



Report to Village Board

Agenda Item: Michael Helmuth Roadway Access Appeal to the Village Board

Referring Body: None

Committee Contact: Dan Joling

Staff Contact: Peter Wegner, CD/PZ Director

Report Prepared by: Peter Wegner, CD/PZ Director

AGENDA ITEM: Roadway Access Permit Applications for 1582 Old Hwy 51 (Lot 3, Tax Parcel ID Number: 145-2707-152-0972) and No address (Lot 1, Tax Parcel ID Number: 145-2707-152-0973).

OBJECTIVE(S): To review and consider an Appeal of the Roadway Access Permit Application Denials for the property's described above.

HISTORY/BACKGROUND: In 2024 a 4.98acre parcel was divided to create a three lot CSM. The staff report clearly stated, "Approval of CSM does not guarantee driveway access to each parcel." It further described the variance process and the alternative of ingress/egress by creating an utility easement to gain access to Lots 1 and 3 from the existing driveway access.

On October 10, 2025, Michael Helmuth submitted two Roadway Access Permit Applications for the properties described above. The separation distances for the proposed driveway at 1582 Old Hwy 51 (Lot 3) to adjacent driveways is approximately 118ft and 136ft. The separation distances for the proposed driveway at No address (Lot 1) to adjacent driveways is approximately 108ft and 153ft. Old Hwy 51 is classified as a Minor Arterial Roadway. Per § 419-14 Driveway access control. C. Minor arterial access. (2) All private accesses, intersecting public roadways and other direct access to minor arterial village roadways shall be separated by a minimum of 1,000 feet.

As a result, the owner requested the Zoning Administrator and Director of Public Works consider approval for a variance from the minimum separation requirements per § 419-6. – Variance.

§ 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.

After review of the variance request, the Zoning Administrator and Director of Public Works determined that a variance cannot be granted for a reduction of the 1000ft minimum separation requirement between private access located on a Minor arterial road. Criteria 4, 5 and 6 cannot be met.

The property was divided to create three lots to construct single family homes to make more money out of the property. There is nothing unique about the property that would justify approving a variance. The alleged difficulty or hardship was created when the 4.98acre parcel with an existing driveway was split to create three new lots.

RECOMMENDED ACTION: Review and consider staff's denial of the two Roadway Access Permits and make a final decision to grant, with or without conditions, or to deny each application.

ATTACHMENTS: Roadway Access Permit Applications, GIS aerial photo, CSM and Denial Letter.