

VILLAGE OF HOMEWOOD



MEMORANDUM

DATE OF MEETING: November 21, 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 24-53: Variance for Driveway at 18148 Perth Avenue

APPLICATION INFORMATION

APPLICANT	Ruth Fulwiley
ACTION REQUESTED	Variance – Section 44-05-05
ADDRESS	18148 Perth Avenue
PIN	28-36-409-018, 28-36-409-019, 28-36-409-020, 28-36-409-021, 28-36-409-037, 28-36-409-038, 28-36-409-039, 28-36-409-040

ZONING & LAND USE

SUBJECT PROPERTY	ZONING	LAND USE
CURRENT	R-2 Single-Family Residential	Single-Family Residential
PROPOSED	R-2 Single-Family Residential	Single-Family Residential
SURROUNDING	N: R-2 Single-Family Residential	Single-Family Residential
	E: R-2 Single-Family Residential/PL-2 Public Land and Open Space	Single-Family Residential
	S: R-2 Single-Family Residential	Single-Family Residential
	W: R-2 Single-Family Residential	Single-Family Residential

LEGAL NOTICE Legal notice was published in *Daily Southtown* on November 6, 2024; letters were sent to 17 property owners and residents within 250’.

DOCUMENTS FOR REVIEW

Title	Pages	Prepared by	Date
Application	2	Ruth Fulwiley, Applicant	
Standards for Variance	2	Ruth Fulwiley, Applicant	
Plat of Survey	1	Ruth Fulwiley, Applicant	
Staff Exhibits	3	Noah Schumerth, Asst. Dir. ECD	

BACKGROUND

The applicant, Ruth Fulwiley, has proposed a second driveway on property at 18148 Perth Avenue. The second driveway will provide rear yard access to the property from Stewart Avenue. The applicant has applied for a variance from Section 44-05-05 of the Village Zoning Ordinance, which currently restricts single-family residential properties to one driveway per parcel.

DISCUSSION

The applicant has proposed the construction of a new driveway providing vehicular access to the property from Stewart Avenue. The property is a double frontage lot, with frontage on both Perth Avenue and Stewart Avenue. The residential structure on the property faces toward Perth Avenue to the east.

The proposed driveway addition will extend 37' from the edge of the right-of-way on Stewart into the property. The driveway will be 16' in width. The driveway will have a rounded apron installed similar to the driveway. The Village Engineer has reviewed the driveway's construction standards and approved the proposed design against access management and construction standards.

The adjacent property (18140 Perth) was permitted to construct a second driveway off Stewart Avenue in 2022. The Village Zoning Ordinance was amended in 2023 with new driveway standards that restrict single-family residential lots to one driveway per principal dwelling unit (Section 44-05-05.d.1.a). Under the previous zoning ordinance, single-family residential properties could install additional driveways in limited instances, including on double-frontage lots.

Standards for Variance

The Planning and Zoning Commission shall use the following standards when considering this variance request. No variance shall be granted unless findings of fact for each specific application demonstrate hardship and the least deviation from this chapter necessary, as provided in the applicant's response to each of the following standards:

a. Can the property in question 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? The property will not cease to provide a reasonable return for the single-family residential use on which the property is located. The use of the rear yard as proposed by the applicant will be severely restricted with the requested variance.

b. Is the plight of the owner due to unique circumstances? The property is unique with frontage on two public streets (not alleys). Double-frontage lots are not common in the Village. The lot is also much deeper than most properties in the Village, extending 270' between Perth Avenue and Stewart Avenue. The Village Ordinance was updated in 2023 to restrict additional driveways for single-family homes. The purpose was to limit the number of driveways along single-frontage lots which make up the vast majority of the Village's lots. The lot has a unique situation that permits the construction of a second driveway along Stewart to provide additional access to the lot.

c. If granted, will the variance alter the essential character of the locality? The driveway will not substantially alter the character of the neighborhood. The property is located within a single-family residential neighborhood with large lots and less developed street sections (no sidewalks, etc.), which creates an environment where driveways are spread out from one another along each street (i.e. Stewart Avenue). The driveway will not alter the overall character of the surrounding neighborhood.

A separate building permit application for a privacy fence is also under consideration by the Building Division. This will further screen portions of the driveway from Stewart Avenue.

(2) Supplemental to the above standards, the decision-making authority shall also consider findings on the character of the alleged hardship and the potential impacts to neighboring properties of granting the variance, as provided in the applicant's response to each of the following standards. Not one of the standards is controlling.

a. Do the particular physical surroundings, shape, or topographical conditions of the subject property pose a particular hardship upon the owner, as distinguished from a mere inconvenience, under the strict application of these regulations? The lot is 270' deep, which is significantly deeper than most residential lots within the Village. The property is also a double-frontage lot on two public streets. The applicant has cited challenges with access to the rear of the property from Perth Avenue due to the narrow interior side setbacks on each side of the existing home (5').

b. Would the conditions upon which the petition for variance is based be generally applicable to other properties within the same zoning classification? Not generally applicable. The property shares similar characteristics to the neighboring property at 18040 Perth Avenue, where a driveway was constructed off of Stewart Avenue in 2022. The lots have narrow interior side setbacks restricting rear property access on a large single-family residential lot.

c. Has the alleged practical difficulty or particular hardship been created by any person presently having an interest in the property?

d. If granted, will the variance be detrimental to the public welfare or injurious to other neighboring property? The driveway as proposed will be located and designed in a manner that will not affect neighboring property.

e. If granted, will the variance: impair an adequate supply of light and air to adjacent property; or substantially increase the danger of fire or otherwise endanger the public safety; or substantially diminish or impair values of neighboring property?

FINDINGS OF FACT

Staff has prepared the draft findings of fact in accordance with the standards set forth in Section 44-07-12 of the Village Zoning Ordinance for special use permit applications. The findings of fact, as proposed or as amended, may be entered into the record:

1. The subject property is a 0.61-acre site comprised of eight parcels located at 18148 Perth Avenue, near the intersection of Perth Avenue and Ravisloe Lane;
2. The subject property is owned by Ruth Fulwiley;

3. The subject property is located within the R-2 Single-Family Residence zoning district;
4. The subject property is used as a single-family residence;
5. The subject property is a double frontage lot with frontages on two public streets: Perth Avenue and Stewart Avenue;
6. The zoning regulations for single-family residential property restrict properties to one (1) driveway per principal dwelling unit, as stated in Subsection 44-05-05.d.1.a of the Village Zoning Ordinance;
7. The applicant has requested a variance from in Subsection 44-05-05.d.1.a of the Village Zoning Ordinance to construct a second driveway on Stewart Avenue;
8. The proposed driveway meets construction and access management standards found in local codes and ordinances of the Village of Homewood;
9. The proposed improvements meet all other applicable standards in the property's current zoning district (R-2 Single-Family Residence).

RECOMMENDED PLANNING & ZONING COMMISSION ACTION

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

Recommend approval of Case 24-53 to allow a variance of Section 44-05-05.d.1.a of the Homewood Zoning Ordinance, to permit the construction of a second driveway at 18048 Perth Avenue, subject to the following conditions:

1. Approval of construction plans for the driveway by the Homewood Building Division which meet all requirements of Homewood building codes and ordinances.