



Meeting Date: July 29, 2025

ZONING BOARD OF APPEALS REPORT

Item No. **4B**

Proposal: Variance Request

Description: Requesting a variance from Municipal Code Section 16-10-3(a)(4). The applicant is requesting a variance to allow for a side yard setback of 3 feet and a distance of 5 feet from the principal structure for a proposed 24' x 24' detached garage addition to the existing single-family home located at 5333 Willowview Lane.

Applicant(s): Jim Fox

Address(es): 5333 Willowview Lane

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

Owner(s): Denise Wetzel

Tax Key(s): 104-04-23-21-450-016

Lot Size(s): ±0.351 acres

Current Zoning District(s): R-4, Single-Family Residential District

Overlay District(s): N/A

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

Comprehensive Plan: Medium Density Residential

Background: The applicant is requesting a variance from Section 16-10-3(a)(4), which states that the minimum side and rear yard setbacks for a detached structure is 5 feet in a Residential "R" District, and a minimum distance of 10 feet from a principal structure. The applicant is requesting a variance to allow for a side yard setback of 3 feet and a distance of 5 feet from the dwelling to construct a 24' x 24' detached garage addition to the southeast portion of lot.

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 24' 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 side yard distance of 3 feet and a distance of 5 feet from the principal structure for a proposed 24' x 24' detached garage addition to the existing single-family home located at 5333 Willowview Lane, Parcel ID No. 104-04-23-21-450-016. Please include the findings of fact found by the Board with the motion.

Prepared by:



Natalia Nery de Farias
Planner/Zoning Administrator

Respectfully submitted:



Peter Wagner, AICP
Development Director