



# WILDWOOD

## **Determination of Issues and Findings of Facts**

### **Board of Adjustment Case B.A. #18-23**

City of Wildwood's Board of Adjustment

Public Hearing of August 17, 2023

City Hall Council Chambers | 16860 Main Street

And Via Online Meeting Process [Zoom]

### *Nature of Request:*

**B.A. 18-23 Nick and Danene Betta, 2202 White Elm Court, Chesterfield, Missouri 63017, c/o Chris Pedigo, Hibbs Homes, 13990 Olive Boulevard, Chesterfield, Missouri 63366** – request an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new single family dwelling, along with an attached garage, on a legal, but non-conforming lot located at 340 Eatherton Road (Locator Number 19W510051), which would authorize a front yard setback distance of thirty (30) feet in lieu of the required fifty (50) feet, and a southeastern side yard setback distance of fifteen (15) feet in lieu of the required thirty (30) feet. 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 **BA #18-23**, the issues relating to the variance's reasonableness and appropriateness are as follows:

### **Area and Site Characteristics**

1. The location of this variance request is a vacant, legal lot of record, one (1) acre in size, that is situated on the eastern side of Eatherton Road, in the far northeastern portion of Wildwood, just south of Wild Horse Creek Road where the two roads intersect. Eatherton Road is a forty (40) foot wide public roadway maintained by the City of Wildwood.

2. The subject lot is triangular in shape, with the longest side of it fronting Eatherton Road, measuring just under four hundred (400) feet in length.
3. The 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 or roadway, which are fifty (50) feet for any front-yard area and thirty (30) feet for any side and rear yard areas. The size of the subject lot is one third the minimum lot area required by its current zoning district designation, given it was platted prior to 1965, when the three (3) acre minimum lot area was first established in this area.
4. The subject lot is heavily wooded, with a varied topography; the highest elevation of the lot begins in the northwestern corner of it, with it then descending into a ravine on its eastern side. The overall relief is forty-four (44) feet. The southern portion of the lot is more level.
5. The single-family dwelling located on the abutting property to the southeast is more than one hundred (100) feet from the proposed location of this new construction proposed for the subject lot, and there is a substantial wooded buffer between them as well.
6. The land use pattern in the vicinity of the site is all large-lot residential development; primarily properties well over three (3) acres in area.

### **Current Request**

7. This request pertains to the proposed construction of a single-family dwelling. The petitioner is requesting a front yard setback variance of thirty (30) feet in lieu of the required fifty (50) feet from Eatherton Road, and a southeastern side yard setback distance of fifteen (15) feet in lieu of the required thirty (30) feet.
8. The main portion of the proposed residence is situated to be greater than the thirty (30) feet requested, with an attached garage being closer to the road, but angled to mitigate its impact.
9. The information provided by the applicant notes the unique hardship presented by the deep ravine present on the east side of the lot, which receives the drainage from Eatherton Road. This drainageway restricts building to the southern half of the property, which is also attributable, in part, to its shape.

### **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 of Planning has received no written comments at the time this report was written and completed for distribution.
12. The Department's investigation of records indicates that six (6) variances related to setbacks have been granted to properties located in the general vicinity of this area, with four (4) of them relating to historic properties in the historic community of Orrville.

### **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 this request **does 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. There are topographical challenges to building on this already substandard sized lot, which is one third the minimum area required for the current zoning district designation. The existence of the drainageway and ravine from west to east restricts the buildability of the lot to the southern portion of it.
2. The single-family dwelling located on the most affected abutting property to the southeast is more than one hundred (100) feet away from the property line shared with the subject property and protected by a wooded buffer. Thus, the impact on that property from this new proposed dwelling is expected to be minimal.
3. Due to the historical nature of some of the properties in the surrounding area, and the time at which lots were platted, the surrounding land use pattern includes other similar variations to setback requirements, thus keeping this request in character with this same pattern, i.e. Historic Orrville..
4. The main portion of the proposed residence is placed at greater than the thirty (30) feet requested, with an attached garage being closer to the road, but angled to mitigate its impact. Thus, the impact on the surrounding area is mitigated as much as possible. Given the shape of the lot, this adjustment allows best use of it as well.
5. The lot is heavily wooded, which lessens the visual impact of the proposed residence.

### **Recommendation**

Based upon the above-listed Findings of Fact, the Department recommends the Board of Adjustment approve the requested variance, as submitted by the petitioner.

Respectfully submitted,  
CITY OF WILDWOOD  
Department of Planning