
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: ZONING ORDINANCE AMENDMENT (ZONING VARIATION EXPIRATION)
AGENDA: AUGUST 2, 2022 VILLAGE BOARD MEETING
DATE: JULY 29, 2022

ISSUE

Shall the Village Board approve a Zoning Ordinance amendment to modify the procedures for requesting an extension of time to extend the expiration date for a zoning variation granted by the Village Board.

DISCUSSION

This text amendment was promulgated by a recent zoning variation case in which the homeowner requested an extension of the expiration date of the zoning variation granted by the Village Board. In the process of responding to the request Village staff found conflicting language in the particular section of the Zoning Ordinance. This proposed Zoning Ordinance amendment removes the conflicting language.

The Planning Commission held the requisite public hearing and agreed that the conflicting terms should be removed from the particular section of the Zoning Ordinance.

COSTS

There is no cost associated with the requested action.

ATTACHMENTS

- Ordinance Amending the Village Code Title 11, Zoning Regulations (Zoning Variations)

RECOMMENDATION

The Village Board approve an Ordinance Amending the Village Code Title 11, Zoning Regulations (Zoning Variations).

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
PC22-007

TO: Village President and Board of Trustees
FROM: Planning Commission
DATE: Meeting of August 2, 2022
PETITION: 22-007 Text Amendment: Variation Extensions

PROPOSAL

Amend section 11-13-10-H-4 to remove confusing language regarding when an extension may be applied for.

BACKGROUND & HISTORY

In reviewing a request for an extension to a Zoning Variation, it was brought to staff's attention that there is a contradictory statement in the way the current code reads regarding the time frame in which an extension may be applied for after a Zoning Variation has been granted. The amendment is proposing to remove the conflicting statement.

DISCUSSION

The Planning Commission discussed the proposed text amendment and had no concerns with the proposal and agreed removing the conflicting language.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on July 21, 2022. No objectors were present.

RECOMMENDATION

Commissioner Eckert made a motion to recommend the Village Board approve the proposed text amendment attached as exhibit A, commissioner Jones provided a second.

Motion PASSED by unanimous voice vote

Exhibit A

H. General Provisions:

1. Effect Of Denial Of A Zoning Variation: No application for a zoning variation which has been denied wholly or in part by the Village Board shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Planning Commission/Zoning Board of Appeals and Village Board. (Ord. 2018-03-20B, 3-20-2018)

2. Transferability: Approved variations run with the land and are not affected by changes of tenancy, ownership, or management. (Ord. 2016-04-05I, 4-5-2016)

3. Amendments: A request for changes in the specific nature of the approved variation or changes to any conditions attached to an approved variation shall be processed as a new variation application, including all requirements for fees, notices and public hearings. (Ord. 2018-03-20B, 3-20-2018)

4. Period Of Validity: No decision granting a variation shall be valid for a period longer than twelve (12) months from the date of such decision unless:

a. An application for a zoning certificate is obtained within such period and construction, reconstruction, moving and remodeling is started, or

b. An occupancy certificate is obtained and a use is commenced.

The Village Board may grant additional extensions of time not exceeding six (6) months each, upon written application made ~~within the initial six (6) month period~~before the variation expires without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation. Nothing in this section shall limit or affect the validity of a variation granted under the terms of this section if the relief sought and obtained herein does not require the issuance of a zoning or occupancy certificate or the commencement of use, construction, reconstruction, moving or remodeling.

5. Lapse Of Approval:

a. An approved variation will lapse and have no further effect twelve (12) months following its approval, unless: 1) a building permit has been issued (if required); or 2) the use or structure has been lawfully established. (Ord. 2016-04-05I, 4-5-2016)

b. The Village Board is authorized to extend the expiration period for good cause on up to two (2) separate occasions, by up to six (6) months each. Requests for extensions shall be submitted to the zoning official before the variation expires. No hearings, notices or fees are required for extensions. (Ord. 2018-03-20B, 3-20-2018)

c. A variation also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variation. (Ord. 2016-04-05I, 4-5-2016)



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

ORDINANCE NO. 2022-0802A

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(ZONING VARIATIONS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 2nd day of August 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 2nd day of August 2022

ORDINANCE NO. 2022-0802A

AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS (ZONING VARIATIONS)

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, the Village currently maintains zoning regulations governing the use and improvement of land within the Village; and,

WHEREAS, the Village finds that such restrictions provide for the safety and well-being of Village inhabitants and benefit the public welfare, safety and morals; and,

WHEREAS, the Village seeks to continue to promote these interests, and seeks to amend the Village Code to more fully protect and preserve the safety and well-being of such inhabitants; and,

WHEREAS, from time to time, it is necessary and desirable to modify the zoning regulations in response to changes in community attitudes, technology, development and the law; and,

WHEREAS, after due notice the Planning Commission held a public hearing concerning the proposed amendments on July 20, 2022, and no objectors were present; and

WHEREAS, the Planning Commission recommended in their Recommendation PC22-007 that the Village Board approve the Zoning Ordinance amendment attached thereto as Exhibit A.

WHEREAS, the Village Board generally concurs with the Planning Commission’s recommendation.

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: Zoning Ordinance amendment

Title 11 (Zoning Ordinance) of the Village Code of Ordinances be amended as provided in Exhibit A, attached hereto and made a part hereof by this reference.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

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 2nd day of August 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

Amend the following Sections of Title 11 as follows:

Section 11-13-10-H-4 is hereby amended to be and to read as follows:

4. Period Of Validity: No decision granting a variation shall be valid for a period longer than twelve (12) months from the date of such decision unless:

- a. An application for a zoning certificate is obtained within such period and construction, reconstruction, moving and remodeling is started, or
- b. An occupancy certificate is obtained and a use is commenced.

The Village Board may grant additional extensions of time not exceeding six (6) months each, upon written application made before the variation expires without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation. Nothing in this section shall limit or affect the validity of a variation granted under the terms of this section if the relief sought and obtained herein does not require the issuance of a zoning or occupancy certificate or the commencement of use, construction, reconstruction, moving or remodeling.