

## **ORDINANCE NO. 2026-15**

### **AN ORDINANCE GRANTING A VARIANCE FROM SECTION 154.017 OF THE VILLAGE CODE TO PERMIT A SECOND DRIVEWAY FOR PROPERTY LOCATED AT 103 HICKORY LANE, KIRKLAND, ILLINOIS**

**WHEREAS**, Joe Ballou ("Applicant") is the owner of certain real property commonly known as 103 Hickory Lane, Kirkland, Illinois (the "Property"); and

**WHEREAS**, Section 154.017 of the Village Code generally permits only one driveway access from a residential lot to a public street; and

**WHEREAS**, the Applicant submitted an application requesting a variance from Section 154.017 of the Village Code to permit construction of a second residential driveway providing access to the rear yard of the Property; and

**WHEREAS**, the Village of Kirkland Planning and Zoning Commission conducted a duly noticed public hearing on July 13, 2026, at which interested persons were afforded an opportunity to present testimony and evidence concerning the requested variance; and

**WHEREAS**, following the public hearing, the Planning and Zoning Commission adopted Findings of Fact supporting the requested variance and voted to recommend approval of the requested variance to the President and Board of Trustees; and

**WHEREAS**, pursuant to the authority granted by the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.) and Chapter 154 of the Village Code, the President and Board of Trustees are authorized, following a public hearing before the Planning and Zoning Commission and upon recommendation of the Planning and Zoning Commission, to grant variances from the strict application of the Village's zoning regulations where the applicable standards have been satisfied; and

**WHEREAS**, the President and Board of Trustees have reviewed the application, the record of the proceedings before the Planning and Zoning Commission, the Findings of Fact adopted by the Planning and Zoning Commission, and the Commission's recommendation, and find that the requested variance satisfies the standards set forth in Chapter 154 of the Village Code and that granting the requested variance, subject to the conditions contained herein, is in the best interests of the Village of Kirkland.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Kirkland, DeKalb County, Illinois, as follows:

#### **SECTION 1. RECITALS; ADOPTION OF FINDINGS OF FACT.**

The foregoing recitals are hereby incorporated into and made a part of this Ordinance as though fully set forth herein.

The President and Board of Trustees further find that the Findings of Fact adopted by the Planning and Zoning Commission on July 13, 2026, are supported by the evidence presented at the public hearing, are consistent with the standards governing variances under Chapter 154 of the Village Code, and are hereby approved, adopted, and incorporated by reference as the findings of the President and Board of Trustees.

## **SECTION 2. GRANT OF VARIANCE.**

Based upon the Findings of Fact adopted by the Planning and Zoning Commission, as adopted herein by the President and Board of Trustees, the Village Board hereby grants a variance from Section 154.017 of the Village Code to permit the construction of one (1) additional residential driveway on the Property, substantially in accordance with the site plan submitted by the Applicant.

## **SECTION 3. CONDITIONS OF APPROVAL.**

The variance granted herein is expressly conditioned upon the following:

1. The second driveway shall be constructed substantially in accordance with the site plan submitted with the variance application and as approved by the Village.
2. The proposed driveway and all associated improvements, including but not limited to gravel, base material, edging, culvert, and any other driveway improvements, shall remain no closer than five (5) feet from the boundary of the existing Public Utility Easement at all times.
3. Nothing contained in this Ordinance authorizes any encroachment into the Public Utility Easement or otherwise modifies, limits, or impairs the rights of the Village of Kirkland or any public utility with respect to the Public Utility Easement.
4. The Applicant shall obtain all permits required by the Village and shall comply with all applicable engineering, stormwater management, drainage, building, and other applicable provisions of the Village Code.
5. Any culvert associated with the driveway shall be installed only after review and approval by the Village Engineer or the Village's designated engineering consultant.
6. This variance authorizes only the second driveway depicted on the approved site plan. Any additional driveway, curb cut, or material deviation from the approved site plan shall require further approval by the Village in accordance with the Village Code.
7. Failure to comply with any condition contained in this Ordinance shall constitute a violation of this approval and may result in enforcement proceedings and such other remedies as are authorized by law.

## **SECTION 4. SEVERABILITY.**

If any provision, clause, sentence, paragraph, or section of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, which shall remain in full force and effect.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed only to the extent of such conflict.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

|                         | Ayes | Nays | Absent | Abstain |
|-------------------------|------|------|--------|---------|
| Trustee John Michener   | X    |      |        |         |
| Trustee Sarah Ziegler   | X    |      |        |         |
| Trustee Daniel Chambers |      |      | X      |         |
| Trustee Jessica Fruit   | X    |      |        |         |
| Trustee Erik Marshall   | X    |      |        |         |
| Trustee Brian Benes     |      |      | X      |         |
| President Ryan Block    |      |      |        |         |

  
Village President Ryan Block

ATTEST:

Leslie Scidmore  
Village Clerk Leslie Scidmore

Published: \_\_\_\_\_



## CERTIFICATION

I, LESLIE SCIDMORE, do hereby certify that I am the Clerk of the Village of Kirkland, DeKalb County, Illinois, and that as Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Kirkland.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Kirkland, held on the 20 day of July, 2026, the foregoing Ordinance entitled **AN ORDINANCE GRANTING A VARIANCE FROM SECTION 154.017 OF THE VILLAGE CODE TO PERMIT A SECOND DRIVEWAY FOR PROPERTY LOCATED AT 103 HICKORY LANE, KIRKLAND, ILLINOIS**, was duly passed by the President and Board of Trustees of the Village of Kirkland.

The pamphlet form of Ordinance No. 2026- 15, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 20 day of July, 2026, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Kirkland, this 20 day of July, 2026.



Leslie Scidmore, Village Clerk  
Village of Kirkland  
DeKalb County, Illinois

(SEAL)

