

MEMORANDUM

To: City of Whitewater Plan and Architectural Review Commission

From: Allison Schwark, Zoning Administrator

Date: July 13, 2026

RE: Conditional Use Permit and Site Plan Review

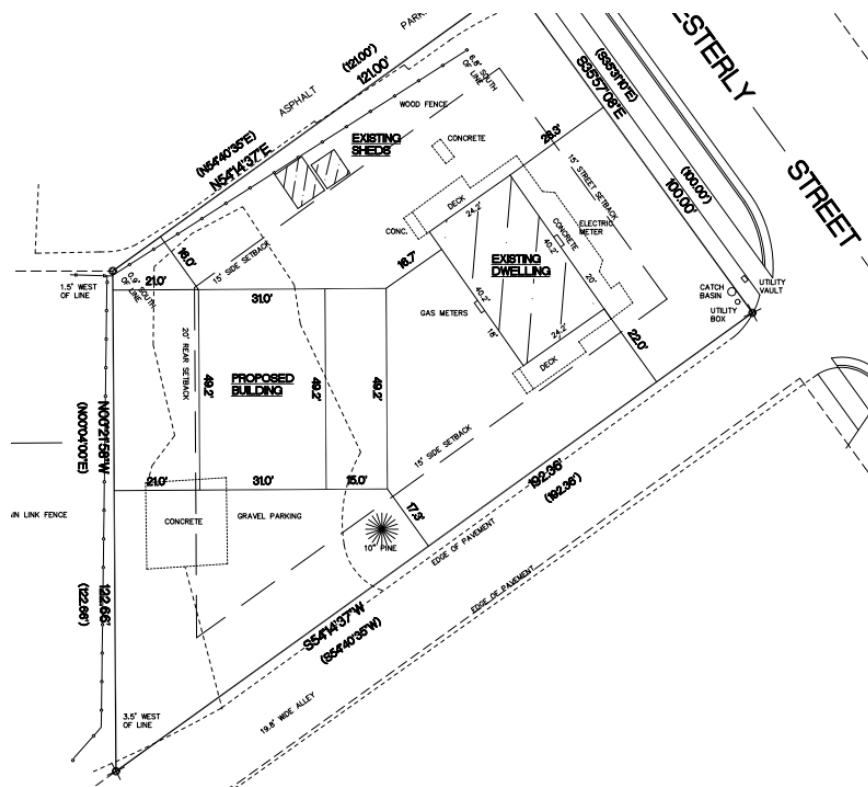
Summary of Request	
Requested Approvals:	Conditional Use Permit and Site Plan Review for a garage/outbuilding that exceeds standard ordinance requirements.
Location:	212 S Esterly Street(/A288100003)
Current Land Use:	Residential
Proposed Land Use:	Residential
Current Zoning:	B-3 Highway Commercial and Light Industrial District
Proposed Zoning:	N/A
Future Land Use, Comprehensive Plan:	Community Business

Site Plan Review

The applicant is requesting a Conditional Use Permit and Site Plan Review to construct a garage exceeding standard ordinance provisions regarding detached accessory structures. Per Section 19.06.120, pertaining to yard modifications **“In nonresidential districts the size and location of detached accessory structures shall be treated as conditional uses when the square footage exceeds eight hundred square feet.”**

The property is currently zoned B-3, and is operating as a residential use, as the principal building on the property is residential housing. This makes the current use of the site legal nonconforming. The proposed garage would be classified as an accessory structure to a residential principal use.

Due to the size of the proposed structure, and configuration of the parcel, the proposed structure should be compliant with all principle structure setback requirements of the B-3 zoning district. **Per Section 19.33.060 the proposed plans appear to be compliant with all setback**



The applicant is proposing a detached accessory structure with an attached overhang with concrete pad, making the total square footage of the structure 2,263.2 square feet, and an elevation of 11 feet.

Planner's Recommendations

This request presents a policy question that extends beyond the individual property. Approval of a 2,263-square-foot residential accessory building may establish a precedent for future requests involving similarly sized residential accessory structures within the City. While each Conditional Use Permit must be evaluated on its own merits, previous approvals are frequently referenced by future applicants when seeking comparable relief.

The Commission should therefore consider whether approval of this request reflects the long-term policy direction it wishes to establish regarding the maximum scale of residential accessory buildings.

The Commission should consider whether the proposed structure remains subordinate and incidental to the principal residential use. Although accessory buildings may exceed the footprint of some homes, their size should generally remain clearly secondary to the principal use of the property and compatible with surrounding development. The proposed structure appears to be larger than the existing home on the parcel.

Based upon staff's review, the proposed accessory building would be among the largest detached residential accessory structures within the City. The Commission may wish to consider whether a structure of this scale remains consistent with the traditional character and function of residential accessory buildings.

The subject property is located within the B-3 Business District, where the long-term land use intent is commercial development. While the existing residence may legally remain, approval of very large residential accessory structures could be viewed as expanding long-term residential investment within an area planned primarily for commercial activity.

Staff finds that the proposal exceeds the size of accessory structures commonly found on residential properties within the City and presents a policy question regarding the appropriate scale of residential accessory buildings permitted through the Conditional Use Permit process. While the ordinance authorizes the Plan Commission to consider structures exceeding 800 square feet, approval of a building of this size may influence future land use expectations and should therefore be evaluated not only on the merits of the subject property but also in the context of the City's broader zoning policies. The Plan Commission should determine whether the proposed accessory structure is compatible with the surrounding area, consistent with the intent of the zoning ordinance, and appropriate as a matter of long-term land use policy.