



Meeting Date: July 29, 2025

## ZONING BOARD OF APPEALS REPORT

Item No. **4C**

Proposal: Variance Request

Description: Requesting variances from Sections 16-6-2(b) and 16-10-3(a)(4). The applicant is requesting a variance to allow for a street yard setback of 20 feet for a proposed 24' x 36' detached garage addition to the existing single-family home located at 5712 Old Oak Road.

Applicant(s): Jim Fox

Address(es): 5712 Old Oak Road

**Suggested Motion:** Staff does not make a recommendation on variance requests.

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Owner(s): Nathan Schwartz

Tax Key(s): 104-04-22-12-058-000

Lot Size(s): ±1.022 acres

Current Zoning District(s): A-2, Agricultural District

Overlay District(s): N/A

Wetlands: ☐ Yes ☒ No      Floodplain: ☐ Yes ☒ No

Comprehensive Plan: Agricultural, Rural Residential, and Open Land

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**Background:** The applicant is requesting variances from Section 16-6-2(b), which requires a street yard setback of 75 feet for structures built on parcels zoned Agricultural; and Section 16-10-3(a)(4), which states that detached accessory structures may be permitted in the street yard, provided that the street yard setback of the accessory structure is equal to or greater than the required setback for the district in question. The existing principal structure, built in 1999, is legal non-conforming, built on a corner lot with street yards to the south and west.

The applicant is requesting a variance to allow for a street yard setback of 20 feet to construct a 24' x 36' detached garage addition southeast of the existing single-family home. Exhibit A depicts the required setbacks for the parcel in question, along with the proposed structure.

The applicant has submitted a narrative explaining the need for the variance. Village staff does not provide recommendations regarding the request as staff has denied the proposed 24' x 36' detached garage addition to the existing single-family home as it does not comply with zoning code setbacks.

The following criteria should be used by the Zoning Board of Appeals when making a decision. An explanation of how the variance request applies to each one should be incorporated as part of the Board's deliberation.

**Preservation of Intent:** No variance 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 variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

**Exceptional Circumstances:** There must be unique circumstances or conditions applying to the lot or parcel or structure that do not apply generally to other properties of uses in the same zoning classification, and the granting of the variance should not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.

**Economic Hardship and Self-Imposed Hardship Not Grounds for Variance:** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

**Preservation of Property Rights:** The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity.

**Absence of Detriment:** No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

If the Board agrees that the applicant met criteria for granting a variance, the Board can make a motion to grant a variance allowing the applicant a street yard setback of 20 feet for a proposed 24' x 36' detached garage addition to the existing single-family home located at 5712 Old Oak Road, Parcel ID No. 104-04-22-12-058-000. Please include the findings of fact found by the Board with the motion.

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Prepared by:



Natalia Nery de Farias  
Planner/Zoning Administrator

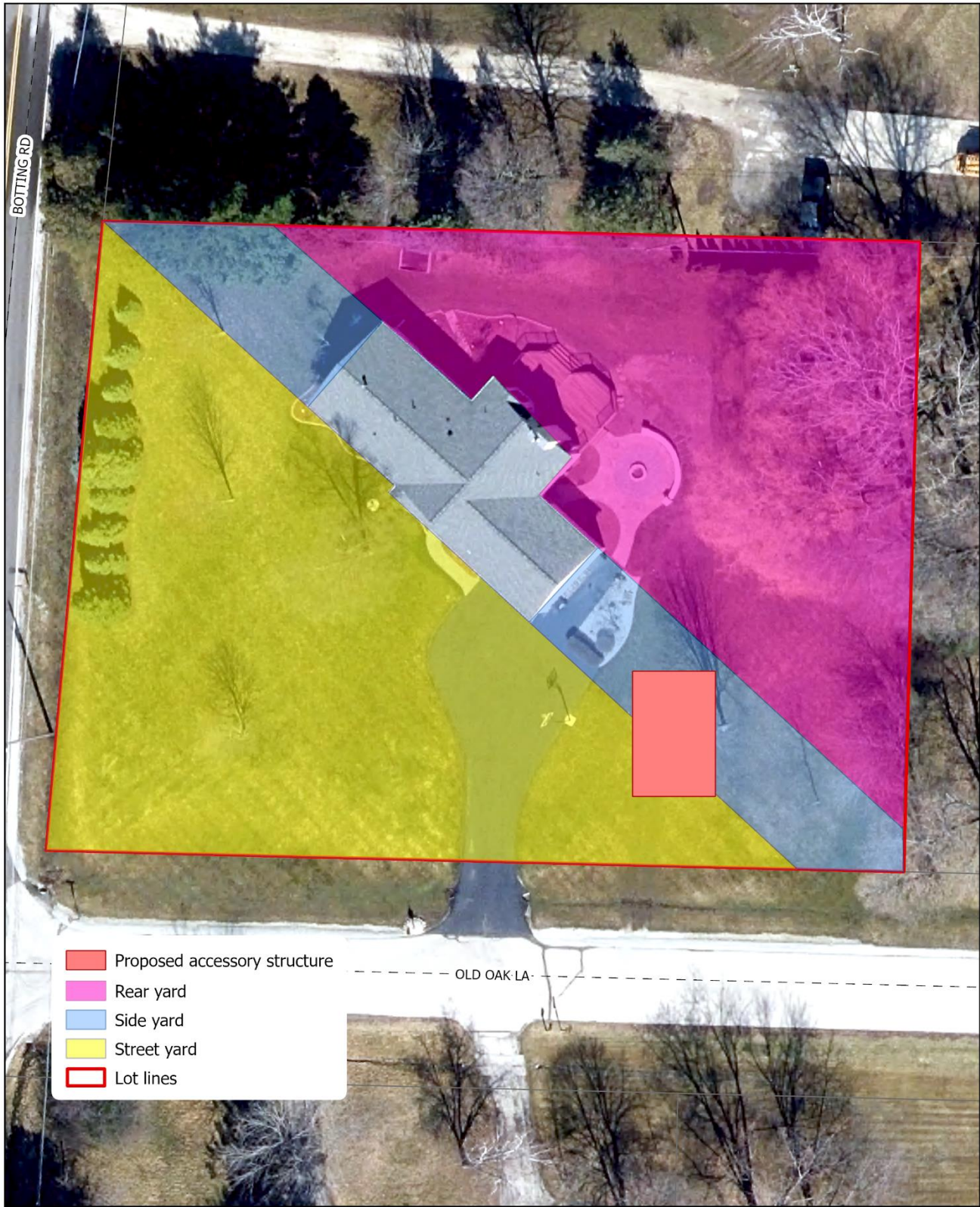
Respectfully submitted:



Peter Wagner, AICP  
Development Director



5712 OLD OAK RD  
EXHIBIT A



- Proposed accessory structure
- Rear yard
- Side yard
- Street yard
- Lot lines