

PROJECT REVIEW GROUP REPORT

TO: PLAN COMMISSION

PREPARED BY: Todd Wenger, PLA
Landscape & Design Planner

HEARING DATE: October 19, 2021

DATE PREPARED: October 13, 2021

CASE NUMBER: P2109-02

TITLE: 215 S. Salem Drive / Beymer Residence / Variation to Allow a 2nd Curb Cut

BACKGROUND INFORMATION

Petitioner: William B. & Amy L. Beymer

Address of Petitioner: 215 S. Salem Drive
Schaumburg, IL 60193

Status of Petitioner: Owners

Existing Zoning: R-6 Single Family Residence District

Location of Parcel: South of Victoria Lane, West side of South Salem Drive

Requested Action:

- Variation to Allow 2 Curb Cuts [Title 15, Chapter 151, Section 151.108 (G)(1)(a)(c) of the Zoning Ordinance]

ANALYSIS

Staff Discussion:

The petitioner is requesting a variation to allow an existing second driveway curb cut to remain on the property located at 215 S. Salem Drive. The subject property is a corner lot with frontage on two streets (Salem Drive and Victoria Lane). The subject property has two driveway curb cuts: one oriented towards Victoria Lane which connects to an existing detached two-car garage and one oriented towards S. Salem Drive, which leads to the front door, stairs and stoop of the existing home. The petitioner is requesting that both curb cuts be allowed to remain in their current configuration and reconstructed as needed. The petitioner was recently denied a Building Permit to reconstruct his driveway facing Salem Drive and is seeking this variation which would allow him continued access to his front door.



The original home was completed in 1969 and had a single lower-level garage under the southern portion of the home. In 1980, the original home was enlarged, the lower-level garage was replaced

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with living space, and a new two-car detached garage was constructed on the east end of the lot. A Building Permit was issued for these renovations which allowed the existing driveway off Salem Dr. to remain as well as the construction of a new driveway off Victoria Ln.

At the time, the Village's code regarding driveway access was worded the same as how it reads today. Section 151.08 of the Village's Subdivision Control Ordinance restricts driveways for single family residential buildings to one driveway curb cut, stating the following,

"§ 151.08 - PAVEMENT DESIGN STANDARDS AND SPECIFICATIONS, Subsection (G), Subdivision (1), Paragraph (c), of the Schaumburg Code of Ordinances, which reads, "Driveways for single-family residential buildings shall not have more than one (1) curb cut per property, except in the case of a circular drive."

While exceptions are allowed for circular driveways, staff has interpreted this code for the past several decades to mean that two drives are not allowed under any other circumstance – not even for corner lots. However, this does not always appear to have been the case. When the Building Division was its own Department, they had a policy that interpreted this code to apply only to properties with one street frontage. In a 2003 Plan Commission hearing (Case No. P0306-02) regarding a variation request for a second drive (along the same street - not a circular drive), the case was continued by the Commission to allow planning staff more time to research why other properties in the area were allowed to have two existing driveway cuts. Staff found and commented on several locations, including 823 Weathersfield Way. Staff presented their research to the Commission in a July 30, 2003 memorandum which stated the following,

"In reviewing requirements for curb cuts more closely with the Building Department, a Village policy has been established which allows for one curb cut per street frontage for residential properties. The subject property is located at the corner of Westfield Lane and Salem Drive, and therefore has two street frontages. Consequently, the second curb cut off Salem Drive is permitted and does not require approval of a variation."

Therefore, while the code regarding driveway curb cuts has essentially been in effect since 1978, it has not always been interpreted consistently by all previous departments and in some cases its application was significantly altered by the presence of a department policy to the contrary. Staff believes that it was under this interpretation and policy that the second driveway curb cut was allowed to be constructed at the petitioner's property. This may explain the numerous examples of two driveways being allowed on different streets in the petitioner's neighborhood (i.e.: 126 Hinkle Ln., 112 Patricia Ln., 126 S. Braintree Dr., 823 Westfield Ln, etc.). Since this policy no longer exists and the code has been interpreted differently for the past several decades, staff believes that a variation is needed to remedy the petitioner's predicament.

As presented to the Commission in the recent 33 Aspen Drive case (Case No. P2108-03), staff also researched several past variation cases where the petitioner was approved for two driveway curb cuts.

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- 1514 Somerset Lane (Case No. P0506-01) - In 2005, the petitioner was granted approval of a variation to allow a second curb cut to construct a new detached garage and driveway and convert the existing garage into living space for his live-in mother. The variation was granted with a condition that the driveway be removed when the mother permanently leaves the home.
- 851 Beacon Drive - In 2006, the petitioner was granted approval to keep a second curb cut to an existing detached garage as well as a second curb cut which was constructed in 1986 and existed for 20 years at the time the variation was requested.

Staff has reviewed the variation request and is supportive of the request for a several reasons. First, both curb cuts are located at opposite ends of the property. Looking at the property from each side, you are unable to see the second curb cut. When standing at the corner, each driveway apron is visible, but difficult to discern which property each apron belongs to. Second, since both curb cuts are located at opposite ends of the property with grade changes in between; removal of the driveway on Salem Drive would eliminate direct access to the front door/stairs and create challenges for guests or delivery vehicles visiting the property. Vehicles parking on the driveway located off Victoria Lane does not have easy access to the front door located off of Salem Drive. Thirdly, the detached garage and dual driveways were approved and permitted at a time when departmental policy allowed for two curb cuts off different streets.

If the petitioner were requesting to expand either driveway, staff might have concerns; however, since the request is only to keep the existing driveways width/depths, staff is supportive of the variation. Staff recommends a condition that future expansion of either driveway require approval of a new variation.



View from Victoria Lane



View from Victoria Lane & Salem Drive

The Zoning Ordinance states that the Plan Commission may take into consideration the extent to which the following facts have been established which may be favorable to the applicant:

The particular physical surroundings, shape, or topographical conditions of the property would bring a hardship upon the owner if the strict letter of the regulations were carried out.

The front door is oriented towards Salem Drive. Removal of the driveway along Salem Drive would limit access to the front door. Vehicles parking on the driveway located off Victoria Lane would not have easy access to the front door located off Salem Drive.

The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district.

The subject property is not unique from other corner properties in the Village. Some corner properties do have detached garages in the rear yard with a second curb cut. The Village has granted variations for a second curb cut.

The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

There is no evidence that the variation has been requested to make more money from the property.

The alleged difficulty or hardship has not been created by any person presently having interest in the property.

Staff does not believe that hardship has been created by any person presently having an interest in the property. The previous property owner obtained permits for the detached garage and conversion of the attached garage into living space. Although the Village does not have detailed plans that show the driveways, staff believes that the driveway configurations were approved with the Building Permit in 1980.

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Granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Staff has reviewed the subject property for any drainage or grading issues and has no objections to the variation request.

The proposed variation will not impair an adequate supply of light and air to the adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

There is no evidence that approval of the requested variation will impair property values or pose a threat to the public safety.

Granted the variation will not confer on the applicant any special privilege that is denied by this chapter to the lands, structures, or buildings of the same district.

Granting the variance for the second curb cut does not guarantee future approval for a similar request in the same zoning district.

RECOMMENDATION

Staff has reviewed the request and is supportive of allowing the second curb cut to remain. Therefore, staff recommends **approval** of a variation to allow a second curb cut for the property located at 215 S. Salem Drive, Case No. P2109-02, subject to the following conditions:

1. The driveways are approved to be replaced in their current locations/widths. Future expansion of either driveway requires approval of a new variation.
2. A building permit, in accordance with the current regulations and requirements of the Village of Schaumburg, must be issued within one (1) year from the date of adoption of the enabling ordinance by the Village Board which authorized the development proposal. The development approvals granted herein, without need for further action by any Village Board, commission or official shall become null and void if no building permit is issued within the one (1) year requirement. The Village Board may, by motion and majority vote, extend the development approvals granted herein for periods of up to one (1) year upon the written request of the owner of the subject property or his authorized agent.
3. Natural drainage shall not be blocked or directed onto neighboring properties.
4. The following plans shall be adopted as part of the governing ordinance:
 - a. Plat of Survey, received by the Community Development Department on September 14, 2021.

pc: Petitioner