



# REPORT TO VILLAGE BOARD

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<b>ITEM NAME:</b>	Discussion and Consider: Chapter 419 Variance approvals by both the Zoning Administrator and Director of Public Works
<b>MEETING DATE:</b>	September 18, 2023
<b>PRESENTING COMMITTEE:</b>	Planning Commission
<b>COMMITTEE CONTACT:</b>	
<b>STAFF CONTACT:</b>	CDPZD, Peter S. Wegner
<b>PREPARED BY:</b>	CDPZD, Peter S. Wegner

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**ISSUE:** Chapter 419 Variance approvals by both the Zoning Administrator and Director of Public Works

**OBJECTIVES:** To review Chapter 419-6 Variance. The ordinance allows the Zoning Administrator and the Director of Public Works to grant variances related to the requirements of Chapter 419 Roadway Access Control. Staff is looking for direction on elements to consider when answering 419-6 A (1-6).

§ 419-6 Variance.

A. If there is a practical difficulty or particular hardship in carrying out the provisions of this chapter, the applicant may obtain a variance through application. A variance shall require approval of both the Zoning Administrator and the Director of Public Works and may only be granted when the applicant can successfully demonstrate that:

- (1) The additional access would not compromise the safety of Village roadway users or the operation of the Village roadway.
- (2) Allowing only one access for the parcel would conflict with established local safety regulations.
- (3) The additional access would not be detrimental to the public health and safety.
- (4) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
- (5) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
- (6) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons presently having an interest in the property.

B. Any variance denied by Village staff may be appealed to the Village Board.

**ISSUE BACKGROUND/PREVIOUS ACTIONS:** Staff has received numerous requests for the placement of a second driveway. A review of the G: Drive shows only two Variances have been issued for a second driveway since 2017. There is no record of any granted prior to 2017. Staff is aware of numerous parcels with two driveways within the Village of Kronenwetter. When considering (1-6).

- (1) What are the scenarios that could compromise safety?
- (2) What are examples where only one access would conflict with local safety regulations?
- (3) Similar to (1).

(4) For the most part this seems clear.

(5) This can be difficult to establish. Unique physical property limitations vs. desire of the property owner.

(6) Although rare. This does occur. Example: someone building a garage then coming in to request a second driveway. Self-created hardship.

**PROPOSAL:** Review Chapter 419-6 Variance. Provide staff with direction on specific criteria to consider when answering 1-6 above.

**ADVANTAGES:** Clear and consistent review, approval/denial of variance requests related to Chapter 419.

**DISADVANTAGES:** N/A

**RECOMMENDED ACTION:** Provide staff with direction on review and approval/denial of Chapter 419-6 Variance.

**Attachments:** Examples of existing parcels with two driveways. Examples of two variances issued for a second driveway (1 and 2).