characteristics. These factors are as follows:

1. The requested variance is needed to accommodate the new single-family dwelling and related improvements. Without this retaining wall system in-place, these new improvements could not be safely accessed.

2. The substantial and varied slopes of the property present a hardship to the applicant, making it a challenging site to build upon.
3. The proposed retaining wall system will have minimal impacts to surrounding neighbors given that it is hidden from view from the east by the dwelling and similarly to the west by the hill it supports.

Recommendation:

Based upon the above-listed Findings of Fact, the Department recommends the requested variance be approved, as submitted by the petitioner.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning