

**VILLAGE OF POPLAR GROVE
PLANNING AND ZONING COMMISSION**

IN RE)
)
The Application of Luke Cavil) Matter No.
13714 Poplar Grove Rd.)

DECISION AND RECOMMENDATION
(Zoning Variance Requests)

A. Summary of Requested Zoning Relief

The applicant, Luke Cavil (“Applicant”), of 13714 Poplar Grove Rd., seeks to build a pole barn on the property located at 13714 Poplar Grove Rd. (“Property”) of 29 feet in height and 4,800 square feet of floor space for the purpose of storing his farm equipment indoors. The Property is located in a RE (Residential Estate) zoning district.

Under Section 8-8-3(B)(2) of the Zoning Code, accessory buildings cannot exceed the height of the principal building or 20 feet, whichever is less. Under Section 8-8-3(B)(4), an accessory building cannot exceed the square footage of the ground floor level of the primary building.

The existing house (principal building) on the Property is 2,000 square feet, while the proposed pole barn is 4,800 square feet. The height of the existing house exceeds 20 feet, meaning the highest height allowed for the pole barn is 20 feet.

Thus, to build the pole barn as proposed, Applicant requires a variance from the height limitation set by Section 8-8-3(B)(2) and from the square footage limitation set by Section 8-8-3(B)(5).

The Commission conducted a public hearing on Applicant’s variance requests, after duly published notice, on November 21, 2024. The Commission makes the following findings of fact and recommendation pursuant to Section 8-5-3(H) of the Village Code.

B. Findings of Fact

When considering a variance, the Commission must analyze the following factors pursuant to Section 8-5-6(E) of the Zoning Code:

1. The particular physical surroundings, shape, topographical, or other on-site condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

FINDING - Applicant operates a tree farm and requires a storage building to store farm equipment inside a building. Equipment currently is stored outside the Property except for a couple pieces of equipment that are stored in the attached garage. The variations of building height and square footage are necessary to store equipment.

2. Special circumstances exist that are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district.

FINDING - The Property consists of 33-34 acres of land. This property is unique compared to other properties located in the Village. There are a number of properties surrounded by the Property that are operated as farms, but they are located in Boone County and not within the Village. The proposed building is not visible from Poplar Grove Road and is screened with landscaping at Whiting Road.

3. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

FINDING - The purpose of the first zoning variation is to provide enough building height to allow the appropriate square footage of the building. The purpose of the second is to provide enough square footage of a building to store farm equipment. The increase in height and square footage of the building are not based on a desire to increase value or income potential.

4. The variation is the minimum variation that will make possible the reasonable use of the land, structure or building, and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

FINDING – The first zoning variation will allow the proper height of the building based on the square footage needed to store Applicant’s farm equipment. The second variation will allow for that necessary square footage. Neither will not affect the public or other surrounding properties.

5. The owner of the property has not created the alleged difficulty or hardship.

FINDING - The Property is an existing property and the owners have not created any difficulty or hardship.

6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals or general welfare of the public.

FINDING - The use of the Property is a personal farm and they do not have any employees to operate such farm. No impact will be the result from the requested variations. Because of the variations, no public streets will be impacted nor will property values be impaired.

7. The proposed variation complies with the spirit and intent of the restrictions imposed by this title.

FINDING - The proposed variations meet the spirit and intent of the zoning code.

C. Recommendation

The two requested variances meet the requirements set forth by the Village Code and the Commission recommends granting the requested variances.

Jessica Roberts, Chair
Village of Poplar Grove
Zoning and Planning Commission

Dated: