

CITY OF WILDWOOD RECORD OF PROCEEDINGS

MEETING OF THE BOARD OF ADJUSTMENT
WILDWOOD CITY HALL
16860 MAIN STREET
JUNE 18, 2020

The Board of Adjustment meeting was called to order by Chair Giles, at 7:02 pm, on June 18, 2020, via Zoom and recorded live, via the City's YouTube Channel, from the Wildwood City Hall Council Chambers, which is located at 16860 Main Street. Members present were:

- Arnie Sprunger, Board Member
- Deborah Coleman, Board Member
- Bob Nandor, Alternate
- Jared Frank, Vice-Chair
- Mary Giles, Chair

Department of Planning staff, officials, and others present were:

- Joe Vujnich, Director of Planning
- Terri Gaston, Senior Planner
- John Young, City Attorney
- Courtney Tallman, Court Reporter
- Kathy Arnett, Assistant Director/Zoom Moderator

After opening comments and reading the Public Hearing procedures into the record, for the benefit of the petitioners, petitioners' representatives, and those individuals participating via Zoom, Chair Giles requested the first case be read into the record by Director Vujnich:

BA13-20 John & Sandra Waidmann, 17639 Westhampton Woods Drive, Wildwood, Missouri 63005 c/o Jerod Heintz, Heintz Pool & Spa, 453 Market Place Drive, Freeburg, Illinois 62243 - request an exception to the Minimum Yard Requirements (General) for the purpose of constructing an inground swimming pool, with associated concrete decking, all of which are accessory to the established principal use (i.e. existing single-family dwelling, circa 1998), upon the property located at 17639 Westhampton Woods Drive [St. Louis County Locator Number 20V110410; Lot 164 of Westhampton Woods Subdivision – Plat 2 (Est. 1995 - Plat Book 338, Page 48)]. If granted, this variance would thereby authorize a side-yard setback distance of five (5) feet in lieu of the required eight (8) foot standard. This request is contrary to the requirements of Chapter 415.110 R-1 One-Acre Residence District Regulations of the City of Wildwood Zoning Ordinance and St. Louis County Planned Environment Unit (PEU) Ordinance #16,695 in 1993. **(Ward Three)**

INITIAL COMMENTS:

Senior Planner Gaston introduced the pertinent codes, the affidavit of the meeting's posting, and the file compiled for this request into the record, she then narrated a slide presentation, giving the Board a visual description of the subject property and the surrounding area.

PRESENTED BY: John and Sandra Waidmann, 17639 Westhampton Woods Drive, and Jerod Heintz, Heintz Pool & Spa, 453 Market Place Drive, Freeburg, Illinois 62243, were all sworn in by Court Reporter Tallman, as the property owners/petitioners and the petitioners' representative, respectively. They provided testimony regarding the necessity for this variance to allow for construction of an inground swimming pool, with associated concrete decking, at a side-yard setback distance of five (5) feet in lieu of the required eight (8) foot standard. Most notably, the hardship being the numerous utility easements upon the property, which cannot be encroached upon.

SPEAKERS IN FAVOR/OPPOSITION: None

ADDITIONAL ITEMS: Director Vujnich noted the Department's recommendation supports the requested variance.

BOARD DECISION: Alternate Nandor made a motion to approve the variance, as requested by the petitioner, which was seconded by Board Member Sprunger. Having heard no further discussion or objections, Chair Giles called the question and took roll, with the following results:

Ayes – Coleman, Frank, Nandor, Sprunger and Giles
Nays – none

The motion passed unanimously and the variance was approved.

Senior Planner Gaston read the next case into the record, upon request by Chair Giles.

BA14-20 Sean & Julie Morris, 245 Bountiful Pointe Circle, Wildwood, Missouri 63040 - request an exception to the Natural Resource Protection Standards for the purpose of installing a fence, which will encroach into a portion of the **100% protected area** upon the subject property, which is located at 245 Bountiful Pointe Circle [St. Louis County Locator Number 24U410302; Lot 53 of Enclaves at Cherry Hills Subdivision - Plat 3 (Est. 2004 - Plat Book 352, Page 506)]. If granted, this variance would thereby authorize the current fence to be relocated into the preservation area not to exceed twenty-five (25) feet. This request is contrary to the requirements of Chapter 415.120 'R-1A' Residence District Regulations of the City of Wildwood's Zoning Ordinance, Chapter 420.200 Natural Resource Protection Standards of the City of Wildwood's *Subdivision and Development Regulations*, and Planned Residential Development Overlay District Ordinance #865. **(Ward Eight)**

INITIAL COMMENTS: After Director Vujnich introduced the pertinent codes, the affidavit of the meeting's posting, and the file compiled for this request into the record, he then narrated a slide presentation, giving the Board a visual description of the subject property and the surrounding area.

PRESENTED BY: Sean Morris, 245 Bountiful Pointe Circle, was sworn in by Court Reporter Tallman, as the petitioner and owner of the property. He provided testimony regarding the necessity for this variance to allow for the current fence to be extended into the preservation area, which

would not exceed twenty-five (25) feet, due to safety concerns for his four (4) children and pet dog. The petitioner also noted the trespass and littering issues upon his property.

SPEAKERS IN
FAVOR/OPPOSITION:

None

ADDITIONAL ITEMS:

Director Vujnich noted the Department's recommendation was in favor of the requested variance to curb the trespassing issue on this property, the safety concerns regarding the proximity of the lake with young children, and the impact of the fence on the protected area of the lot would be minimal, with no negative affects to stormwater drainage.

BOARD DECISION:

Board Member Sprunger made a motion to approve the variance, conditioned upon the Homeowners Association providing its written approval and the new portion of the fence must match the style of the existing. The motion was seconded by Vice-Chair Frank. Having heard no further discussion or objections, Chair Giles called the question and took roll, with the following results:

Ayes – Coleman, Frank, Nandor, Sprunger and Giles

Nays – none

The motion passed unanimously and the variance was approved, as conditioned.

Closing Comments & Adjournment:

Senior Planner Gaston noted the next meeting of the Board will be held on July 16, 2020, with one (1) submittal pending receipt by the City. With the final case completed, no others on the docket for consideration, and hearing no objections by the Board, Chair Giles declared the meeting adjourned at 7:46 p.m.