

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
June 15, 2011
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, December 15, 2010 at 6:33 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 Ronda Goldman, Lee Linnenkohl, Christopher Habel, Donald Bond, Lori Nichols and Chairman Jack Tures

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MEMBERS ABSENT: Member Lou Stanczak

ALSO PRESENT: Director of Development Services Charles Nordman and Planner James Williams

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3. Introduction of New Zoning Board Members: Ronda Goldman and Lori Nichols

4. Public Comment

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There was no public comment.

5. Approval of Minutes

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A. Approval of the December 15, 2010 Zoning Board of Appeals Meeting Minutes

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

A MOTION was made to approve the December 15, 2010 Zoning Board of Appeals Meeting Minutes as presented.

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MOVED: Member Habel

SECONDED: Member Linnenkohl

AYES: Members Christopher Habel, Donald Bond, Lee Linnenkohl and Chairman Jack Tures

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NAYS: None

ABSTAIN: Members Ronda Goldman and Lori Nichols

MOTION CARRIED 4:0:2

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6. Public Hearing(s)

A. Public Hearing to consider Petition No. 11-6.2, Susan Accardi, 13565 Lehigh Street, Simplified Residential Zoning Variance for rear-yard setback relief.

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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:

1. James Williams, Village of Huntley
2. Susan Accardi, 13565 Lehigh Street, Huntley, IL 60142

Planner James Williams reviewed a PowerPoint presentation outlining the petitioner's request.

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 *Multi-Family Lots* which includes a 20-foot rear yard setback requirement.

The petitioner is requesting ten feet in relief from the 20 foot rear yard setback requirement within the "MF-2-PDD" – Multi-Family - Planned Development District zoned property 13565 Lehigh Street, Lot 18, Del Webb's Sun City NH 23. The request would accommodate a 10'x19' sunroom addition on the rear (south) of the residence. The proposed addition will back-up to Countryview Boulevard approximately 60 feet from the rear of the residence. This close proximity to the adjacent roadway and relatively shallow depth (20 feet) of the rear yard were reasons cited by the petitioner for requesting the relief to the rear yard setback to accommodate the sunroom addition.

The Sun City Community Association Modifications Committee denied the petitioner's project request due to the encroachment into the setback area, which that group does not have jurisdiction to approve. The Sun City Community Association's Board of Directors approved the petitioner's appeal on April 27, 2011.

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

- (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.
- (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.
- (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.
- (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.
- (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.

A motion is requested of the Zoning Board of Appeals, by the petitioner, to recommend approval of Petition No. 11-6.2, Susan Accardi, 13565 Lehigh Street, Simplified Residential Zoning Variation for 10 feet in 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:

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

With the conclusion of the presentation, Chairman Tures asked if the petitioner had anything to add and Susan Accardi stated she did not.

30 Member Habel mentioned he did have a concern over the relatively large amount of relief from the rear-yard setback requirement, but was still comfortable recommending approval of the request.

35 Similarly, Member Bond was also concerned about the amount of relief requested given it was 50% of the rear-yard setback, but acknowledged the subject request was also similar to other requests in the Del Webb development.

40 Member Goldman stated she had visited the site and believed the request was reasonable particularly in light of the landscape berm between the subject residence and Countryview Boulevard offering sufficient screening of the proposed sunroom addition.

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

45 **A MOTION was made to recommend approval of Petition No. 11-6.2 Susan Accardi, 13565 Lehigh Street, Simplified Residential Zoning Variation for 10 feet in 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.**

50 **MOVED: Member Linnenkohl**
SECONDED: Member Habel

AYES: Members Goldman, Linnenkohl, Bond, Habel, and Nichols, and Chairman Jack Tures

NAYS: None

ABSTAIN: None

5 **MOTION CARRIED 6:0:0**

7. Discussion

There were no items discussed.

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8. Adjournment

At 6:43 pm, a MOTION was made to adjourn the June 15, 2011 Zoning Board of Appeals meeting.

15 **MOVED:** Member Bond

SECONDED: Member Habel

AYES: Members Bond, Habel, Linnenkohl, Goldman and Nichols and Chairman Tures

NAYS: None

20 **ABSTAIN:** None

MOTION CARRIED 6:0:0

Respectfully submitted,

James Williams

25 Planner

Village of Huntley