

ACTION ON APPLICATION
BY THE ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS ACTION (circle one): Approval Approval with Conditions Denial

Required Findings of Fact Municipal Code Sec. 114-216(3)

- a) The continued establishment, maintenance or operation of the nonconforming use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Finding: The use actually predates the homes in the area and the business is somewhat of a wayfinding landmark in Racine. The continued operation of the use is not expected to endanger the public or general welfare of the area. This business has kept the general appearance of a retail store which would be an allowed use, but technically, the use does require industrial zoning despite appearances. There is a condition related to storage of materials and equipment inside enclosed structures to ensure the continued appearance of a retailing establishment.

- b) The nonconforming use will not cause substantial injury to the value of other property in the neighborhood.**

Finding: The proposed expansion is not expected to cause injury or decrease property value in the neighborhood. The garage will allow for the storage of vehicles and equipment inside the structure. This is anticipated to create an enhanced overall aesthetic in the area and will also show that investment in the area is economically viable and warranted.

- c) The nonconforming use will not impede the normal and orderly development and improvement of the surrounding property for other use.**

Finding: If developed in accordance with the staff recommended conditions, this expansion is not expected to impede the existing development in the area. The existing development in the area essentially developed around the business and the continued existence of this business will not impede the existing residential development in the area.

- d) Adequate utilities, access roads, off-street parking, drainage and other necessary improvements have been or are being provided.**

Finding: Changes to the access, parking and drainage are not contemplated with this proposed expansion. The construction of this garage will not impact parking, utilities or access to the site. The drainage for the site will still comply with City requirements with the construction of this garage structure.

- e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**

Finding: Changes in access are not contemplated in the plans submitted by the applicant. The access to the garage will be from a driveway and not impact customers or traffic; the site will generally function as it does now with the exception the materials and storage will occur inside the garage and not outside. The access points and parking configurations on the site will not be impacted by this addition of a garage.

f) Continuance of the nonconforming use would be of greater benefit to the area, and general public, than would its termination.

Finding: The continuance of this business would be a benefit to the area. If the business relocated a vacant storefront and property would be detrimental to the general aesthetics of the area at this major intersection. The vacant space would add to the existing stock of buildings which are vacant in the community. Despite being classified as an industrial use, the performance standards ensure this use will function as a more of a retailing use, which aesthetically and functionally, would benefit the area.

g) Sufficient conditions and restrictions have been or will be placed upon the location, construction, maintenance and operation of the nonconforming use to assure that all of the above findings are satisfied.

Finding: The conditions below will ensure this operation continues to function in a manner which is complimentary to the neighborhood and consistent with the findings to authorize the expansion of this use by the Zoning Board of Appeals. These conditions ensure the harmony of this operation with the surrounding area by limiting hours of outdoor activity and storage of goods outside.

h) The nonconforming use occupies or will occupy a nonresidential structure.

Finding: The use will occupy an accessory structure which is nonresidential in nature as habitation of a garage accessory building does not comply with building or other life safety codes. The expansion will allow for storage of vehicles and other goods which are necessary for the business to function at this property.

PLAN COMMISSION RECOMMENDATION (circle one): Approval Approval with Conditions Denial

CONDITIONS:

- a) That the plans presented to the Zoning Board of Appeals on January 9, 2019 be approved subject to the conditions contained herein.
- b) That a drainage plan as required by Sec. 114-739 be submitted prior to construction.
- c) That no unscreened storage be allowed on the site.
- d) That a sanitary sewer connection shall not be allowed to service any accessory structure.
- e) That no activities outside commence prior to 8AM and shall cease by 9PM.
- f) That all codes and ordinances are complied with and required permits acquired.
- g) That no minor changes be made from these conditions without approval of the Zoning Board of Appeals.

DATE: January 9, 2019 **SECRETARY:** Jeff Hintz, CNU-A, Associate Planner – City of Racine

WHEREAS, a literal enforcement of the provisions of the Zoning Ordinance of the City of Racine will result in practical difficulty or unnecessary hardship; it being not contrary to public interest and owing to special conditions the Board of Appeals hereby grants to the appellant(s) James and Sarah Anspaugh a variance from said ordinance and authorizes said appellant(s) to construct a 24 foot by 30 foot garage at 3120 Kinzie Avenue as shown on the plans presented to the Zoning Board of Appeals, thus expanding a nonconforming use on the property.

Adopted on: January 9, 2019

By a vote of: for_____ against_____ abstain_____

SIGNED BY THE ZONING BOARD OF APPEALS MEMBERS:

ITEM NO: 0031-19 APPEAL NO: 19-1 DATE OF MEETING: January 9, 2019