



Planning Commission / Zoning Board of Appeals

MEETING AGENDA

JULY 15, 2020

This meeting of the Sugar Grove Plan Commission will be held as outlined in Public Act 101-0640, which waives the Open Meetings Act requirement that a physical quorum of commissioners be present to hold a public meeting in the event of a public health disaster declaration and a determination by the Village President. Governor Pritzker issued a statewide disaster declaration on June 26, 2020 and, in response, President P. Sean Michels determined that in-person meetings are not practical or prudent at this time. Public participation options can be found at www.sugargrovel.gov.

7:00 P.M. Village Hall, 10 S Municipal Drive

I. CALL TO ORDER:

II. ROLL CALL:

III. APPROVAL OF MINUTES: June 17, 2020 Meeting Minutes

IV. PUBLIC HEARING: None

V. NEW BUSINESS:

- a) Extraterritorial Zoning Amendment
20-011- Grove Farms Rezoning
- b) Extraterritorial Zoning Amendment
20-012- May Road Zoning Variation

VI. OLD BUSINESS: None

**VII. COMMISSIONER COMMENTS AND
MISCELLANEOUS INFORMATION**

VIII. ADJOURNMENT

**VILLAGE OF SUGAR GROVE
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MINUTES of June 17, 2020 MEETING**

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NOTE: The following meeting occurred during the COVID-19 Pandemic. Executive Order 2020-7 (Executive Order in Response to COVID-19/ COVID-19 Executive Order Number 5) issued by the Governor on March 16, 2020, among other things, suspended certain requirements of the Open Meetings Act, including mandatory presence by Commissioners at public meetings to conduct public business. Members of the Planning Commission/Zoning Board of Appeals participated in this meeting via electronic means.

1. CALL TO ORDER

The meeting of the Sugar Grove Planning Commission/Zoning Board of Appeals was called to order at 7:03 p.m. by Chairman Ochsenschlager via electronic means.

2. ROLL CALL

Present: Chairman Irv Ochsenschlager, James Eckert, Greg Wilson, and James White participated via electronic means

Absent: John Guddendorf, Larry Jones, Rebecca Sabo

Also present: Walter Magdziarz, Community Development Director, via electronic means
Danielle Marion, Planning and Zoning Administrator, via electronic means

3. APPROVAL OF MINUTES

Commissioner Eckert moved to approve the May 20, 2020 meeting minutes. Commissioner White provided the second.

Motion PASSED by unanimous vote

4. PUBLIC HEARING:

None

5. NEW BUSINESS:

20-010- 474 Division Dr. Condo Plat

-Commissioner White moved to recommend that the Village Board approve the assessment plat under the conditions that the zoning variances that would be required were approved under the original PUD. Commissioner Wilson provided a second.

Motion PASSED by unanimous vote

6. OLD BUSINESS:

None

7. COMMISSIONER COMMENTS AND MISCELLANEOUS INFORMATION

None

NOTE: These minutes are not a verbatim transcription of the comments, statements and discussion that occurred during the meeting. They are intended to make an official record only of the actions taken by the Planning Commission / Zoning Board of Appeals, and may include only a brief description of discussion items. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

VILLAGE OF SUGAR GROVE
PLANNING COMMISSION/ZONING BOARD OF APPEALS
MINUTES of June 17, 2020 MEETING

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8. **ADJOURNMENT**

Commissioner Eckert moved to adjourn, Commissioner Wilson provided a second.

Motion PASSED by unanimous vote

The meeting was adjourned at 7:18 p.m.

Prepared by:
Danielle Marion, Recording Secretary

DRAFT

NOTE: These minutes are not a verbatim transcription of the comments, statements and discussion that occurred during the meeting. They are intended to make an official record only of the actions taken by the Planning Commission / Zoning Board of Appeals, and may include only a brief description of discussion items. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

VILLAGE PRESIDENT

P. Sean Michels

VILLAGE ADMINISTRATOR

Brent M. Eichelberger

VILLAGE CLERK

Alison Murphy



COMMUNITY DEVELOPMENT

VILLAGE TRUSTEES

Sean Herron
Ted Koch
Jennifer Konen
Heidi Lendi
Rick Montalto
Ryan Walter

**A D V I S O R Y
R E P O R T**

TO: Plan Commission
FROM: Danielle Marion, Planning and Zoning Administrator
DATE: July 7, 2020
PETITION: 20-011

PROPOSAL

The applicant is requesting a County zoning map amendment (rezoning) for property located in Sugar Grove Township, Kane County.

GENERAL INFORMATION

HEARING DATE: July 15, 2020
PROJECT NAME: Grove Farms Rezoning
PETITIONER: Grove Industries LLC
LOCATION: 41W950 Prairie Street
PARCEL NUMBER(S): 14-22-300-019
CURRENT ZONING: E1- Estate

SPECIFIC REQUEST(S)

The applicant is requesting a map amendment (rezoning) for property located in Sugar Grove Township in Kane County. The applicant is requesting the zoning classification be changed from E1 – Estate to F2- Agricultural related sales, service, processing, research, warehouse and marketing.

CHARACTER OF AREA

The subject property is located on the north side of Prairie Street, East of Sugar Grove Parkway. Land adjacent to the property is suburban and rural residential and farm land.

BACKGROUND & HISTORY

The subject property is currently zoned E1– Estate and is open land with a walnut tree grove and one barn building. The applicant is requesting that the property be rezoned to F2 – Agricultural related sales, service, processing, research, warehouse and marketing. The proposed use for the property is production and wholesale of black walnuts; crop agriculture of hay, alfalfa, sweet corn, and pumpkins; bulk storage and sales of mulch, firewood, aggregate materials, decorative stone, manmade landscaping materials; potted plants, soil erosion protection materials, fruits and vegetables grown off-site.

COMPREHENSIVE PLAN RECOMMENDATIONS

The Village Comprehensive Plan designates the site as “Single Family Residential”. Contiguous properties to the east, west and south are designated as “Single Family Residential”, and the properties contiguous to the north are designated “Open Space”.

The Village of Sugar Grove has plans for single family development in the area. The land along Prairie Street is trending toward incorporated, single family residential. The Rezoning of this property to F2 – Agricultural related sales introduces a commercial land use where none exists and is not consistent with the Village’s Future Land Use Plan.

EVALUATION

1. Land Use / General – The proposed land use is not compatible with the surrounding land uses.
2. Comprehensive Plan – The proposed rezoning is not consistent with the Village Comprehensive Land Use plan.
3. Lots & Buildings – The proposed use of the property would include agricultural and landscape related wholesales and storage of such products.

FINDINGS OF FACT

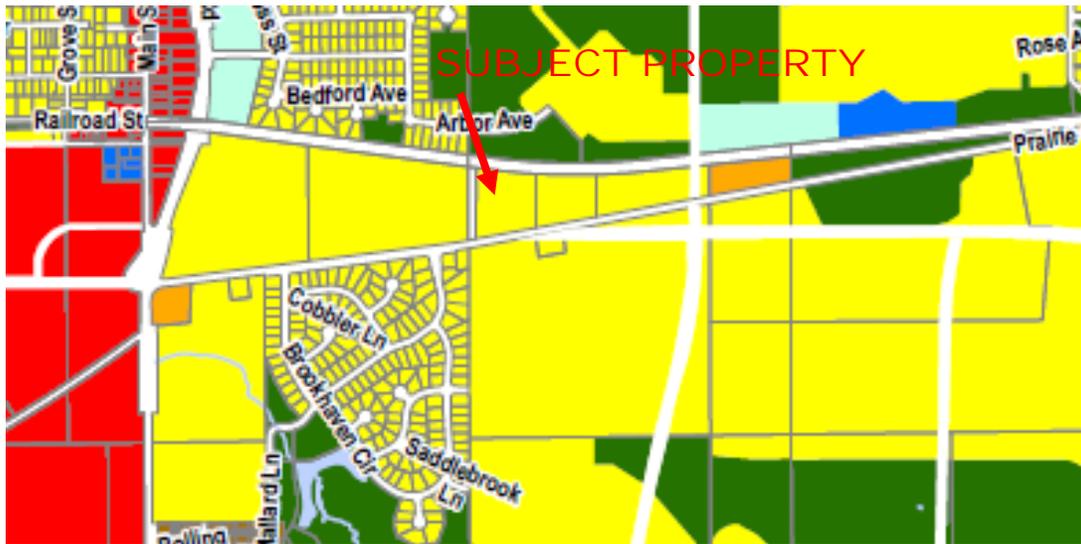
1. The proposed agricultural-related sales use is not consistent with the Village’s Land Use Plan.
2. R2- Detached Residential is the predominant zoning classification in the general area.
3. The existing E1- Estate is consistent with the zoning of the surrounding area.
4. The land along Prairie Street is trending toward incorporated, low density residential use and detached residential use, which is consistent with Village’s Land Use Plan recommendations.

STAFF RECOMMENDATION

The Village has no zoning jurisdiction beyond its corporate limits. It cannot apply its zoning regulations to the subject property. However, if the requested zoning classification is inconsistent with the long term land use plans of the Village and the

established land uses in the general vicinity, the Village may object to the request. In this case, the requested zoning is inconsistent with the long term land use plans of the Village, the Planning Commission should recommend the Village Board object to this zoning request.

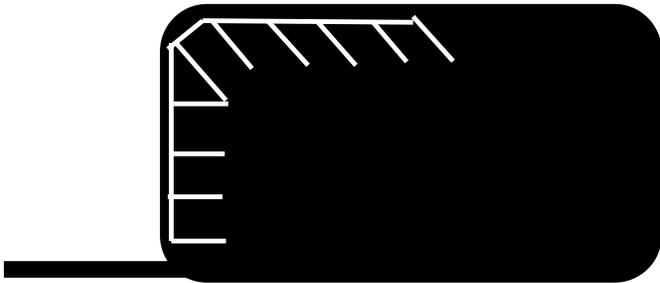
COMPREHENSIVE LAND USE PLAN



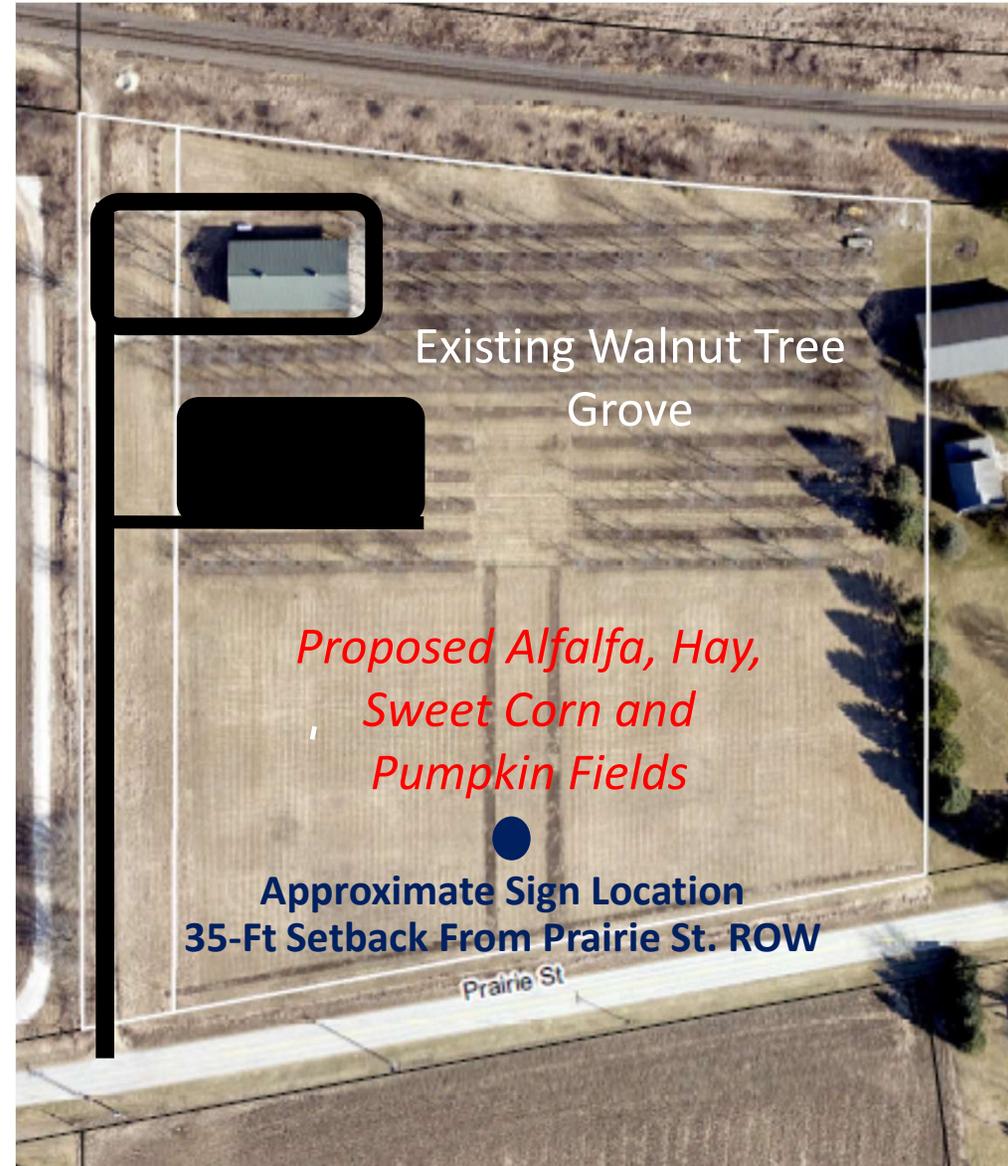


41 W 950 Prairie Street

Conceptual Development Plan



Enlargement
Concrete Storage Bins Area
Asphalt Grindings
Each Bin 6-8' H
12' W x 18' D (Typical)



Grove Farms, 41W950 Prairie Street

Walnut Grove:

Production and Wholesale of Black Walnuts

Crop Agriculture:

Hay, Alfalfa, Sweet Corn, Pumpkins

Storage and Sales:

Mulch

Firewood

Aggregate Materials, including sand, gravel

Decorative Stone

Manmade Landscaping Materials (e.g., Decorative Stone, Retaining Wall Sections Made from Wood, Stone, Concrete or Cement)

Potted Plants

Soil Erosion Protection Materials, including coir matting, straw blankets and wattles, biodegradable grass seed mats

Fruits and Vegetables grown off-site

VILLAGE PRESIDENT

P. Sean Michels

VILLAGE ADMINISTRATOR

Brent M. Eichelberger

VILLAGE CLERK

Alison Murphy



COMMUNITY DEVELOPMENT

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Heidi Lendi
Rick Montalto
Ryan Walter

A D V I S O R Y R E P O R T

TO: Plan Commission
FROM: Danielle Marion, Planning and Zoning Administrator
DATE: July 8, 2020
PETITION: 20-012

PROPOSAL

The applicant is requesting a zoning variation for lot set back requirements for a property located in Sugar Grove Township, Kane County.

GENERAL INFORMATION

HEARING DATE: July 15, 2020
PROJECT NAME: May Road Zoning Variation
PETITIONER: Matt Scudder
LOCATION: 5S765 May Road
PARCEL NUMBER(S): 14-10-300-003 & 14-10-300-004
CURRENT ZONING: F- Farming

SPECIFIC REQUEST(S)

The applicant is requesting a zoning variation for a property located in Sugar Grove Township in Kane County. The applicant is requesting a zoning variation on the side yard setback from 10 feet to 8.69 feet.

CHARACTER OF AREA

The subject property is an unincorporated lot located on the northeast side of May Road, east of Bliss Road and the Bliss Woods Forest Preserve, in Sugar Grove Township. Land adjacent to the property is residential and open space. The subject property is adjacent to Prestbury. The

subject property is improved with a large structure.

BACKGROUND & HISTORY

The subject property consists of two lots with common ownership, currently zoned F – Farming District and a lot with a large building that once was an accessory structure to another principal building that the owner is planning to convert to a Single-Family residence. The applicant is requesting a zoning variation on the side yard setback from 10 feet reduced to 8.69 feet. The proposed use for the property is Single-Family Residential. The applicant has no plans to change the footprint of the existing building.

COMPREHENSIVE PLAN RECOMMENDATIONS

The Village Comprehensive Plan designates the site as “Single Family Residential”. Contiguous properties to the north, east, and west are also designated as “Single Family Residential”, and the properties contiguous to the south are designated “Open Space”.

The Village of Sugar Grove has no plans for intensive development in the area. The land along May Road is trending toward unincorporated, single family residential use and open space. The requested zoning variance will not change any of the designated uses in any way.

EVALUATION

1. Land Use / General – The proposed variation is compatible with the current land use.
2. Comprehensive Plan – The proposed variation would have no effect on the Village and County Comprehensive Land Use plans.
3. Lots & Buildings – The proposed variation would not change any of the buildings of the lot.

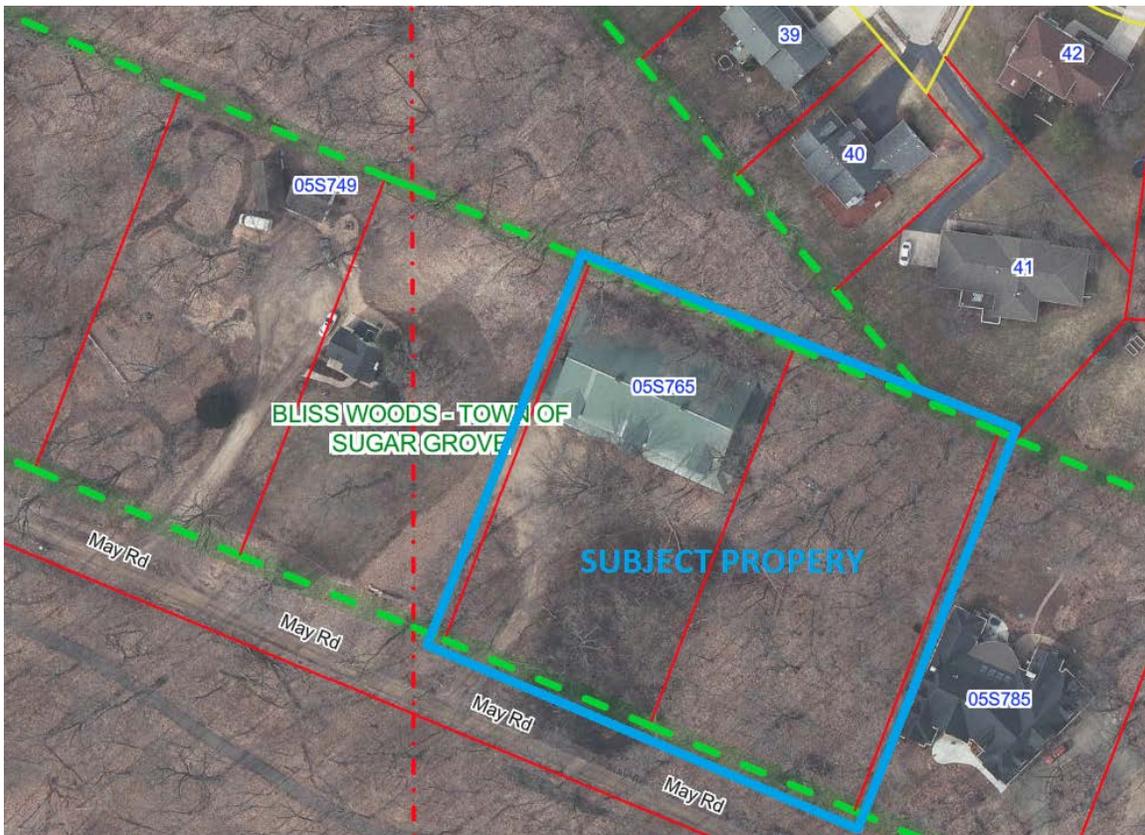
FINDINGS OF FACT

1. The proposed variation is necessary only because the classification of existing structure will change from an accessory building to principal building on the lot.
2. The footprint of the building is not changing and no lot setbacks are being changed from what currently exists.
3. The variation does not affect the use of the property.

STAFF RECOMMENDATION

The requested zoning variance has no effect on the existing building or use of the property since the footprint of the building will not change. This is merely a housekeeping matter as the County zoning regulations are applied. Staff recommends the Planning Commission recommend the Village Board not object to the zoning variation request.

Comprehensive Land Use Plan



KANE COUNTY DEVELOPMENT DEPARTMENT

Zoning Division, Kane County Government Center

719 S. Batavia Avenue
Geneva, Illinois 60134
Office (630) 444-1236

Received Date

JUN 29 2020

Kane Co. Dev. Dept.
Zoning Division

APPLICATION FOR A VARIATION

Instructions:

To request a variation for a property, complete this application and submit it with all required attachments to the Zoning Division.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 1410300003, 1410300004
	Street Address (or common location if no address is assigned): 5S765 May Road, Sugar Grove, IL 60554

2. Applicant Information:	Name Matt Scudder	Phone 313-618-0906
	Address 5797 Danielle Ln.	Fax
	Yorkville, IL 60560	Email mattandkarascudder@gmail.com

3. Record Owner Information:	Name Gary A & Cynthia D Morettin	Phone mobile: 630-538-9791
	*Address 5s785 May Road, Sugar Grove, IL 60554	Fax na
		Email gmore0520@gmail.com

*After 6/26/2020: 4A12 Remington Ct., Apple River, IL 61001

Zoning and Use Information:

Current zoning of the property: F District Farming

Current use of the property: Residential Out Building

Reason for Request:

Variation requested (state specific measurements):

Set back on West is 8.69' and 8.98'. Requesting variance 8.69'.

Reason for request: Existing building does not meet the minimum set back

requirements for house on West lot line.

Action by Applicant on Property:

What physical characteristics would prevent the property from being used in conformity with the requirements of the Zoning Ordinance?

Just the set backs. (See above)

Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain)

Purpose of proposed variance is to make it my personal home.

Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain)

No, previous owner used building as an out building.

The Kane County Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "make your case" by explaining how your request **will not:**

1. Impair an adequate supply of light and air to adjacent property.

Structure is existing so will not change current supply of light and air.

2. Increase the hazard from fire and other dangers to adjacent property.

Structure is existing and is currently being heated with a wood burning heater. Renovation will include the installation of a furnace to heat the finished portion reducing the risk of fire.

3. Diminish the value of adjacent land and buildings.
Structure is existing so converting it to a home I believe will increase adjacent values.

4. Increase congestion or create traffic hazards.
Building is on a private drive that was confirmed to be adequate for a new home by the Sugar Grove Fire Marshall (See attached email). It will be a single family home so will have minimal affect on traffic in the area.

5. Impair the public health, safety, comfort, morals and general welfare.
Renovating existing structure to a single family home so it will not have an effect on the above.

Legal Description of Property

Lots 7 and 8 in Bliss Woods, Town of Sugar Grove, being a subdivision of plat of Sections 9 and 10, Township 38 North, Range 7 East of the third principal meridian, in Kane County, Illinois all being subject to perpetual easement for ingress, egress, regress and access over and upon the east 12 feet of said lot 8 innuing to the benefit of the lot owners of lot 9 in said bliss woods.

COUNTY OF KANE

DEVELOPMENT DEPARTMENT
Water Resources & Platting Division
Paul M. Schuch, P.E., Director



County Government Center
719 Batavia Avenue
Geneva, Illinois 60134
Water Resources — (708) 232-3497
Platting & Environmental — (708) 232-3495
FAX: (708) 232-3411

September 4, 1996

Mr. Gary Morettin
2060 Dorset Drive
Wheaton, IL 60187

RE: Frontage Variation
Bliss Woods Subdivision (May Road)
Sections 9 & 10 Sugar Grove Township

Dear Mr. Morettin:

On Tuesday, September 3, 1996, the Kane County Development Committee favorably approved your frontage variation request in accordance with Section 19-70 "Lot Access and Double Frontage", of the Kane County Subdivision Regulations. This variation was approved for the following buildable lots or combination of lots 4, 5 & 6, 7 & 8, 9 & 10. The committee did condition their approval subject to:

1. The private drive shall be constructed and maintained in accordance with the Kane County Division of Transportation requirements. Access easement language shall be reviewed and found acceptable by the Kane County Division of Transportation prior to recording of the easement plat.

If there are any questions regarding this frontage variation, please contact this office.

Sincerely,

KANE COUNTY DEVELOPMENT DEPARTMENT

Kenneth N. Anderson, Jr., Manager
Platting and Environmental Section

KNA:nr
cc: Ed Sieben
Thomas Rickert

let.27b



Matt Scudder <mattandkarascudder@gmail.com>

May Rd. - Scudder

Assistant Chief Parson <wparson@sugargrovefire.com>

Fri, May 29, 2020 at 11:48 AM

To: Matt Scudder <mattandkarascudder@gmail.com>

Cc: "Chajae@co.kane.il.us" <Chajae@co.kane.il.us>

Mr. Matt Scudder

After a visit to the property on May Rd. Sugar Grove, IL

I observed that the property owner at 5S749 has improved the road to that property.

Any road improvements to the road would be in front of your property.

Widen the roadway and make the driveway assessable for fire apparatus.

Wayne Parson

Fire Marshal

Sugar Grove Fire Protection District

wparson@sugargrovefire.com

[Quoted text hidden]

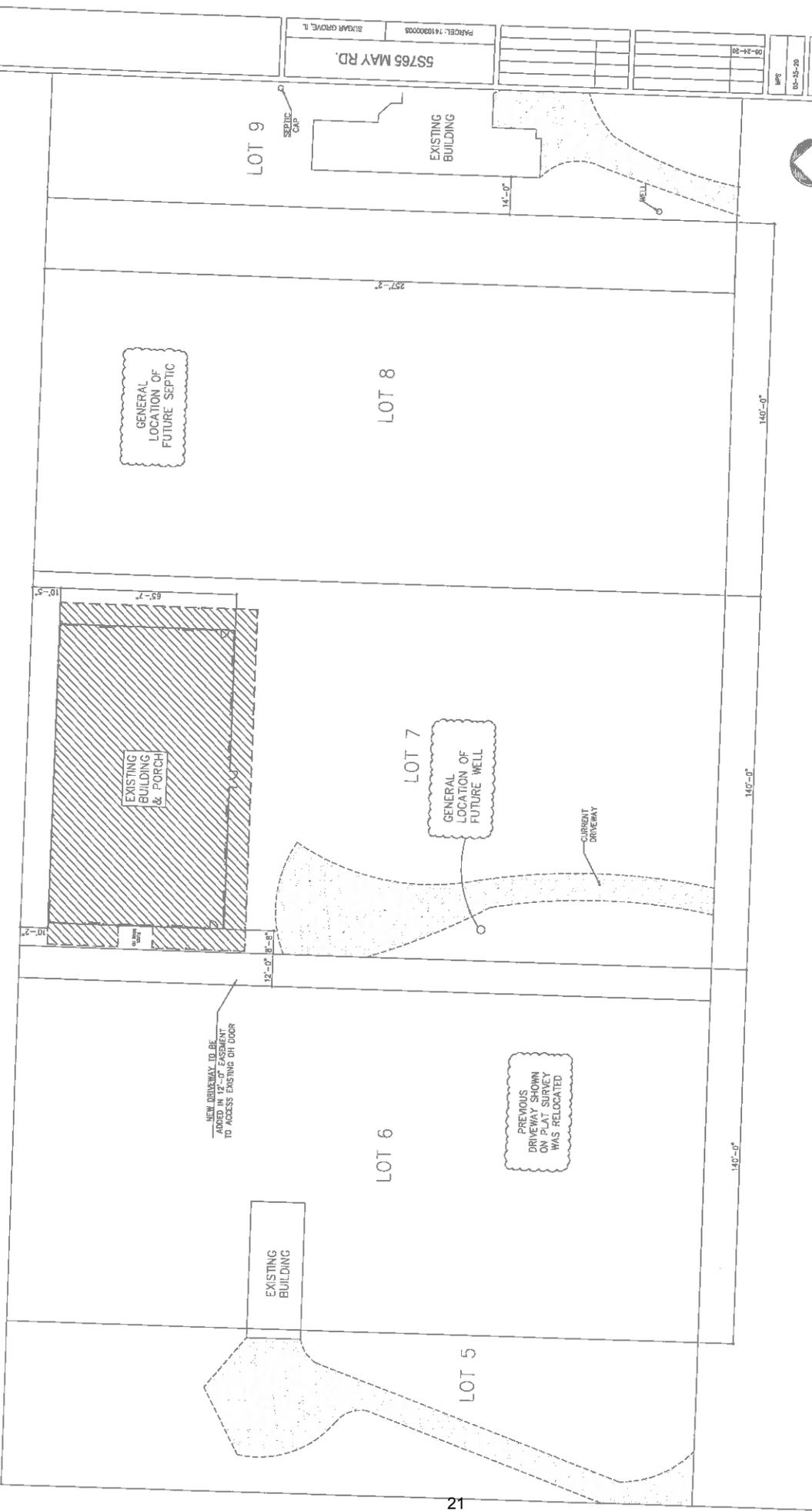
PARCEL: 141890003
 SUGAR GROVE, IL
 S5765 MAY RD

08-24-20	

BPS
 08-25-20
 PLAN
 1/8" = 1'-0"
LOT LAYOUT



NOTE: THIS IS A SKETCH FOR REFERENCE ONLY. SEE PLAT SURVEYS FOR OFFICIAL DIMENSIONS.



GENERAL LOCATION OF FUTURE SEPTIC

LOT 8

EXISTING BUILDING & PORCH

LOT 7

GENERAL LOCATION OF FUTURE WELL

CURRENT DRIVEWAY

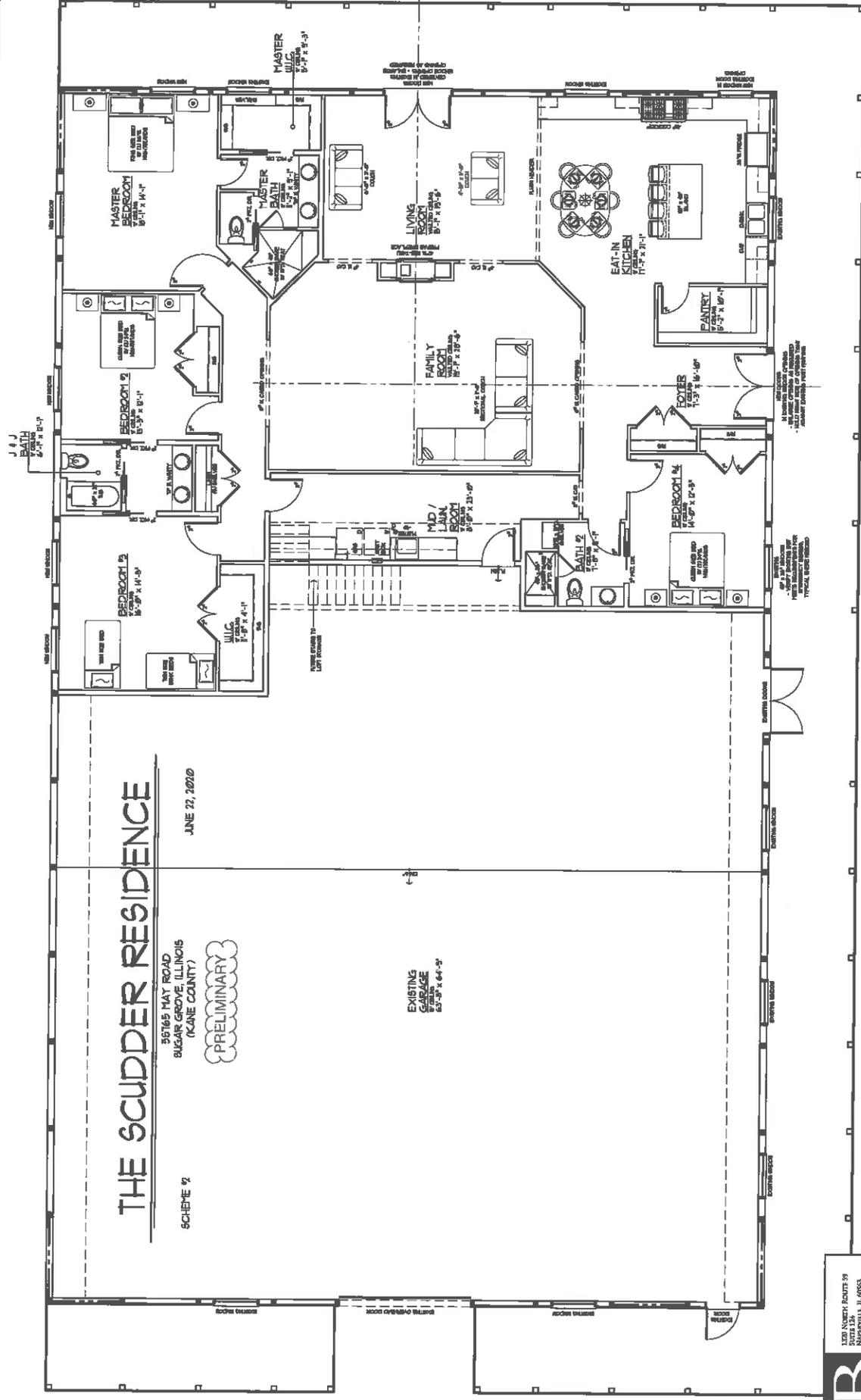
NEW DRIVEWAY TO BE ADDED IN 12'-0" EASEMENT TO ACCESS EXISTING OH DOOR

LOT 6

PREVIOUS DRIVEWAY SHOWN ON PLAT SURVEY WAS RELOCATED

EXISTING BUILDING

LOT 5



THE SCUDDER RESIDENCE

36165 MAY ROAD
SUGAR GROVE, ILLINOIS
(KANE COUNTY)

SCHEME 2

JUNE 22, 2020

PRELIMINARY

EXISTING
GARAGE
15'-0" X 64'-0"

FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

324' 56" FT.

JB
DESIGN • BUILD

1200 NORTH ROUTE 59
SUITE 124
MORRIS, IL 60556
630.257.2400

CHESTERDAO OYLA
27 YEARS IN BUSINESS

EASEMENT AGREEMENT

1890233 2/4

This EASEMENT AGREEMENT dated this 24 day of May, 2018 made and entered into by and between the fee simple title holders of LOT 6 ("GRANTORS") and the fee simple title holders of LOT 7 ("GRANTEES") of the following legally described Real Estate:



2018K025488
SANDY WEBMAN
RECORDER - KANE COUNTY, IL

RECORDED: 6/1/2018 11:14 AM
REC FEE: 48.00 RHPSP FEE: 9.00
PAGES: 3

Lots 6 and 7 in Bliss Woods, Town of Sugar Grove, being a Subdivision of part of Sections 9 and 10, Township 38 North, Range 7 East of the Third Principal Meridian, in Kane County, Illinois.

LOT #6 14-10-300-002
LOT #7 14-10-300-003

for the benefit of future Lot Owners of LOT 7 (GRANTEES), their successors, assigns and successors in title and their licensees, the Owners of LOT 6 (GRANTORS), their successors, assigns and successors in title grant an easement for access over the east twelve (12) feet of LOT 6. ("Easement Area") as delineated on the attached Exhibit "A" and under the terms contained herein

Gary A. Morettin and Cynthia D. Morettin at the time of this agreement own LOT 6 and LOT 7 and are known as "GRANTORS" and also the "GRANTEES".

The Plat of Subdivision is attached hereto and made a part hereof as EXHIBIT "A"

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, in hand paid, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Grant of Access, Ingress, and Egress to Grantee.** The Grantor does hereby grant to Grantee, its successors and assigns, invitees, licensees, and agents a permanent, non-exclusive, right of ingress and egress over and upon the Easement Area. The use of the term "non-exclusive" herein shall mean that the ingress, egress and access rights granted pursuant to this Agreement shall be subject to the contemporaneous and continuing right of the Grantor, its licensees, and invitees to use the Easement Area for ingress, egress, and such maintenance of the Easement Area as Grantor may determine to be necessary and/or appropriate from time to time and as may be required.

3. **Limitations upon Grant.** It is agreed and understood that the rights granted herein are expressly limited as follows: the Grantee and Grantors, or their successors will use the right of ingress and egress in a manner which shall not unduly burden the parcel of GRANTOR.

The Easement Area shall be reasonably maintained by Grantee, so as not to interfere with their respective uses thereof. Notwithstanding the foregoing, neither Grantor nor Grantee shall be obligated to improve nor maintain nor repair any improved drive surface or other similar improvement within the Easement Area, provided, however, that if Grantee improves such drive or roadway, it shall then undertake maintenance of such improved drive or roadway. Nothing herein contained shall be deemed or construed

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to impose upon the Grantor or Grantee any obligations to clear the Easement Area of ice or snow, or take any affirmative action with respect to clearing any natural accumulations on the Easement Area for access purposes.

4. **Grants as Permanent.** Recording of Agreement. This Agreement is intended to represent permanent grants and it is intended to run with the lands of the parties hereto; accordingly, the parties shall cause a copy of this Grant of Easement to be recorded in the office of the Kane County Recorder.

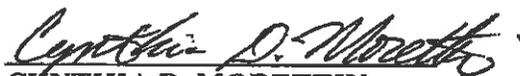
Dated this 24 day of May, 2018

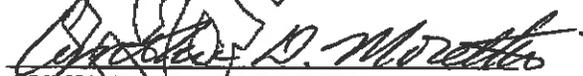
GRANTORS:

GRANTEES:


GARY A. MORETTIN


GARY A. MORETTIN

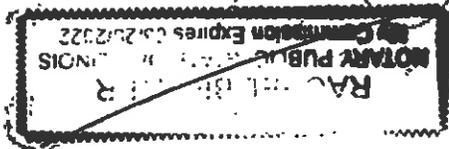

CYNTHIA D. MORETTIN

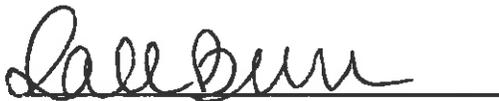

CYNTHIA D. MORETTIN

STATE OF ILLINOIS)
) S.S.
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that Gary A. Morettin and Cynthia D. Morettin, personally known to me to be the Grantors and Grantees herein, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged and signed and delivered the said instrument as Grantors and Grantees herein.

Given under my hand and official seal this 24 day of May 2018





Notary Public

PREPARED BY AND RETURN TO:

Attorney Mark Sansonetti
5521 N. Cumberland Avenue
Suite 1109
Chicago, IL 60656

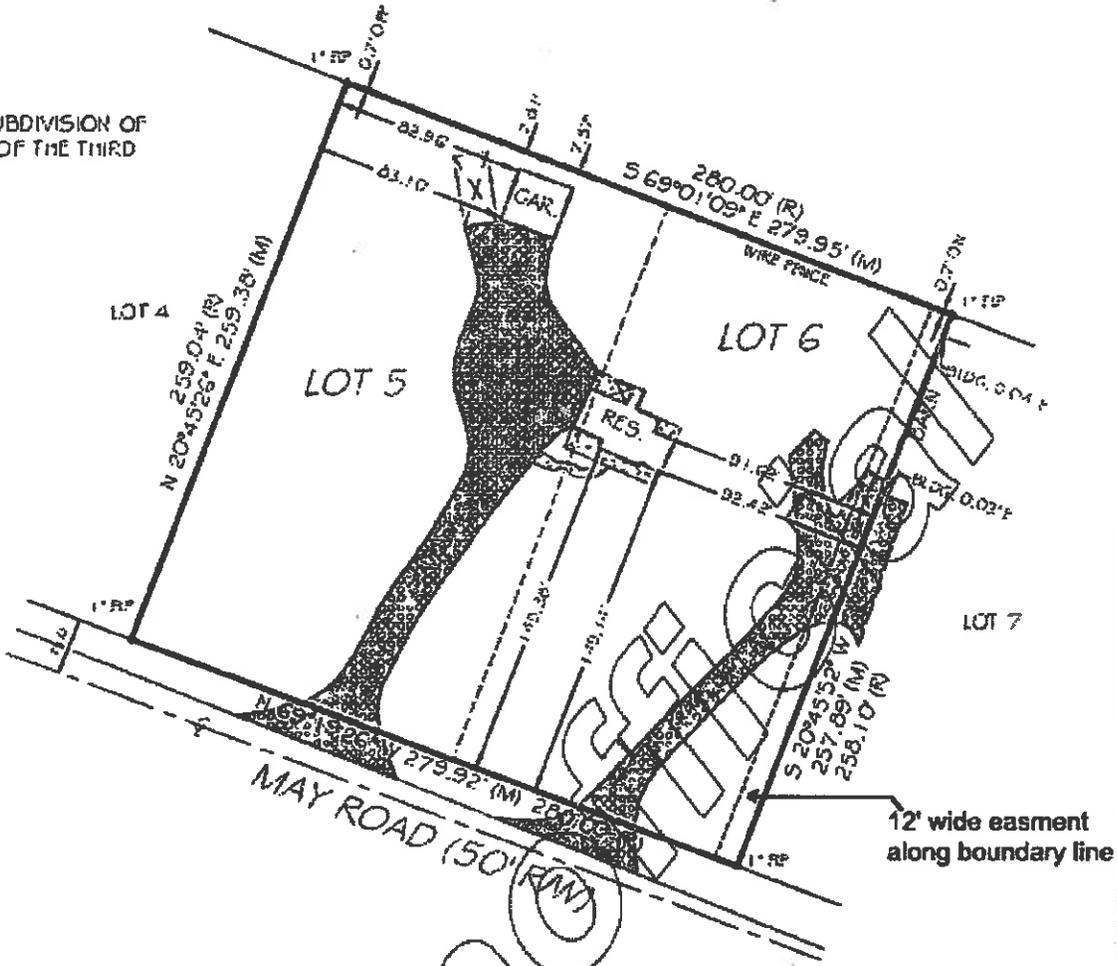
MAIL TO:

Old Republic Title
9601 Southwest Highway
Oak Lawn, IL 60453



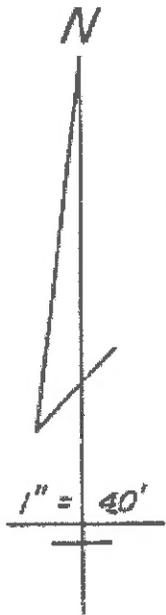
EXHIBIT "A"

SUBDIVISION OF
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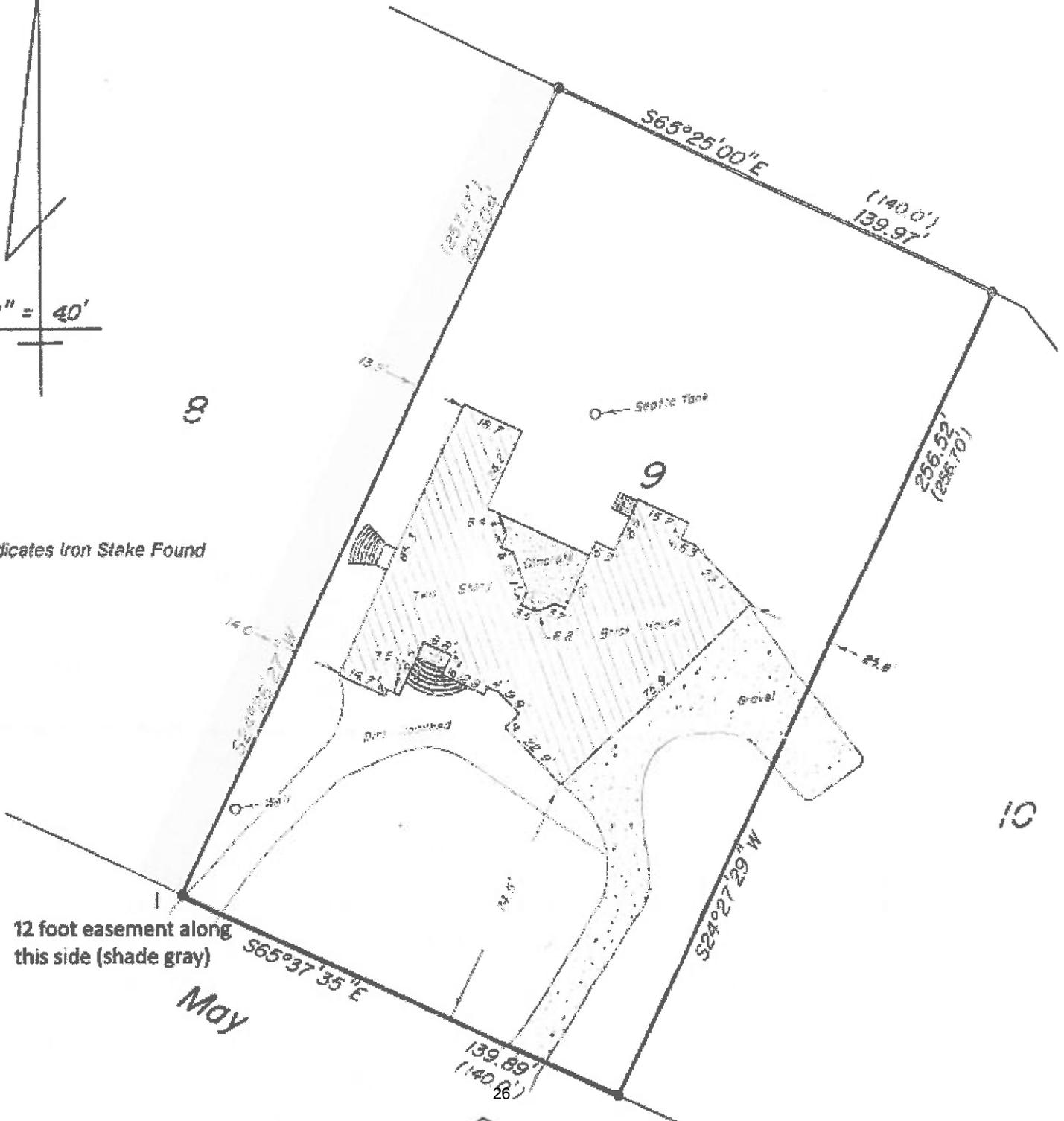


5

Plat of Survey of
Lot 9 **Bliss Woods**
Sugar Grove **Kane County** **Illinois**



● Indicates Iron Stake Found

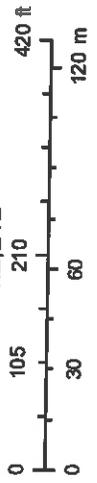


Map Title



June 30, 2020

1:2,242



These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

GIS-Technologies
Kane County Illinois

