

## Chapter 419 - ROADWAY ACCESS CONTROL (Draft proposed language PSW concerns)

### § 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. **Note: very similar to (2 & 3).**

(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. **Note: Similar to (1 & 2).**

(4) The purpose of the variance is not based exclusively upon a desire to make more money out of the property. **Note: Adding a second driveway will always increase the value. How does one prove this?**

(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. **Note: Some requests are to gain access to a previously constructed garage or for a newly proposed second garage. Both arguably are self-created.**

**B. Parcels with an existing unimproved driveway which provides access to an existing Accessory Building (constructed prior to January 1, 2022) that does not meet the provisions of this chapter, may obtain a variance through application. A variance shall require approval of both the zoning administrator and the director of public works.**

**C. B.** Any variance denied by village staff may be appealed to the village board.

(Ord. No. 12-10, 5-14-2012; Ord. No. 18-02, 2-13-2018)