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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  
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR  
**SUBJECT:** DISCUSSION: 112 MEADOWS ZONING VARIATION  
**AGENDA:** NOVEMBER 2, 2021 VILLAGE BOARD MEETING  
**DATE:** OCTOBER 27, 2021

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**ISSUE**

Shall the Village Board discuss an Ordinance granting a zoning variation at 112 Meadows Drive (Kowalczyk residence).

**DISCUSSION**

The applicant, Gerard Kowalczyk, desires to construct a detached garage in order to store collector cars that are currently stored off-site. In order to comply with the lot coverage requirements of the zoning district in which the property is located, the applicant intends to install a car lift in the garage for the vehicles. Doing so, however, requires the height of the garage to be increased greater than the maximum height permitted. The zoning variation request is to increase the maximum height from fifteen (15) feet to seventeen (17) feet.

The Zoning Board of Appeals held a public hearing, no objectors were present. The ZBA discussed at great length the density of development currently on the lot and applicant's intention to build the garage without a driveway. The property is developed with many permitted accessory structures and buildings. Village staff verified that all of the improvements on the property do not exceed the maximum lot coverage in this zoning district. Furthermore, the addition of the proposed storage building will not exceed the maximum lot coverage.

There is no requirement that a driveway be constructed in connection with a garage. Since the applicant intends to use the accessory building for vehicle storage, not parking, the matter of a driveway is not the an issue. It should be noted, the location of the proposed garage on the property will accommodate a driveway in the future, if desired by the applicant, or a future owner. It should also be noted that if the applicant desires to add a driveway in the future, a zoning variation may be needed as the addition of a future driveway could push the lot coverage beyond the maximum.

The use of a car lift in a garage is not unusual in Sugar Grove. There are several residences that have such equipment in an attached garage. There are several detached accessory storage buildings or garages in the Village that do not have driveway access.

**ATTACHMENTS**

- Zoning Board of Appeals Recommendation ZBA21-016

**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 (112 Meadows Drive).

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

## **ZBA21-016**

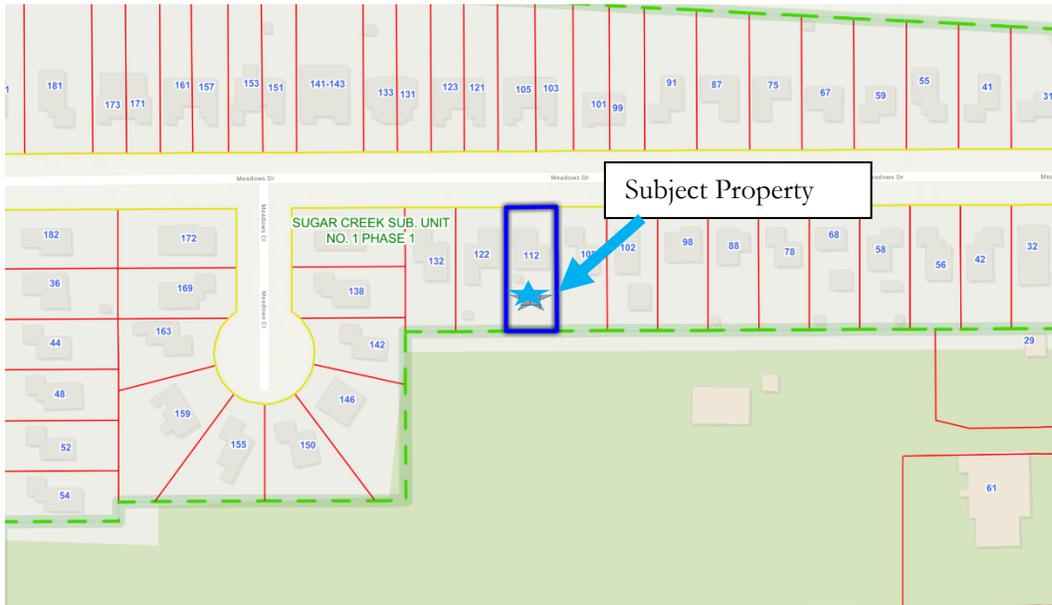
TO: Village President and Board of Trustees  
FROM: Zoning Board of Appeals  
DATE: Meeting of October 20, 2021  
PETITION: 21-016  
112 Meadows Drive  
Accessory building height variation

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### PROPOSAL

The applicant is requesting a variation of two feet to allow for a maximum accessory building height of seventeen feet instead of the permitted fifteen feet.

### LOCATION MAP



### BACKGROUND & HISTORY

The subject property is a single-family residence and the applicant is looking to build an accessory detached garage for personal use and the storage of their personal vehicles, along with additional storage in the upper part of the garage. The applicant is currently storing his vehicles off-site and to help eliminate the cost of the off-site storage, is looking to build an accessory garage on his property. The applicants would like to install a car lift in this structure, in order for a lift to fit, the structure height

must be at least seventeen feet. The maximum height of an accessory structure that our zoning code allows is fifteen feet. In order for the applicant to build the desired accessory structure and accommodate the car lift he will need a zoning variation of two feet to allow for the seventeen-foot structure height.

### DISCUSSION

The Zoning Board of Appeals discussed the proposed Variation. The concern of the applicants not applying for a driveway to lead back to the accessory garage at this time was discussed. Commissioners were advised that the applicant does not plan to frequently drive cars in and out of this garage and that when or if they plan to install a driveway the applicants have been informed that they will need to apply for a variation on lot coverage. Commissioners were in agreeance with this.

### 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 permitted height of fifteen feet will not be tall enough to accommodate the car lift in order to be able to store all of the applicant's vehicles.*

- b. There are unique circumstances causing the owners plight.

*The owner originally thought the car lift would fit with the permitted fifteen-foot height, however he needs the additional two-foot height to be able to install the car lift.*

- c. This variation will not alter the essential character of the area.

*This variation will not alter the essential character of the area.*

- d. There are particular physical surroundings, shape or topographical conditions of the property creating a true hardship.

*The permitted maximum height of an accessory structure will not allow for the applicant to install the car lift.*

- e. The conditions creating the hardship exist on properties throughout the area.

*All properties in the R2 District have an accessory structure maximum height of fifteen feet.*

- 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 for personal use only.*

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

*This variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.*

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

*The requested variation is the minimum variation necessary to achieve the desired result. In order to install the car lift, the applicant needs the two-foot variation make the garage tall enough to accommodate the lift.*

- 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 requested variation will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire or other dangers to the property or surrounding properties; will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of Sugar Grove. The requested variation will improve the property value in the neighborhood. The requested variation will not increase traffic congestion in the public streets; will not create a nuisance; will not increase public expenditures.*

### **EVALUATION**

Generally, this use 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 the variation the applicant would not be permitted to build an accessory structure with a height greater than fifteen feet and therefore would not be able to install the desired car lift.
2. Plight of the owner is due to unique circumstances – The applicant would not be able to build an accessory structure to accommodate the car lift without the proposed variation.
3. Variation if granted, will not alter the essential character of the locality – The variation will not alter the essential character of the locality. The variation is a minor adjustment to the permitted height of an accessory structure.

The subject property is highly developed but within the maximums prescribed by the Village's Zoning Ordinance. With the proposed structure the total lot coverage of the subject property would be 42%, this falls within the maximum allowed 45% lot coverage. The property does have two other existing accessory structures, but they are permitted to have three in total. At this time the applicant is not applying for a driveway to access the detached accessory garage, however, if they choose to do so in the future they have the allotted space that is needed between their house and side yard lot line and have been advised that if they wish to install a driveway, depending on the size, they would need to apply for a variation to be permitted to exceed the allowed 45% lot coverage.

**PUBLIC RESPONSE**

After due notice, the Zoning Board of Appeals held a public hearing on October 20, 2021. No objectors were present.

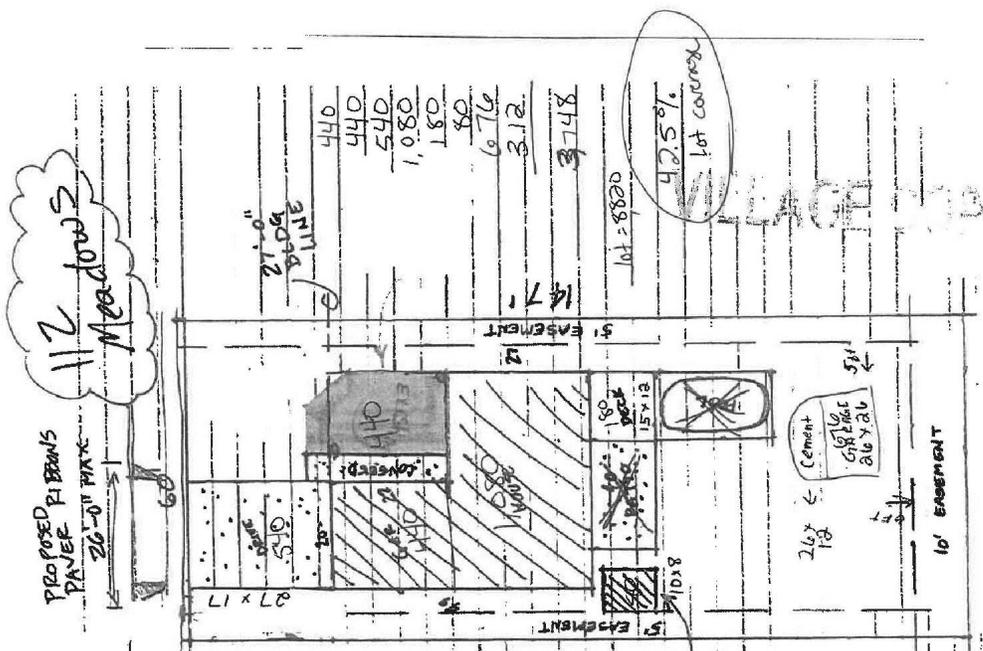
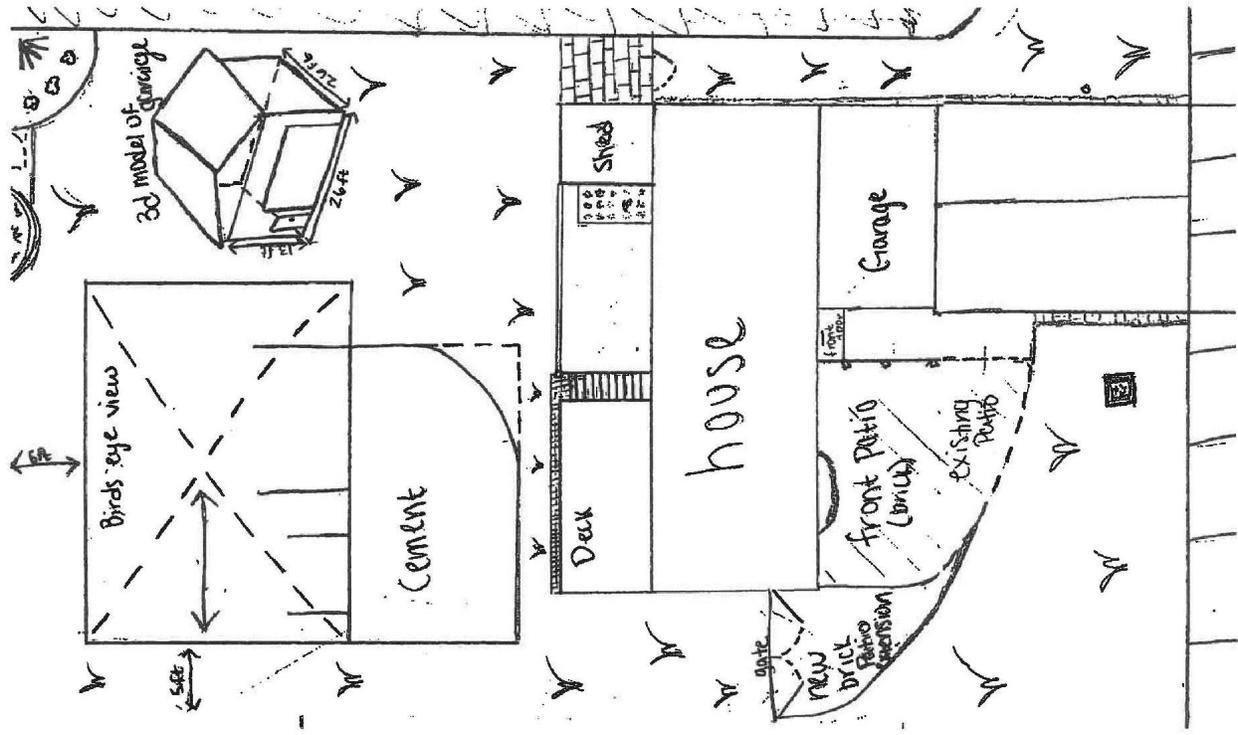
**RECOMMENDATION**

After carefully considering the facts, the Zoning Board of Appeals recommends the Village Board **approve** the proposed Zoning Variation to allow for a seventeen-foot-tall accessory building and adopt the Findings of Fact.

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

NAYES: None

ABSENT: None



VILLAGE OF SUGAR GROVE  
 REVIEWED FOR  
 CODE COMPLIANCE  
 WITH CONDITIONS  
 REJECTED  
 BY JCM  
 DATE 5.11.21

440	440
540	540
1,080	1,080
180	180
80	80
676	676
312	312
3748	3748

lot = 8820  
 42.5%  
 lot coverage

Cement  
 6' x 16'  
 26' x 26'

SHED

10' EASEMENT

15' EASEMENT

5' EASEMENT

147'

lot = 8820

PROPOSED RIBBONS  
 PAVER  
 26'-0" MAX

112  
 Meadows