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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: 10 S. MUNICIPAL DRIVE ZONING VARIATION  
**AGENDA:** APRIL 5, 2022 VILLAGE BOARD MEETING  
**DATE:** APRIL 1, 2022

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**ISSUE**

Shall the Village Board approve an Ordinance granting a zoning variation at 10 S. Municipal Drive (Village Hall).

**DISCUSSION**

The Village desires to construct a six-foot high security fence around the police department fleet parking lot and the access drive. A small portion of the fence is located in the required front yard along Municipal Drive and exceeds the three foot height limit.

The Zoning Board of Appeals' recommendation to grant the variation request.

The Ordinance granting the zoning variation includes a condition of approval that places the Owner on notice that he may be compelled to construct a driveway in the event access thereto creates property maintenance issues, or the Owner desires to construct a driveway in the future there may be limitations as to the number of driveways on the lot or the lot coverage that may require Village Board approval at that time.

**ATTACHMENTS**

- Zoning Board of Appeals Recommendation ZBA22-003
- Ordinance Granting a Zoning Variation (10 S. Municipal Drive)

**COSTS**

All costs associated with the zoning variation request are borne by the Applicant.

**RECOMMENDATION**

The Village Board approve the Ordinance Granting a Zoning Variation (10 S. Municipal Drive).

**VILLAGE PRESIDENT**

Jennifer Konen

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Alison Murphy



**COMMUNITY DEVELOPMENT**

**VILLAGE TRUSTEES**

Matthew Bonnie

Ted Koch

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

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

## **ZBA22-003**

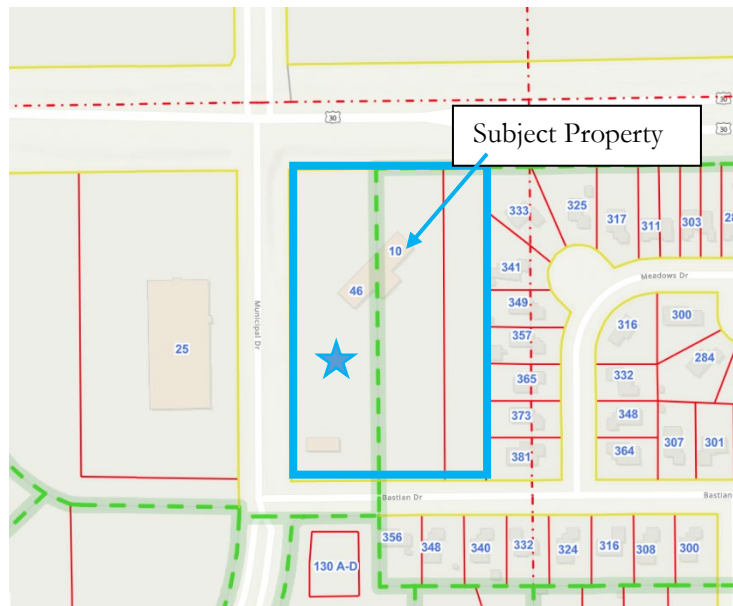
TO: Village President and Board of Trustees  
FROM: Zoning Board of Appeals  
DATE: Meeting of March 30, 2022  
PETITION: 22-003 10 S Municipal Drive  
Fence height variation

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**PROPOSAL**

The applicant is requesting a variation of three feet to allow a maximum fence height of six feet, instead of the maximum three feet in a front yard, pursuant to section 11-4-13 of the Sugar Grove Zoning Ordinance.

**LOCATION MAP**



## **BACKGROUND & HISTORY**

The subject property is a municipal property that is zoned R2 Detached Residential District and is the location of Sugar Grove's village hall and police station. The Village desires to install a six-foot aluminum fence to enclose and secure the rear parking lot where police vehicles are kept. In order to install the desired fence, the Village is requesting a height variation to allow for a six-foot high fence in a front yard. Be advised, the proposed variation is for a small section of fence at the driveway intersection with Municipal Drive. An automatic gate will be provided across the driveway.

Alternative locations for the fence and gate were considered. Operational requirements directed the proposed location. Masonry piers will be used in connection with the proposed fence, similar to those used on the well number 9 security fence. A location map is attached.

## **PUBLIC RESPONSE**

After due notice, the Zoning Board of Appeals held a public hearing on March 30, 2022. No objectors were present.

## **DISCUSSION**

The Zoning Board of Appeals discussed the proposed Variation. Commissioners did not express any concerns for the 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.

*The property needs to secure the rear parking lot with a fence, in order to do so, the gate must be placed in a front yard.*

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

*The Village is looking to safely secure the rear parking lot of village hall where the police vehicles are kept. A six-foot fence around the perimeter is necessary to accomplish this.*

- 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.

*In order for the rear parking lot to be secured, there must be a gate across the driveway on the south side of the property, this gate would be located in the front yard of the property.*

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

*There is an existing six-foot fence in the front yard on the lot immediately to the south.*

- 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 to help secure the rear parking lot where police vehicles are kept.*

- 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.*

- 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. The requested variation is for a small section of 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 addition of a six-foot fence to the property will help with security to the rear parking lot at village hall and will not affect the overall appearance of the property. 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 effectively secure the rear parking lot at village hall.
2. Plight of the owner is due to unique circumstances – The applicant cannot install the required height of the fence to properly secure the rear parking lot without the requested variation.
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 will improve security at village hall.

### 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 front yard and adopt the Findings of Fact.

Motion **PASSED** by unanimous vote



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

**ORDINANCE NO. 2022-0405A**

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**An Ordinance Granting a Zoning Variation  
(10 S. Municipal Drive)**

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Adopted by the Board of Trustees and President of the Village of Sugar Grove  
this 5<sup>th</sup> day of April 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois  
this 5<sup>th</sup> day of April 2022

## **ORDINANCE NO. 2022-0405A**

### **AN ORDINANCE GRANTING A ZONING VARIATION (10 S. MUNICIPAL DRIVE)**

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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 Village of Sugar Grove, the owner of the property described in **Exhibit A**, has petitioned for a zoning variation to allow a fence in a corner side yard with a maximum height of six (6) feet instead of the required maximum three (3) feet on said property; and,

**WHEREAS**, after due notice, the Zoning Board of Appeals held a public hearing on March 30, 2022 and no objectors were present.

**WHEREAS**, the Zoning Board of Appeals did find and recommended in their Recommendation ZBA22-003 that the Village Board grant the variation as requested; 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 variation of three (3) feet from Section 11-4-13-A-1 of the Village Zoning Ordinance to allow a fence in a corner side yard with a maximum height of six (6) feet instead of the required maximum three (3) feet.

#### **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 5<sup>th</sup> day of April 2022.

ATTEST:

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Jennifer Konen,  
President of the Board of Trustees

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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*

14-21-174-019

