



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. 15-23

City of Wildwood's Board of Adjustment

Public Hearing of July 20, 2023

City Hall Council Chambers

16860 Main Street, Wildwood, Missouri

Nature of Request.

B.A. 15-23 Michelle London, 16932 Lewis Spring Farms Road, Wildwood, Missouri 63005 – requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new retaining wall (fifteen (15) feet maximum height) and maintaining an existing wall (eight point five (8.5) feet maximum height), both of a concrete block type of construction, upon the property that is located at 16932 Lewis Spring Farms Road (Locator Number 19U110170, Lewis Spring Farms Subdivision, Lot 17), thereby authorizing a southwestern side yard setback distance of one (1) foot in lieu of thirty (30) feet. This request is contrary to the requirements of 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Ordinance. **(Ward Two)**

Determination of Issues.

Principal 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. 15-23**, 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 Lewis Spring Farms Subdivision, which is located in the northeastern portion of Wildwood, and just northeast of the intersection of Strecker Road and Shepard Road. This lot is 3.12 acres in size.
2. This lot has three hundred and thirty (330) feet of frontage along Lewis Spring Farms Road, which is a private roadway maintained by the Homeowners Association.
3. The lot is triangular in shape, with a maximum width of three hundred thirty (330) feet and length of eight hundred twenty (820) feet, respectively.
4. The subject property has a single-family dwelling located upon it, which was built in 1992. The dwelling is supported by a group of improvements, including a driveway, open frame porch, wood deck, concrete patio, carport, two (2) garages, connected by a porte cochere, and a series of existing retaining walls.
5. The subject property is zoned NU Non-Urban Residence District, 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 fifty (50) feet for any front-yard area or roadway right-of-way line (both public and private) and thirty (30) feet for side and rear yard areas.

6. The property descends in slope sixty (60) feet from its front yard area to about midway through it, where there is a drainageway that tracks northeast, then ascends to the rear of it, a total of seventy-eight (78) feet. The front of the lot is fairly level and covered by grassy turf, but to the rear of the residence, the slope is steeper and the property heavily wooded.
7. The property located to the southwest of the petitioner's lot has an existing single-family dwelling located upon it and is heavily screened by 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 this same residential subdivision.

Current Request

9. The current request is to maintain an existing retaining wall (eight-point-five (8.5) feet maximum in height), being located one (1) foot from the southwestern property line, and construct a new retaining wall (fifteen (15) feet maximum in height), which would be six (6) feet from the southwestern property line, both of a concrete block type of construction, thereby authorizing a southwestern side yard setback distance of one (1) foot in lieu of the required thirty (30) feet.
10. The applicant notes the retaining wall is desired as part of the construction of a new, in-ground swimming pool (not the subject of this variance request). She notes a hardship related to not being able to access certain areas of her property for maintenance purposes without construction of the wall, given the topography of the land.
11. The City's landscape architect consultant visited the site and reviewed the proposed plans. The consultant determined there will be no impact on the surrounding trees through the construction of the wall.

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. However, the most affected neighbor to the southwest did express concerns about protecting the trees along her property and potential stormwater impacts to it. The abutting neighbor to the northeast of the property called the Department and expressed no concerns.
14. The review of the City's files indicates one (1) similar variance has been granted to the subject property, permitting the existing detached garage to intrude into the front yard setback area three (3) feet, along with two (2) other variances having been approved in the same subdivision, both regarding setback distances.

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 retaining wall is a necessary component of the in-ground swimming pool construction, given the steep topography of the lot.
2. The petitioner, in cooperation with a request from the Department, has proposed placement of the new retaining wall six (6) feet from the property line to allow room around it for maintenance purposes.
3. The heavy tree buffer around the rear and sides of the lot minimizes impacts to surrounding properties. The City's landscape architect consultant has determined there will be no impact to this tree buffer in the construction of the wall.
4. Given the direction of the ephemeral drainageway from the property to the southwest, the construction of the wall is not likely to create stormwater drainage issues, and the design to ensure such an outcome will be addressed through the Department's Zoning Authorization and Public Works permitting processes for the in-ground swimming pool associated with the request.
5. The use of engineered retaining walls for allowable permitted and accessory activities within many of the City's "R" Residential Districts is almost essential given terrain and the desire to preserve woodlands.

Recommendation:

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

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning