

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
March 24, 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, March 24, 2010 at 7:02 p.m. at the Municipal Complex Conference Room C107 at 10987 Main Street, Huntley, Illinois 60142. The room is handicap accessible.

10

ATTENDANCE

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

15

MEMBERS ABSENT: Members Joe Manning and Terri Martin

ALSO PRESENT: Senior Planner Charles Nordman and Planner James Williams

20

APPROVAL OF MINUTES

A. Approval of the October 28, 2009 Zoning Board of Appeals Meeting Minutes

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

25

A MOTION was made to approve the October 28, 2009 Zoning Board of Appeals Meeting Minutes as presented

30

MOVED: Member Linnekohl
SECONDED: Member Habel
AYES: Members Donald Bond, Lou Stanczak, Christopher Habel, Lee Linnenkohl and Chairman Jack Tures
NAYS: None
ABSTAIN: None
MOTION CARRIED 5:0:0

35

PETITIONS

40

A. Petition No. 10-3.4 James and Linda Carney, 13332 Bluebird Lane, Simplified Residential Zoning Variance for rear yard setback relief

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

45

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. James Carney, 13332 Bluebird Lane, Huntley, IL 60142

50

Planner James Williams outlined the petitioner's request.

The petitioner is requesting approval to encroach eight (8) feet into the required 20-foot rear yard setback to accommodate a four-season room addition on the rear (north side) of the residential structure.

5

Development Summary

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 Villa Residential Development (multi-family) which includes a 20-foot rear yard setback requirement.

10

The petitioner is requesting approval of eight (8) feet in relief from the required 20-foot rear yard setback to allow a 12' x 11' four-season room addition at the rear of the residence. The petitioner has cited that complying with the 20-foot rear yard setback requirement would not accommodate an addition large enough to meet the petitioner's needs.

15

The Sun City Community Association Modifications Committee denied the petitioner's project request on February 4, 2010 and the Sun City Community Association's Board of Directors approved the appealed request on February 17, 2010.

20

Criteria for Reviewing a Proposed Variation

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.

(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

A motion is requested of the Zoning Board of Appeals, by the petitioner, to recommend approval of Petition No. 10-3.4, James and Linda Carney, 13332 Bluebird Lane, Simplified Residential Zoning Variation for eight (8) feet relief from the 20-foot rear-yard setback requirement.

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.

Member Bond asked if the petitioner’s request was similar to others requested from Del Webb Sun City residents.

Planner Willams stated it is similar to previous variation requests considered by the Zoning Board of Appeals for Del Webb’s Sun City.

Member Linnekohl remarked the addition would extend halfway into the rear yard.

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

A MOTION was made to recommend approval of Petition No. 10-3.4 James and Linda Carney, 13332 Bluebird Lane, Simplified Residential Zoning Variance for eight (8’) 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.

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

A. Downtown Revitalization Plan

5

Senior Planner Nordman reviewed the three concept plan alternatives prepared by the Village's planning consultant. Alternatives included a Preservation Alternative, Redevelopment and Expansion Alternative and Hybrid Alternative. Senior Planner Nordman continued by stating the concept plans were developed based on a study of existing conditions and community input.

10

Member Bond asked if the attendance at the workshops met the Village Staff's expectations.

Senior Planner Nordman stated attendance at the workshop was very good with over 50 attendees at the first workshop and over 40 attendees at the second workshop.

15

Senior Planner Nordman stated that alternatives are not based on imminent development, but rather are intended to provide a framework to direct long-range development within the downtown.

20

Senior Planner Nordman stated there is another round of Village Board and Steering Committee meetings, as well as another workshop meeting to be scheduled.

6. Adjournment

25

At 7:25 pm, Member Stanczak made a MOTION to adjourn the meeting, seconded by Member Linnekohl, and unanimously approved. Motion Carried.

Respectfully submitted,

James Williams

Planner

30

Village of Huntley