

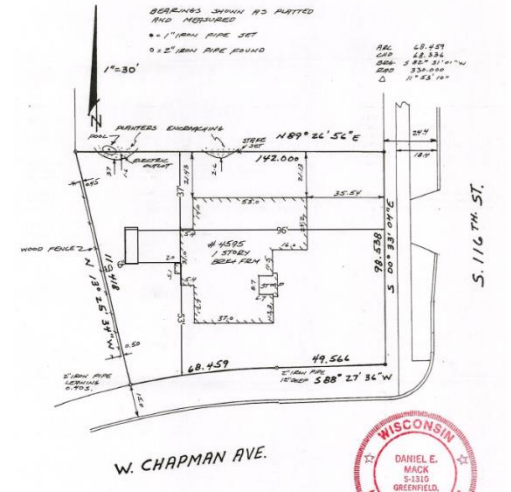
**STAFF REPORT
GREENFIELD ZONING BOARD OF APPEALS
THURSDAY, JUNE 24, 2021
5:30 PM**

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

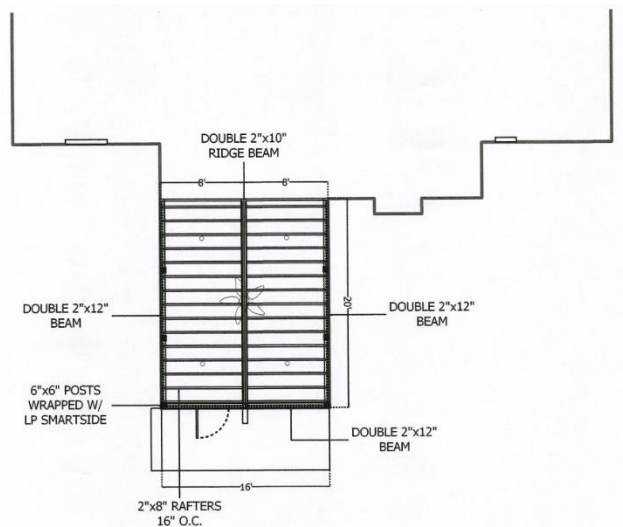
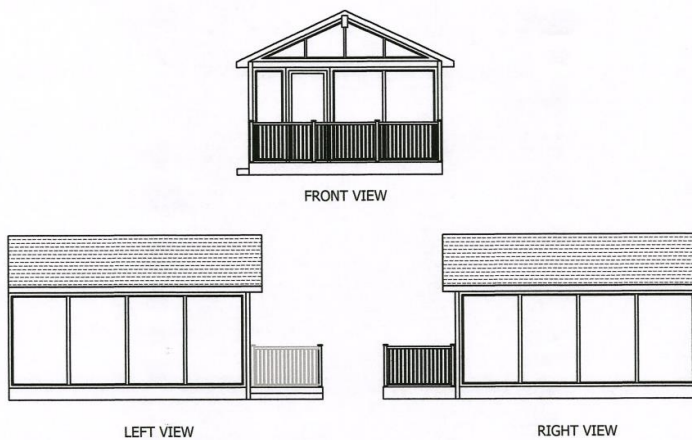
1. **Roll Call**
2. **Approval of the minutes from the February 26, 2020 meeting, the October 22, 2020 meeting and the May 27, 2021 meeting.**
3. **Zoning Special Exception petition for a screen room to be constructed within the rear yard setback, to be located at 4595 S. 116 St., submitted by Danielle Hady, d/b/a Outdoor Living Unlimited. (Tax Key No. 610-0218-000)**



The applicant, Outdoor Living Unlimited, is representing the property owner who is requesting a variance to construct a screened-in sun room off of the back of their home, which would encroach into the rear yard setback requirement. The property is zoned R-2A Single-Family Residential District, which requires a 25-ft. rear yard setback. The single-family home was built in 1996. Going off of measurements from an aerial photo (which isn't perfect, but is quite close), it looks like the closest existing corner of the house is about 30 feet from the rear yard property line.



There is a concrete patio in the back that the owners would like to replace with the proposed screen room. The proposed screen room is 20 ft. deep x 16 ft. wide. The proposed plans also include a deck off of the sun room that is 6 ft. deep x 16 ft. wide. The combination of the sun room and deck (26 ft. deep x 16 ft. wide) would leave a 10' 6" setback from the rear lot line.



This property has one of the smallest rear yards in the neighborhood because of the way the rear lot line is angled. In addition, this is a corner lot with a fully-exposed backyard off of W. Chapman Ave. The screen room addition would be very visible from W. Chapman Ave. There are no hardships affiliated with this application. Section 21.09.0209 of the Municipal Code states that, "No special exceptions shall be granted by the Zoning Board of Appeals unless it finds beyond a reasonable doubt that the following facts and conditions exist:

1. Preservation of Intent.
 - a. No special exception shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No special exception shall permit a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.
2. Exceptional Circumstances.
 - a. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the special exception would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Special Exception.
 - a. No special exception shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the special exception.
4. Preservation of Property Rights.
 - a. The special exception must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
5. Absence of Detriment.
 - a. No special exception shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Code or the public interest.
6. Additional Requirements in Floodland Districts."

If a variance is granted for this application, staff feels that a precedence would be set, applying Fact #2 above, that if one exception is granted, more applications are to come. At that point, the City should consider modifying the Zoning Code setback regulations. Every single-family residential zoning district in Greenfield has a minimum 25-ft. rear yard setback requirement. Staff does not recommend approval of the proposed application/variance request.

4. Adjournment