
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: ORDINANCE: 31 MEADOWS ZONING VARIATION
AGENDA: DECEMBER 7, 2021 VILLAGE BOARD MEETING
DATE: DECEMBER 1, 2021

ISSUE

Shall the Village Board approve an Ordinance granting a zoning variation at 31 Meadows Drive (Richgruber residence).

DISCUSSION

The applicant, Lauren Richgruber, owns a corner lot and desires to construct a six foot tall privacy fence around her rear yard, including the corner side yard along Main Street. Ordinarily, a six-foot tall fence in the corner side yard is not permitted; a six foot tall fence is required to maintain the same setback as the building in the corner side yard.

The Zoning Board of Appeals held a public hearing, no objectors were present. The ZBA discussed the request and generally recognized the corner side yard situation with this lot is unusual and was supportive of granting relief from the zoning requirements.

ATTACHMENTS

- Zoning Board of Appeals Recommendation ZBA21-018
- Ordinance Granting a Zoning Variation (31 Meadows)

COSTS

All costs associated with the zoning variation application are borne by the applicant.

RECOMMENDATION

The Village Board approve an Ordinance Granting a Zoning Variation (31 Meadows Drive).

R E C O M M E N D A T I O N

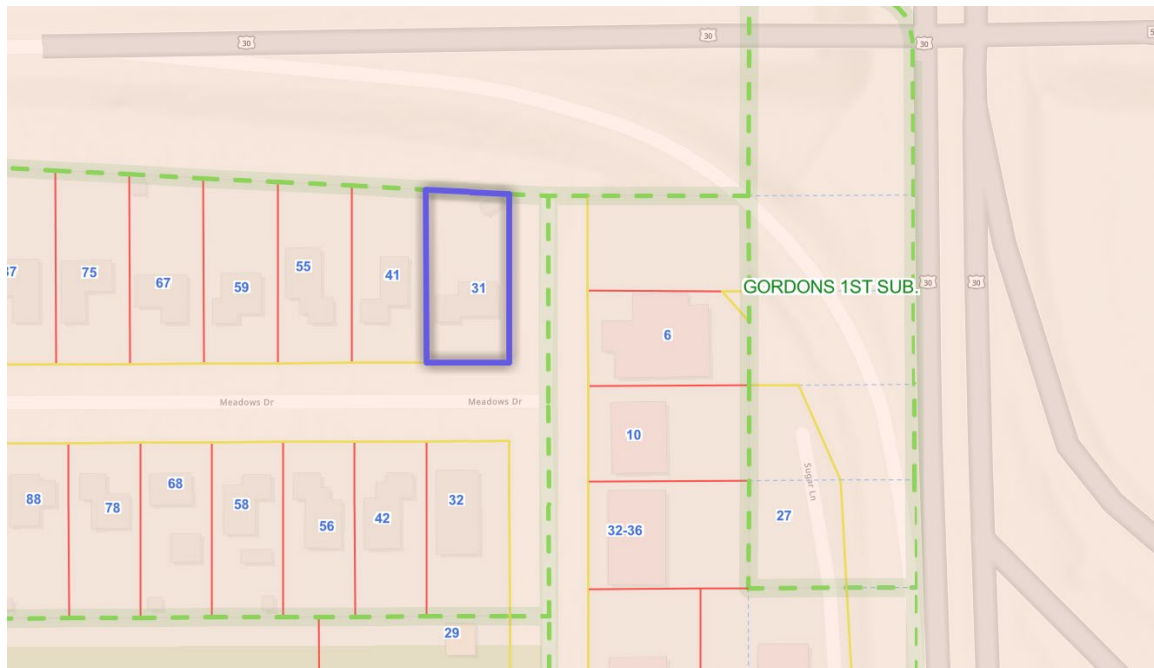
ZBA21-018

TO: Village President and Board of Trustees
FROM: Zoning Board of Appeals
DATE: Meeting of November 17, 2021
PETITION: 21-018
31 Meadows
Fence height variation

PROPOSAL

The applicant is requesting a variation of three feet to allow a fence height of six feet in a corner side yard instead of the maximum three feet.

LOCATION MAP



BACKGROUND & HISTORY

The subject property is a single-family residence and the applicant is looking to install a six-foot-high PVC privacy fence. The property is located on the corner of Meadows Drive and the dead end of Main Street. In order for them to be permitted to install the six-foot-high fence in their corner side yard they

will need a zoning variation to increase the permitted height.

The height limitation on corner side yard fences is attributed to the need to maintain a sense of uniformity at the building line along street frontages. With a corner lot, it is assumed the lot immediately adjacent the rear yard could be the front yard of the neighboring lot and it would appear odd to have a six foot tall fence/wall project closer to the street than the walls of the single-family structures along the street. Hence the requirement that a six foot tall fence maintain the same setback from the street as a principal building.

Since the property is located adjacent the dead-end, unimproved portion of Main Street with no potential of a lot being developed adjacent the subject property, a six-foot-high fence in the corner side yard would present no visual oddities with adjacent lots and would have no impact on visibility for motorists as there is no roadway in this section of the Main Street right-of-way. There also are no properties immediately adjacent to them that would be affected by this fence height. Where Main Street dead ends, it runs into Route 30, a limited access highway, therefore this street will not be continued any further than what it is now and will remain a dead end.

The applicants are looking to install a privacy fence in their back yard to help give them privacy from the neighbors and the business located directly to the east of their property.

DISCUSSION

The Zoning Board of Appeals discussed the proposed Variation. The type of fence permitted and the location of the proposed fence were discussed. Commissioners did not express any concerns about the requested variation.

FINDINGS OF FACT

When considering Zoning Variation requests, the Zoning Ordinance provides certain standards to be considered. The Zoning Board of Appeals hereby finds that the proposed Variations:

- a. Property will not yield a reasonable return if developed under the requirements under the current zoning regulations.

If limited to the permitted three-foot height for the fence in a corner side yard, this property's rear yard will remain in full view of the neighboring business, limiting privacy and enjoyment of the property.

- b. There are unique circumstances causing the owners plight.

The subject property is currently in full view of the neighboring business and their patrons.

- c. This variation will not alter the essential character of the area.

This variation will not alter the essential character of the area.

- d. There are particular physical surroundings, shape or topographical conditions of the property creating a true hardship.

The physical surroundings are creating a hardship to the property owners by the subject properties rear yard being in full view of the neighboring business directly to the east, the occupants are subjected to patrons of the business coming and going. The business utilizes the dead-end portion of Main Street as parking for patrons of their business, this puts this activity twenty feet from the applicant's property.

- e. The conditions creating the hardship exist on properties throughout the area.

The conditions are unique to this property, this property is located on the corner of a dead-end street with a commercial business located directly to the east.

- f. The purpose of the variation is not exclusively based on the desire to make more money on developing the property.

The purpose of the variation is for personal use only.

- g. Granting this variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

This variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Though the subject property is on a corner lot, the adjacent street is a dead end with no vehicle or pedestrian traffic.

- h. The requested variation is the minimum variation necessary to make the reasonable use of the land possible.

The requested variation is the minimum variation necessary to achieve the desired result. In order for the applicants to have a privacy fence around their backyard, they need the requested variation to allow for a six-foot-high fence.

- i. The variation will NOT:

- Impair an adequate supply of light and air to adjacent properties
- Substantially increase the hazard from fire or other dangers to this property as well as surrounding properties
- Impair the public health, safety, comfort, morals, or general welfare of the inhabitants of Sugar Grove
- Diminish or impair property values in the neighborhood
- Unduly increase traffic congestion in the public streets
- Create a nuisance
- Result in an increase in public expenditures

The requested variation will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire or other dangers to the property or surrounding

properties; will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of Sugar Grove. The requested variation will improve the property value in the neighborhood. The requested variation will not increase traffic congestion in the public streets; will not create a nuisance; will not increase public expenditures.

EVALUATION

Generally, this use is required to conform to the Village of Sugar Grove Variation Standards. The following evaluation is based on the Variation Standards.

1. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district – Without the variation the applicant would not be able to adequately screen their rear yard with a privacy fence.
2. Plight of the owner is due to unique circumstances – The owner has unique circumstances by having a property located on a corner of a dead-end street directly across from a commercial property.
3. Variation if granted, will not alter the essential character of the locality – The variation will not alter the essential character of the locality. The variation is a minor adjustment to the permitted height of a fence.

PUBLIC RESPONSE

After due notice, the Zoning Board of Appeals held a public hearing on November 17, 2021. No objectors were present.

RECOMMENDATION

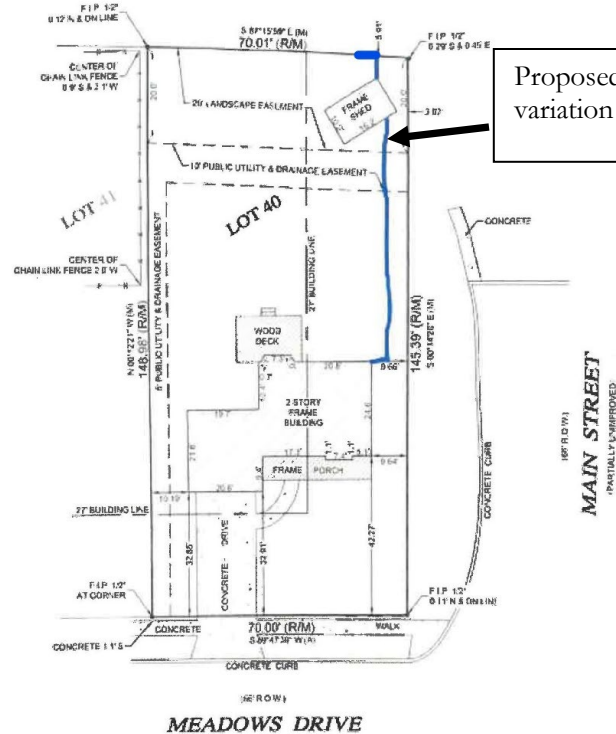
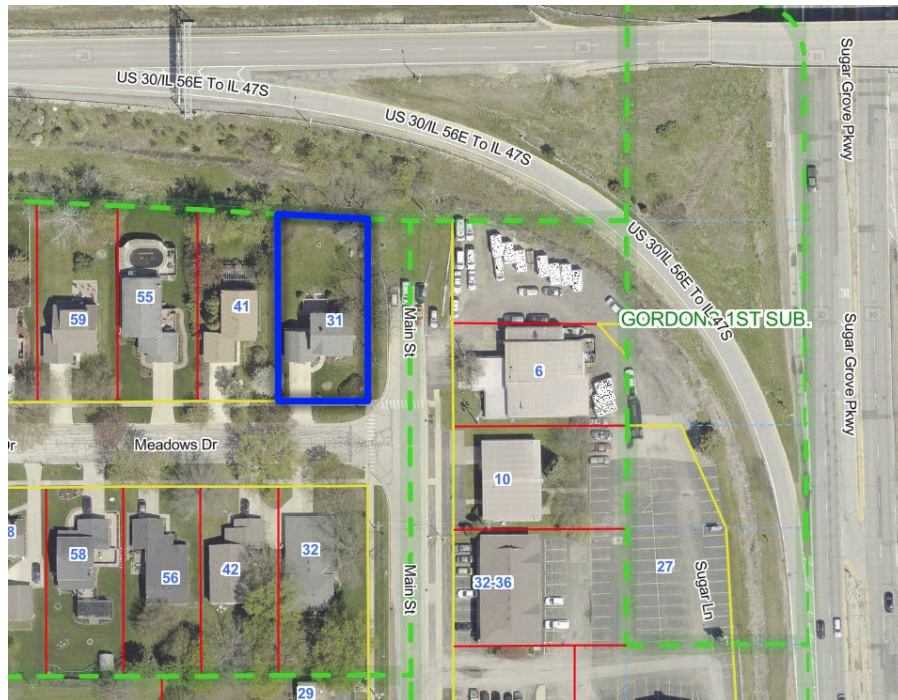
After carefully considering the facts, the Zoning Board of Appeals recommends the Village Board **approve** the proposed Zoning Variation to allow for six-foot tall fence in a corner side yard and adopt the Findings of Fact.

AYES: Jones, Eckert, Guddendorf, Wilson, Bieritz, Sabo, Ochsenschlager

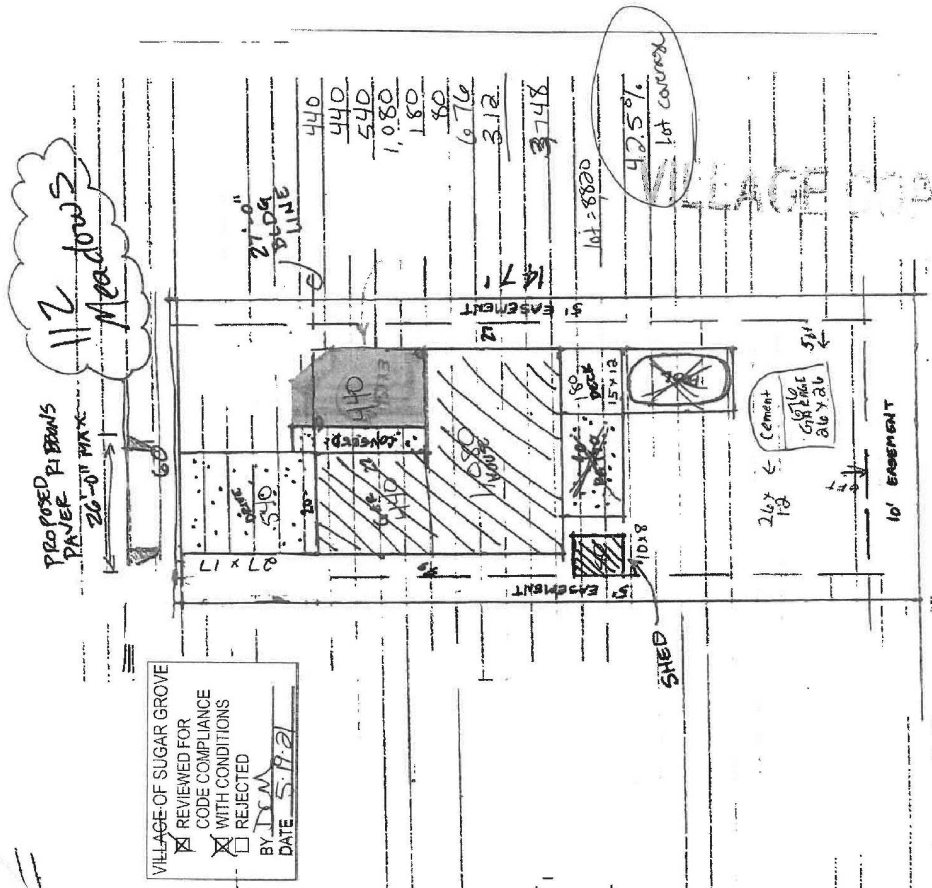
NAYES: None

ABSENT: None

Aerial View of Property



Proposed location of fence needing a variation for height.





**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2021-1207C

**An Ordinance Granting A Zoning Variation
(31 Meadows Drive)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 7th day of December 2021

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 7th day of December 2021

ORDINANCE NO. 2021-1207C

AN ORDINANCE GRANTING A ZONING VARIATION (31 MEADOWS DRIVE)

WHEREAS, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the applicant, Lauren Richgruber, the owner of the property described in **Exhibit A**, has petitioned for a zoning variation to allow a maximum fence height of six (6) feet, instead of the maximum three (3) feet in a required corner side yard, pursuant to Section 11-4-13-B-2 of the Sugar Grove Zoning Ordinance, on the subject property; and,

WHEREAS, the applicant represents that it is duly authorized to make application for the zoning variations; and,

WHEREAS, after due notice, the Zoning Board of Appeals held a public hearing on November 17, 2021 and no objectors were present; and,

WHEREAS, the Zoning Board of Appeals did find and recommended in their Recommendation ZBA21-018 that the Village Board grant the variation subject to certain conditions; and,

WHEREAS, the Village Board has reviewed this request and has deemed that the approval of the zoning variation would be in compliance with the Comprehensive Plan and all Ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: VARIATION GRANTED

The subject property described in **Exhibit A** is hereby granted a zoning variation from Section 11-4-13-B-2 of the Sugar Grove Zoning Ordinance to increase the maximum height of a fence in a corner side yard from three (3) feet to six (6) feet on the subject property.

SECTION TWO: REPEALER

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION THREE: SEVERABILITY

Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

SECTION FOUR: EFFECTIVE DATE

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

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 7th day of December 2021.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

EXHIBIT A

Legal Description

PIN: 14-21-173-018