

Zoning Board of Appeals Meeting of March 11, 2026**Application No. ZBA 2026-005**

Applicant: Joseph Anderson, representing Jim Baker

Location: 5704 Andrews Drive

Requested Action: Variances from Sections 15-516(c) of the Zoning Ordinance

Existing Use: Multifamily Residential

Proposed Use: Multifamily Residential

Existing Zoning: RM, Multifamily Residential

Adjacent Zoning: **North:** RM, Multifamily Residential
East: RM, Multifamily Residential
South: UT, Urban Transitional
West: RM, Multifamily Residential

Description: The applicant requests a variance to expand beyond the size limitations to construct an addition to the existing detached garage. Section 15-516(c) of the Zoning Ordinance states that on lots less than or equal to one acre, an accessory building shall not exceed 700 square feet in area.

Staff Review: The subject property has a two-story eight-unit apartment building with a detached garage and surface parking. The existing detached garage contains approximately 2,500 square feet and has been in place since 1997, predating the current zoning regulation that limits accessory structures on residentially zoned properties to a maximum of 700 square feet. As such, the structure already exceeds the maximum area permitted under the current code.

The applicant is requesting a variance to permit an additional 895 square feet to be added to the existing detached garage, resulting in a further expansion beyond the 700 square foot limitation established by the zoning ordinance. The proposed addition meets all other setbacks.



Background on Variance: A variance is a grant of permission by the Zoning Board of Appeals (ZBA) that authorizes the recipient to develop or use property in a manner that is not otherwise legally permitted by the zoning ordinance.

The ZBA is empowered to recommend variances to prevent or to lessen “practical difficulties” and “unnecessary physical hardships” that result from a strict or literal interpretation and enforcement of the zoning ordinance. A “practical difficulty” or “unnecessary physical hardship” may result from the size, shape, or dimensions of a site or the location of existing structures, from geographic, topographic, or other physical conditions on the site or in the area, or from population densities, street locations, or traffic conditions in the immediate vicinity. Conditions created by the property owner or previous property owner(s) or the personal circumstances of the property owner do not constitute a “practical difficulty” or “unnecessary physical hardship.”

Recommending the variance should not merely serve as a convenience to the applicant but is necessary to alleviate some unusual or unique physical limitation of the property. Cost to the

applicant of strict or literal compliance with a regulation shall not be the sole reason for recommending a variance.

Variance Procedure: The ZBA must hold a public hearing for a variance request. At a public hearing, the ZBA must review the application and pertinent evidence concerning the variance, particularly with respect to the findings of fact described below. The ZBA must recommend to the Village Board that the variance be approved, approved with conditions, or denied. The concurring vote of four members of the ZBA is necessary to recommend the variance to the Village Board. Finally, the zoning board of appeals shall make written findings of fact, which are provided in the following section.

If the variance is approved, the applicant will submit a Zoning Permit for the proposed detached garage addition. Zoning Permits are reviewed by staff.

Required Findings by the Zoning Board of Appeals: Per Section 15-781(e), in order for the ZBA to approve a variance, it must find all of the following facts to be true. Staff has provided suggested findings for use by the ZBA.

- a. Because of the particular physical surroundings, shape, or topographical conditions of a specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.**

The Zoning Board of Appeals finds that strict application of the 700 square foot limitation to this multifamily property, particularly given the longstanding existence of a significantly larger detached structure, creates a hardship beyond mere inconvenience. The regulation does not reasonably accommodate the operational needs associated with a multifamily property of this size and established configuration.

- b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning district.**

The Zoning Board of Appeals recognizes that the request is not to build a new oversized accessory structure, but rather to expand an existing improvement that has been in place before the current regulations. This situation sets the property apart from vacant lots or properties developed under current standards.

- c. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.**

The Zoning Board of Appeals finds that the purpose of the variance is not based exclusively on increasing property value or income potential. The proposed addition does not increase the number of dwelling units, expand residential occupancy, or intensify the principal use. Instead, it allows the applicant to improve and enhance an accessory structure that supports the existing residential tenants.

- d. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity in which the property is located.**

The Zoning Board of Appeals finds that granting the variance will not be detrimental to the public welfare or injurious to nearby properties. The use of the garage will continue to serve the residential occupants of the building and will not introduce new commercial activity, additional dwelling units, or incompatible operations. The overall character of the neighborhood will remain unchanged.

- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the vicinity.**

The Zoning Board of Appeals finds the proposed addition will not impair adequate light and air to adjacent properties, increase street congestion, create fire hazards, endanger public safety, or diminish property values in the vicinity. The expansion does not increase density or traffic generation.

Staff Recommendation: Staff recommends **approval** of the requested variance, including the recommended findings of fact, and any conditions of approval recommended by the Zoning Board of Appeals.