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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  
**SUBJECT:** ORDINANCE: ZONING VARIATION, 550 HEARTLAND DRIVE  
**AGENDA:** SEPTEMBER 6, 2022 VILLAGE BOARD MEETING  
**DATE:** SEPTEMBER 2, 2022

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**ISSUE**

Shall the Village Board approve an Ordinance granting zoning variations for a required fence for an outdoor storage area to be established at 550 Heartland Drive.

**DISCUSSION**

The Zoning Ordinance has requirements for screening an outdoor storage area in the industrial district which include fence height and location and the opacity of the fence material. Outdoor storage areas associated with manufacturing uses is not an uncommon occurrence and the Zoning Ordinance anticipates this activity on lots used for industrial purposes.

The new tenant is Terramac, a crawler-carrier manufacturing company that is owned by CK Power. The plans for the outdoor storage area is to store material (parts) as well as some of the finished equipment they will be producing at this location.

In order to properly screen the materials and equipment they will need a ten foot high fence. To achieve the screening requirement, the applicant needs three zoning variations. The first is to increase the fence height to ten (10) feet. The second is to allow a ten foot fence in a corner side yard since a small portion of the fence will extend into the corner side yard (Cardinal Drive) at the rear of the lot due to the location of man doors on the building relative to the outdoor storage area. A portion of the storage yard fence will encroach into the required corner side yard on the property. Maintaining secured access to the man door on the side of the building is essential to the applicant's operation and security. Lastly, they are requesting a variation from the opacity requirement (solid fence) to be permitted to screen their outdoor storage with a black vinyl coated chain link fence with black vinyl slats, rather than the required solid fence. This type of fence is utilized on many other properties along Heartland Drive which pre-date this particular requirement of the Zoning Ordinance.

As you know, Sunbelt Rental stores and services its lift trucks at a location on Heartland Drive and the lift trucks are often extended to their full height way beyond the height of the storage yard fence and the adjacent building. Sunbelt is permitted to store their equipment (lift trucks) in the manner that they do in accordance with a Special Use Permit that was granted to them in 1995.

Village staff is satisfied the requests are the least amount of variation the applicant needs to comply with the screening requirements for outdoor storage.

The Zoning Board of Appeals recommended approval of the zoning variations, as requested, subject to certain conditions of approval. The applicant is aware of and accepts the conditions of approval.

**ATTACHMENTS**

- Recommendation PC22-013
- Site plan and fence example
- Ordinance Granting a Zoning Variation(s) (550 Heartland Drive)

**COSTS**

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

**RECOMMENDATION**

The Village Board approve an Ordinance's granting a Zoning Variation(s) (550 Heartland Drive).

**VILLAGE PRESIDENT**

Jennifer Konen

**VILLAGE  
ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Alison Murphy



**VILLAGE TRUSTEES**

Sean Herron

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

**COMMUNITY DEVELOPMENT DEPARTMENT**

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

## **PC22-011**

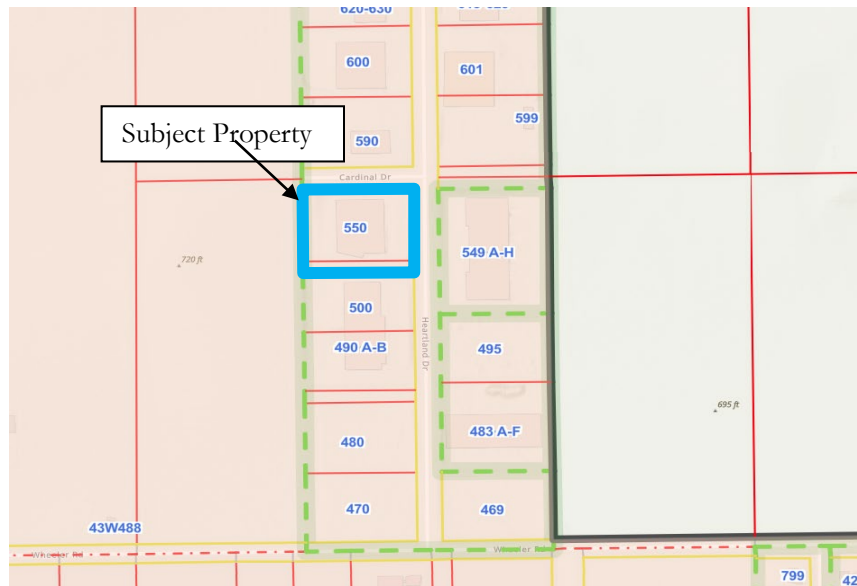
TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: Meeting of August 31, 2022  
PETITION: #22-013 Fence Variation 550 Heartland Drive

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**PROPOSAL**

The applicant is requesting (1) a variation of two feet to allow a maximum fence height of ten feet, instead of the maximum eight feet in a rear and interior side yard; (2) a variation of seven feet to allow a maximum fence height of ten feet, instead of the maximum three feet in a corner side yard; and, (3) a zoning variation to reduce the opacity of the solid fence allow for a commercial outdoor storage area to be screened by a black vinyl coated chain link fence with black vinyl slats, instead of the required solid fence pursuant to sections 11-4-13 and 11-4-7F4 of the Sugar Grove Zoning Ordinance.

**LOCATION MAP**



## **BACKGROUND & HISTORY**

The subject property is an industrial property zoned M1. The new tenant is Terramac, a crawler carrier manufacturing company that is owned by CK Power. The plans for the outdoor storage area is to store material (parts) as well as some of the finished equipment they will be producing at this location. In order to properly screen the materials and equipment in the rear yard they will need a ten foot fence. A small portion of the fence will extend into the corner side yard (Cardinal Drive) towards the rear of the lot; this is where the request to allow a ten foot fence in a corner side yard comes in. In addition, they are requesting to reduce the opacity of the fence to be permitted to screen their outdoor storage with a black vinyl coated chain link fence with black vinyl slats, rather than the required solid fence. This type of fence is utilized on many other properties along Heartland Drive which pre-date this particular requirement of the Zoning Ordinance.

## **CHARACTER OF AREA**

The subject property is an industrial building located on Heartland Drive. To the west is farm land; directly north, east, and south are more industrial buildings. The subject property sits on the corner of Heartland Drive and Cardinal Drive.

## **PUBLIC RESPONSE**

After due notice, the Planning Commission held a public hearing on August 31, 2022. No objectors were present.

## **EVALUATION**

The Community Development Department has no issue with the fence height variation request since the objective is have the fence height greater than or equal to the height of the material or equipment being stored outdoors. The encroachment of the tall fence in the corner side yard is a necessary evil since the business desires to have a secured and controlled access between the outdoor storage yard and the nearest building access door. The encroachment of the fence in the corner side yard is the minimum need to provide this secure access between the building and the outdoor storage yard.

The fence material request seems reasonable since many properties in the vicinity have similar fence screening. While the request is not a solid fence, Community Development Department staff is of the opinion that the "screening" objective of the regulations is achieved with the privacy slats. Concerns about maintenance of the privacy slats is legitimate but it becomes a property maintenance issue after the fence is installed, not unlike any other fence in the community. The proposed opacity of the chain link fence with slats is solid enough that it will achieve the screening requirement.

Generally, this use is required to conform to the Village of Sugar Grove Variation Standards. The following evaluation is based on the Variation Standards. For the purposes of this application, we are considering the variations as an integral group, not a la carte.

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 variations the applicant would not be able to effectively screen the commercial outdoor storage area as required.
2. Plight of the owner is due to unique circumstances – The applicant cannot comply with the outdoor storage area screening requirement with respect to the height of the storage material, without the requested variation. The equipment and materials this company needs to store outdoors are taller than eight feet.
3. Variations if granted, will not alter the essential character of the locality – The variations will not alter the essential character of the locality. The type of fence being installed will be consistent with several other properties in this area.

#### 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 maximum fence height permitted by the zoning regulations will not adequately screen the outdoor storage area. Fence material requested is consistent with fence material used on surrounding properties for similar purposes. Fence in the corner side yard is minimum needed to enclose the access from the building to the outdoor storage area behind the fence.*
- b. There are unique circumstances causing the owners plight.  
*Stored materials exceed the height of maximum allowed fence in the zoning regulations.*
- c. This variation will not alter the essential character of the area.  
*This variation is consistent with the character of the surrounding properties.*
- d. There are particular physical surroundings, shape or topographical conditions of the property creating a true hardship.  
*The physical surroundings, shape and topographical conditions are not creating the need for a variance.*
- e. The conditions creating the hardship do not exist on properties throughout the area.  
*Properties throughout the area would require similar variation requests to provide similar screening of outdoor areas if the materials or equipment being screened exceeded the maximum height of a fence.*
- 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 meet the zoning regulation for screening and to provide a secure area for outdoor storage areas.*

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

*Variation will protect public welfare by securing the proposed areas and will screen the storage area from public view. This variation is consistent with the character of the surrounding properties.*

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

*The variation requested is the minimum variation necessary for Terramac to screen and secure the property for the business operation conducted on site.*

- 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 variations requested is not anticipated to impair adequate supply of light and air to the adjacent properties. The fence height, material, and location will not create greater risk from fire hazard or other dangers to this and surrounding properties. The installation of a fence will secure the property and screen areas which will benefit the public health, safety, comfort, morals, and general welfare of the inhabitants of Sugar Grove. The fence exceeds the standards for fencing in the current neighborhood and, therefore, would not diminish or impair property values. The fence variation will have no impact on traffic congestion; will screen and secure material and, therefore, prevent a nuisance; and it will have no anticipated impact on public expenditures.*

#### **RECOMMENDATION**

After carefully considering the facts and testimony, the Planning Commission recommends the Village Board **approve** the requested zoning variations to (1) allow for a ten foot fence in a rear and interior side yard; (2) allow for a ten foot fence in a corner side yard; and, (3) allow for the fence material to be black vinyl coated chain link with black vinyl slats with the following conditions:

1. Fence shall be installed in location as presented on the site plan submitted with the variation application.
2. Fence shall be black vinyl coated chain link with black vinyl slats as presented with the variation application.
3. No barbed wire or razor wire shall be used in the fence.
4. No signs or graphics may be painted on or attached to the fence.

And accept the findings of fact as provided.

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

NAYES: None

ABSENT: Bieritz

**Motion Passed**



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

**ORDINANCE NO. 2022-0906D**

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**An Ordinance Granting a Zoning Variation(s)  
(550 Heartland Drive)**

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Adopted by the Board of Trustees and President of the Village of Sugar Grove  
this 6<sup>th</sup> day of September 2022

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois  
this 6<sup>th</sup> day of September 2022



**ORDINANCE NO. 2022-0906D**

**AN ORDINANCE GRANTING A ZONING VARIATION(S)  
(550 HEARTLAND 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**, CK Power, Inc., the tenant and duly authorized by the owner of the property described in **Exhibit A**, has petitioned for zoning variations to allow (1) a variation of two feet to allow a maximum fence height of ten (10) feet, instead of the maximum eight (8) feet in a rear and interior side yard; (2) a variation of seven (7) feet to allow a maximum fence height of ten (10) feet, instead of the maximum three (3) feet in a corner side yard; and, (3) a variation to allow a commercial storage area to be screened by black vinyl coated chain link fence with black vinyl slats instead of a solid fence pursuant to Sections 11-4-13 and 11-4-7-F-4 of the Village Zoning Ordinance; and,

**WHEREAS**, after due notice, the Zoning Board of Appeals held a public hearing on August 31, 2022 and no objectors were present.

**WHEREAS**, the Zoning Board of Appeals did find and recommended in their Recommendation ZBA22-013 that the Village Board grant the variations subject to certain conditions; and,

**WHEREAS**, the Village Board generally concurs with the Zoning Board of Appeals 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 VARIATIONS GRANTED**

The subject property described in **Exhibit A** is hereby granted the following zoning variations:

1. a variation from Section 11-4-7-F-4-b of the Village Zoning Ordinance to allow an outdoor storage yard fence to have an opacity less than 100%;
2. a variation from Section 11-4-13-C-1 to allow a fence to have a maximum height of ten (10) feet instead of the maximum three (3) feet in a corner side yard;
3. a variation from Section 11-4-13-C-2 to allow a fence to have a maximum height of ten (10) feet instead of the maximum eight (8) feet in a corner side yard;

all subject to the following conditions and requirements:

1. Fence shall be installed in the location as presented on the site plan submitted with the variation application.
2. Fence shall be black vinyl coated chain link with black vinyl slats as presented with the variation application.

3. No barbed wire or razor wire shall be used in the fence.
4. No signs or graphics may be painted on or attached to the fence.

## **SECTION TWO: GENERAL PROVISIONS**

**LAPSE OF APPROVAL:** Should the zoning variation(s) not be established or a building permit to construct the signs not be approved within twelve (12) months following this approval, the zoning variations 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.

**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 6<sup>th</sup> day of September 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 26 AND THE NORTH 42 FEET OF LOT 27 IN SUGAR GROVE RESEARCH PARK, ACCORDING TO THE PLAT THEREOF RECORDED ON MARCH 21, 1990 AS DOCUMENT NO. 90K14321, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

PIN: 14-08-451-001 & 14-08-451-007





# ZONING VARIATION

550 N HEARTLAND DRIVE  
SUGAR GROVE, ILLINOIS

**Variation Request:**

- 1. Variation to allow a 10' high fence to screen stored material.
- 2. Variation to allow black vinyl coated chainlink fence with black vinyl slats.
- 3. Variation to allow a fence in a corner side yard over 3' in height.

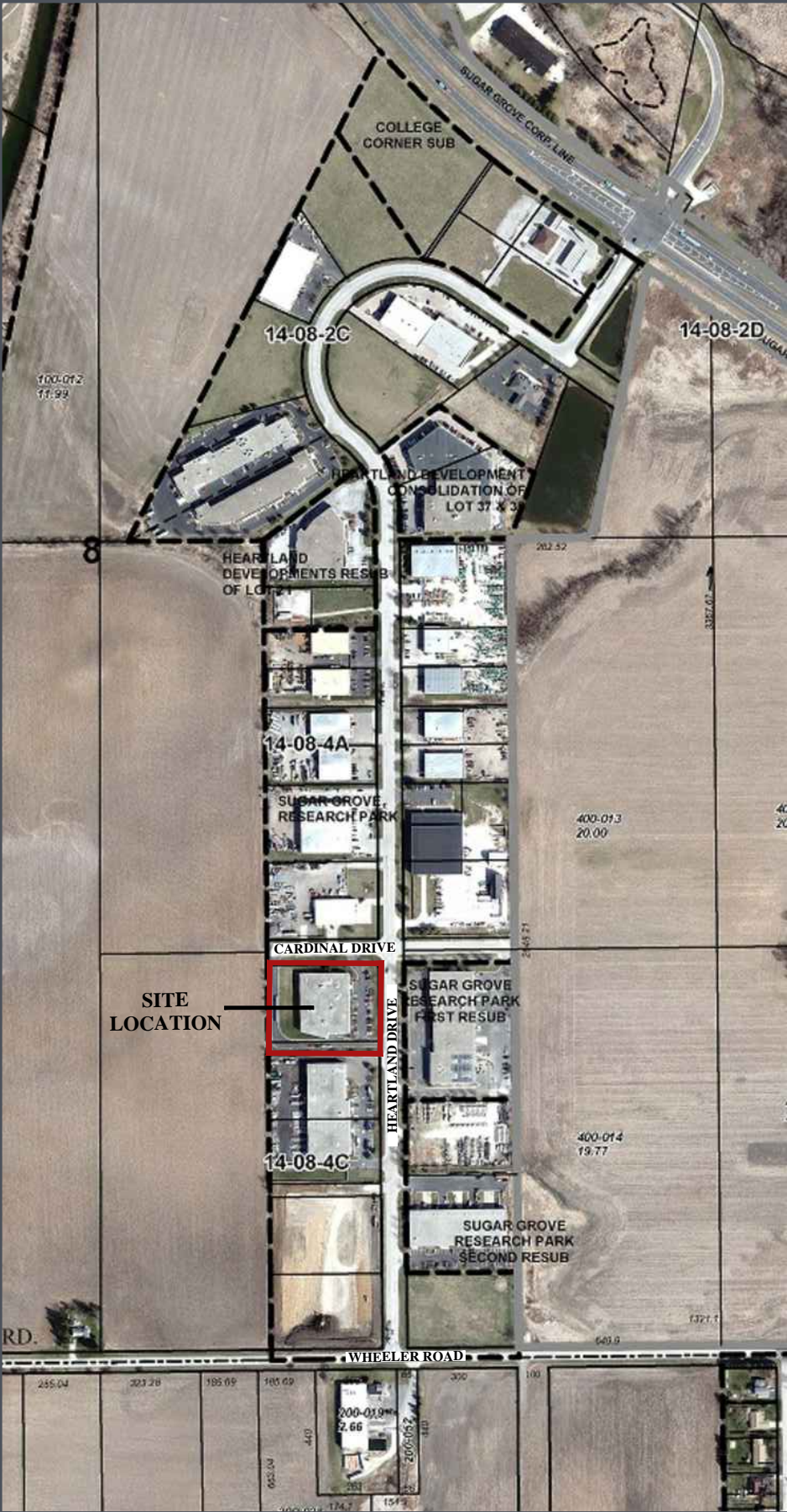
**Parcel Identification Number:**

14-08-451-001  
14-08-451-007

**Legal Description:**

LOT 26 AND THE NORTH 42 FEET OF LOT 27 OF SUGAR GROVE RESEARCH PARK, VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

August 12, 2022



FENCE EXAMPLE

VICINITY MAP







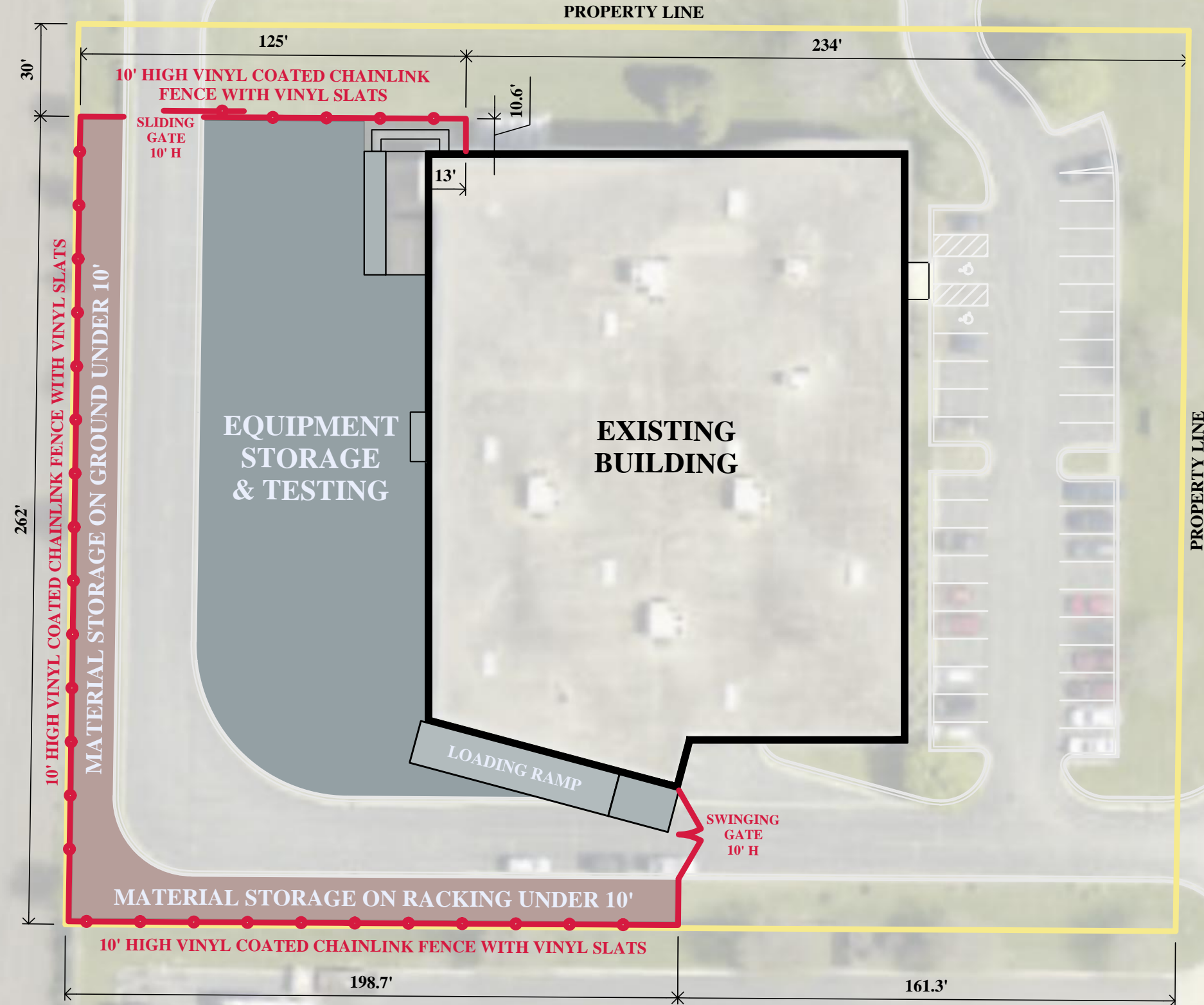
# ZONING VARIATION

550 N HEARTLAND DRIVE  
SUGAR GROVE, ILLINOIS

August 12, 2022

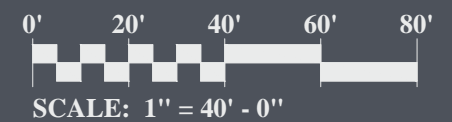


CARDINAL DRIVE



HEARTLAND DRIVE

SITE PLAN



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