



WILDWOOD

Determination of Issues and Findings of Facts Regarding

Board of Adjustment Case B. A. #8-23

City of Wildwood's Board of Adjustment

Public Hearing of March 16, 2023

City Hall Council Chambers

Nature of Request:

B.A. 8-23 John M. Copeland, 18025 Shepherd Valley Road, Wildwood, Missouri 63038 – requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new, in-ground swimming pool, with associated concrete decking, upon the property located at 18025 Shepherd Valley Road (Locator Number 22V610077, Shepherd Valley Subdivision – Lot 18), which would authorize a rear yard setback distance of five point five (5.5) feet in lieu of the thirty (30) 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 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. 08-23, the issues relating to the variance's reasonableness and appropriateness are as follows:

Area and Site Characteristics

1. The property is three (3) acres in size and has frontage along Shepherd Valley Road, a fifty (50) foot wide roadway, privately maintained by the homeowner's association. This legal lot of record was platted as part of the Shepherd Valley Subdivision, approved by St. Louis County in 1978.
2. The lot is roughly rectangular in shape, with a maximum width of three seventy (370) feet and depth of three hundred ninety-five (395) feet.
3. The property is zoned NU Non-Urban Residence District, which requires a front yard setback distance of fifty (50) feet (measured from the edge of the roadway easement) and side and rear yard setback distances of thirty (30) feet for any structure or building.

4. The property has a single-family dwelling located upon it, built in 1986. The dwelling has a total living area of 3,513 feet. Improvements associated with the property include a wood deck, concrete patio, and attached garage.
5. The subject site is heavily wooded at the front of the property, with a significant ascent from the roadway to the existing single-family dwelling, with sixty-eight (68) feet of total relief. However, to the rear of the dwelling, and to the west of it, there is a relatively flat grassy turf area. There is also a relatively flat area to the east of the residence that is cleared of trees.
6. The area around this site includes other similar homesites that are located on large lots, with the same zoning district designations as the subject property.

Current Request

7. The applicant's request is for the purpose of constructing a new, in-ground swimming pool, with associated concrete decking, which would authorize a rear yard setback distance of five-point-five (5) feet in lieu of the thirty (30) foot standard.
8. The in-ground swimming pool is to be thirteen (13) feet and two (2) inches by thirty-three (33) feet and nine (9) inches in size, with associated concrete decking that is twenty-six (26) feet by forty-four (44) feet and nine (9) inches in area.
9. The proposed location of the in-ground pool is behind the dwelling. The applicant notes in his application this location is desired due to its proximity to the dwelling and access for the rigging equipment required to build it. Additionally, in discussions with the applicant, the area just beyond the driveway was not chosen for the project, given the applicant's desire to increase the driveway's turnaround area in that location.
10. The applicant has provided a letter from the subdivision trustees in support of the project, as well as two (2) letters of support from the two (2) property owners directly abutting the rear of the property in the location of the proposed project.

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 two (2) written comments in support of the request at the time this report was written and completed for distribution.
13. The Department's review of City records indicates one (1) variance has been approved within this subdivision, concerning a retaining wall.

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 not 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 granting of a variance is to be only considered under what can be described as the most extenuating circumstances, typically when without this type of accommodation being allowed, the property's primary use could not necessarily be achieved. In this case, the primary use, the single-family dwelling, is in-place, and there is no practical difficulty (related to the property's physical characteristics) associated with the construction of an in-ground swimming pool, given there are two (2) alternative locations on the lot, which could accommodate the improvement within the required setbacks.
2. The proposed location for the in-ground swimming pool is in such close proximity to the neighboring properties (5.5 feet), the Department believes impacts to those properties must be anticipated.
3. The current location and design of the in-ground pool and decking offers no mitigation to the requested encroachment.

Recommendation:

Considering the above-listed Findings of Fact, the Department recommends the requested variance not be approved by the Board of Adjustment.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning