



# WILDWOOD

## Determination of Issues and Findings of Facts

### Board of Adjustment Case B.A. 7-23

City of Wildwood's Board of Adjustment

Public Hearing of April 20, 2023

City Hall Council Chambers

16860 Main Street, Wildwood, Missouri

#### *Nature of Request.*

**B.A. 7-23 James and Mary Fears, 16204 Marina Del Ray Lane, Wildwood, Missouri 63040** – request an exception to the Minimum Yard Requirements (General) and the requirements set forth in the approved Planned Environment Unit (PEU) Ordinance No. 12935 for the purpose of replacing an existing railroad tie retaining wall with a stone block type, which will have a maximum height of nine (9) feet, upon the property at 16204 Marina Del Ray (Locator Number 24U510453, Harbors at Lake Chesterfield Addition – Lot 85), which would authorize a northern side yard setback distance of three (3) feet in lieu of six (6) feet and a front yard setback distance of seventeen (17) feet in lieu of twenty (20) feet. This request is contrary to the requirements of Chapter 415.140 R-3 10,000 square feet Residence District Regulations of the City of Wildwood Zoning Ordinance and the Planned Environment Unit (PEU), Ordinance No. 12935, approved by St. Louis County Council in 1987. **(Ward Seven)**

#### *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. 7-23**, 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 Harbors at Lake Chesterfield Addition, a subdivision with a total of 158 single-family lots, which is located in the southeastern portion of Wildwood, north of Old State Road. This lot is 0.26 acres in size and was platted in 1987.
2. This lot abuts the eastern side of Marina Del Ray Lane, a fifty (50) foot wide, public roadway maintained by the City of Wildwood.
3. The subject property is roughly rectangular in shape and has a single-family dwelling located upon it, which was built in 1990. The dwelling has a total living area of 1,931 square feet.
4. The dwelling is supported by a group of improvements, including a driveway, attached garage, concrete patio, porch, and an existing railroad tie retaining wall.
5. The subject property is zoned R-3-10,000 square foot Residence District and part of a Planned Environment Unit (PEU), Ordinance No. 12935, approved by St. Louis County Council in 1987, which establishes

requirements for the placement of any structures or buildings upon it. Principal among these requirements are the setback distances from any property line, which are twenty (20) feet for any front-yard area or roadway right-of-way line, six (6) feet for any side yard areas, and fifteen (15) feet for the rear yard area. Additionally, PEUs allow for smaller lot sizes clustered, being around large common ground areas, which exists in this instance.

6. The property descends in slope from its front yard area to its rear lot line, with a total relief of approximately fourteen (14) feet.
7. The subject property is primarily grassy turf area with intermittent trees.
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 replace an existing railroad tie retaining wall with a new wall of stone block construction, which will have a maximum height of nine (9) feet, seventeen (17) feet from the front property line in lieu of the required twenty (20) feet, and three (3) feet in lieu of the required six (6) feet from the northern side yard property line, for walls that are over six (6) feet in height.
10. The existing wall has been present since the time the residence was built in 1990; however, there is no variance on file with St. Louis County.
11. The applicant notes the current retaining wall has deteriorated with age, necessitating the replacement of it.

### **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 variance has been granted to the subject property, nor to any other properties within the same subdivision.

### **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 maintain safety of the residence, given the age and condition of the existing retaining wall.

2. The replacement retaining wall will be an upgrade to the type, being of stone block construction, eliminating any potential impact caused by it.
3. The proposed replacement retaining wall will have minimal impacts to surrounding neighbors, given that a retaining wall has been in this location since the existence of the single-family dwelling and the new wall will be of an arguably more attractive type.
4. To remove the retaining wall would result in undue hardship to the owners of the property and the northern neighbor, given it was designed with the single-family dwelling and appears to also structurally support its features.

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