

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
May 12, 2010
MINUTES

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CALL TO ORDER

Chairman Jack Tures called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, May 12, 2010 at 7:03 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 Donald Bond, Lou Stanczak, Lee Linnenkohl, and Chairman Jack Tures

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MEMBERS ABSENT: Members Christopher Habel, Joe Manning and Terri Martin

ALSO PRESENT: Planner James Williams

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APPROVAL OF MINUTES

A. Approval of the March 24, 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 March 24, 2010 Zoning Board of Appeals Meeting Minutes as presented

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

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PETITIONS

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A. Petition No. 10-5.1, Ray and Julie Schalk, 12345 Arlington Drive, 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:

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1. James Williams, Village of Huntley
2. Ray Schalk, 12345 Arlington Dr., Huntley, IL 60142

Planner James Williams outlined the petitioner's request.

5 The petitioner is requesting approval to encroach four and one-half feet into the required 20-foot rear yard setback to accommodate a three-season room addition on the rear (west side) of the residential structure.

Development Summary

10 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.

15 The petitioner is requesting approval of 4.5 feet in relief from the required 20-foot rear yard setback to allow a 14 ft. x 12 ft. 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.

20 The Sun City Community Association Modifications Committee denied the petitioner's project request due to the encroachment; however, the petitioner's appeal to the Sun City Community Association's Board of Directors was approved on March 17, 2010.

Criteria for Reviewing a Proposed Variation

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

- 30 (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.
- 35 (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.
- 40 (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.
- 45 (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.
- 50 (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.
- (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:

- 5 (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;
- 10 (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.

15 (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

20 A motion is requested of the Zoning Board of Appeals, by the petitioner, to recommend approval of Petition No. 10-5.1, Ray and Julie Schalk, 12345 Arlington Drive, Simplified Residential Zoning Variation for four and one-half (4.5) feet relief from the 20-foot rear-yard setback requirement.

25 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.

30 Chairman Tures asked if the petitioner had anything to add and Mr. Schalk stated he did not have any comments.

Chairman Tures asked if there were any additional comments from the Zoning Board Members. There were none.

35 A MOTION was made to recommend approval of Petition No. 10-5.1, Ray and Julie Schalk, 12345 Arlington Drive, Simplified Residential Zoning Variation for four and one-half (4.5) feet relief from the 20-foot rear-yard setback requirement, subject to the following condition:

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

MOVED: Member Stanczak

SECONDED: Member Bond

45 AYES: Members Donald Bond, Lou Stanczak, Lee Linnenkohl and Chairman Jack Tures

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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B. Public Hearing for Petition No. 10-5.2, Steve Hermie, 13435 Ivy Drive, requesting approval of a Simplified Residential Zoning Variation for a building addition encroaching into the Rear Yard Setback

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

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:

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3. James Williams, Village of Huntley
4. Kent Harter, 46W085 Ellithorpe Road, Hampshire, IL 60140

Planner James Williams outlined the petitioner's request.

15

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

20 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 Classic Residential Lots (single family) which includes a 20-foot rear yard setback requirement.

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The petitioner is requesting approval of 4 feet in relief from the required 20-foot rear yard setback to allow a 12 ft. x 10 ft. 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 their needs.

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The Sun City Community Association Modifications Committee denied the petitioner's project request on March 15, 2010; however, the petitioner's appeal to the Sun City Community Association's Board of Directors was approved on April 8, 2010.

35 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:

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(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.

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(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.

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(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.

5 (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.

10 (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.

15 (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;

20 (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

25 (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.

30 Request for Motion

A motion is requested of the Zoning Board of Appeals, by the petitioner, to recommend approval of Petition No. 10-5.2, Steve Hermie, 13435 Ivy Drive, Simplified Residential Zoning Variation for four (4) feet relief from the 20-foot rear-yard setback requirement.

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

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

Chairman Tures asked if there were any additional comments from the Zoning Board Members.

45 Member Bond asked for clarification of the Sun City Homeowners review for additions which require relief from the setback requirements.

Planner Williams stated the Sun City Modifications Committee has determined it does not have jurisdiction to approve encroachments into the setback and relies on the Sun City Community Association's Board of Directors to make that decision.

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The petitioner's representative, Mr. Kent Harter, concurred with this interpretation of the Sun City's approval process.

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

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A MOTION was made to recommend approval of Petition No. 10-5.2, Steven Hermie, 13435 Ivy Drive, Simplified Residential Zoning Variation for four (4) feet relief from the 20-foot rear-yard setback requirement, subject to the following condition:

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

MOVED: Member Linnenkohl

SECONDED: Member Bond

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AYES: Members Donald Bond, Lou Stanczak, Lee Linnenkohl and Chairman Jack Tures

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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5. Discussion

Planner Williams stated the next meeting date for the Zoning Board of Appeals will be Wednesday, June 16, 2010 and the Zoning Board of Appeals members should expect a workshop for the Downtown Revitalization Plan to be scheduled in June or July.

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6. Adjournment

At 7:21 pm, Member Stanczak made a MOTION to adjourn the meeting, seconded by Member Bond, and unanimously approved. Motion Carried.

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Respectfully submitted,

James Williams

Planner

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Village of Huntley