

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Waiver of First Requested _____
Other Business (Pink) _____
X

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: June 14, 2010 (B of T) Date: June 17, 2010

TITLE: Request for Appeal of the Public Works Director's Decision
Relative to a Variation from Section 150.301 of the Village Code

SUBMITTED BY: Carl Goldsmith, Director of Public Works *CG*

BACKGROUND/POLICY IMPLICATIONS:

A request for a variation regarding width of a driveway in a single family residential application was requested by the property owner at 370 E. 17th Street. The request was denied in accordance with Section 150.303 of Village Code. The petitioner has appealed the Public Works Director's decision as provided for in the Village Code.

Should the Village Board grant the requested appeal, the Village will not be in a position to deny any future variation requests with "similar circumstances" as presented in this case. This issue of expanded width was vetted by the Plan Commission as well as the Public Works Committee, both bodies recommended maintaining the 20' standard.

FISCAL IMPACT/FUNDING SOURCE

Review (as necessary):

Village Attorney X _____
Date _____

Finance Director X _____
Date _____

Village Manager X *David A. Hulseberg*
Date *6/15/10*

NOTE: Materials must be received to be added to agenda by the Village Manager's Office by 12:00 p.m. on the day prior to the agenda presentation.

VILLAGE OF LOMBARD
255 E. Wilson Ave.
Lombard, Illinois 60148-3931
(630) 620-5700 Fax (630) 620-8222
www.villageoflombard.org



May 26, 2010

Zachary and Mary Wilson
370 East 17th Street
Lombard, Illinois 60148

RE: Request for Driveway Variation

Dear Mr. and Mrs. Wilson:

The Village of Lombard is in receipt of your request for a variation from the requirements of Section 150.301 (A)(3) of the Lombard Village Code ("Code"), dated May 19, 2010 (copy enclosed). The Code states that residential driveways shall not exceed 20 feet in width, as measured at the property line. The requested relief seeks to expand the width of the driveway surface, at the property line, to a width of not more than 25 feet.

Variations to Section 150.301 (A)(3) of the Code are provided for in Section 150.303 of the Code. Pursuant to said section 150.303 of the Code, the petitioner bears the burden of submitting evidence relative to each of the three (3) standards for the granting of a variation, with all three (3) standards having to be met in order for a variation to be granted. In this regard, I have reviewed the evidence that you submitted in your May 19, 2010 correspondence, and have the following response to your variation request:

(1) The property in question cannot yield a reasonable return if permitted to be used only in full compliance with all driveway design and location requirements.

I concur with your assertion that it is difficult to quantify whether the value of the home has been diminished based upon the damage to your lawn as a result of difficulty in accessing the third car garage. It appears that the configuration of the driveway has not been altered since the driveway was put in place. What has been altered is the intensity of use of the property by you, in that a car is now accessing the third car garage. The driveway configuration had previously not created a detriment to the sale of the property, nor an unsightly condition.

In regard to this condition, I find that you have not presented evidence that the property cannot yield a reasonable return without the variation being granted. Landscaping can be repaired prior to putting the property up for sale, or alternative driveway widening method, that only impacts the width of the driveway on private property, can be used to address the problem, without need for a variation. In either case, the property in question would not be negatively impacted relative to a potential sale. Consequently, the maximum driveway width of 20 feet has not prevented a reasonable return.

(2) The plight of the petitioner (property owner) is due to unique circumstances.

You have presented information indicating that the vehicle movement into the third car garage is difficult based upon the ingress/egress of the driver in the garage. While this situation creates a difficulty to the property owner, the widening of the driveway at the property line is not the only option that would alleviate the matter.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

"Our Shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Village Manager
David A. Hulseberg

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

Village Clerk
Brigitte O'Brien
Village President
William J. Mueller

As stated in your correspondence, "The configuration of our driveway is the same as a few others in our neighborhood." The situation identified by you is, therefore, not unique to the property, but shared by other properties in the neighborhood, that have not been granted a variation. As you know, alternate configurations for the driveway, which only impact your private property, and do not require a variation, have been suggested by Village staff to alleviate the rutting in your lawn. Therefore, the proposed widening of the driveway at the property line is not required to correct the problem that is occurring.

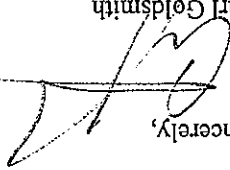
(3) *The variation, if granted, will not alter the essential character of the neighborhood.*

I concur with you that, if granted, the variation would not alter the essential character of the neighborhood.

Based on the foregoing, I find that, as 2 of the 3 standards for the granting of a variation have not been met by the evidence presented, there is not a basis upon which to authorize the granting of a variation from Section 150.301 (A)(3) of the Code. As such, your request for a variation is hereby denied pursuant to Section 150.303 (B) of the Code.

In accordance with Section 150.303 (B) of the Code, you have the right to appeal my decision to the Board of Trustees within thirty (30) days of the date of this letter, by submitting a written request to the Village Clerk. Any such written request for appeal shall be accompanied by a copy of this written decision. Your appeal would then be placed on the next Village Board meeting agenda, under the heading, "Other Business." If a written request is not received by the Village Clerk, this decision shall stand as a final decision.

Should you have any questions, please contact me at 630-620-5740.

Sincerely,

Carl Goldsmith
Director of Public Works

cc: David Hulseberg, Village Manager
William Heniff, Director of Community Development
Resident, 374 E. 17th Street, Lombard, IL 60148
Resident, 369 E. 16th Place, Lombard, IL 60148

The configuration of our driveway is the same as a few others in our neighborhood. All are unique in that the third garage stall is on the right as you are facing the house and the lawn extends into the driveway from right to left. Vehicles are parked in that third garage stall by pulling forward into the garage. If you backed in, the driver's door would hit the wall and there would not be sufficient space to exit the vehicle. Other properties in the neighborhood whose third stall is on the left side of the garage have to back into the stall in order to have sufficient room to exit their vehicle. Those vehicles drive forward out of the garage and are able to easily maneuver around the lawn indentation. Therefore our property does exhibit unique

2. *The plight of the petitioner is due to unique circumstances.*

available evidence to the contrary. Would we therefore get a reasonable return? We think not. We believe the Village has no market today with the rut in the front yard, would that discourage buyers or reduce the price? of return due to this problem? How does the Village know the same? If we put our house on the negative. How do we know about other homes that did or did not sell at a less than desirable rate reasonable rate of return. There is no evidence available and therefore we would have to prove a lawn and therefore reduces the attractiveness of the property, which would yield a lower than The current configuration of the driveway makes the turn difficult and results in damage to the

1. *The property in question cannot yield a reasonable return if permitted to be used only in full compliance with all driveway design and location requirements.*

Our responses to each of the three standards in ordinance 150.303 of the Village Code are as follows:

We are amending our original request for a variance from Section 150.301(A)(3) of the Lombard Village Code, which limits the width of driveways to 20 feet at the property line. We are asking to allow our driveway to be no more than 25 feet at the sidewalk.

Dear Mr. Goldsmith:

Re: *Variance to Driveway Ordinance*

Mr. Carl Goldsmith
Director, Public Works
Village of Lombard
255 East Wilson
Lombard, Illinois 60148

May 19, 2010

ZACHARY C. AND MARY BORN WILSON
370 East 17th Street
Lombard, Illinois 60148
(630) 495-6920 fax (630) 495-2986
zacklaw@sbcglobal.net

circumstances. An inspection of the other properties, with the exact layout, shows the same or similar damage to four of those properties.

3. *The variation, if granted, will not alter the essential character of the neighborhood.*

The variation, if granted, would in no way alter the essential character of the neighborhood. In fact, it would be completely indiscernible. Additionally, the variation will have no negative impact on green space/open space issues, line-of-sight issues, infrastructure in the right-of-way, drainage, trees, or structures. Furthermore, there will be absolutely no cost to the village. All costs will be born completely by us.

Granting the variance is the best solution to our damaged lawn and chronically filthy driveway. Granting the variance would have no adverse affects on our property, our neighborhood, or the Village of Lombard. We would appreciate your careful consideration of my request. Thank you.

Sincerely,

Zachary and Mary Wilson

cc: Dave Hulesburg
William Heniff

100304



June 2, 2010

TO: Public Works Committee

FROM: Carl S. Goldsmith, Director of Public Works

SUBJECT: Request for Text Amendment – Driveway Apron Policy

BACKGROUND

The Village received a request from a petitioner to amend the Village Code relative to the maximum allowable width of a single family residential driveway where three car garages are present. The Village of Lombard Building Code, Section 150.301, provides that, "(3) Residential driveways shall not exceed 20 feet in width nor be less than nine feet width measured at the property line". Driveways covered under this section are also permitted to flare at the curb by two (2) feet per side. Residents seeking a driveway that exceeds the standard may request a variation in accordance to Section 150.303. The requested amendment to the Code would allow, by right, the width of the driveway measured at the property line to be increased from 20' to 25' in single family residential locations where three car garages are present. Under the current standard, the maximum width at the curb, given the flare, is 29'.

In an effort to fully evaluate the requested modification to the Code, staff presented the matter to the Plan Commission for a workshop on April 19, 2010. The Plan Commission was tasked with review of a proposed amendment that would permit the width of a single family residential driveway at the property line to 30'. The Plan Commission did not take a formal vote on the issue, as it was a workshop, but feedback and comments from all Commissioners was not supportive of the requested text amendment. A copy of the Plan Commissions PowerPoint presentation and the findings of the Commission have been included for your consideration.

As this matter pertains to the public right-of-way, staff is requesting the input from the Public Works Committee. It is anticipated that the Committee would make a recommendation that would be considered by the Village Board at the June 17, 2010 meeting. To assist the Committee in their deliberations, staff has prepared the following analysis of the proposed amendment.

Conflict with Underground Utilities

If the width of the driveway is allowed to expand to 25' (with a flare to 29' at the curb) the potential for conflict with catch basins, curb inlets, water services sanitary sewer laterals and other structures exists. The Village does not typically allow structures to be placed in driveways. This issue also impacts private utilities, such as Comcast, AT&T, Nicor and ComEd.

Conflict with Parkway Trees & Mailboxes

The Village maintains an inventory of 18,800 trees in the r-o-w. Careful consideration is given to the planting locations of each tree to avoid any potential issues related to access, as well as

	Concrete	
20x13	\$1,000.50	
25 x 13	\$1,242.00	
		Difference
		(\$241.50)
		Asphalt
		\$870.00
		\$1,080.00
		(\$210.00)

While it has been proposed that any property owner interested in widening the driveway would be responsible for the full cost of the improvement at the time of construction, the staff is concerned about the fiscal impact that the widening would have on future road projects performed by the Village. The Village policy is for the Village to fund the replacement of aprons during reconstruction projects. The table below provides the cost differential for each expanded driveway based upon material. Staff cannot reasonably estimate the number of driveways that will be expanded, should the Code be amended. It is important to understand that the Village would incur these additional costs in the future.

The Village requires a greater thickness of concrete where sidewalks cross residential driveways (6') than that of a standard sidewalk (5'). In cases where a resident expands the width of the driveway, the Village would require the owner to remove sections of walk that are not consistent with the Village standard.

Sidewalk Specification through Driveway

The Village snow removal efforts may be greatly impacted if driveways widths are expanded per the requested amendment. This may be particularly true in cul-de-sacs where the radius already creates difficulty in placing large quantities of snow in the parkway. In the event that the width at the curb is increased to 29' by right, the available space in the r-o-w would be diminished. This may result in additional hauling costs for removal of snow from the cul-de-sacs.

Snow & Ice Removal

As suggested in the attached Plan Commission report, the 20 foot width is not conducive to parallel parking in the r-o-w. Village Code prohibits this act and increasing the width to the requested 25' may cause additional enforcement action to occur. This may lead to additional costs for adjudication or enforcement actions.

Parking in R-O-W

As identified in the Plan Commission report, the widening of the driveway aprons would result in a greater impervious area per lot. This could affect the property in two notable ways. First, the lack of pervious area could cause water to pond on the property for a greater period of time or cause flooding of the properties. Second, the additional width of the driveway would impact the open space requirements. This could affect an owner's ability to add on to the structure without the need for a variance to the open space requirements.

Drainage/Open Space

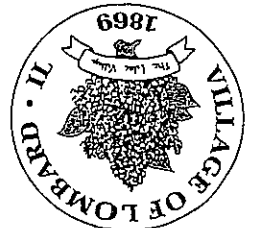
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RECOMMENDATION

In light of the practical application of the widening and the potential negative effects identified by the Plan Commission and the Public Works staff, the staff respectfully requests and recommends that the Public Works Committee not support the proposed amendment to Section 150.301 of the Village Code. Staff further recommends that the recommendation of the Public Works Committee be placed on the Village Board of Trustees agenda for the June 17, 2010 meeting.

VILLAGE OF LOMBARD
 255 E. Wilson Ave.
 Lombard, Illinois 60148-3926
 (630) 620-5700 Fax (630) 620-8222
 www.villageoflombard.org



April 26, 2010

Trustee Greg Gron, District 1

Chairperson

Public Works Committee

Village of Lombard

Subject: Driveway Standards for Single-Family Residences

Trustees
 Greg Alan Gron, Dist. 1
 Richard J. Tross, Dist. 2
 Zachary C. Wilson, Dist. 3
 Dana L. Moreau, Dist. 4
 Laura A. Fitzpatrick, Dist. 5
 William "Bill" Ware, Dist. 6

Dear Trustee Gron and Committee:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced workshop held on April 19, 2010. The following is a summary of the discussion:

Village Manager
 David A. Hulseberg

Christopher Stilling, Assistant Director of Community Development, began by providing the background of the workshop. He noted that staff is seeking the thoughts and direction of the Plan Commission with respect to the land use and design considerations associated with the Village's driveway standards and their impacts on selected single family residential properties.

"Our shared vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."

Staff received a request to look at whether the driveway standards for single family residences with three car garages should be modified to allow for wider driveway widths at the front property line. While amendments to the Code would be considered by the Public Works Committee, staff also sees the regulation having significant land use and development impacts for residential properties as well. Staff will forward any comments received today to the Public Works Committee in consideration of the request.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

Supplementing his presentation, he referred to a PowerPoint presentation

Current Code Requirements -- Currently, Village Code Section 150 regulates how wide a driveway can be at a particular property line. This slide shows the maximum you can be at the property line is 20'. In this diagram with a three car garage you would have to flare the driveway out throughout the 1990s and the 2000s, the number of residences with three-car garages has increased. Most of these residences were new construction. The existing driveway width provisions would require that the developer/property owner flare the driveway from a three-car width (often up to 30' feet) to a two-car width (20') at the front property line.

The request being made suggests that such flaring can result in awkward vehicle backing movements or create "ruts" on an abutting landscape surface. As such, the request is to allow for greater driveway width at the front property line that would allow for greater flexibility in backing movements.

The intent of the twenty-foot driveway width provision is the result of both practical and functional applications. Residents frequently utilize driveways for parking purposes and a twenty foot width would provide for two adjacent cars to be parked on a driveway, along with adequate room to access and maneuver around the vehicle. With the advent of three-car garages, developers and residents would frequently flare the driveway to provide access to the third door, while still meeting the twenty-foot width requirement. Driveway widths beyond the front property line can be greater than twenty feet in width, provided that the property meets open space and other driveway location requirements.

Changes for Discussion - The next slide shows the driveway width being increased to 30' at the property line and how that would also include extending the apron.

Items for Consideration - The following items are for the Plan Commission to consider as we look as the issue of widening the provisions from 20 to 30':

1. Driveway Access & Parking - Twenty-foot driveway widths strongly discourage or preclude parallel parking to the adjacent street. Within parkways, such parallel parking is prohibited, unless the roadway was designed for such parking. Capping the width of driveway approaches at twenty feet would generally preclude parallel parking to the street, defines the access point for vehicles and can minimize sidewalk encroachments.

2. Open Space - The intent of this provision is to ensure that driveway approaches onto private residential properties do not encompass significant or excessive amounts of space within the front yard. Currently a twenty-foot wide driveway would cover one-third of the area of a typical sixty-foot lot. However, by providing up to a thirty foot driveway by right, the amount of hard surface would increase to one half (or more if one accounts for front door porches, stoops and adjacent walkways) of the front yard. In these cases, the front yard open space element could be deemed as secondary to the imperious areas.

Staff also notes that selected subdivisions have further open space restrictions, such as the Providence planned development's 43% lot area coverage requirement. Larger driveways may also inhibit the property owner to construct other improvements such as a backyard patio or erect an accessory structure without seeking zoning relief.

3. Drainage - Providing for an increase in driveway width may not significantly increase stormwater run-off. However, in consideration of the relation of the code, staff also notes that driveways are usually designed to pitch toward the adjacent public street and that the additional width would find its way directly to the curb line. With flared driveways, some of the run-off may run to the adjacent front lawn. While the run-off flow may not be great, the cumulative impact of unfiltered runoff can pose drainage concerns within the Village's right of

way. Wider driveways would also result in wider aprons, thereby increasing the amount of impervious area surrounding a property and further increasing run off.

4. Clear Line of Sight - The Zoning Ordinance does regulate structures within the clear line of sight area (defined as a 20' by 20' sight triangle at the edge of the driveway and the property line - often the adjacent sidewalk). By providing for greater driveway widths, the ability for property owners and abutting property owner to erect access structures such as fences could be diminished. As a separate but related issue, expanded driveways may also increase sight obstruction impacts of parkway trees, mailboxes and other permissible structures, as the placement of those structures will be further limited.

5. Lot Design - While the majority of lots within the Village are rectangular in shape, a significant number are on curved streets or cul-de-sacs. Increased permissible driveway widths in these locations would further reduce the visual and functional open space for these lots. You can see that there is the potential of having a sea of pavement should all the lots in the cul-de-sac have 3-car garages.

6. Home Design - Back in 2007 the Village Board approved text amendments to the Zoning Ordinance that further regulated garage design and capped the amount of garage that can be on the front facade of a residence. As represented to the Plan Commission in 2007, the majority of single-family homes being constructed feature attached - front-facing garages. This trend has caused concern in some communities that garages are beginning to overtake single-family homes as the dominant visual element of residential streets, obscuring the homes' entrances and potentially filling the front yard with vehicles. Through the analysis, new code amendments were established. While not prohibiting three or more car garages, the regulations placed significant restrictions on such elements and limited the ability to construct a three-car garage as a prominent front facade element. While side-loaded garages may minimize the need for wider driveways, an argument can be made that the increased driveway width will run contrary to the garage design restrictions recommended for approval and adopted in 2007.

In the following example, the home on the right the driveway flared and shows what that would look like from the street.

7. Public Right of Way Issues - While not under the Plan Commission's direct purview, the design of parkways can add, or detract, to the overall neighborhood appearance. The Subdivision and Development Ordinance encourages or mandates green parkways through it regulations and tree planting requirements.

From a Public Works perspective, specific items within the broader code amendment discussion may include the full design impacts of such an amendment on parkways and the street. Operational issues can include: reduction in the ability to place landscape/parkway enhancements, proper location of mailboxes and fire hydrants, longer-term maintenance costs associated with parkway restoration work, and snow clearing and removal activities, particularly within cul-de-sac areas.

Lastly, as existing code also provides for two foot flaring within the Village parkway, the cumulative impact of additional impervious surfaces can be greater than just an increase in driveway width. These items would be further explored by the Public Works Committee.

The next examples shows the front elevation of a home, aerial view and shows it meets code, and you get a sense of the flaring requirements within our code.

Code Administration - Requests to vary the 20' width requirements are currently made the Public Works Director with appeals of the Director's decisions going to the Village Board. He noted that there have only been a few requests made to appeal the requirements in the last decade of which none have been approved.

Action Requested - Should Village Code be amended to allow a maximum driveway width greater than 20' at the front property line be supported. Comments from the Plan Commission will be shared with the Public Works Committee and/or the Village Board.


Commissioner Burke indicated he did not support the request. He thought it was unreasonable that the driveway take up 37-50% of the frontage along the property line. He thought that most of the driveways in and out of Roosevelt Road that are commercial businesses don't even approach 30'. The residential area should be more restrictive and the 30' to 34' minimum at the apron is unreasonable. The examples shown in the PowerPoint of the properties that flared into the garage were objectionable enough but then adding extra pavement in the front along the parkway was over the top. He felt there is absolutely no reason to change.

Chairperson Ryan agreed with Commissioner Burke. He indicated that the Plan Commission spent a lot of time on the garage issue because of complaints that front garages were taking over the looks of the whole neighborhood. Now it feels like we are regressing and he doesn't agree with changing it.

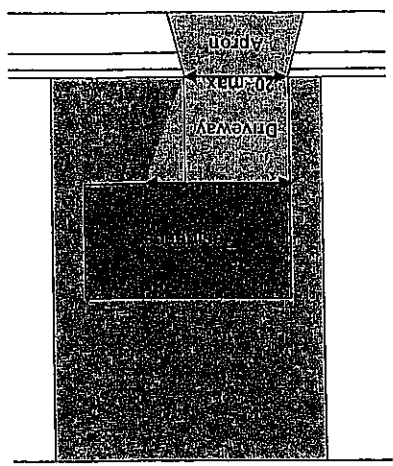
Commissioner Cooper added that this issue contradicts the Green Building Handbook just discussed and is not in favor any changes..

Commissioners Sweetser, Olibrysh, Flint and Nelson also stated they were not in favor of any changes.

Respectfully,

VILLAGE OF LOMBARD

Donald Ryan, Chairperson

Lombard Plan Commission



- Residential driveways may not exceed 20' in width at the front property line
- Driveways may flare out onto property to accommodate additional desired width (2' per side max)

Current Code Requirements

Lombard Plan Commission
 Workshop Session
 April 19, 2010

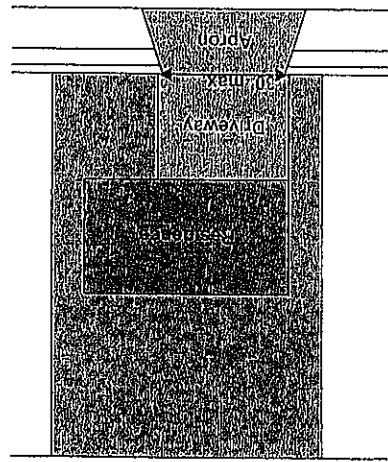
Driveway Standards for Single-Family Residences

Items for Consideration

- Driveway Access & Parking
- Open Space
- Drainage
- Clear Line of Sight Areas
- Lot Design
- Home Design
- Public Right-of-Way

Changes for Discussion

- Increase driveway width to 30' at property line
- This also includes a 30' apron.

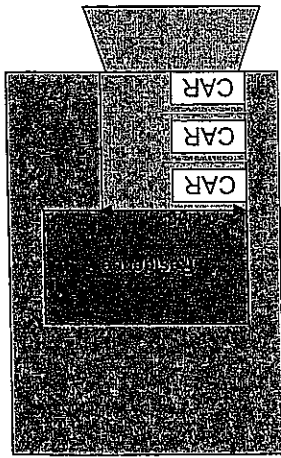


Open Space

- Front yard open space v. driveway
 - * The intent of this provision is to ensure that driveway approaches onto private residential properties do not encompass significant or excessive amounts of space within the front yard.
- Reduced ability to construct accessory structures
 - * Less open space

Driveway Access & Parking

- Parallel parking
 - * Twenty-foot driveway widths strongly discourage or preclude parallel parking to the adjacent street.



Clear Line of Sight Areas

- The Zoning Ordinance does regulate structures within the clear line of sight area (defined as a 20' by 20' sight triangle at the edge of the driveway and the property line – often the adjacent sidewalk).
- Impact on fence placement
 - Subject property
 - Neighboring properties
- Increased sight obstruction of parkway trees, mailboxes, etc.

Drainage

- Increase in unfiltered runoff
- While the run-off flow may not be great, the cumulative impact of unfiltered runoff can pose drainage concerns within the Village's right of way
- Wider driveways would also result in wider aprons, thereby increasing the amount of impervious area surrounding a property and further increasing run off.

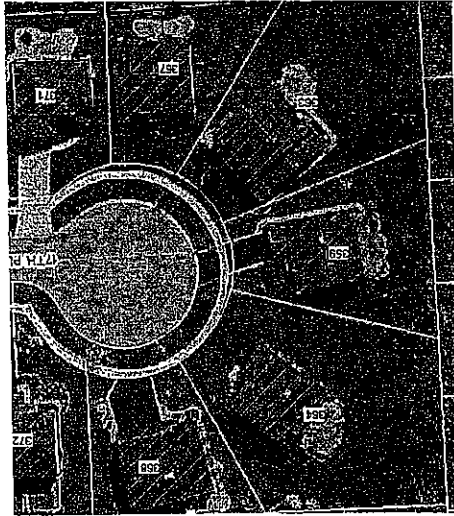
Home Design

■ Three-car garages

* Front-facing garage doors may not exceed greater of 16' or 42% of the street-facing facade (2008 code change)

- Max. garage doors on 100'-wide lot (R0): 33.6'
- Max. garage doors on 75'-wide lot (R1): 25.2'
- Max. garage doors on 60'-wide lot (R2): 20'
- Max. garage doors on 50'-wide lot (R2): 16'

- Curved streets
- Cul-de-sacs




Lot Design

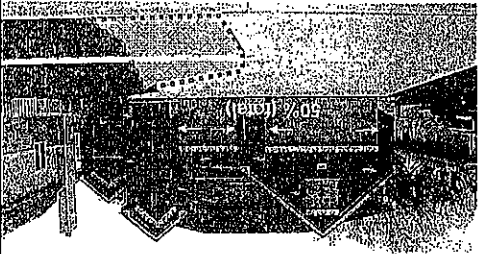
Public Right-of-Way

- Landscaping/parkway enhancements
- Mailboxes & hydrants
- Maintenance costs
- Snow clearing & removal

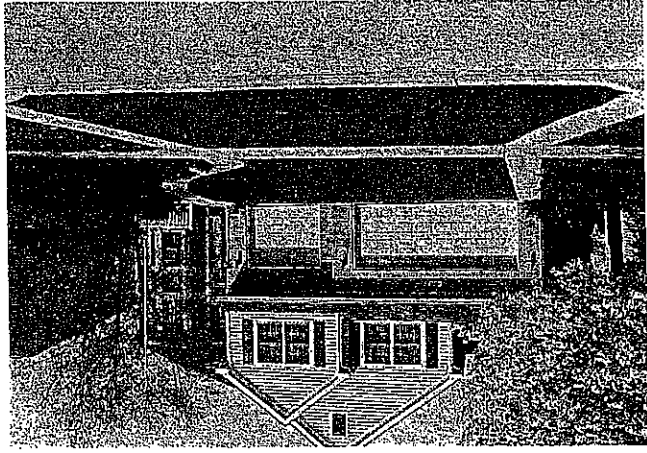
Home Design - Attached Garage Examples



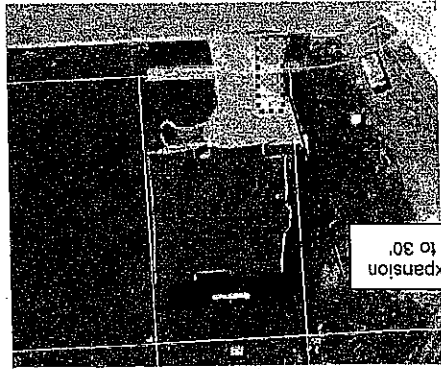
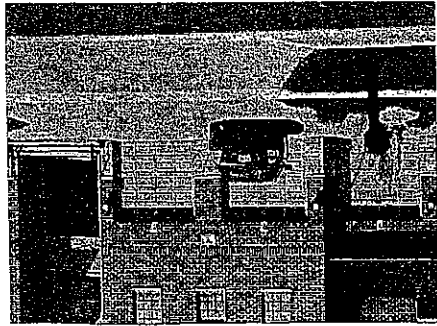
Permitted attached garage – less than 42% of front facade



Legal nonconforming attached garage – greater than 42% of front facade



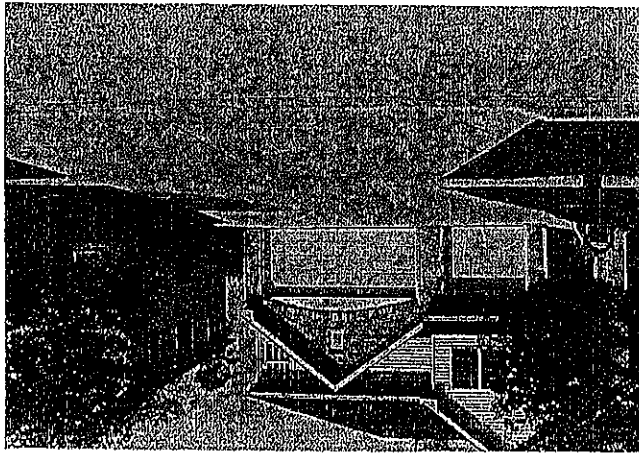
Example: Three-car garage & driveway



Example: Three-car garage & driveway



Example: Three-car garage & driveway



Example: Three-car garage & driveway

Action Requested

- ☒ Should the Village Code be amended to allow a maximum driveway width greater than 20'?
- ☒ Comments from the Plan Commission will be shared with the Public Works Committee and/or the Village Board in consideration of this matter.

Code Administration

- ☒ Requests to vary 20-foot width requirement are made to Public Works Director
- ☒ Appeals of Director's decisions go to Village Board
- ☒ Few requests made in past decade; none approved