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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR  
**SUBJECT:** ORDINANCE: SPECIAL USE PERMIT; ZONING VARIATIONS FOR 470-480  
HEARTLAND DRIVE (DEEP COAT)  
**AGENDA:** DECEMBER 7, 2021 VILLAGE BOARD MEETING  
**DATE:** DECEMBER 3, 2021

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**ISSUE**

Shall the Village Board approve Ordinances for a Special Use Permit, and zoning variations for the property located at 470-480 Heartland Drive (Deep Coat).

**DISCUSSION**

The applicant, Deep Coat Industries, recently constructed a new industrial building at 470-480 Heartland Drive and has found the need to add an accessory storage building to store maintenance equipment. Accessory structures in the M-1 District require a Special Use Permit, and the structure, as proposed, requires several zoning variations.

Given the nature of the physical development of the property, if the storage shed were located in accordance with the requirements of the Zoning Ordinance it would interfere with the paved surface used for parking, loading or circulation on the premises. The proposed location is the only area on the property that does not conflict with circulation, loading or parking. It is, however, located within ten feet of the principal building. The accessory building is not constructed of material similar to the principal building, as required.

The Planning Commission held a public hearing for the Special Use Permit and, generally, had no issue with the Special Use Permit request since the accessory structure is not dissimilar from what is found in many yards in the Village. But the Planning Commission recommended conditions of approval specific to what the applicant wants to construct on the premises.

The Zoning Board of Appeals held a public hearing for the zoning variation requests, no objectors were present. The ZBA discussed the request and had concern about what could be stored in the accessory structure. The ZBA determined that the applicant should maintain a fire extinguisher outside the storage building as a condition of approval.

When asked by the ZBA why the storage function could not be located inside the building, the applicant responded that because the storage is for landscaping and grounds keeping equipment and supplies they

do not control when the vendor performs their services on the property. Due to the need for building security, the applicant has elected to provide the vendor access to the storage building outside their secure facilities.

Village staff is of the opinion that the fire extinguisher condition is somewhat onerous since outdoor fire extinguishers are not common. While the ZBA's concerns about safety are laudable, the proposed accessory structure is outside a building that is constructed of non-flammable material (pre-cast concrete). Village staff is of the opinion the conditions of approval are an unnecessary burden on the applicant. The attached Ordinance does not include this condition of approval.

Village staff does not believe this type of accessory structure is what was in mind when the requirement for building materials for accessory structures was drafted in the Zoning Ordinance. Given the hidden-from-view location of the accessory structure, Village staff is not concerned about the building material variation.

### **COSTS**

All costs associated with the requested applications are born by the applicant.

### **ATTACHMENTS**

1. Planning Commission Recommendation PC21-019
2. Zoning Board of Appeals Recommendation ZBA21-020
3. Ordinance Granting A Special Use Permit for an Accessory Structure
4. Ordinance Approving Certain Zoning Variations at 470-480 Heartland Drive

### **RECOMMENDATION**

That the Village Board approve (1) an Ordinance Granting A Special Use Permit for an Accessory Structure; and, (2) Ordinance Approving Certain Zoning Variations at 470-480 Heartland Drive.

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

## **PC21-019**

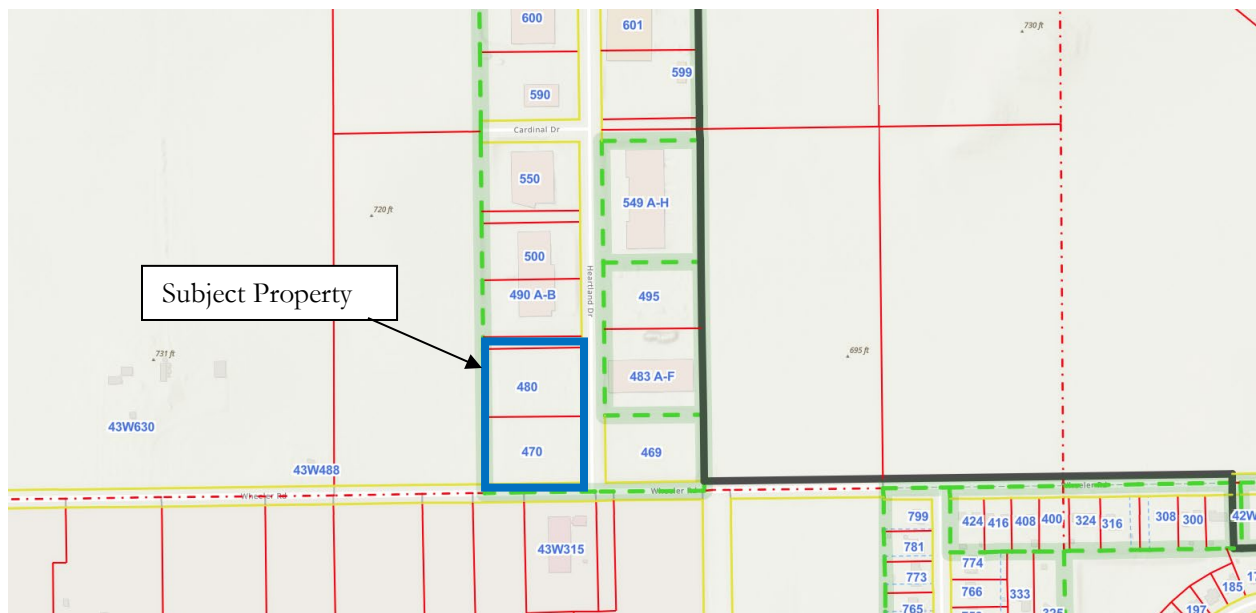
TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: Meeting of November 17, 2021  
PETITION: 21-019  
Deep Coat  
Special Use (Accessory Structure)

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### PROPOSAL

Deep Coat is requesting a Special Use permit to allow for a ten foot by ten foot by eight-foot accessory shed.

### LOCATION MAP



### BACKGROUND & HISTORY

The proposed Special Use is for an accessory shed. Deep Coat has an accessory shed at their current location and also needs one at the new building. An accessory shed is only permitted as a Special Use in the M1 District. The shed will be placed in the recess of the loading dock area at the rear of the building and not be easily seen from any streets. Since part of Deep Coat's business is devoted to military and medical applications, access to the building has to be limited. Deep Coat has stated that they utilize this shed to keep equipment in, such as rakes so that people who are doing landscape work

and the like have access to these tools without having to enter the building. The proposed shed is primarily wood, since this is not a permitted building material in the M1 District, Deep Coat is also applying for a Zoning Variation to permit the material.

### DISCUSSION

The Planning Commission discussed the proposed Special Use and did not have any concerns.

### FINDINGS OF FACT

When considering special use requests, the Zoning Ordinance provides certain standards to be considered. The Planning Commission hereby finds that the proposed Special Use:

1. Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this zoning ordinance.  
*The proposed Special Use is a permitted as a Special Use within the M1 District and is consistent with the objectives of the Comprehensive Plan and the Zoning Ordinance. The proposed use could be considered compatible with planned uses for the area.*
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.  
*The accessory shed will be placed in the alcove of the primary building in the truck dock area and will not be highly visible from adjacent properties. The shed will be appropriate to the appearance of the primary building and not alter the character of the general vicinity.*
3. Will not be hazardous or disturbing to existing or future neighborhood uses.  
*The use proposed use will not be hazardous or disturbing to the existing or future neighborhood uses. It is a small accessory building.*
4. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.  
*The proposed accessory building will not require the use of any public services.*
5. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village.  
*The use is expected to contribute to the economic welfare of the Village.*
6. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.  
*The proposed accessory building will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental.*

7. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.

*The proposed accessory building will not interfere with traffic on surrounding public streets and highways.*

8. Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.

*The proposed accessory building, will be not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.*

9. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village.

*There will be no impacts to natural, scenic, or historic features surrounding the subject property.  
The proposed accessory building will be located in the truck dock alcove and will not be readily visible from public view.*

#### **EVALUATION**

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

1. Land Use / General – The use of the property will not change.
2. Existing Conditions – The existing use of the property is not changing in anyway; the proposed accessory building will be a small addition to the property used for storage.
3. Lots & Buildings – There will be no change in the lot or existing building. The proposed accessory structure will be located within the alcove of the truck dock.
4. Parking- Parking on the subject property will remain the same.

#### **PUBLIC RESPONSE**

After due notice, the Planning Commission held a public hearing on November 17, 2021. No objectors were present.

#### **RECOMMENDATION**

After carefully considering the facts, the Planning Commission recommends the Village Board **approve** the proposed Special Use for an accessory shed and adopt the findings of facts with the following conditions:

- 1) Shed may not be larger than 10-feet by 10 feet
- 2) Shed height may not exceed 8-feet at the peak.
- 3) Shed may only be placed in the rear of the building.

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

NAYES: None

ABSENT: None



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

**ORDINANCE NO. 2021-1207B**

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**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
FOR AN ACCESSORY STRUCTURE  
(470-480 HEARTLAND DRIVE, DEEP COAT)**

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

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove  
this 7<sup>th</sup> day of December 2021

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**ORDINANCE NO. 2021-1207B**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
FOR AN ACCESSORY STRUCTURE  
(470-480 HEARTLAND DRIVE, DEEP COAT)**

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**WHEREAS**, the Village of Sugar Grove (the “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**, Deep Coat, (the “Applicant”), is duly authorized to make application for a Special Use Permit for an accessory structure (storage shed) on the subject property located at 470-480 Heartland Drive consisting of three parcels legally described in **Exhibit A**, attached hereto and made a part hereof by this reference; and,

**WHEREAS**, the applicant is duly authorized to make application for the Special Use Permit; and,

**WHEREAS**, after due notice the Planning Commission held a public hearing on November 17, 2021, and no objectors were present, and in their Recommendation PC21-019 recommended approval of the requested Special Use Permit subject to certain conditions; and,

**WHEREAS**, the Village Board reviewed the request and the Planning Commission’s findings and recommendation and deemed that approval of the Special Use Permit would be in compliance with the Village Zoning Ordinance.

**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: SPECIAL USE**

A Special Use Permit for an accessory structure (storage shed) on the subject property legally described in **Exhibit A** be and it is hereby granted subject to the following conditions:

1. Shed may not be larger than 10-feet by 10 feet
2. Shed height may not exceed 8-feet at the peak.
3. Shed may only be placed in the rear of the building.

**SECTION TWO: GENERAL PROVISIONS**

**LAPSE OF APPROVAL**: Should the Special Use not be established or a building permit to construct the facility for the Special Use be approved within twelve (12) months following this approval, the Special Use Permit herein granted shall lapse and be of no further effect, in accordance with Section 11-13-12-I-6 of the Village Zoning Ordinance.

**REPEALER**: That all ordinances or portions thereof in conflict herewith are hereby repealed to the extent of any such conflict.

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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.

EFFECTIVE DATE: This ordinance shall be in full force and effect on and after its approval, passage 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 7<sup>th</sup> 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: 14-08-451-004

14-08-451-004

14-08-451-004

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

## **ZBA21-020**

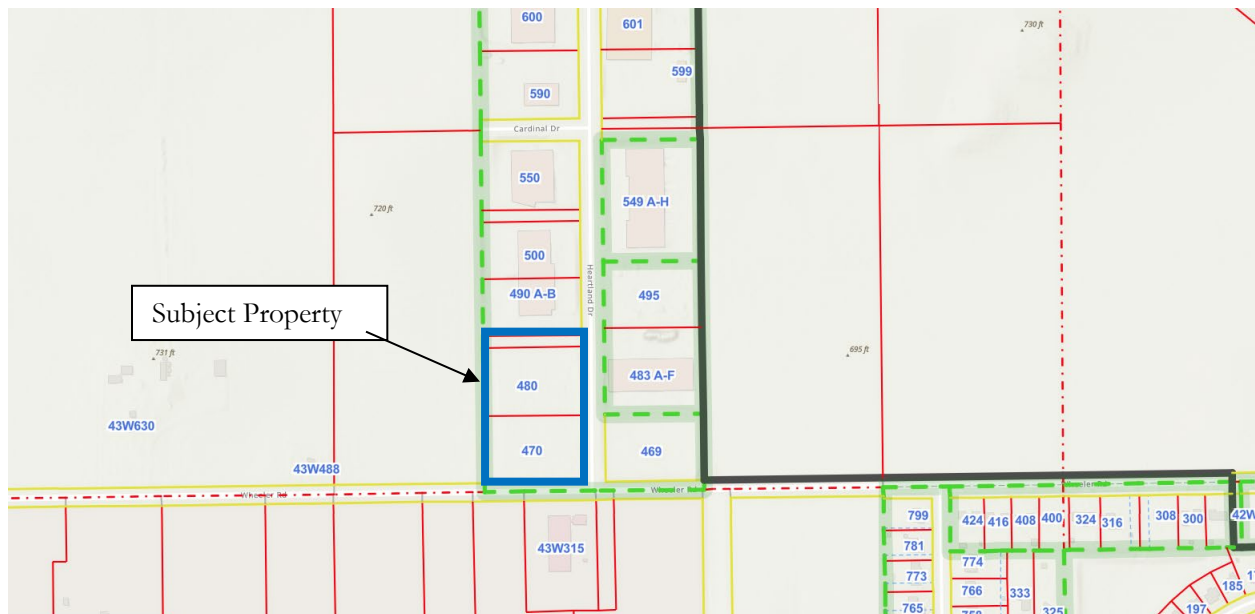
TO: Village President and Board of Trustees  
FROM: Zoning Board of Appeals  
DATE: Meeting of November 17, 2021  
PETITION: 21-020  
Deep Coat  
Zoning Variation

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### PROPOSAL

Deep Coat, is requesting a variation from Section 11-10-7 of the Zoning Code to allow for an accessory shed to be built of wood, and a variation from Section 11-4-7 to allow for an accessory shed to be located less than ten (10) feet from other buildings and structures.

### LOCATION MAP



### BACKGROUND & HISTORY

Deep Coat currently has an accessory shed at their current location and have applied for a Special Use Permit to allow for them to have an accessory shed at their new location. These accessory sheds are primarily constructed of wood. Wood is not a permitted exterior building material in the M1 District. In order for them to have the proposed accessory shed they need a zoning variation to permit them to have a shed constructed of wood on their property. They are also requesting a variation to allow the

shed to be located less than 10 feet from other buildings and structures. Deep Coat plans to locate the shed in the recess of the loading dock area at the rear of the building so it is not easily seen from any streets, in order to locate the shed in this location the shed will be less than 10 feet from the principal building.

### DISCUSSION

The Zoning Board of Appeals discussed the proposed Variation, the type of material to be stored in the shed, the proximity to a fire extinguisher, and the use of the shed if the property were sold. The applicant stated that no combustible material will be stored in the shed. The applicant explained that the accessory storage building will be used for many of same reasons people have them in their back yards—storing lawn care equipment and supplies. The Zoning Board of Appeals discussed that they did not want the shed to be transferred to the next user of the property.

### 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.

*The property's usefulness will be marginalized without the addition of this structure. The operating business using the building requires a level of security that will not be achieved without the availability of this accessory structure.*

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

*The accessory shed is required for outdoor-use equipment that needs to be accessed by non-employees who do not have security rights to enter the main building.*

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

*This variation will not alter the essential character of the area. The proposed accessory shed will be located in the recess of the building and not easily visible from adjacent properties.*

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

*The property's shape and topographical conditions require the proposed accessory shed to be placed in the proposed location.*

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

*Accessory buildings are not permitted to be less than 10 ft from any other buildings and wood is not a permitted building material in the entire M1 District.*

- 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 not based on a monetary decision.*

- 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 rests within the shadow of the principal building and will not be readily visible by the public. The proposed accessory shed will not require use of public services. The agencies responsible for the establishment will provide for any required services.*

- 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.*

- 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 is a 10' by 10' by 8' (peak height) shed that is located in the alcove of the truck dock, not easily visible from the main roads. The proposed variation will not impact any of the conditions described above.*

## **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 have the proposed accessory shed.
2. Plight of the owner is due to unique circumstances – The business has unique circumstances regarding the security requirements to operate the business.
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 small accessory shed that will be located in the alcove of the rear of the building, not clearly visible from any public streets.

## **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 permit an accessory building to be located less than 10 feet from the principal building and any other structures, and to approve the proposed variation to permit wood as the primary material of the accessory shed, and accept the findings of fact with the following conditions:

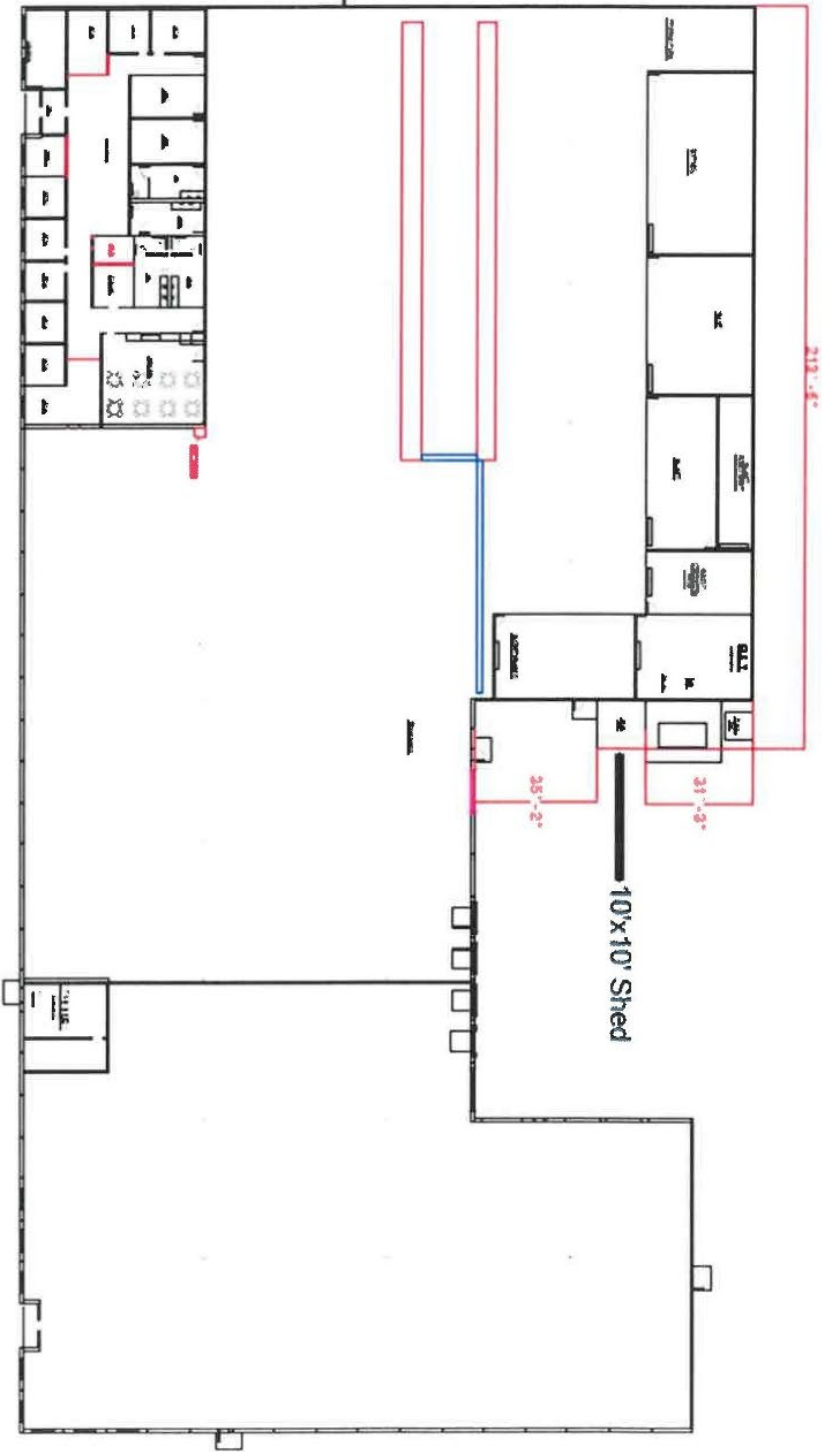
1. If the applicant changes the use of the shed or vacates the property, the shed will be removed.
2. A fire extinguisher with proper coding for a wooden structure be located on the premise accessible from outside the principal building.

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

NAYES: None

ABSENT: None

Wheeler Rd



Heartland Drive





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

**ORDINANCE NO. 2021-1207D**

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**An Ordinance Granting Various Zoning Variations  
(470-480 Heartland Drive, Deep Coat)**

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

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

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## ORDINANCE NO. 2021-1207D

### AN ORDINANCE GRANTING VARIOUS ZONING VARIATIONS (470-480 HEARTLAND DRIVE, DEEP COAT)

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**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, Deep Coat., the owner of the subject property described in **Exhibit A**, has petitioned for a zoning variation (1) to allow an accessory structure to be constructed of wood instead of the materials used in the principal building, pursuant to section 11-4-7-E-7 of the Sugar Grove Zoning Ordinance; and, (2) from section 11-4-7-E-4 to allow an accessory structure to be located less than ten (10) feet from the principal building on the subject property; and,

**WHEREAS**, Deep Coat 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 ZBA21-020 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 (1) Section 11-4-7-E-7 of the Sugar Grove Zoning Ordinance to allow the use of wood as the primary material for an accessory structure instead of the materials used in the principal building; and, (2) Section 11-4-7-E-4 to allow an accessory structure to be located less than ten (10) feet from the principal building on the property, all subject to the following conditions:

1. If the applicant changes the use of the shed or vacates the property, the shed shall be removed.

#### SECTION TWO: REPEALER

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

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**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 7<sup>th</sup> 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: 14-08-451-004

14-08-451-004

14-08-451-004