

ACTION ON APPLICATION
BY THE ZONING AND BUILDING 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 required setback for a reasonably sized accessory building for any practical storage could not be met on this lot. When factoring in the 60-foot setback from the front and 2-foot setback from the rear, the lot is only 70 feet deep; an 8 foot in depth building would not be readily practical during any modern era, let alone today. The strict interpretation of the code effectively prohibits a detached accessory building of any modern use from being built 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 constructing an accessory building of any meaningful size for usage as practical storage 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 front yard;
- Nonconforming rear yard;
- Nonconforming lot depth.

- 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 an overall improvement for the lot and area. While the building is not setback the full 60 feet from the front setback, the overall spirit and intent to have the garage be a subordinate structure and placed behind the primary structure is being met. It is clear that the proposed structure is subordinate to the main dwelling unit on 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.**

Finding: The provisions of the zoning code actually prohibit anything larger than an accessory garden style shed from being constructed on this lot. This is not the fault of the applicant; the code was revised in 1973 and resulted in this lot being nonconforming as to a variety of zoning requirements as outlined earlier in this report. As a result, the lot is not developable at all if it were vacant and not only could a garage not be built on this lot,

establishing a dwelling unit of any modern practicality would be technically impossible without some sort of variance. This request is the minimum action necessary to make this lot useful in a modern context and was not the fault of the applicant or any previous owner for that matter.

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 enjoy something most other lots in the city enjoy, the ability to store vehicles and other belongings inside a structure. It is expected that this garage will increase property values in the area and show that investment is prudent and wise in this area. A new garage structure will allow for less clutter and storage of vehicles in this side yard would be able to occur within a structure, which would lead to a cleaner looking aesthetic for the general area.

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 shorter front setback is not expected to have a meaningful impact on congestion or danger of fire, but the intent of this rule is to not have detached garages behind dwelling units. The spirit and intent of this rule is being met as the garage does not encroach past the front setback of the dwelling unit and is placed 38 feet from the street. If the garage were attached to the house it would be permitted in this location and the end result would be essentially what is being proposed, minus a connection between the two buildings.

DATE: June 24, 2020 **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 Codey Houdek a variance from said ordinance Sec. 114-310(c) and authorizes said appellant(s) to construct a 24 foot by 30 foot garage at 1431 9th Street as shown on the plans presented to the Zoning and building Board of Appeals.

Adopted on: June 24, 2020

By a vote of: for_____ against_____ abstain_____

ITEM NO: 0917-19 APPEAL NO: 20-1 DATE OF MEETING: June 24, 2020