

**STAFF REPORT
GREENFIELD ZONING BOARD OF APPEALS
THURSDAY, APRIL 25, 2019
5:30 PM**

COMMON COUNCIL CHAMBERS – CITY HALL – 7325 W. FOREST HOME AVE., GREENFIELD, WI 53220

- 1. Roll Call**
- 2. Approval of the minutes from the November 29, 2018 meeting.**
- 3. Zoning Special Exception petition for an accessory building larger than allowed by code, to be located at 5012 S. 92 St., submitted by Patrick Heaney. (Tax Key No. 615-9950-000)**



The property owner at 5012 S. 92 St. is requesting a variance to construct a 36' x 24' x 10' (864 sq. ft.) storage building in the back yard. The property is zoned R-2 Single-Family Residential Conservation District. The owners purchased the home in 2008. Currently, the property has the following accessory structures:

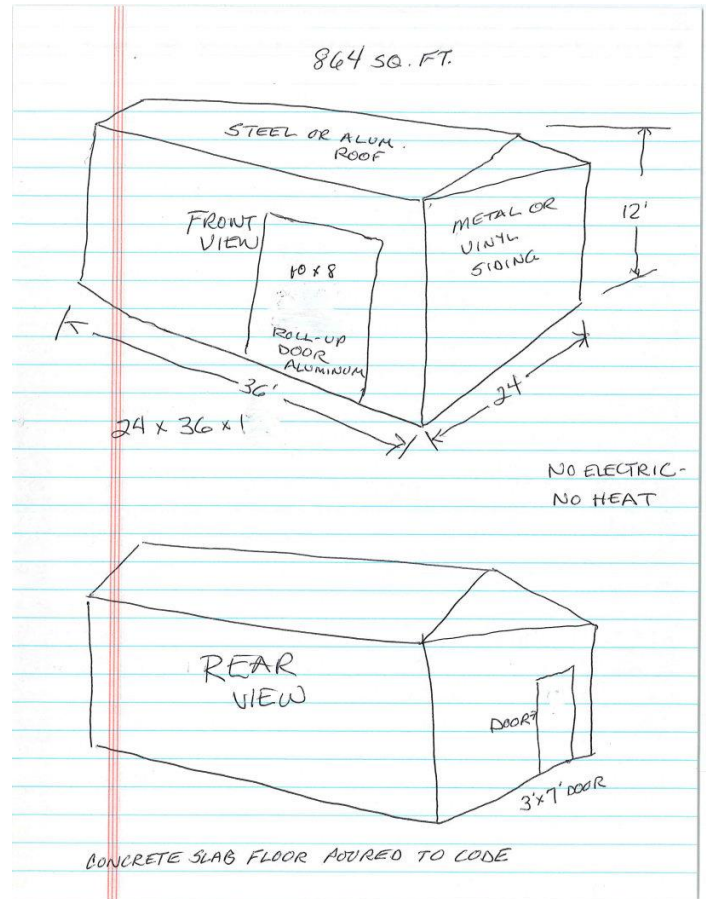
- a. 30' x 30' (900 sq. ft.) detached garage
- b. 12' x 12' (144 sq. ft.) shed – no permit issued
- c. 6' x 6' (36 sq. ft.) shed – no permit issued

The owner has stated that he would remove the two (2) non-permitted sheds in place of the requested 864 sq. ft. shed. Section 21.04.0801 of the Municipal Code states that two (2) accessory buildings may be permitted, one (1) of those being a garage. The R-2 District permits garages up to 1,000 sq. ft. in area. The second accessory structure may be up to 250 sq. ft. in area.

The property owners are requesting a variance to allow a second accessory structure, 864 sq. ft. in area, exceeding the 250 sq. ft. maximum by 624 sq. ft. In Mr. Heaney's project description, he made mention that he would store his race car during the off-season in the new storage building, and that the "building is needed for spare race parts, and small-engine parts for Pat's Small Engine Repair" as his garage is full and no longer has storage space.

The applicant provided a sketch of the 36' x 24' x 10' (to the right). One of the provided attachments made mention of using 2'x4', 2'x6' and 2'x8' lumber that he had obtained for free for the construction of the proposed storage unit. However, the provided sketch has a notation that the building will be constructed of metal or vinyl siding. Further clarification is needed.

In staff's site visit, through the City's 2018 GIS aerial photo, and through GoogleMaps, it is evident that there is a tremendous amount of outdoor storage taking place on the property. Storage includes building materials, vehicles, and trailers. It is also evident by the signage at the end of the driveway, and through the number of small engine devices on the property that Mr. Heaney is running an engine repair business out of his home, which is not permitted in the R-2 Single-Family Residential Conservation District.





Staff has the following concerns regarding the requested variance:

1. A precedence would be set to approve such a large second accessory structure, exceeding the municipal code's limit by 624 sq. ft. in area.
2. The applicant indicated that the structure would house a vehicle. Only one (1) accessory structure may be a garage and the property already has a detached garage. In addition, no pavement is proposed for vehicles to access the proposed accessory structure, so vehicles would be driving on the grass.
3. The applicant is requesting the accessory structure for the second purpose of storing small engine parts for a business that is being run out of the home, which is not allowed, per Section 21.04.0802 of the Municipal Code, and must cease and desist immediately.

Staff recommends denial of the variance request to construct a 36' x 24' x 10' (864 sq. ft.) storage building in the back yard. If the variance request is denied, the property owner must immediately remove one (1) of the non-permitted existing sheds and apply for a permit for the other. If the variance request is approved, the property owner must remove both non-permitted existing sheds prior to a permit being issued for the requested 864 sq. ft. accessory structure.

Regardless of the outcome of the variance request, a code enforcement letter will be sent to the property owners regarding the small engine repair and home occupation violations that are taking place on the property.

4. Adjournment