



WILDWOOD

Determination of Issues and Findings of Facts

Board of Adjustment Case B.A. #21-23

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. 21-23 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 Miscellaneous Regulations of the Zoning Ordinance, which states no accessory land use or development shall be established on a lot, until a primary activity or structure is in place on the same property, for the purpose of maintaining a permanent accessory dwelling, without first the establishment of a primary activity or structure, upon it, with said dwelling being located at 943 Old Eatherton Road (Locator Number 21W540093), thereby authorizing its use throughout the construction of the new single-family dwelling. This accessory dwelling is to be utilized by a family member as a mother-in-law unit to the primary single-family dwelling. This request is contrary to the requirements of Chapter 415.380 Miscellaneous Regulations and 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 #21-23**, 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 ferry 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 is to authorize a modification, on a temporary basis, to the requirements of the Zoning Ordinance regarding the number of single-family dwellings that may be located on a single lot or parcel of ground.
11. The current request is to authorize the retention of the existing single-family dwelling, while a new residence is constructed in a more central location on the property. Once an occupancy is issued for the new dwelling, the existing single-family dwelling would then be demolished.
12. The information provided by the applicant notes that a family member currently resides in the existing residence and would like to continue living there, as the new dwelling is constructed.
13. One (1) other variance is also being requested by the petitioner for this same property. This request differs in nature from this proposed request and will be considered separately, i.e., setback distance reduction for the planned dwelling.

Correspondences and Previous Actions

14. 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.
15. The Department of Planning has received one (1) written comment, appearing to support the request, if a strict deadline is associated with it, at the time this report was written and completed for distribution.
16. The Department's investigation of records indicates that no variances have been granted to this property or other properties along this segment of Old Eatherton Road. In a review of recent Board of Adjustment records, it was determined that a similar variance was granted in 2020 on a temporary basis, with an expiration of eighteen (18) months after its effective date.

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. The petitioner, by maintaining the existing residence, while the construction of the new building is being completed, will be able to avoid having their family member having to move twice, storing personal belongings, and living at another location, which can be construed as a practical difficulty associated with this request.
2. This request would not have a negative impact on the area, since the dwelling being constructed is in a location not visible to neighboring properties, and the family member is already living in the existing dwelling.
3. There is no safety concern, given the existing dwelling and the proposed placement of the new residence that is planned are more than two hundred (200) feet apart.
4. The family member, being onsite, can provide security to the property during construction.
5. This variance is temporary in nature, thereby eliminating any long-term impacts attributable to affirmative action by the Board of Adjustment in this regard.

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. The variance, given its temporary nature, will expire in eighteen (18) months after its effective date, which would begin upon the approval of it, if supported by the Board of Adjustment. Upon the issuance of an Occupancy Permit for the new residence, the existing dwelling must be demolished.

Respectfully submitted,
CITY OF WILDWOOD
Department of Planning