

**Zoning Board of Appeals Meeting of August 13, 2025**

**Application No. ZBA 2025-015**

**Applicant:** Austin Bunge representing Mark's Auto Service

**Location:** 13548 Metric Road

**Requested Action:** Variances from Sections 15-658 and 15-616(a)(2) of the zoning ordinance

**Existing Use:** Automobile repair and services

**Proposed Use:** Automobile repair and services

**Existing Zoning:** Highway Commercial Thoroughfare District (CH)

**Adjacent Zoning:** North: LI Light Industrial (Roscoe Township)  
East: CG General Commercial (Village of Roscoe) and LI Light Industrial (Roscoe Township)  
South: IG General Industrial (Village of Roscoe)  
West: Highway 251 ramp and right-of-way

**Description:**

Section 15-658 of the zoning ordinance requires perimeter landscaping 7 feet in width along the edge of parking areas. Section:15-616(a)(2) requires minimum side and rear yard setback of 3 feet where landscaping is not provided. The applicant requests a variance from these requirements along their north property line to accommodate a future parking lot expansion.

**Staff Review:**

A literal enforcement of the zoning ordinance would require the applicant to remove parking/paving along the north property line to a depth of seven feet and install landscaping. This zoning provision is intended to soften the appearance of commercial parking lots and increase the amount of pervious surface on developed lots. In this situation, meeting that requirement would reduce the size of the paved area on the north side of the building to about 20 feet in width. This would make it difficult or impossible for the business to use the existing garage door on the north side of the building. Further, it would prevent two-way traffic on that side of the building, as a width of at least 24 feet is needed for two-way traffic. The applicant maintains that retaining access to the existing garage door and providing for two-way traffic are integral to the business.

**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 Design Review application for the proposed parking lot expansion. Design Review applications are reviewed by the ZBA.

**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, due to the proximity of the building to the lot line, enforcing the setback requirement would eliminate the use's ability to have two-way traffic on the north side of the building and would cause the existing garage doors on the north side of the building to be unusable; therefore, a unique hardship is present.*

- 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 finds that the proposed variance is unique to the property, as other buildings within the same zoning district are not positioned in such a manner, do not provide two-way traffic between the building and the side lot line, or do not have garage doors close to the side lot line.*

- 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 applicant is seeking to retain two-way traffic and access to the garage doors on the north side of the building, not an exclusive desire to increase the value or income potential of the property.*

- 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 retaining two-way traffic and access to the garage doors on the north side of the building will allow an existing condition to continue; it will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity in which the property is located.*

- 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 that retaining two-way traffic and access to the garage doors on the north side of the building will allow an existing condition to continue; it 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.*

**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.