



# WILDWOOD

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

### **Board of Adjustment Case B.A. #20-23**

City of Wildwood's Board of Adjustment

Public Hearing of September 21, 2023

City Hall Council Chambers | 16860 Main Street

And Via Online Meeting Process [Zoom]

### *Nature of Request:*

B.A. 20-23 Tom Dillion, 943 Old Eatherton Road, Wildwood, Missouri 63038, c/o Chris Matteo, Lombardo Homes, #4 Research Park Drive, St. Charles, Missouri 63304 – requests an exception to the Minimum Yard Requirements (General) for the purpose of constructing a new single family dwelling, along with an attached garage, upon the property located at 943 Old Eatherton Road (Locator Number 21W540093), which would authorize a front yard setback distance of twenty (20) feet in lieu of the required fifty (50) 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 #20-23**, the issues relating to the variance's reasonableness and appropriateness are as follows:

### **Area and Site Characteristics**

1. The subject lot of this request is 4.26 acres in size and located in the northern part of Wildwood, along a section of Old Eatherton Road, a fifty (50)-foot, City maintained roadway.
2. Old Eatherton Road is historically an important route connecting the ferry terminal on the Missouri River to Manchester Road. Though portions of it were realigned to State Route 109 in the 1930s, this segment of the old road, along with several other segments, still exist today and maintain its original rural character. This particular segment is located to the west of State Route 109, with the

northern section of it crossing over a one-lane bridge near the Essen burial ground, and the southern portion of it ending at St. Paul's Lutheran Church and Cemetery.

3. The subject lot is triangular in shape, with the longest side of it fronting Old Eatherton Road, measuring nine hundred and thirteen (913) feet in length.
4. Presently occupying the property in its southeastern corner is a two (2)-story, single-family dwelling, that was built in 1929. This existing residence is included in the Wildwood Historic Building Inventory, maintained by the City's Historic Preservation Commission. The survey of this historic building was conducted in 2014-2015. At that time, the surveyor noted the building had low historical integrity, but was in good condition. The building has no visible historic features: the siding, doors, and windows are all modern. The total living area of this building is 1,872 square feet. Also on the property is a pole barn, 3,600 square feet in area, built in 1950, according to St. Louis County records.
5. 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 side and rear yard areas.
6. The subject lot is primarily grassy turf area at the southeastern portion of it, along its frontage with Old Eatherton Road, with the remainder, roughly two-thirds of it, wooded. A pond is located at the southwestern corner and shared by other abutting properties. There is a varied topography upon the lot; the highest elevation of it begins in the southeastern corner, then descends across the entirety of the lot. The overall relief is eighty-four (84) feet. The most level portion of the lot is the southeastern portion of it, where the two (2) existing structures are located.
7. The existing single-family dwelling located on the property is more than two hundred (200) feet from the proposed location of this new construction proposed for the subject lot and on the opposite side of the existing pole barn.
8. 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. Just to the west of the property is a 168-acre vacant parcel of ground. Along this segment of Old Eatherton Road, front yard setback distances have a varied pattern given its historic platting pattern, with several structures not meeting the fifty (50) foot requirement. This mix of setback distances is reflective of several historic buildings still being located upon the road, built prior to the NU Non-Urban Residence District zoning designation being established.
9. There are ten (10) properties with frontage along this segment of Old Eatherton Road, many of which are currently vacant.

## Current Request

10. This request pertains to the proposed construction of a new single-family dwelling. The petitioner is requesting a front yard setback variance of twenty (20) feet in lieu of the required fifty (50) feet from Old Eatherton Road.
11. The information provided by the applicant notes the unique hardship presented by the steep and challenging topography of the property. Extensive clearing of trees and tall foundation walls would be required to place the new residence at the required setback distance upon the lot.
12. One (1) other variance is also being requested by the petitioner, concerning the existing single-family dwelling on the lot. This request differs in nature from this proposed request and is to be considered separately.

## Correspondences and Previous Actions

13. 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.
14. The Department of Planning has received one (1) written comment, in opposition to the request, at the time this report was written and completed for distribution.
15. The Department's investigation of records indicates that no variances relating to setbacks have been granted to this property or to other properties along this segment of Old Eatherton Road (this is in keeping with the age of existing structures, many of which were established prior to the incorporation of the City of Wildwood and establishment of the NU Non-Urban Residence District and its associated requirements).

## 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 any construction on this property due to the steep nature of it. The chosen location for the proposed residence is logical in its placement, given it is the most level portion of the lot. The existing single-family dwelling is legally non-conforming in regard to setback distances, and thus does not offer a more ideal solution for the new dwelling's placement.

2. 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 existing pattern. Old Eatherton Road is considered a historic and scenic road on the Wildwood Points of Interest Map, which makes it a matter of public interest to preserve its existing character.
3. There are only ten (10) properties with frontage along this segment of Old Eatherton Road, many of which are vacant, which minimizes impacts to surrounding properties. The residence directly across the street from this proposed new dwelling is located behind a thick wooded buffer.
4. To adhere to the required front yard setback distance, the petitioner would have to clear significantly more trees and cause greater disturbance to the site which, in addition to environmental impacts, would also alter the historic character of this roadway.

### **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