



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 8/14/2019

To: Zoning Board of Appeals Members

From: City Development Department, Division of Planning and Redevelopment

Division Manager: Matt Sadowski – (262) 636-9152 matthew.sadowski@cityofracine.org

Case Manager: Jeff Hintz

Location: 1435 Spring Valley Drive

Applicant: Bob and Judy Bagley

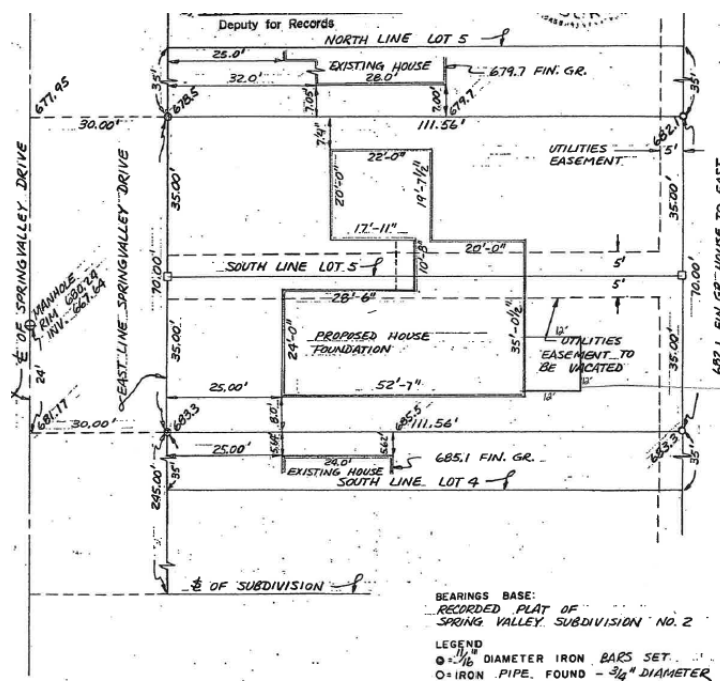
Property Owner: Bob and Judy Bagley

Request: Consideration of a variance in which the applicant seeks to build a 12 foot x 12 foot sunroom addition to the rear of the dwelling unit, which would encroach into the required yard as required by [Sec. 114-295\(a\)](#) of the Municipal Code. The required rear yard is 40 feet and the proposed yard would be 22.5 feet.

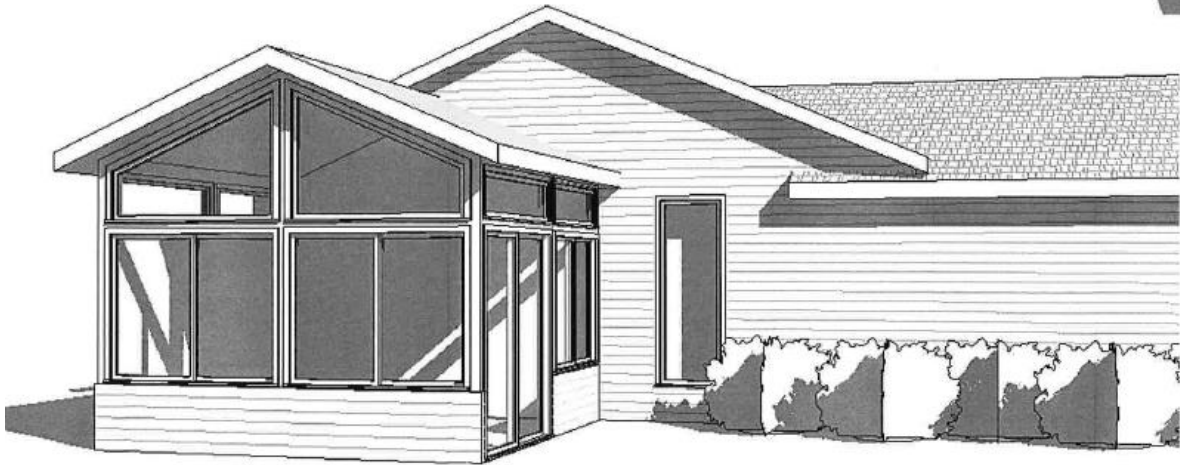
BACKGROUND AND SUMMARY: The applicant seeks to construct a 12 foot by 12 foot sunroom onto the east elevation of the property, in the existing rear yard. The building addition would encroach into the required rear yard of 40 feet, which is established by sec. 114-295(a) of the Municipal Code. Based on the submitted site plan, this property does meet the front and side yard requirements, in addition to being well over the minimum required lot size of 6,000 square feet. The rear yard on the property is 35 feet. Sec. 114-254(k) allows for a 35 foot rear setback on this lot as the depth is less than 120 feet. The area does have properties, which based on rough measurements using aerial photos, do not meet the required setback, especially on the western side of the street. It is worth noting, most of the homes in this block were built under a previous zoning ordinance in the 1960's, before the current zoning ordinance was enacted in 1973. This dwelling was built in 1977.



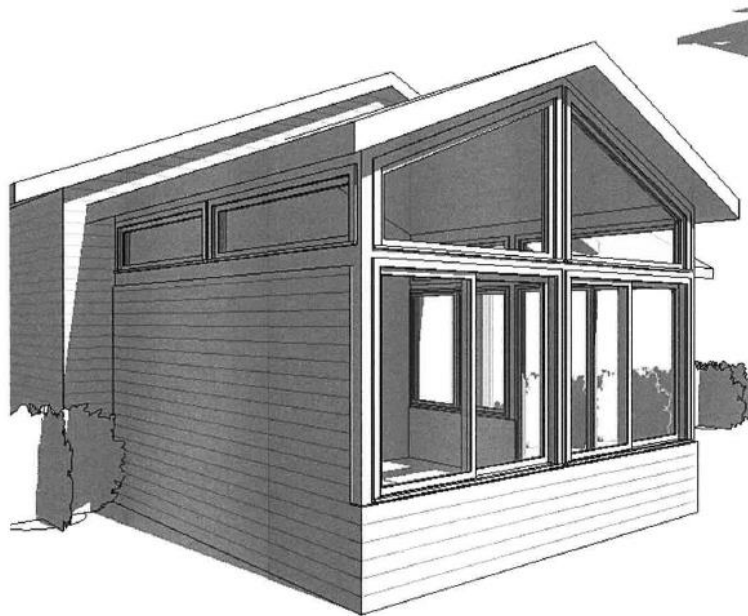
Birdseye view of the property, indicated in red (image from City Pictometry).



Proposed Site plan, submitted by applicant (north is up), proposed sunroom addition shown in red



Proposed north and east elevation view, submitted by applicant



Proposed south and east elevation view, submitted by applicant

GENERAL INFORMATION

Parcel Number: [22664070](#)

Property Size: 7,810 square feet

Comprehensive Plan Map Designation: Medium Density Residential

Consistency with Adopted Plans:

The [Racine Comprehensive Plan](#) states that:

- The plan should encourage the redevelopment of older areas and commercial areas.
- Maintain and develop a land use pattern that strengthens the character and livability of the City's downtown core, commercial and industrial areas, and neighborhoods.
- Promote redevelopment and infill in areas with existing infrastructure and services, enhancing existing residential, commercial, and industrial areas.

Corridor or Special Design District?: N/A

Historic?: N/A

Current Zoning District: R-2 Single Family Residence

Purpose of Zone District: The R2 single-family residence district is primarily designed to accommodate existing single-family neighborhoods which are characterized by smaller lots than are required in the R1 district.

Proposed Zoning: No change proposed

Existing Land Use: Detached single unit dwelling.

Surrounding Zoning and Land Uses:

North	R-2 Single Family Residence	Single unit dwelling
East	R-2 Single Family Residence	Single unit dwelling
South	R-2 Single Family Residence	Single unit dwelling
West	R-2 Single Family Residence	Single unit dwelling

ANALYSIS:

Development Standards:

Yard Requirements: (114-295(a): The plans submitted by the applicant would require a variance of 12.5 feet from the allowed rear yard of 35 feet, to be able to construct the addition as proposed in the plans submitted by the applicant. The rear yard would then be 22.5 feet. Other development standards related to required yards and lot size are being met per the submitted site plan.

Building design standards (114-Secs. [735.5](#) & [736](#)): The proposed addition to the building on the parcel complies with the design requirements of the ordinance.

Engineering, Utilities and Access:

Access ([114-1151](#)): This application does not contemplate changes in access to the site. Access is provided from Spring Valley Drive.

Surface drainage ([114-739](#) & Consult Engineering Dept.): Drainage for the site will be evaluated if the project moves forward to building permitting.

Sewage disposal and water supply ([114-821](#) & Consult Engineering and S/W Utility): All utilities are available for this site and the applicant proposal is not expected to impact the ability to serve this area.

REQUIRED FINDINGS OF FACT ZONING BOARD OF APPEALS:

STANDARDS FOR VARIANCES - Sec. 114-48(a)

The board of appeals shall not vary the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- 1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;**

Staff Comments: There is nothing particularly unique topographically or because of the physical surroundings which create a hardship on the lot. The variance sought is related to a rear setback requirement. As generally summarized in the background section of this report, this home is one of the newer homes in the area, which was developed in the early to mid 1960's and under a different zoning ordinance. With the adoption of the current zoning ordinance in 1973, some non-conformities in the area related to rear setbacks were created. This is especially noted along the western side of the street, adjacent to the golf course. That being said, the homes east of Spring Valley Drive generally meet the rear setback requirements. When factoring the openness of the golf course, the homes west of Spring Valley drive practically have the required yard and appearance of openness, the yard requirement seeks to achieve.

There is nothing particularly unique about the lot in question which prevents it from being utilized. A variance is not intended to create the maximum return on investment, but rather to remove a hardship which would otherwise make the lot unusable. In this instance, there is space on the lot where the sunroom could be added which would not require a variance and could be permitted immediately; it is not as if this property cannot have a sunroom or addition, the desired location is the issue. The proposed location may indeed be optimal for sun viewing and privacy, but it would result in a yard which is approximately half of what is required for the properties in this general

vicinity. Due to the age and depth of the lot, the ordinance already allows for a reduced yard (in this instance 35 feet) and if granted, the variance would leave a rear yard of 22.5 feet.

2) The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;

Staff Comments: Upon observation of the applicant provided site photos and a staff visit to the area, there was nothing particularly unique which would distinguish this property from others in the vicinity of the general area and others which have this zoning classification in the City. The other properties in the area, despite being built under a previous set of zoning rules, generally conform to the development standards adopted in 1973. The properties to the west of Spring Valley Drive appear to be a bit short on the rear yard in several instances, but with the golf course there, the appearance of openness is maintained.

This zone district intends for there to be 80 feet between houses from back of structure to back of structure. All the midblock lots (not the ones on the street intersections) on the east side of Spring Valley Drive and on the west side of Harrington Drive, appear to have this 80 foot separation, except for the subject property and it's east neighbor (1436 Harrington Drive); this back of structure to back of structure distance is approximately 70 feet right now. Each structure in this instance has about a 35 foot rear yard, which again, is allowed by the ordinance based on the age and depth of the lots.

However, the proposal to extend the building wall of the subject property easterly would create a separation between the buildings of approximately 58 feet. This situation would be unique to these properties and allow for reduced rear yards this zone district did not intend for.

3) The purpose of the variance is not based exclusively upon a desire to increase financial gain;

Staff Comments: Staff has found that the variance is generally based on convenience and preference as opposed to an actual hardship. There is a patio at the rear of the property, upon which a sunroom could be added while still meeting the existing 35 foot setback, which is allowed by the ordinance. While this patio location is closer to the neighboring property and might possibly receive different sunlight illumination, the sunroom could be constructed there and configured in such a manner to provide privacy from the neighboring property to the north.

The issue is not with the style of the addition, or the proposed construction materials/methods. The proposal for the variance is to allow something on a property which has not and would not be allowed to occur on this property or others in this area, given the yard requirements and existing buildout. This variance would create something unique in this area, rather than alleviate a hardship originating from something unique to the property.

4) The alleged difficulty or hardship is caused by the provisions of this chapter and has not been created by any persons presently having an interest in the property;

Staff Comments: The provisions of the zoning code do not prohibit building an addition onto this lot. As previously mentioned, it could be built where the existing patio is. While this may not be ideal or the most desirable for the owners, it would be allowed. The provisions of the chapter are not preventing the project from occurring on the lot. Staff finds the hardship to be more perceived than actual for the reasons outlined in this report.

The application from the applicant explains some reasons why the location was selected and the benefit the proposed addition would have to the property. The rationale and explanation for the application are grounded in convenience as opposed to a hardship which is unique to the property. Nearly every home in this general vicinity has maximized the buildable area on the respective lot as prescribed within the zoning district. The buildout is not a hardship prescribed by the chapter, but rather the preference of those who originally built and then those who have made subsequent improvements to the dwellings as allowed by the zoning ordinance. In this instance, the addition could be built on the lot, without a variance.

5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

Staff Comments: If the variance is granted, the structure is required to be built properly and permitted; if built as proposed, the structure would fit with the property. However, the request is detrimental to the other properties in the City in the sense that there is absolutely nothing inherently special or unique to this property which would prevent ordinance from being followed. Nearly every lot in this area has the same predicament related to extending past the current building footprint. To allow this here could possibly send a message that the ordinance is optional and doesn't need to be followed. Granting a variance would create an inequitable situation where the subject property would receive something which is otherwise prohibited by the ordinance and furthermore, is being followed on other properties in the area.

While many of the properties were developed under a previous zoning ordinance, they generally comply with the require rear yard. As previously mentioned, the properties on the west side of Spring Valley Drive do not have the 40 foot rear yards, but abut a golf course. The nearest rear wall of an adjacent structure is well over 80 feet. This property is already legally at a 35 foot rear yard to grant a variance reduce it further to 22.5 feet because it would be more convenient, is contrary to the spirit and intent of the regulation.

6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems

on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Staff Comments: No, the proposed 22.5 foot rear yard is not expected to have a meaningful impact on congestion or danger of fire, but the intent of this zone district is to have larger yards than other zone districts in the City. Taking an already reduced yard from what is typically required, and reducing that another 12.5 feet is not the purpose of a variance, especially when the addition could be built on the lot if it is desired. The proposed style, construction method(s) and quality of the sunroom are not at issue here, but the location is the reason for the staff recommendation. If the variance were granted, the addition would be built in such a manner that it would be safe and would not endanger the safety of the area. It is not expected the addition would impair property values in the area, however these factors only account for one of the six criteria the Zoning Board of Appeals is to consider when making a determination on granting the variance.

POSSIBLE ACTIONS FOR THE ZONING BOARD OF APPEALS

1. Approve the request as submitted; or
2. Approve the request with conditions deemed necessary to mitigate any adverse impacts that could arise from the project; or
3. Deny the request; or
4. Defer the request to obtain more specific information about the request.

STAFF DOES NOT SUPPORT THE APPLICATION FOR THE FOLLOWING REASONS:

- Variance is grounded in convenience and financial gain as opposed to a hardship or unique feature(s) about the property.
- Staff finds that 5/6 criteria for the Zoning Board of Appeals to grant a variance have not been met.

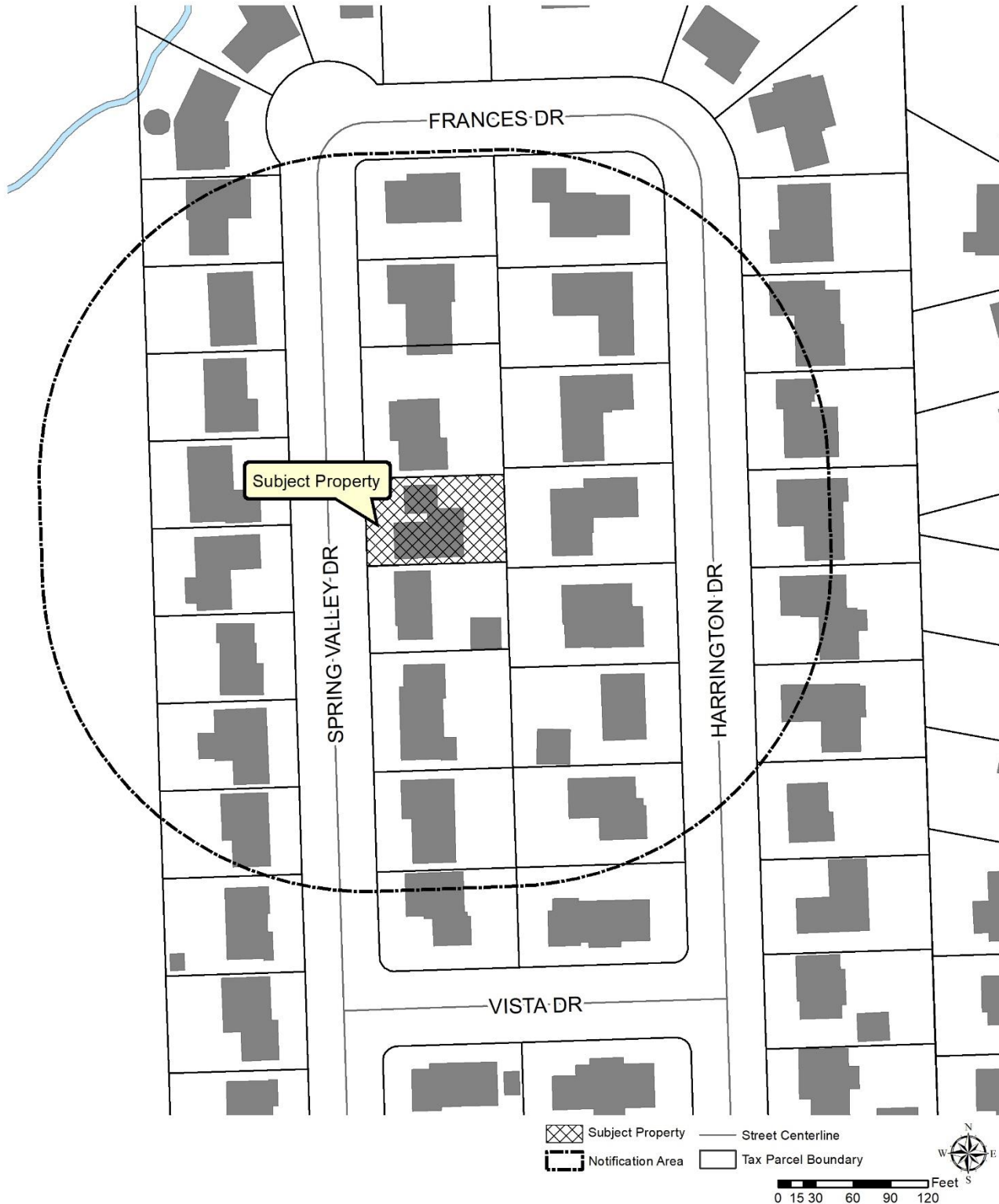
STAFF RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM BOB AND JUDY BAGLEY., SEEKING A 12.5 FOOT VARIANCE FROM SEC. 114-295(a) TO CONSTRUCT A 12 FOOT BY 12 FOOT SUNROOM ADDITION, AT 1435 SPRING VALLEY DRIVE BE DENIED.

ATTACHMENTS:

- 1) Property owner notification map indicating the subject property;
- 2) Aerial Photo indicating the subject property;
- 3) Zoning Map indicating the subject property;
- 4) Land Use Map from Comprehensive Plan, indicating the subject property;
- 5) Site photos of the property and general area; and
- 6) Submittal documents ([click to view](#)).



Variance Request - 1435 Spring Valley Drive



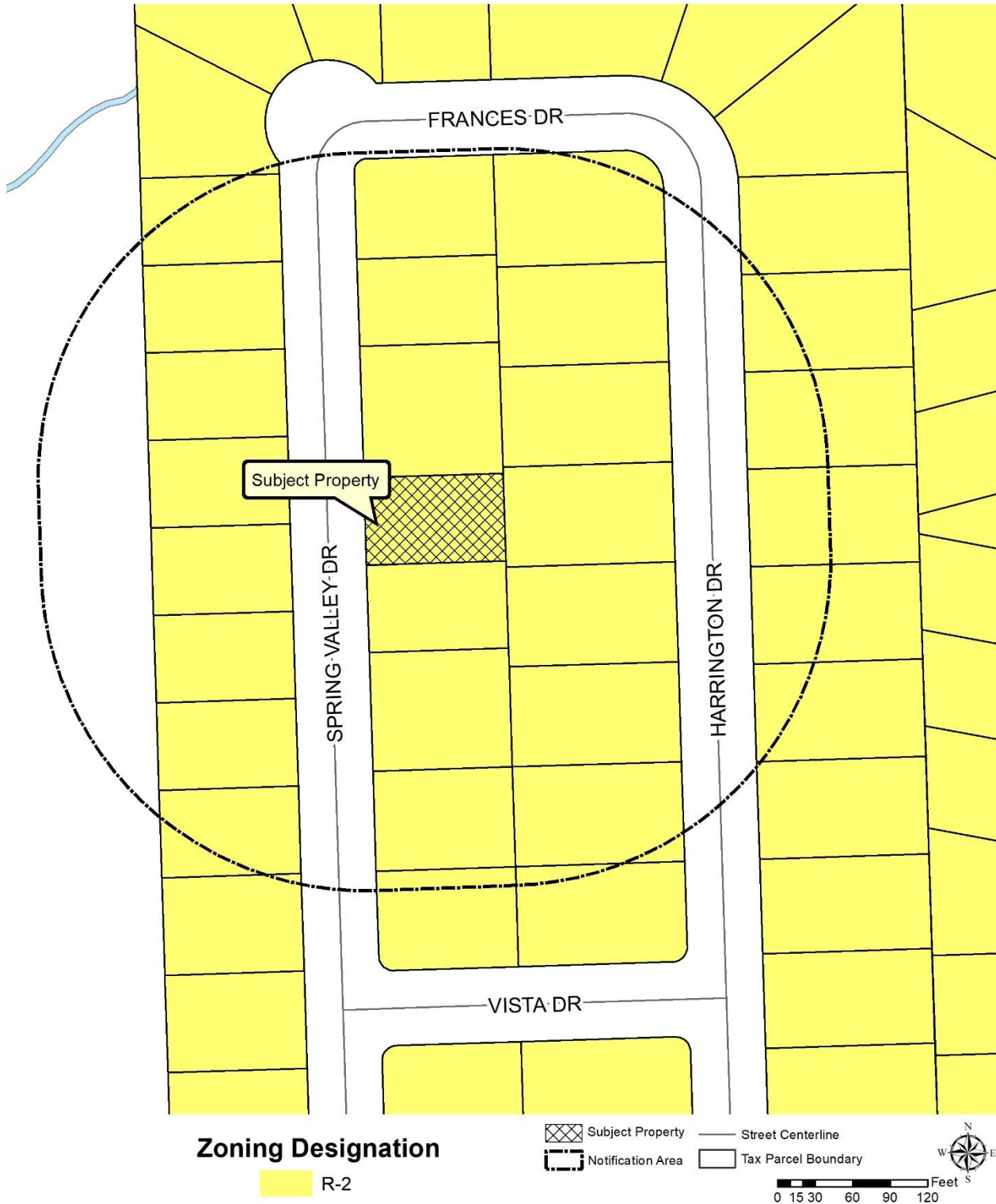


Variance Request - 1435 Spring Valley Drive



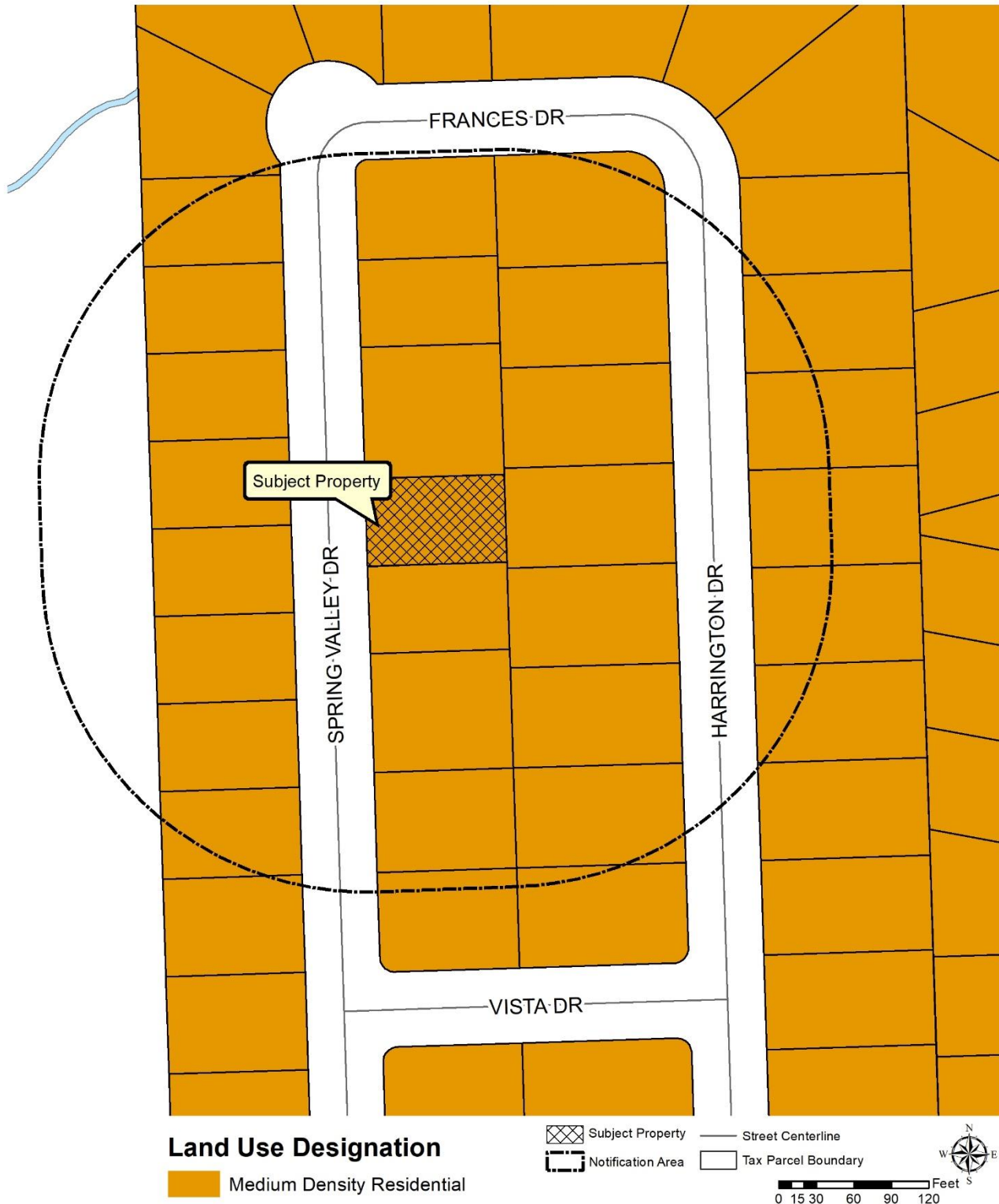


Variance Request - 1435 Spring Valley Drive





Variance Request - 1435 Spring Valley Drive



Site Photos



Looking east at the subject property from Spring Valley Drive



Looking east at the property from Spring Valley Drive



Looking south down Spring Valley Drive



Looking north on Spring Valley Drive



Looking at the rear of the structure on the subject property



Looking at the eastern (rear) lot line of the subject property