

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 property is generally like that of others in this vicinity; narrow and long, with no access to an alleyway. Some properties on this block have shared driveway access which allow a rear yard garage to be constructed. This would be the ideal scenario in this circumstance and would avoid a vehicle parking pad placed directly in front of a residence. While the lot not having any ability to park cars off the street is non-conforming, allowing parking in the front yard would also be non-conforming. The majority of homes on this particular block utilize a shared driveway situation or have a driveway of their own. Installing a driveway is not an option here, but this is a problem which is more of an inconvenience than a hardship. The street is allowed to be parked on in this area and there is the ability to park several cars there, including in front of this property.

- 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 are other properties within the City and within this general area which are zoned R-2 and have a similar predicament as it relates to locating vehicles off the street. This particular property is better suited to the R-3 designation given the size, existing setbacks and placement of the structure on the lot; nonetheless, the same could be said, that similar issues would exist in this zoning designation, as in others of the same designation within the City. The home was built before the prevalence of personal automobile usage at rates which are seen today. That being said, any vehicle was likely parked on the street out in front of the dwelling.

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

Finding: It is likely having the ability to park off the street would make the property more valuable or marketable, but that isn't the sole reason for the application. The application seemed to be rooted more in convenience and practicality with having a car off the street for plowing and other debris removal events.

- 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 alleged difficulty has been in place since at least 1973 when the adoption of the current code took place. That being said, previously all those who resided at this dwelling parked on the street or did not own a passenger vehicle. The provision from which a variance is sought literally does not allow off-street parking to occur on this property, but this is due to how the home was built on the lot and not because of the regulation itself. This home was not built by the applicant, but it was purchased in this configuration. A shared driveway would be an option; it is not desirable by either party who would be sharing, but would alleviate the need for a variance. This is not something the City can require however, it must be worked out between the owners of the properties.

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: The granting of the variance could be detrimental to the public welfare for those with a direct view of the home, as they would see that a car in the front yard is not connected to a driveway leading to a garage or rear yard parking area. This would be fairly limited in scope as the vast majority of those passing by would simply see a car near the sidewalk. That being said though, the aesthetic impact on the neighborhood is something which has to be considered and weighed.

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. It is possible that some would find having a parking pad and car parked in a front yard, even given the circumstances on this property, would diminish or impair property values in the neighborhood as no one on this block face currently has a parking pad in a required front yard.

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

SIGNED BY THE ZONING BOARD OF APPEALS MEMBERS:

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