



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, October 9, 2019

6:00 PM

City Hall, Room 307

Call To Order

Hefel called the meeting to order at 6:00 p.m.

PRESENT: 4 - Christina Hefel, Trevor Jung, Cory Mason, and Samuel Peete

EXCUSED: 3 - Jason Meekma, Mario Martinez, and Marvin Austin

Approval of Minutes for the August 14, 2019 Meeting

A motion was made by Jung, seconded by Peete, to defer the minutes of the August 14th meeting.

1133-19

Subject: (Direct Referral) Consideration of a request from Rick Mauldin, seeking to construct a 10 foot by 20 foot, paved, parking space at 2413 Gilson Street, 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 (ZBA-19).

Attachments: [Public Hearing Notice](#)
[Review and Recommendation](#)
[Applicant Submittal](#)
[Additional Applicant Information](#)
[Draft ZBA approval resolution](#)
[Draft ZBA denial resolution](#)

Associate Planner Jeff Hintz described the request. He stated the property is east of the intersection of Gilson and Ashland and the property does not have access to the rear yard. He stated the applicant approached a neighbor for the possibility of a shared driveway, however that request was not obliged. Hintz stated the area is exclusively zoned residential and explained the land use map, site photos, public hearing notification map, and surrounding area photos. Hintz showed the site plan with the proposed parking pad. He explained that the applicant has a family member with accessibility needs that would need to have access to the property. Hintz explained the possible actions of the Board.

Hintz explained the required findings of fact in depth as it relates to the request. He explained that it is not possible to access the rear of the property due to the lack of an alley, the lot is non-conforming in multiple aspects which makes off-street parking

requirements impossible.

Hintz stated the proposal would allow with closer compliance with one parking space whereas now there are none. He stated staff is recommending approval of the request with only one parking space. He explained the combination of non-conformities with the existing code and development of the lot is not the result of the applicant, but the development regulations themselves. The requirements prevent off-street parking from occurring on this lot and the variance would allow for closer conformance with the parking requirements of the code while generally maintaining the same appearance as other lots in the area. Hintz stated the proposal is not likely or anticipated to impact the light, air access, or create congestion. He stated it would reduce some greenspace between houses however it would help remove the car from the street during time of snowstorms, etc.

Hintz stated that staff is recommending approval of the request subject to conditions. Hintz explained the conditions of approval.

Commissioner Peete asked about the immediate neighbor and whether or not they are ok with the proposal.

Hintz stated that is a question for the applicant.

Chair Hefel opened the public hearing at 6:12 p.m. and swore in the following speakers

Randy Unrein, 2417 Gilson Street, the neighbor spoke regarding the request. He stated that he is concerned about the new location with it being so close to the property line. He stated he has a petition signed by the neighbors regarding where the parking pad should be located. He spoke about curb appeal and the aesthetics of parking the car at the proposed location. He stated there are shared driveways in the neighborhood and the quarrels between neighbors is why he will not open his land up to the driveway. He spoke about the cement pouring and there will not be handicap accessibility. He stated he is concerned that the house may be sold soon and does not want to have conflict with a potential new neighbor. He also expressed concern about snow removal and stated the side door where the ramp is a hindrance. He stated he wants the applicant to get the variance, however, he is concerned about where it would be. He stated he prefers the first option and that was the option he agreed with.

Rick Mauldin, 2413 Gilson Street, the applicant, spoke regarding the request. He stated he presented the former because he thought that is how it would look best aesthetically. He stated that Randy Unrein spoke about removing the grass and making cement between the houses. Stated sidewalk was sloping and runoff coming down to the house and needed to be fixed. He stated that he likes the first option the best aesthetically and he is just looking for a spot to park the car during the winter. He stated there is more room the way it is drawn up without interfering with the tree. Stated there is still room on the other side with the tree present. Stated will have to redo the sidewalk anyway to fix the drainage issues. Stated did not want it 10 x 20, he would rather have it smaller. He stated he was unsure about the rules and if it had to be a certain size.

Hintz stated condition c. of the recommended conditions of approval, if the first layout were approved, would be satisfied.

Mayor Mason asked about the dimension of the driveway and if it had to be that big.

Hintz stated 9 x 19 is the minimum.

Mauldin spoke regarding the tree and stated there is a hole in the tree and it is weeping and coming down the side of the tree. He thinks it is one of the oldest trees and would like someone from the city to come and take a look.

Alder Carrie Glenn, 10th District, spoke regarding the request. She expressed concern about the health of the tree and stated the neighbors she spoke to share the same concern. She stated she was also concerned about setting a precedent of people parking in front of the house.

Dawn Williams, spoke regarding the request. She asked if it were for a disability access or what the purpose.

Hintz stated that the immediately need is for disability access and future need would be to have a car off of the street.

Williams stated she is concerned about the precedent it sets and the preservation of the greenspace. She stated she understands if it were for accessibility needs, however, wonders if there is a different way to do it.

Alder Jung asked about how the findings of fact would address precedence.

Hintz stated he cannot drive the car by the side of the house and some of the other homes are able to. He stated it is ultimately the decision of the board, however, every case is a unique circumstance. He explained to the board that it is due to the size of the lot and how the house was built.

Discussion ensued regarding the findings of fact and improved access under ADA.

Mauldin stated at the moment there is a wheelchair ramp on the property because his grandmother requires it. He stated his sister stayed at the property for three months when she had issues. He explained he had to use neighbor's driveway. However, the moment it is not the issue and it is not the main purpose. He stated from a precedent standpoint, there have been other cases that have been approved. He stated one was approved due to lack of off-street parking and he stated across the street there is a shared driveway and front parking. He stated there are cars that do not pull all the way into the driveways.

Mayor Mason clarified that it is not a case of handicapped access and asked the reason for the variance.

Mauldin stated to have a capability to park off of the street.

Matt Sadowski, Planning Manager, stated there was one on Wisconsin Avenue that was built illegally and went through ZBA several times and was ultimately approved.

Mauldin explained that you are kind of land locked with the property and spoke regarding the other homes that were allowed to do that.

Hefel closed the public hearing at 6:38 p.m.

Mayor Mason expressed concern about a potential standard being set.

Alder Jung stated he is concerned about the aesthetics of the neighborhood and about the potential shift in the character of the neighborhood.

Brief discussion ensued.

Mayor Mason asked about deferral to a future date to give an opportunity for the findings of fact to be reviewed.

A motion was made by Mason, seconded by Peete, to continue the hearing to the November 13th meeting. The motion PASSED by a Voice Vote.

Adjournment

There being no further business, the meeting adjourned at 6:44 p.m.