



CITY OF RACINE DEPARTMENT OF CITY DEVELOPMENT STAFF REPORT

Meeting Date: 6/24/2020

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: 1431 9th Street

Applicant: Codey Houdek

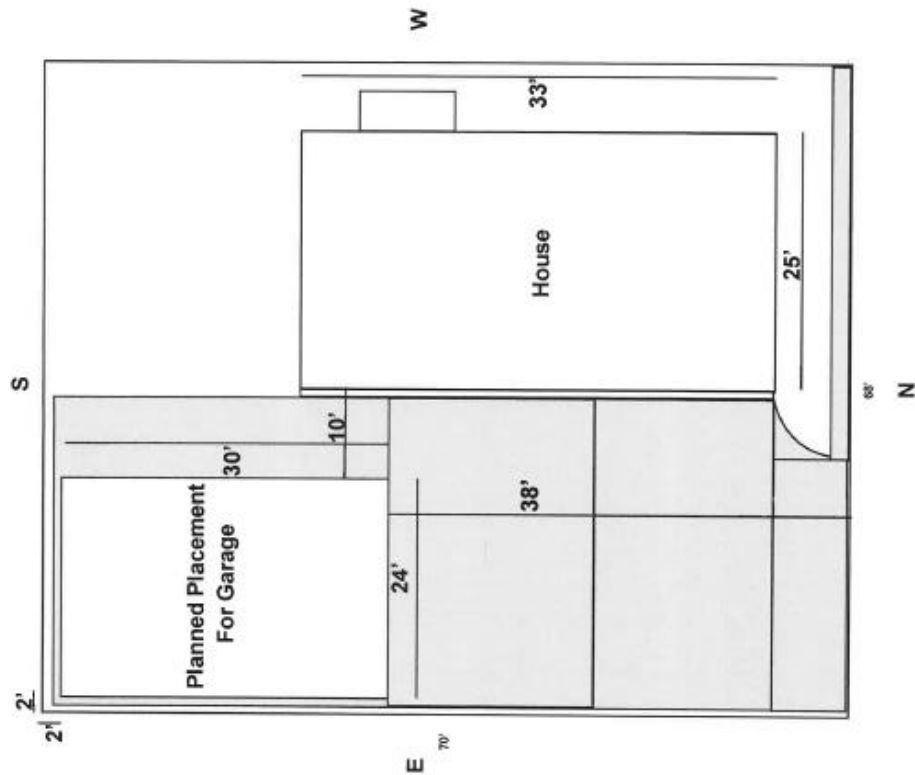
Property Owner: Codey Houdek

Request: Consideration of a Variance request by Codey Houdek, seeking to build a 24 foot x 30 foot detached accessory garage at 1431 9th Street, which would encroach into the required detached accessory building front setback as required by Sec. 114-310(c) of the Municipal Code. The required front setback for an accessory building is 60 feet and the proposed front setback would be 38 feet. The existing lot is approximately 70 feet in depth. The property is zoned R-3 Limited General Residence District.

BACKGROUND AND SUMMARY: The applicant seeks to construct a 24 foot x 30 foot detached accessory garage at 1431 9th Street in what is the required front setback for a detached accessory building. The lot is 70 feet in width and has an existing dwelling, upon it. The regulation if enforced as written would only permit a garage of 8 feet in depth on this lot given the depth is only 70 feet. The lot is nonconforming as to dimensions and strict adherence to the setback requirements would not allow much more than a garden shed on the property.



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



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

GENERAL INFORMATION

Parcel Number: [03206000](#)

Property Size: 4,775 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-3 Limited General Residence

Purpose of Zone District: The R3 limited general residence district is intended to provide areas which are to be occupied substantially by single-family and two-family dwellings and attached dwellings. It is designed to accommodate limited apartment dwellings while maintaining a low density owner-occupancy character.

Proposed Zoning: No change proposed

Existing Land Use: Detached single unit dwelling.

Surrounding Zoning and Land Uses:

| | | |
|--------------|-------------------------------|----------------------------|
| North | I-1 Restricted Industrial | Warehouse/storage facility |
| East | R-3 Limited General Residence | Single unit dwelling |
| South | R-3 Limited General Residence | Single unit dwelling |
| West | R-3 Limited General Residence | Single unit dwelling |

ANALYSIS:

Development Standards:

Yard Requirements: 114-310(c): The plans submitted by the applicant would require a variance because the required front setback for an accessory building is 60 feet in this zone district. There is

the possibility to build an accessory building on this lot and comply with zoning requirements, but it would amount to a storage shed. Based on setback requirements and the lot, the accessory building would have a depth of approximately 8 feet. The lot is non-conforming as to depth and area. IF the lot were the required size dictated by the ordinance, the variance would not be required; as a result, the home on the lot does not meet the required rear yard setback of 35 feet or the front setback of 25 feet. If this were a vacant lot and the provisions of this code were applied as written, nothing could be built on the lot.

Engineering, Utilities and Access:

Access ([114-1151](#)): This application does contemplate changing vehicular access to the site, it will remain from 9th 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 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;**

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 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;**

Staff Comments: 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;**

Staff Comments: 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**

Staff Comments: 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.**

Staff Comments: 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.

POSSIBLE ACTIONS FOR THE ZONING AND BUILDING 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 CODY HOUDEK, SEEKING A VARIANCE FROM SEC. 114-310(C) TO CONSTRUCT A 24X30 FOOT ACCESSORY GARAGE STRUCTURE, AT 1431 9TH STREET IN THE REQUIRED FRONT SETBACK AND TO PROVIDE A FRONT SETBACK OF 38 FEET INSTEAD OF 60 FEET, BE APPROVED, SUBJECT TO CONDITIONS OUTLINED BELOW:

- a) That the plans presented to the Zoning and Building Board of Appeals on June 24, 2020 be approved subject to the conditions contained herein.
- b) That all codes and ordinances are complied with and required permits acquired.

- c) 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 (view in legistar).

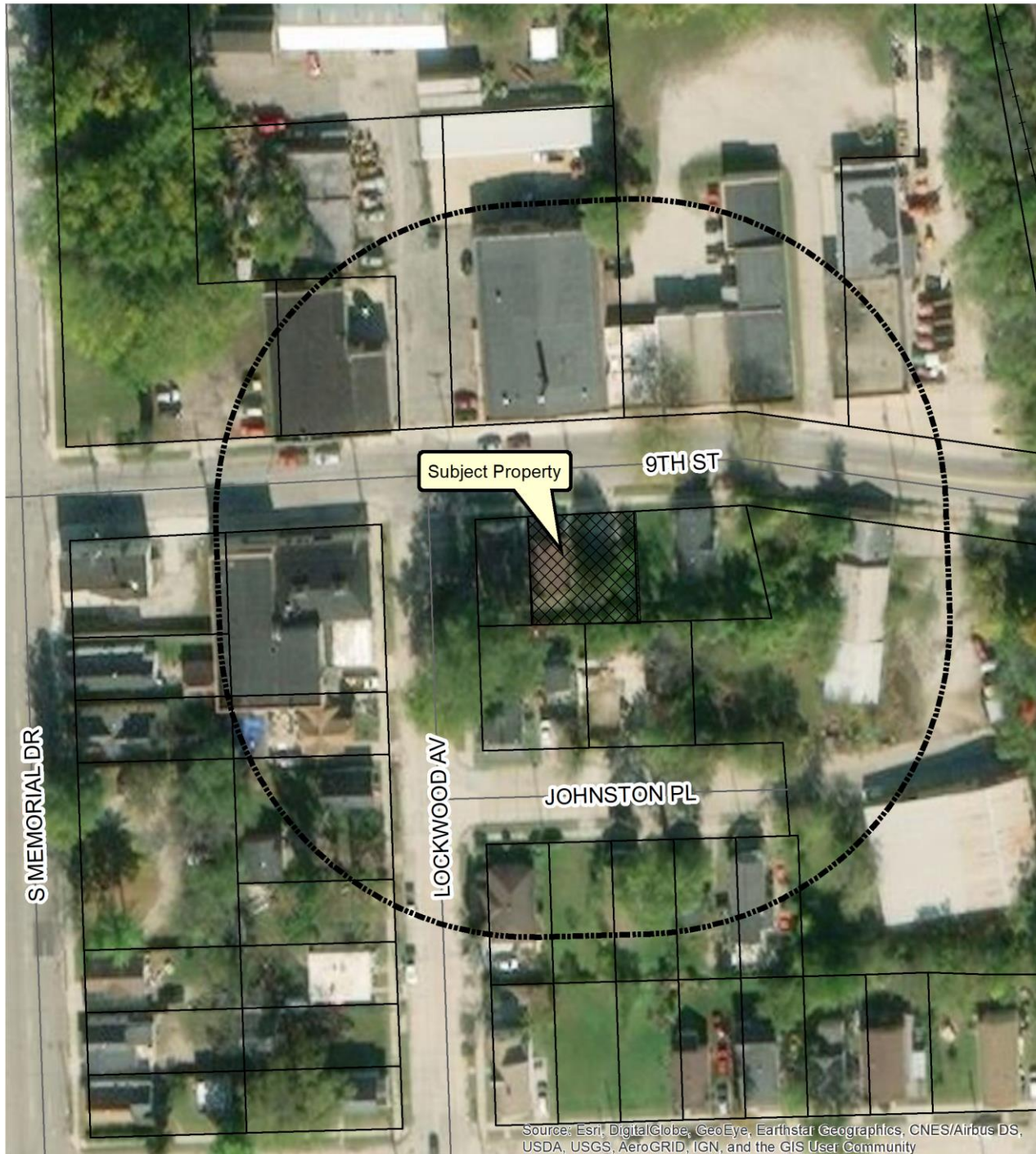


Variance Request 1431 9th Street

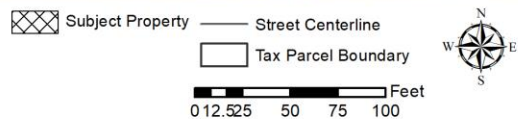




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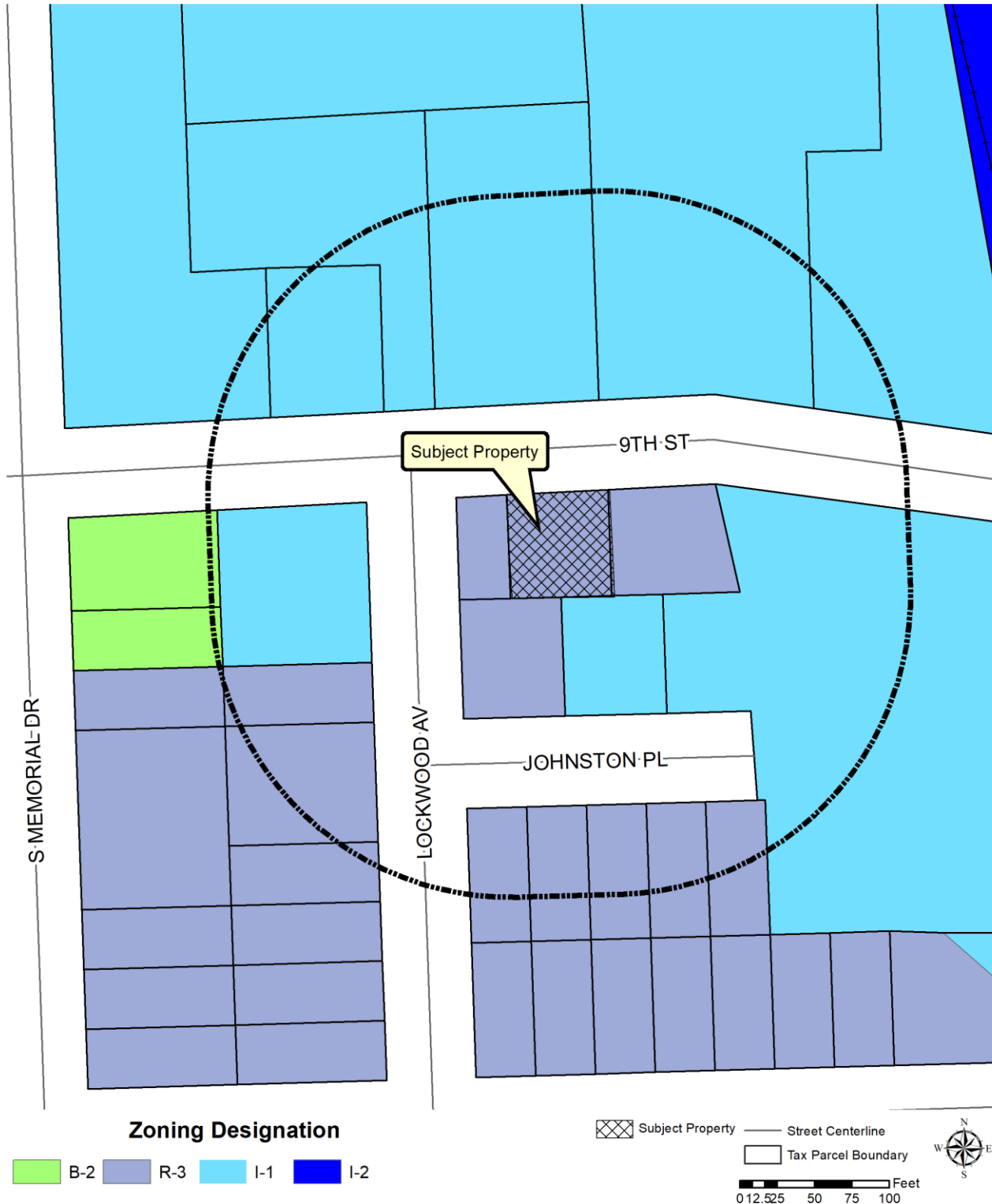


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Variance Request 1431 9th Street





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Site Photos



Looking south at the subject property from 9th Street



Looking east from the property along 9th Street



Looking west from the property along 9th street



Looking north from the subject property



Looking at the area where the garage would be built



Looking south as side yard and parking area of subject property