

VILLAGE OF HUNTLEY  
ZONING BOARD OF APPEALS PUBLIC HEARING  
July 14, 2010  
MINUTES

5

CALL TO ORDER

Chairman Jack Tures called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, July 14, 2010 at 7:00 p.m. in the Municipal Complex Village Board Room at 10987 Main St, Huntley, Illinois 60142. The room is handicap accessible.

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ATTENDANCE

MEMBERS PRESENT: Members Christopher Habel, Donald Bond, Lou Stanczak, Lee Linnenkohl, and Chairman Jack Tures

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MEMBERS ABSENT: Members Joe Manning and Terri Martin

ALSO PRESENT: Senior Planner Charles Nordman and Planner James Williams

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APPROVAL OF MINUTES

A. Approval of the May 12, 2010 Zoning Board of Appeals Meeting Minutes

Chairman Tures asked if there were any corrections to the minutes. There were none.

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A MOTION was made to approve the May 12, 2010 Zoning Board of Appeals Meeting Minutes as presented

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MOVED: Member Bond  
SECONDED: Member Stanczak  
AYES: Members Donald Bond, Lou Stanczak, Lee Linnenkohl and Chairman Jack Tures  
NAYS: None  
ABSTAIN: Member Christopher Habel  
MOTION CARRIED 4:0:1

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PETITIONS

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A. Petition No. 10-7.1, Frank Lund, 14038 Westmore Road, requesting approval of a Simplified Residential Zoning Variation for a building addition encroaching into the Rear Yard Setback

A public hearing was held in accordance with all applicable rules and regulations of the Village of Huntley and the State of Illinois.

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Chairman Tures asked that anyone wishing to be heard on this petition step forward to state their name and address for the record. The following people were sworn in, under oath:

1. James Williams, Village of Huntley
2. Frank Lund, 14038 Westmore Road, Huntley, IL 60142

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Planner James Williams outlined the petitioner's request.

## Development Summary

5 The petitioner is requesting relief from Village of Huntley Zoning Ordinance No. 97-07-24-01, (Annexation Agreement for Del Webb's Sun City) which stipulates Site Standards for *Premier and Estate Residential Lots (single family)* which includes a 20-foot rear yard setback requirement.

10 The petitioner is requesting approval of 7.01 feet in relief from the required 20-foot rear yard setback to allow a 22 ft. x 11 ft. three-season room addition at the rear of the residence. The petitioner has stated his sensitivity to sun light previously necessitated the installation of a retractable awning; however, it has become unusable with the strong and sustained winds at the rear of the house. The petitioner believes the screen room addition will permit the use of the backyard and provide protection from the sunlight while more effectively withstanding the weather elements.

15 The Sun City Community Association Modifications Committee approved the petitioner's project request on June 11, 2010 and the Sun City Community Association's Board of Directors approved the encroachment on July 7, 2010.

## Criteria for Reviewing a Proposed Variation

20 The Huntley Zoning Ordinance - Section 156.210 Variations, (F) *Standards for Variations* establishes the following criteria for their review:

25 (1) *General Standard.* No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.

30 (2) *Unique Physical Condition.* The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

35 (3) *Not Self-Created.* The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

40 (4) *Denied Substantial Rights.* The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

45 (5) *Not Merely Special Privilege.* The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

50 (6) *Code and Plan Purposes.* The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

(7) *Essential Character of the Area.* The variation would not result in a use or development on the

subject property that:

- (a) Would be materially detrimental to the public welfare or injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
- (c) Would substantially increase congestion in the public streets due to traffic or parking;
- (d) Would unduly increase the danger of flood or fire;
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health or safety.

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10 (8) *No Other Remedy*. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

Request for Motion

15 A motion is requested of the Zoning Board of Appeals, by the petitioner, to recommend approval of Petition No. 10-7.1, Frank Lund, 14038 Westmore Road, Simplified Residential Zoning Variation for 7.01 feet relief from the 20-foot rear-yard setback requirement.

20 Staff recommends the following condition be applied should the Zoning Board of Appeals forward a positive recommendation to the Village Board:

- 1. No building permits or Certificates of Occupancy are approved as part of the Simplified Residential Zoning Variation.

25 Chairman Tures asked if the petitioner had anything to add and Mr. Lund stated he had purchased the lot because it backed up to an open space area and hoped the three-season room addition will improve the usefulness of the rear yard not accommodated by the previously installed patio awning.

30 Chairman Tures asked if the three-season room was screened and matched the principle structure.

Mr. Lund confirmed the addition was screened and will complement the residential structure.

35 Member Bond stated he was concerned with the relatively large relief requested, but, felt more comfortable with the request in light of the property backing-up to open space rather than another residence.

Chairman Tures asked if there were any additional comments. There were none.

40 A MOTION was made to recommend approval of Petition No. 10-7.1, Frank Lund, 14038 Westmore Road, Simplified Residential Zoning Variation for 7.01 feet relief from the 20-foot rear-yard setback requirement, subject to the following condition:

- 1. No building permits or Certificates of Occupancy are approved as part of the Simplified Residential Zoning Variation.

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MOVED: Member Stanczak  
 SECONDED: Member Habel  
 AYES: Members Christopher Habel, Donald Bond, Lou Stanczak, Lee Linnenkohl and Chairman Jack Tures  
 NAYS: None

ABSTAIN: None  
MOTION CARRIED 5:0:0

5. Discussion

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Senior Planner Nordman stated the Downtown Revitalization Plan was scheduled to be reviewed by the Village Board on July 22, 2010 with a workshop to follow.

10 Planner Williams stated the next meeting date for the Zoning Board of Appeals will most likely be Wednesday, August 11, 2010.

6. Adjournment

15 At 7:12 pm, Member Habel made a MOTION to adjourn the meeting, seconded by Member Linnenkohl, and unanimously approved. Motion Carried.

Respectfully submitted,

*James Williams*

Planner

20 Village of Huntley