



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 10/9/2019

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: 2413 Gilson Street

Applicant: Rick Mauldin

Property Owner: Rick Mauldin

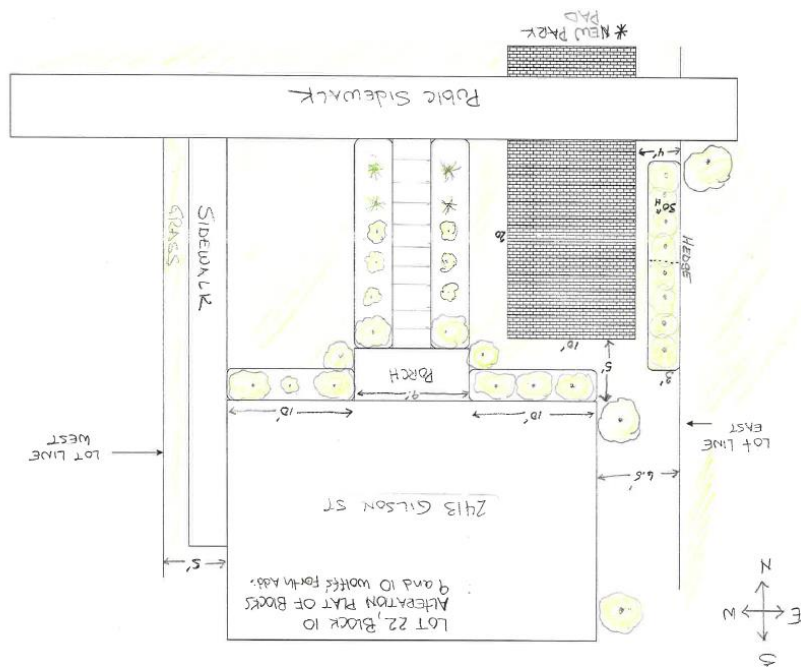
Request: Consideration of a Variance application Rick Mauldin, seeking to construct a 10 foot by 20 foot, paved, parking space in the required front yard which does not lead to garage or area outside the front yard, as required by [Sec. 114-1148\(b\)\(1\)](#) of the Municipal Code. The required front yard is 25 feet and the proposed parking area would be in this yard, in front of the house.

BACKGROUND AND SUMMARY: The applicant seeks to construct a 10 foot by 20 foot parking area in what is the required front yard. The lot is 40 feet in width and has an existing dwelling, built in 1949, which is 29 feet wide, with a side yards of five and six feet. Neither of these side yards will allow a car to traverse past and access the rear of the property for parking. Additionally, the applicant has explored a shared driveway access with the adjacent property to the west but that was not able to be worked out for vehicle access to the rear yard.

The request for variance was necessitated by a family member moving into the home in the near future and the need for an off-street parking space. The zoning ordinance currently requires 1.5 spaces per dwelling unit (which technically means 2) and the lot has none. The variance request would allow for one car to be stored off the street, but in the required front yard if approved.



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



Proposed site plan, submitted by applicant (north is up).

GENERAL INFORMATION

Parcel Number: [15283000](#)

Property Size: 4,761 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 because the required front yard is 25 feet in this zone district. There is not the possibility to park outside of the required front yard on this parcel given the existing buildout and current requirements.

The lot does not meet minimum lot size for this zone district as spelled out in the current development standards.

Engineering, Utilities and Access:

Access ([114-1151](#)): This application does contemplate adding a vehicular access point for the lot off of Gilson Street. This width and dimension would be similar to that of other driveways on the street.

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: The existing lot size is non-conforming to the current lot size requirement of 6,000 square feet. At a reduced size, the lot has less space for a dwelling unit of practical use AND the all of the required associated yards (setbacks). In this instance the dwelling is of a useable size, but the require side yards are of a width which make accessing the rear of the lot most impossible for nearly any sized motor vehicle. Even a motorcycle would have a difficult time accessing the rear of the lot with a five or six foot wide driveway. Given the ordinance Sec. 114-1148(b)(1) prohibits parking in a required front yard, the lot has nowhere the required off-street parking spaces could be legally provided if the provisions of the ordinance were followed. A minimum of a 9 foot paved access would be required for the off street spaces, which simply does not exist on this lot.

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: There other lots which are within this zone designation and which do not meet minimum lot size requirements, so it is possible this scenario exists elsewhere. What is unique about this lot is the combination of factors which make the development standard ultimately impossible to follow given the combination of variables. The age of the home and when it was originally built led to the following:

- Non-conforming lot size;
- Non-conforming side yards (both);
- Nonconforming off-street parking;
- Age of the structure;

The area also lacks an alleyway which would also provide rear access to the site. At this point in time an alleyway is not possible and is not a viable option for rear access to the lot.

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 not based on financial gain, but would result in closer compliance to development standards. While the parking would be in a required yard, the lot is lacking off-street parking in its entirety at this time. While not ideal, the parking in the front yard is the only option for this lot given the current buildout and access limitations to the rear. The proposed plan would allow for one vehicle to be located off the street and would allow for the property to come closer into compliance with development requirements.

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 actually prohibit the required off-street parking from being met on this lot, when combined with the existing buildout of the lot from 1949. In 1949 off-street parking requirements were different than in 1973 when the current ordinance was adopted, and the building could be viewed as non-conforming. That aside, the buildout of the lot in 1949 is not the fault of the applicant, nor is the fact that the rear of this property is not accessible. These things were not created by the applicant and owner of the property and the hardship to achieving compliance is a result of the prohibition on parking in a required front yard as outlined in Sec. 114-1148(b)(1) of the Municipal Code.

- 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 lot will come into closer conformance with the development standards for off-street parking so in that sense, the request is not detrimental to the public welfare. The resultant curb cut will likely take away an on-street space, but this is of less concern for a couple of reasons; one, the space was likely being utilized by residents of this dwelling, and two, the space is being created off-street. The proposed planting plan to help screen the parking area will be an enhancement which offsets the visual impact of having a vehicle stored in front of a dwelling unit. The surface will be improved as to avoid the look of having a vehicle stored on grass or another landscaped area in the required yard.

- 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 front yard parking space is not expected to have a meaningful impact on congestion or danger of fire, but the intent of this rule is to not have vehicles parking directly in front of dwelling units. In this instance having a car off the public street would be more convenient for the home owner and during snow and leaf clearing one less vehicle will make clearing debris a bit easier. The mitigating factor of having some increased landscaping will help to offset the aesthetics of having a vehicle parked in the required yard.

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 RECOMMENDATION: BASED ON THE FINDINGS OF FACT IN THIS REPORT, THAT THE REQUEST FROM RICK MAULDIN, SEEKING A VARIANCE FROM SEC. 114-1148(b)(1) TO CONSTRUCT A 10X20 FOOT PARKING AREA, AT 2413 GILSON STREET IN THE REQUIRED FRONT YARD, BE APPROVED , SUBJECT TO CONDITIONS OUTLINED BELOW:

- a) That the plans presented to the Zoning Board of Appeals on October 9, 2019 be approved subject to the conditions contained herein.
- b) That only one parking space be authorized in the required front yard.
- c) The existing right-of-way tree be preserved, but if not possible, a replacement tree planted in the right-of-way which is satisfactory to the City Forester.
- d) That all codes and ordinances are complied with and required permits acquired.
- e) That no minor changes be made from these conditions without approval of the Zoning Board of Appeals.

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](#)).

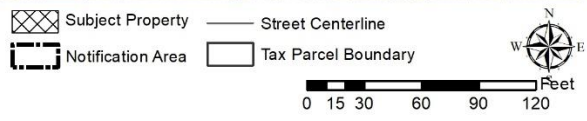
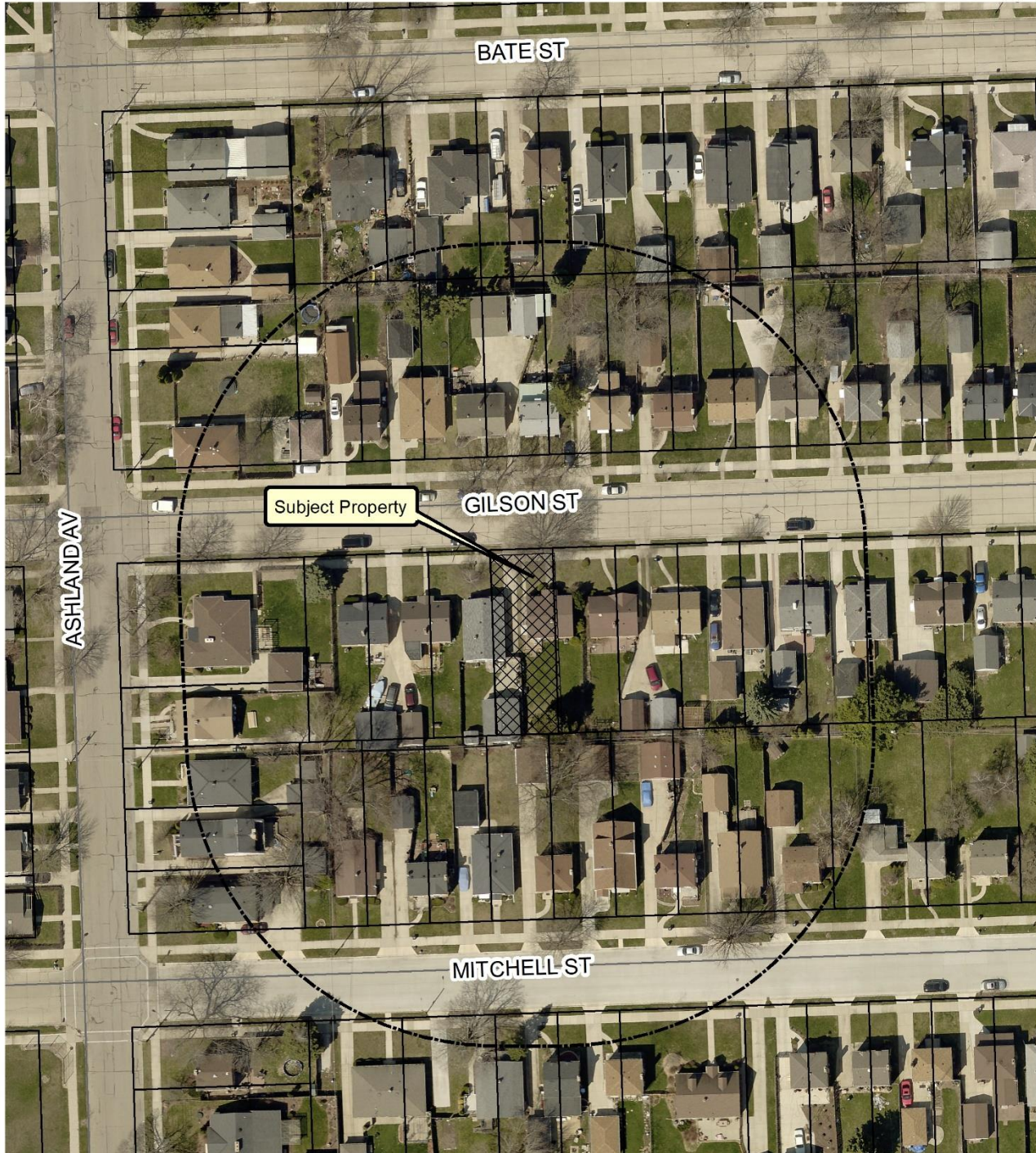


Variance Request - 2413 Gilson Street





Variance Request - 2413 Gilson Street





Variance Request - 2413 Gilson Street



Zoning Designation

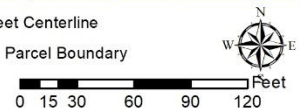
R-2 R-3

Subject Property

Notification Area

Street Centerline

Tax Parcel Boundary











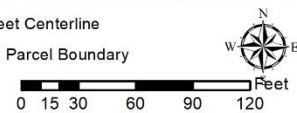
Variance Request - 2413 Gilson Street



Land Use Designation

-  High Density Residential
-  Governmental and Institutional

-  Subject Property
-  Notification Area
-  Street Centerline
-  Tax Parcel Boundary



Site Photos



Looking south at the subject property from Gilson Street



Looking at the subject property from the north side of the street



Looking east from the subject property



Looking west from the subject property



Looking at the front yard of the subject property



Looking north at neighboring property from subject property