
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: DANIELLE MARION, PLANNING AND ZONING ADMINISTRATOR
SUBJECT: ORDINANCE: CARMODY ZONING VARIATION EXTENSION
AGENDA: MAY 3, 2022 VILLAGE BOARD MEETING
DATE: APRIL 27, 2022

ISSUE

Shall the Village Board approve a request for an extension of the expiration date for a zoning variation previously granted for the property located at 1912 Fays Lane.

DISCUSSION

Ryan Carmody requested a zoning variation for the property located at 1912 Fays Lane to to reduce the minimum side yard setback from 15-feet to 11-feet in one side yard on his property. You may recall this variation affected only one corner of the proposed garage addition. The Village Board approved the zoning variation with conditions on June 8, 2021.

Since the approval of the zoning variation, Mr. Carmody has had several set backs and has not been able to apply for his building permit. Mr. Carmody is now in the process of getting the architectural plans for his garage addition completed so he can get a permit application submitted.

As the Village Board knows, there is an expiration date for zoning variations if they are not established or a building permit issued within 12 months of approval (Section 11-13-10-H-a). Mr. Carmody was aware that he had to apply for a permit within twelve months and at the time the variation was granted he had no expectation of needing an extension.

The Village Board may grant an extension of time up to 6 months (Section 11-13-10-H-b). Two extensions are authorized. No application fees, hearings or notices are required. The Village Board cannot change or alter the variation previously granted without initiating the zoning variation process.

Village staff is not opposed to granting the extension of time to submit a building permth application in this instance.

COSTS

There are no costs to discuss the matter.

ATTACHMENTS

- Written request to Village Board for extension of zoning variation
- Ordinance No. 2021-0608B granting the zoning variation
- Ordinance granting an extension of the expiration date for a zoning variation on certain property

RECOMMENDATION

The Village Board should approve the Ordinance granting an extension of the expiration date for a zoning variation on certain property.



Dear Village of Sugar Grove Board Members,

Last year I began planning an expansion to my garage in order to create more room for my family. As it progressed I found that I would require a zoning variation for doing so. This proved to be a time consuming task in itself but rewarding to be awarded the zoning variance in the end. Which I am thankful for.

I am a small business owner and young father with a now 6 and 4 year old under the roof. My business is Residential interior and exterior remodeling which has shown its difficulties among many industries in the last two years to say the least. While designing and getting approval of the zoning variance we were coming off of a very trying Covid year still and I was nurturing staff mentality as well as my family's. Due to the current issues we lost key staff within my company for weeks at a time to COVID. During the first half of 2021 which put us behind on schedules thus requiring more of my attention.

As we entered the second half of 2021 we began experiencing the real effects of the supply chain shortages with materials and managing employee and client expectations. This in turn took all my efforts and leadership jumping through hoops on these issues became a full time gig. Once we gained a handle on the aforementioned issues the holiday season hits and once again over a Span of (2) months I continually lost (4) key staff members to COVID Pneumonia (they were really sick). As soon as I got everyone back to work, my whole family got COVID for (3) weeks and my wife and I were as you could imagine very sick at home with two small children whom were very sick. At the time of my return from this, my Senior Project Manager resigned to spend more time with her kids with a work from home job.

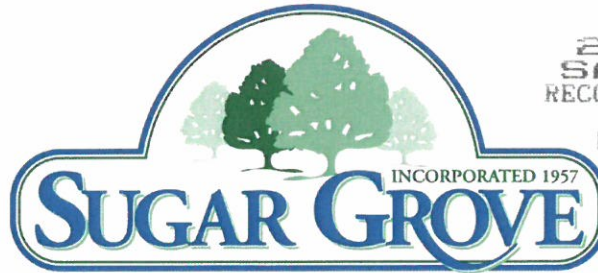
While wading through the above matters my brother/Chief Operations Officer and business partner was sorting out a mysterious disease his 3 year old son was having as well as undergoing an intensive surgery to correct a birth defect on his 1 year old son. To date, the 4 year old has undiagnosed seizures that has put him through months of testing and procedures. This obviously took his time and attention away from his business focus in turn requiring more of my attention to cover his end of the business.

I understand and respect the regulations for timelines and the necessity of moving the process along. This mindset is exactly the reason for my delay on my own project. As a husband, father, business owner and leader, my priorities had to be on my family and my business in turn moving my garage expansion project down the list as emergencies arose and my full attention was spread thin across everything.

Either way this pans out, this letter is the first chance I had to summarize and recap what's transpired in the last 9 months alone considering the last two years. I am humbly asking for as much of an extension on the Zoning Variance as you are able to award an individual. I am currently using my resources to try and expedite the remainder of my design and get the permit pulled in order to begin pre-construction planning.

Thank you.

Ryan Carmody
Owner and President of Carmody Group L.L.C./Carmody Construction, Inc.



2021K053354
SANDY WEGMAN
RECORDER - KANE COUNTY, IL

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REC FEE: 52.00
PAGES: 4

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

ORDINANCE NO. 2021-0608B

**An Ordinance Granting a Zoning Variation
(1912 Fayes Lane)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 8th day of June 2021

Published in pamphlet form
by authority of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois
this 8th day of June 2021

Chg - Village
of
Sugar Grove

ORDINANCE NO. 2021-0608B

**AN ORDINANCE GRANTING A ZONING VARIATION
(1912 FAYES LANE)**

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, Ryan Carmody, the owner of the property described in **Exhibit A**, has petitioned for a zoning variation to reduce the minimum side yard setback from 15-feet to 11-feet in one side yard on said property; and,

WHEREAS, after due notice, the Zoning Board of Appeals held a public hearing on May 19, 2021 and objectors were present.

WHEREAS, the Zoning Board of Appeals did find and recommended in their Recommendation ZBA21-005 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 11-7-2(F)2 of the Village Zoning Ordinance to reduce the minimum side yard setback from 15-feet to 11-feet in one side yard, subject to the following conditions:

1. That the side yard encroachment shall not exceed four (4) feet at the rear corner or 1.25 feet at the front corner of the garage addition.
2. That a window be added to the exterior side wall of the garage addition.
3. The landscaping be installed along the driveway along the affected side yard.
4. That the Applicant add proper drainage in the affected side yard to the satisfaction of the Village Engineer.

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.

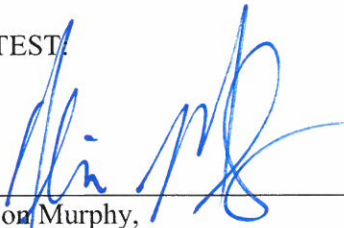
SECTION FOUR: EFFECTIVE DATE

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 8th day of June 2021.



Jennifer Konen,
President of the Board of Trustees

ATTEST


Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	<input checked="" type="checkbox"/>	___	___	___
Trustee Sean Herron	<input checked="" type="checkbox"/>	___	___	___
Trustee Heidi Lendi	<input checked="" type="checkbox"/>	___	___	___
Trustee Michael Schomas	<input checked="" type="checkbox"/>	___	___	___
Trustee Ryan Walter	___	___	<input checked="" type="checkbox"/>	___
Trustee James White	<input checked="" type="checkbox"/>	___	___	___



EXHIBIT A

Legal Description

Lot 33 of Dugan Woods Estates First Addition, being a subdivision in Section 19 Township 38 North Range 7 East of the Third Principal Meridian in the Village of Sugar Grove, Kane County, Illinois.



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

ORDINANCE NO. 2022-0503D

**AN ORDINANCE GRANTING AN EXTENSION OF THE EXPIRATION DATE
FOR A ZONING VARIATION ON CERTAIN PROPERTY
(1912 FAYS LANE)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 3rd day of May 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 3rd day of May 2022

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2022-0503D

**AN ORDINANCE GRANTING AN EXTENSION OF THE EXPIRATION DATE
FOR A ZONING VARIATION ON CERTAIN PROPERTY
(1912 FAYS LANE)**

WHEREAS, the Village of Sugar Grove 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 5/1-8 *et seq.*; and,

WHEREAS, the Village Board approved the proposed zoning variation, granting a reduced minimum side yard setback from 15-feet to 11-feet in one side yard on said property granted by Ordinance No. 2021-0608B; and

WHEREAS, the Village Board is authorized by Village Zoning Ordinance Section 11-13-10-H-5-b to extend the expiration date for a zoning variation; and,

WHEREAS, Ryan Carmody, the owner of the property described in **Exhibit A**, has requested an extension of six months for a zoning variation; and,

WHEREAS, the Village Board has reviewed this request and has deemed that the approval of a six month extension of the expiration date for the zoning variation granted in Ordinance No. 2021-0608B would be in compliance with 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 EXPIRATION DATE EXTENSION GRANTED

The expiration date of the zoning variation granted by Ordinance No. 2021-0608B to reduce the minimum side yard setback from 15-feet to 11-feet in one side yard is hereby extended from June 8, 2022 to December 8, 2022. The extension of the expiration date shall not change or modify the variation, including conditions of approval, heretofore granted by said Ordinance.

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 3rd day of May 2022.

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

Lot 33 of Dugan Woods Estates First Addition, being a subdivision in Section 19 Township 38 North Range 7 East of the Third Principal Meridian in the Village of Sugar Grove, Kane County, Illinois.