

# VILLAGE OF HOMEWOOD



## MEMORANDUM

DATE OF MEETING: August 8, 2024

**To:** Planning and Zoning Commission

**From:** Noah Schumerth, Assistant Director of Economic and Community Development

**Through:** Angela Mesaros, Director of Economic and Community Development

**Topic:** Case 24-21 – Variance for Second Driveway, 1947 Miller Court



## APPLICATION INFORMATION

APPLICANT	Martin Will
ACTION REQUESTED	Variance from Section 44-05-05.D(1) to permit a second residential driveway
ADDRESS	1947 Miller Court
PIN	29-31-409-012-0000

## ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	B-2 Downtown Transition	Single-Family Residential
SURROUNDING	N: B-2 Downtown Transition	Brewery/Restaurant
	E: B-2 Downtown Transition	Single-Family Residential
	S: B-4 Multi-Family Residential	Multi-Family Residential
	W: B-2 Downtown Transition	Dry-Cleaning

## LEGAL NOTICE

The legal notice was published in Daily Southtown on July 25, 2024. Letters were sent to property owners and residents within 250' of the subject property.

## DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Martin Will	07/18/2024
Variance Standards Worksheet	2	Martin Will	07/18/2024
Site Plan Drawing	2	Martin Will	07/18/2024
Annotated Plat of Survey	1	Vanderwalker Land Surveyors	02/12/1999
Staff Exhibits	2	Asst. Dir. Econ/Comm. Development	07/29/2024

## BACKGROUND

Martin and Cally Will, the applicant, own the subject property at 1947 Miller Court. The primary use of the property is a single-family residence. The property currently has one driveway with parking pads on the north and west sides of the primary residence. The applicant is requesting a second driveway. Section 44-05-05 of the Homewood Zoning Ordinance allows one driveway per single-family property. Therefore, a variance is required from the zoning ordinance to construct the second driveway.

The subject property is located on Miller Court, which will serve as the direct vehicular and pedestrian access for the newly constructed Homewood Brewing Company. The additional driveway would improve safety for the increased pedestrian and vehicular traffic on Miller Court due to Homewood Brewing Company.

## DISCUSSION

The applicant has proposed the construction of a second driveway on the residential property at 1947 Miller Court. The property is in the B-2 Downtown Transition zoning district, which allows existing single-family dwellings constructed before January 11, 2023, as a permitted use. According to the Cook County Assessor's Office, the home was constructed in 1879.

Per Section 44-05-05 of the Homewood Zoning Ordinance, only one driveway (defined as the "access point from the street to the residential property") is permitted for any single-family residence.

The adjacent property to the north at 18225 Dixie Highway has been developed as Homewood Brewing Company, a brewery and bar/restaurant with approximately 11,000 square feet of building area. The front entrance to the public restaurant is located across Miller Court from the subject property, near the existing driveway entrance. The street section of Miller Court has been upgraded with new pavement and a sidewalk as part of the brewery construction. The street provides access to the parking lot in the rear of the brewery building. The placement of the building entrance and parking access via Miller Court will increase pedestrian and vehicle traffic along Miller Court.

The property owner has proposed an additional driveway so that their vehicles do not have to back out into Miller Court. The applicant has stated that reducing reverse motions will reduce hazards to pedestrians and motorists entering and exiting Homewood Brewing. The second driveway would also alleviate disturbances to property access, given that the main public of the brewery is adjacent to the subject property and passenger loading may occur at this entrance. Paved driveway area will be extended to connect the new driveway to the existing parking pad areas in the front of the home.

### Variance Standards Analysis

The applicant must clearly demonstrate an external hardship or unique circumstances warranting the variance and provide the smallest possible deviation from the Village Zoning Ordinance. The hardship must be evaluated against the following three standards for Variance:

1. *The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.*
2. *The plight of the owner is due to unique and external circumstances which are not self-imposed by the property owner.*
3. *The variance will not alter the essential character of the locality surrounding the subject site.*

The applicant's responses to the Standards of Variance are attached for review by the Planning and Zoning Commission. Staff analysis of the Standards is provided below.

**1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.** According to the property owner the location of the Homewood Brewing Company's entrance will cause significant impacts to property access, which will reduce the full enjoyment of the property and negatively impact property value. Staff is in agreement that the current arrangement for the driveway at 1947 Miller causes safety hazards for both the residential property and patrons of the Homewood Brewing Company.

Staff has evaluated alternative options for the property owner to minimize the variance. The primary alternative would require removing the current driveway and moving it east on the property. This would distance the driveway from the front entrance of the brewery. However, this option could still be subject to access disruptions, and require reverse motion for all vehicles exiting the residential driveway. This alternative would impose costs on the property owner that are not self-imposed. Staff finds that alternative designs are not suitable for alleviating safety hazards for property owners and neighboring business patrons.

Staff finds that reasonable return on the property, including overall property value and full enjoyment of safe access to the property, would be negatively impacted if required to follow regulations as are governing the property currently. The variance promotes public safety and general welfare which may be impacted if the driveway is not altered.

**2. The plight of the owner is due to unique and external circumstances which are not self-imposed by the property owner.** The subject property is a single-family residence located within a commercial area. The house was constructed before the current commercial zoning was in place. The location on a commercial street is a unique circumstance.

The property directly to the north was formerly a restaurant and has been vacant for many years. Recently the property was purchased and construction is mostly complete for a brewery and restaurant. The restaurant will use Miller Court (the street upon which the residence fronts) as the main access for parking and deliveries.

The entrance to the brewery is close to the applicant's existing driveway. This will create increased vehicle traffic and potential for access disruptions to the home. The increase in traffic creates external safety concerns for the property owner, who currently must back their vehicle out of the existing driveway into the street. This could also create a safety issue for the patrons of the brewery/restaurant.

Visibility is also restricted by the location of the Homewood Drive-In Cleaners directly to the west of the subject property at 18235 Dixie Highway. The proposed second driveway will reduce reverse movements out of the driveway in a high-traffic area. The property directly to the east of the subject property is also a residence; however, the restaurant/brewery will have less impact on access due to the location of the home's driveway further toward the rear of the Homewood Brewing Company property.

Staff finds that the plight expressed by the property owner is unique and imposed by external circumstances.

**3. The variance will not alter the essential character of the locality surrounding the subject site.** The subject property is located in a commercial area on the edge of downtown Homewood, and is not easily visible from the surrounding roadways. The proposed project is a new 15’ driveway. The driveway will be screened from view. The proposed driveway does not alter the essential character of the area around the subject site. The new driveway compliant with local zoning requirements. The proposed driveway will support safer and more efficient operation of the adjacent uses without injury to the general public.

Staff finds that the essential character of the locality surrounding the subject site will not be altered by the approval of this variance.

**FINDINGS OF FACT**

The staff has prepared the following draft Findings of Fact per the standards outlined in Section 2 of the Village Code of Ordinances. The findings of fact, as proposed or as amended, may be entered into the record:

1. The subject property is located at 1947 Miller Court, in the B-2 Downtown Transition zoning district.
2. The use of the subject property is a single-family dwelling with one principal dwelling, existing before January 11, 2023, and thus operating as a permitted use in the B-2 zoning district.
3. The applicant, Martin Will, is the owner of the subject property.
4. The subject property currently has one driveway as permitted by Section 44-05-05 of the Homewood Zoning Ordinance.
5. The applicant has requested a variance from Section 45-05-05.D (1) to permit the construction of a second driveway.
6. The proposed driveway will be 15’ in width at the northern property line and will comply with all applicable zoning standards for driveways as found in Section 44-05-05 of the Homewood Zoning Ordinance.
7. The proposed variance is due to unique circumstances and will not harm the health, safety, or public welfare of the surrounding community.

**RECOMMENDED PLANNING & ZONING COMMISSION ACTION**

The Planning and Zoning Commission may wish to consider the following motion:

Recommend **approval** of Case 24-21, granting a variance from Section 44-05-05.D (1) of the Homewood Zoning Ordinance to allow a second driveway on a residential property with one principal dwelling unit;

AND

Incorporate the Findings of Fact into the record.