
Zoning Board of Appeals Meeting of April 10, 2024
Application No. ZBA 2024-002

- Applicant:** Andrew Appलगren
- Location:** 738 Ballymore Road (PIN: 08-06-254-019)
- Requested Action:** Request for Variance to increase the established maximum residential driveway width from 24 feet to 29 feet
- Existing Use:** Single Family Residential
- Proposed Use:** Same as above
- Existing Zoning:** One-Family Residential (R1) District
- Adjacent Zoning:** North: R1
East: R1
South: R1
West: R1
- Description:** The applicant is submitting a proposal and request for a Variance through Zoning Ordinance Sec. 155.15.9 at the property located at 738 Ballymore Road (Parcel No. 08-06-254-019). The property is located in the One-Family Residential (R1) Zoning District. The applicant is requesting a Variance for relief from the requirements of Section 155.3.4(B)(6) pertaining to the maximum driveway width allowed within the R1 Residential District.
- The Residential Driveway Design Standards of Sec. 155.3.4(B)(6) allow a residential driveway to match the width of a garage’s front façade for a total distance of 20 feet beyond the garage doors before tapering within a 10-foot distance down to the established maximum driveway width of 24 feet. The proposal is requesting a variance to allow the driveway to extend the full 29-foot width of the existing garage’s front façade all the way to the street without tapering to allow for the temporary loading and unloading of an RV trailer without blocking access to the garage.
- Staff Analysis:** The proposed driveway expansion would result in the addition of pavement to create a driveway running at a consistent width of 29 feet from the

property line to the existing garage. Specifically, the Variance requests flexibility from the following requirements of Sec. 155.3.4(B)(6):

- Residential driveways shall not exceed 24 feet in width at the property line.
- A garage access drive is permitted to match the width of the garage's front façade for a total distance of 20 feet beyond the garage doors before tapering within 10 feet back to the max driveway width of 24 feet.

Residential Driveway Design Standards are established within the Code to minimize the amount of excessive pavement in residential neighborhoods. The standards in place allow for a maximum driveway width that permits the easy maneuvering of two vehicles to and from up to a two-car garage, providing an ample 12 feet of access per car. As described above, there is also flexibility written into the code to accommodate wider paved areas that allow for continuous paved access to garages of widths greater than 24 feet, so long as the paved area is reduced to back to the maximum 24 feet within a total of 30 feet from the garage's entrance.

Allowing an exception from the established maximum residential driveway width creates a precedent that could have the effect of substantially increasing the amount of hardscape and paved surfaces within residential neighborhoods, which would ultimately reduce greenspace where residents live and detract from the quality of residential neighborhoods. Per the standards required to justify a variance per Sec. 155.15.9 described in detail below, staff does not support the request to exceed the maximum residential driveway width as justification for a variance from the established Ordinance has not been provided.

ZBA Considerations:

Per Sec. 155.15.9, variances may only be granted if there exists an unnecessary physical hardship affecting the practical use of the property that is caused by a unique circumstance created by the physical conditions of the site itself. Any practical difficulty or unique physical hardship may not include conditions which are created by the property owner, previous property owners, nor be due to the personal circumstances of the property owner. Conditions upon which a petition for a variance is made must be unique to the property and must not be applicable, generally, to other properties within the same zoning district.

As part of the consideration of the requested Variance, the Zoning Board of Appeals (ZBA) is required to review the application and any associated statements and make a recommendation to the Village Board that the variance be *approved as submitted*, *approved with conditions*, or *denied*.

The recommendation provided to the Village Board for the proposed Variance must be decided by a majority vote of the ZBA. In reviewing the Variance request, the ZBA must consider the Findings of Fact prescribed in

Sec. 155.15.9(E) and provided as follows. For the Zoning Board of Appeals to make a decision to approve the proposed variance, it must find that **all** of the following facts are true:

- a) Because of the particular physical surroundings, shape, or topographical conditions of a specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- b) The practical hardship upon which the petition for a variance is based does not include conditions which are created by the property owner or previous property owner nor the personal circumstances of the property owner;
- c) The conditions upon which a petition for a variance 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 district;
- d) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property;
- e) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity in which the property is located;
- f) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, increase the danger of fire, endanger public safety, or substantially diminish or impair property values within the vicinity.

A written finding of fact and recommendation based on these findings must be transmitted to the Village Board for their ultimate review and decision.

Recommendation: Staff recommends that the Board of Zoning Appeals recommend **denial** of the requested Variance as submitted based on the fact that Findings of Fact criteria *a*, *b*, and *c* above are not met and that sufficient justification for a Variance has not been provided.