

VILLAGE OF HUNTLEY  
ZONING BOARD OF APPEALS PUBLIC HEARING  
November 17, 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, November 17, 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, Lee Linnenkohl, and Chairman Jack Tures

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MEMBERS ABSENT: Member Lou Stanczak

ALSO PRESENT: Senior Planner Charles Nordman and Planner James Williams

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APPROVAL OF MINUTES

A. Approval of the October 13, 2010 Zoning Board of Appeals Meeting Minutes

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

A MOTION was made to approve the October 13, 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

NAYS: None

ABSTAIN: None

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MOTION CARRIED 4:0:0

PETITIONS

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A. Public Hearing to consider Petition No. 10-11.1, James and Joan Doll, 11660 Wembley Drive, 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.

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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. Josh Depierre, Champion Patio Rooms, 549 W. Lake St., Elmhurst, IL 60126

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Planner James Williams outlined 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.

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The petitioners are requesting 10.00 feet in relief from the 20-foot rear yard setback requirement within the "MF-2-PDD" – Multi-Family – Planned Development District zoned property. The request would accommodate an 11'x 11'-4" three-season room addition on the rear (east side) of the residence.

10 The proposed addition will back-up to Hemmer Road, approximately 50 feet from the rear of the residence. The addition's proximity to the roadway, limited effect on the neighboring residences and relatively shallow depth (21.37 feet) of the rear yard are all cited by the petitioners as reasons for requesting the relief.

15 The Sun City Community Association Modifications Committee denied the petitioner's project request on October 6, 2010. On October 28, 2010, the Sun City Community Association's Board of Directors approved the petitioner's appeal of the Modifications Committee decision.

20 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.

25 (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.

30 (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.

35 (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.

40 (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.

45 (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:

50 (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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(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.

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A motion is requested of the Zoning Board of Appeals, by the petitioner, to recommend approval of Petition No. 10-11.1, James and Joan Doll, 11660 Wembley Drive, Simplified Residential Zoning Variation for 10-feet in 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:

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

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Concluding the presentation, Planner Williams stated the petitioners had provided Staff with the green return receipt cards for the notice letter sent to the adjacent property owners.

Chairman Tures asked if the petitioner had anything to add and Josh Depierre and the property owners, Mr. and Mrs. Doll, stated they had no additional comments.

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Member Bond stated he found the petitioners' request of 50% relief from the rear yard setback requirement troubling and an amount larger than is typically requested, but despite his concern given the relatively large relief request, he stated he would support the petitioners' request.

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Members Habel and Linnenkohl did not have any additional comments.

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. 10-11.1, James and Joan Doll, 11660 Wembley Drive, 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.

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MOVED: Member Linnenkohl

SECONDED: Member Habel

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

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NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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At 7:09 pm, Member Bond made a MOTION to adjourn the meeting, seconded by Member Habel, and unanimously approved. Motion Carried.

Respectfully submitted,  
*James Williams*  
Planner  
Village of Huntley

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