
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: DISCUSSION: 442 COURTNEY CIRCLE ZONING VARIATION
AGENDA: MAY 21, 2024 VILLAGE BOARD MEETING
DATE: MAY 13, 2024

ISSUE

Shall the Village Board discuss an Ordinance granting a zoning variation at 442 Courtney Circle (Hatfield residence).

DISCUSSION

The applicant, Geoff Hatfield, owns a property in Strafford Woods and wishes to construct a large sport court on his property. The applicant has submitted an application for a zoning variation to allow for him to build a much larger sport court than what the Village Code allows for. The Village Code limits accessory structures to a maximum of 1,000 square feet or 70% of the principal building footprint, whichever is less. The size of the sport court the applicant is wishing to build would have a total square footage of 6,048 square feet, this is larger than the footprint of the principal structure on the property.

The Zoning Board of Appeals held a public hearing, no objectors were present. The ZBA discussed the request, some board members felt the property was secluded and the larger structure would fit in with the area, while some members felt that the variation was excessive and should be limited to no more than 70% of the principal building footprint. The majority vote was in favor to approve the zoning variation as requested.

ATTACHMENTS

- Zoning Board of Appeals Recommendation 24-005

COSTS

There is no cost to discuss the ZBA Recommendation.

RECOMMENDATION

The Village Board provide input and direction to Village staff in order to prepare an Ordinance Granting a Zoning Variation (442 Courtney Circle).

VILLAGE PRESIDENT

Jennifer Konen

VILLAGE ADMINISTRATOR

Scott Koeppel

VILLAGE CLERK

Tracey Conti



COMMUNITY DEVELOPMENT

VILLAGE TRUSTEES

Matthew Bonnie

Sean Herron

Heidi Lendi

Sean Michels

Michael Schomas

James F. White

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

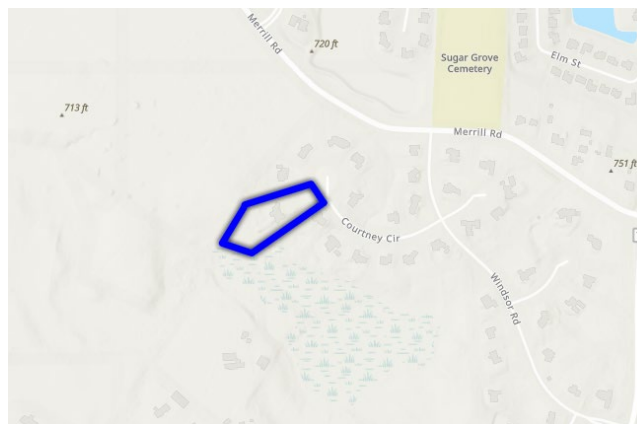
PC24-05

TO: Village President and Board of Trustees
FROM: Zoning Board of Appeals
DATE: Meeting of April 17, 2024
PETITION: 24-005 Zoning Variation: Increase the permitted size of an accessory structure

PROPOSAL

The applicant is requesting a zoning variation of 5,048 square feet to increase the maximum permitted square footage of an accessory structure from 1,000 square feet to 6,048 square feet.

LOCATION MAP



BACKGROUND & HISTORY

Geoff Hatfield, the owner of the property located at 442 Courtney Circle, has submitted an application for a zoning variation. The purpose of the zoning variation is to increase the permitted square footage of an

accessory structure from a maximum of 1,000 square feet to 6,048 square feet to install a sport court on his property.

Our zoning code currently limits the size of accessory structures to 1,000 square feet or 70% of the principle building footprint, whichever is less.

PUBLIC RESPONSE

After due notice, the Zoning Board of Appeals held a public hearing on April 17, 2024. One resident was in attendance and spoke in support of the proposed zoning variation.

DISCUSSION

Commissioners discussed the proposed zoning variation in detail. Their discussion included if the desired court could be achieved while adhering to the 70% of the principal building footprint requirement; the applicant stated that it would not give them the area needed to serve. The board inquired about the surface of the proposed structure and the applicant stated that the surface would be a concrete base with interlocking sport tiles over the top. Board members inquired what the permitted lot coverage is for this property, staff informed them that this property is permitted to have 30% lot coverage. Finally, the Board discussed the property and the area, some board members felt that this property was secluded and the proposed structure would fit in with the surrounding area very well.

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 Zoning Variation:

- a. Property will not yield a reasonable return if developed under the requirements under the current zoning regulations.
Petitioner: The current zoning allows for nearly 11% of total property to be sport court assuming 1,000 square feet and quarter acre lot. My proposed court as is will be less than 5% of total land. Given my size of the lot 1,000 maximum would not proportional to my property.
- b. There are unique circumstances causing the owner's plight.
Petitioner: Children today are consumed by electronics and do not get enough physical exercise. Having a sport court on my property will help improve physical as well as mental health.
- c. This variation will not alter the essential character of the area.
Petitioner: No. The size of the sport court as well as landscape plans will add to the estate feel to the home and the location of the court will not be visible from public viewing areas and hardly viewable by neighbors. Strafford Woods HOA has approved my plans.
- d. There are particular physical surroundings, shape or topographical conditions of the property creating a true hardship.
Petitioner: Yes. There are not flat areas allowing safe play for volleyball, the primary reason I am wanting the court. My daughters are aspiring D-1 volleyball players and this will help them reach their dreams.
- e. The conditions creating the hardship do not exist on properties throughout the area.
Petitioner: This is unique to the individual lot. Some are believed to have hardship while some are believed to not have hardship.
- f. The purpose of the variation is not exclusively based on the desire to make more money on developing the property.

Petitioner: No. In fact this will likely increase my taxes and tax revenue to the Village.

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

Petitioner: ERA is engineering firm I am using to ensure the court maintains proper drainage. The location of the court behind my home and nature of my property allows for court to not be visible from the public viewing areas.

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

Petitioner: Yes. Much planning went into this and I was originally wanting a 120 x 108 court. After careful planning and plotting of these dimensions on the property it was deemed this layout would not add the overall appeal that a smaller 108' x 56' would add.

- i. The variation will NOT:

- Impair 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

Petitioner: This variation will actually promote these areas in a positive manner including physical activity and increase in property values.

EVALUATION:

The Village's Zoning Ordinance currently limits the size of an accessory structure to 1,000 square feet or 70% of the principal building footprint, whichever is less. The proposed accessory structure measures 6,048 square feet and is larger than the principal building footprint of 5,200.23 square feet. When the footprint of an accessory structure is larger than the principal building footprint, it no longer is an accessory structure and now becomes the principal structure on the lot. A sport court is not a permitted *principal* use of property in the E-1 District. If the sport court, by definition, becomes a principal use of the property, there would be two principal uses on the property, also not permitted in the E-1 District.

While the applicant's property is larger than your average lot and can accommodate larger accessory structures than most, the accessory structure should remain an accessory structure.

In past similar applications, the Zoning Board of Appeals granted a zoning variation to permit a larger accessory structure but required the footprint of the accessory structure to maintain the requirement of not being larger than 70% of the principal building footprint. If the same approach was applied in this instance, the maximum area of the accessory structure would be 3,640 square feet.

Generally, a zoning variation 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 some amount of variation, the applicant cannot build the desired sport court in his back yard.

2. Plight of the owner is due to unique circumstances – The applicant cannot build the desired sized sport court in his yard due to the restrictions on the size of accessory structures outline in the Village Code. The applicant has a much larger property than typical lots in the Village and could support a larger accessory structure than the average permitted accessory structure.
3. Variation if granted, will not alter the essential character of the locality- If the variation that the applicant is requesting is granted, the essential character of the locality will be altered in the fact that the sport court would have a larger footprint than the principal structure, thus making the sport court become the principal structure of the property. The zoning of the property does not allow for this use to be the principal structure on the property.

RECOMMENDATION

Board member Jones made a motion to recommend that the Village Board approve the proposed zoning variation to increase the maximum permitted size of an accessory structure by 5,048 square feet to allow for an accessory structure with a maximum of 6,048 square feet and incorporate the Findings of Fact subject to the following conditions:

- Must have landscaping at least the height of the fence around court to screen the view from neighboring properties and street
- No outdoor illumination of the sport court shall be permitted

Board member Guddendorf provided a second.

AYES: Jones, Guddendorf, Ochsenschlager, Bieritz

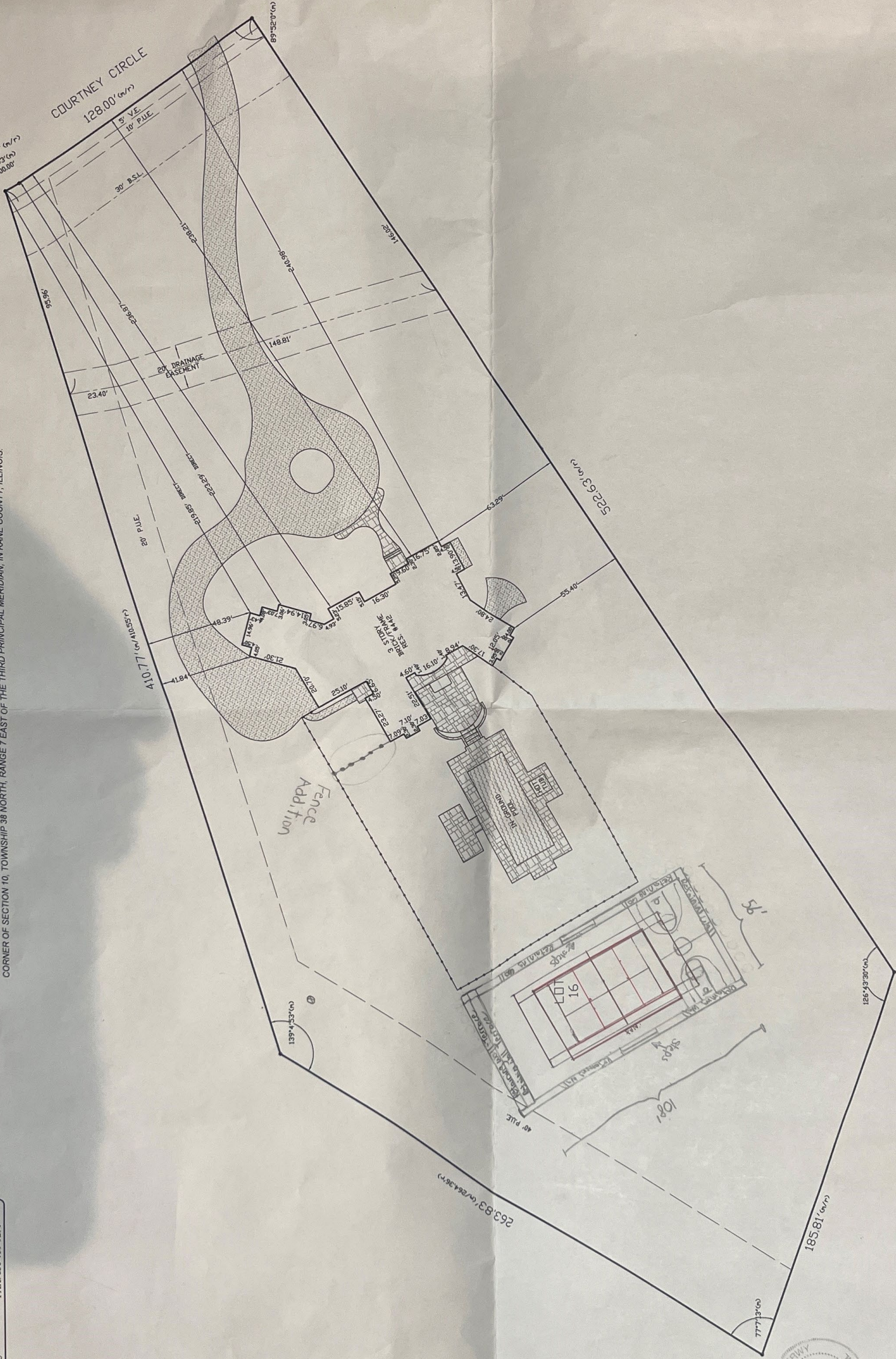
NAYES: Wilson, Speciale, Sabo

Motion PASSED

Associated Surveying Group, LLC
Illinois Prof. Design Firm No. 184-004973
P.O. Box 810
Bolingbrook, IL 60440
PH: 630-759-0205
FAX: 630-759-9291

PLAT OF SURVEY

LOT 16 IN STRAFFORD WOODS, BEING A SUBDIVISION OF PART OF THE NORTHEAST CORNER OF SECTION 9, IN THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.



State of Illinois }
County of Will } ss

I, Michael G. Hervey, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

Dated, this 23RD day of NOVEMBER, A.D., 2022, at Bolingbrook, IL.

FIELDWORK DATE: NOVEMBER 16, 2022

CLIENT: GILLIAN

JOB NO.: 88474-22

License Expires: November 30, 2022

Michael G. Hervey
Michael G. Hervey
Professional Land Surveyor No. 52402900

NOTE: THESE ARE THE LEGAL DESCRIPTIONS ON THIS PLAT WITH YOUR DEED ABSTRACT, OR CERTIFICATE OF TITLE. ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE. 2. NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE. FIELD DOCUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION. 3. BUILDING LINES AND DIMENSIONS ARE SHOWN ONLY WHERE THEY ARE MEASURED AND SHOWN. 4. ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF. 5. AREA IS BASED ON MEASURED DISTANCES AT TIME OF SURVEY. 6. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL AREAS ARE TANGENT UNLESS OTHERWISE NOTED.

LEGEND:
BRICK, ASPHALT, CONCRETE, GRAVEL, STONE, ADJACENT, BLOCK, GRATEL, UTILITY, CATCH, POLE, BASIN, WOOD, ENCLOSED, COVERED, RICH PIPE, CROSS, REARROAD, NOTCH, PK NAILS AS NOTCH, CHAIN LINK FENCE, ALL OTHER FENCE TYPES.
NLY = NORTHERLY, SLY = SOUTHERLY, ELY = EASTERLY, WLY = WESTERLY, TYP = TYPICAL, CH = CHORD, B.S.L. = BUILDING SETBACK LINE, P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT, V.E.C.E. = VILLAGE CITY EASEMENT.

SCALE 1" = 30'

