

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. 114-48(a)

- 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;**

Finding: 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;**

Finding: 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.**

Finding: 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.

Finding: 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

Finding: 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.

Finding: 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.

CONDITIONS:

- a) That the plans presented to the Zoning Board of Appeals on November 13, 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.

DATE: November 13, 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 would result in practical difficulty or unnecessary hardship; it being not contrary to public interest and owing to special conditions the Board of Appeals hereby authorizes to the appellant(s) Rick Mauldin a variance from said ordinance Section 114-1148(b)1.

Adopted on: November 13, 2019

By a vote of: for_____ against_____ abstain_____

SIGNED BY THE ZONING BOARD OF APPEALS MEMBERS:

ITEM NO: 1133-19 APPEAL NO: 19-5 DATE OF MEETING: November 13, 2019