

**VILLAGE of SUGAR GROVE  
PLAN COMMISSION/ZONING BOARD of APPEALS  
MINUTES of July 18, 2012**

1. **CALL TO ORDER**

The meeting of the Sugar Grove Plan Commission / Zoning Board of Appeals (ZBA) was called to order at 7:00 p.m. by Chairman Irv Ochsenschlager in the Village Hall Board meeting room.

2. **ROLL CALL**

Plan Commission/ZBA members present:

Irv Ochsenschlager, John Guddendorf, Mary Heineman, Rebecca Sabo, Jim Eckert, Ryan Reuland and Don Meisinger

Absent: None

Also present: Mike Ferencak, Village Planner and Richard Young, Community Development Director; Mike and Linda Assell.

3. **PUBLIC HEARINGS**

a. **Petition 12-008: 1788 Hunter's Ridge Lane – Variance (Linda Assell)**

**Chairman Ochsenschlager** opened the public hearing. He then swore in those persons in attendance planning to testify.

**Petitioners' Request:**

**Mr. Ferencak** presented an overview of the request. This is a request for Variance to reduce a rear yard setback from the required 30 feet to 18 feet for a proposed covered patio and pergola. This structure would be considered part of the house per the Accessory Use Section of the Sugar Grove Zoning Ordinance. Staff reviewed the request and presented the findings in the staff report. Staff recommends approval of this request.

**Petitioner Presentation:**

**Mrs. Assell** thanked the Commission for hearing the request and explained that the design of this patio will provide shade from the sun and make this space more enjoyable and will help the integrity of the inside of the house.

**Public Comments/Questions:** **Mr. Assell** stated that they're only covering the patio which is already there. The structure itself is attached and will be tall. Several letters were submitted from their neighbors supporting approval of this Variance request.

**Mr. Young** also stated that this property backs up to a large amount of open space and this type of situation could come up again in the future because of the layout in Hannaford Farms.

**Chairman Ochsenschlager closed the public hearing.**

4. **OLD BUSINESS**

**Commissioner Eckert asked that the record reflect that the traffic light at Park and Route 47 is needed. There is a wreck being cleaned up at that location right now.**

5. **NEW BUSINESS**

a. **Petition 12-008: 1788 Hunter's Ridge Lane – Variance (Linda Assell)**

**Mr. Guddendorf** asked what utilities are running along the back of the property.

**Mr. Young** stated there is a 10' drainage and utility easement. This structure would still allow a minimum of 18' of open area. The sanitary sewer runs in the front of the houses in that area. **Mr. Eckert** asked if the existing poured patio was granted a Variance. **Mr. Ferencak** explained that because it is at grade and not a heightened structure, it didn't require a Variance but it is part of the lot coverage. **Mr. Assell** stated the existing patio will be removed and replaced to allow for new footings that will structurally support the new structure.

**Commissioner Eckert made a motion seconded by Commissioner Guddendorf to recommend approval of the Variance to reduce the rear yard setback from the required 30 feet to 18 feet for a proposed covered patio and pergola, pursuant to Section 11-7-3-F-3 of the Sugar Grove Zoning Ordinance and incorporating to the findings of fact on page 3 of the staff report.**

**The motion carried unanimously by voice vote.**

**Mr. Young** explained to **the Petitioner** that this is scheduled to go before the Village Board at the Committee of the Whole on August 7<sup>th</sup> at 6 pm for discussion and then voted on two weeks later. **The Petitioner** requested that the discussion and vote be handled at the same meeting due to a time concern.

6. **PLAN COMMISSIONER COMMENTS, PROJECTS UPDATES and MISCELLANEOUS INFORMATION**

**Settlers Ridge NW, Triangle and Commercial Subdivisions** there is no update.

**Settlers Ridge Amendment** there is no update.

**Hampstead Court** is still being reviewed by the Developer. They are working through the Annexation Amendment they will be proposing by the end of the summer.

**Sidewalks and Paths** were reviewed by the Village Board last night and there were no concerns.

**Address System and Numbering** didn't go before the Village Board yet due to a long agenda.

**Wine Shop** was discussed by the Village Board. They chose to allow the largest sized patio with 85% lot coverage and 0' setback. They were accepting of the 6' high fence and stated that if the Applicant chose a cedar fence they want landscaping on the north and west sides (note that they would need to allow room for the landscaping by keeping the cedar fence at the 3' setback line, not 0', if a vinyl fence is chosen no landscaping would be required). The parking was allowed at the full variance request of 0 parking spaces. They requested that it be built into the Special Use that if once the use was established there is a parking problem, the Business Owner would then have three months to rectify additional off-site parking with the Bank or the use would be terminated. The letter was pulled by the applicant at the meeting. The current parking requirement at this site without the Wine Shop with the current uses and ordinance is 46 spaces, there are 39 spaces with two vacant units. But there's no way to know what the standard was when the building was built, or if there was one, for parking and what uses were in the building at the time. **Commissioner Sabo** asked who should receive a petition against something. **Mr. Young** stated that it would be up to them, usually the Plan Commission or the Village Board. No one came to the Public Hearing at the Village Board Meeting. **Commissioner Meisinger** asked about what they should know about the legality of the off-site bathroom situation. **Mr. Young** explained that the Village Plumbing Inspector noticed that the site only has one bathroom and since the use is changing from retail to restaurant the State of Illinois Plumbing Code requires two bathrooms. The Village Board does not have the authority to alter the State of Illinois Plumbing Code. Supposedly other municipalities have these type of establishments and didn't require a second bathroom, but the Village Attorney has advised that the Village Board can not alter the State's Code. The Village can't speak for other municipalities or their actions. A written letter of permission was required for use of the off-site bathroom. **Mr. Ferencak** also stated that there isn't much room in this unit to add a second bathroom. The occupant threshold for a second bathroom is 8 occupants. The patio doubled her occupancy load, 24 inside and 24 outside. In order to open, they must have access to two bathrooms within 100 feet.

**College Corner** was discussed by the Village Board last night and had no concerns with the recommendation as submitted from the Plan Commission.

**Commissioner Eckert asked that the waiver of the stipend be reconsidered due to the request of additional annual training.**

**A motion was made by Commissioner Eckert and seconded by Commissioner Guddendorf that the stipend to the Plan Commissioners be reinstated.**

**A roll call vote was taken:**

<b>Commissioner Guddendorf</b>	<b>No</b>	<b>Commissioner Sabo</b>	<b>No</b>
<b>Commissioner Reuland</b>	<b>No</b>	<b>Commissioner Meisinger</b>	<b>No</b>
<b>Commissioner Heineman</b>	<b>No</b>	<b>Commissioner Eckert</b>	<b>Yes</b>
<b>Commissioner Ochsenschlager</b>	<b>No</b>		

**Motion failed.**

7. **ADJOURNMENT**

**A motion was made by Commissioner Reuland and seconded by Commissioner Sabo that the meeting be adjourned at 7:25 pm.**

**The motion carried unanimously by voice vote.**

Respectfully submitted,  
Holly Baker  
Substitute Recording Secretary