

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
April 26, 2016
MINUTES

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CALL TO ORDER

Acting-Chair Helen Shumate called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, April 26, 2016 at 6:31 p.m. in the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142. The room is handicap accessible.

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ATTENDANCE

MEMBERS PRESENT: Members Paul Belonax, L. Arlen Higgs, Melissa Stocker, and Acting-Chair Helen Shumate

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MEMBERS ABSENT: None

ALSO PRESENT: Planner James Williams

3. Public Comment

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There were no public comments.

4. Approval of Minutes

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A. Approval of the August 3, 2016 Zoning Board of Appeals Meeting Minutes

Acting-Chair Helen Shumate asked if there were any corrections to the minutes. There were none.

A MOTION was made to approve the August 3, 2016 Zoning Board of Appeals Meeting Minutes as presented.

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MOVED: Member Higgs

SECONDED: Member Belonax

AYES: Members Belonax, Higgs, Stocker and Acting-Chair Shumate

NAYS: None

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ABSTAIN: None

MOTION CARRIED 4:0:0

5. Public Hearing(s)

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A. Petition No. 17-4.2, Kimo and Ruth Treadway, 8810 Pearsall Drive, Simplified Residential Zoning Variance for rear yard building setback relief in the "RE-1 (PUD)" Residential Estate – Planned Unit Development.

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

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Development Summary

Planner Williams noted that the petitioners are requesting ± 7.3 feet relief from the forty (40') foot minimum rear yard building setback to accommodate the construction of a three-season room addition on the east side of the "RE-1 (PUD)" Residential Estate – Planned Unit Development-zoned residence at 8810 Pearsall Drive.

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Planner Williams stated that the proposed 10.5-foot x 16.0-foot (168 square feet) three-season room addition on the rear (east) side of the residence will encroach ± 7.3 feet into the forty (40') foot rear yard setback established

per Village of Huntley Ordinance #2013-09.51. Planner Williams further stated that the subject property abuts a ComEd easement and Tomaso Park property to the east.

Planner Williams stated that the petitioners cited allergies to bees and the nuisance of other insects as reasons for requesting the required relief from the rear yard setback to allow construction of the proposed three-season room addition. The Development Services Department is in receipt of the Talamore Community Association letter approving the proposed three-season room addition.

CRITERIA FOR REVIEWING A PROPOSED VARIATION

Planner Williams stated that the Huntley Zoning Ordinance - Section 156.210 Variations (F) Standards for Variations establishes the following criteria for review of requests:

- (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:
 - (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.

Planner Williams pointed out that the petitioners' *Responses to the Criteria for Reviewing a Proposed Variation* were included as an exhibit to the Staff report that outlined the petitioner's relief request.

REQUESTED ACTION

5 Planner Williams concluded the PowerPoint presentation noting that a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 17-4.2, Kimo and Ruth Treadway, 8810 Pearsall Drive, Simplified Residential Zoning Variance for 7.3-foot relief from the rear yard building setback relief in the "RE-1 (PUD)" Residential Estate – Planned Unit Development.

10 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.

15 Planner Williams further stated that all requirements for public notice of this evening's Public Hearing were also fulfilled.

20 **A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 17-4.2.**

MOVED: Member Higgs
SECONDED: Member Stocker
AYES: Members Belonax, Higgs, Stocker and Acting-Chair Shumate
NAYS: None
ABSTAIN: None
MOTION CARRIED 4:0:0

30 Acting-Chair Shumate 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. Kimo and Ruth Treadway, 8810 Pearsall Drive, Huntley, IL 60142
3. Al Betz, Betz Design, 715 Exmoor Terrace, Crystal Lake, IL 60014

35 Acting-Chair Shumate asked if the petitioner had any comments.

40 Mr. and Mrs. Treadway addressed the Zoning Board of Appeals and thanked them for their consideration of the relief request.

No other members of the public spoke in support or opposition to the relief request.

45 Member Belonax requested additional details regarding the proposed three-season room addition construction including how the foundation will be configured on/through the existing patio and between the existing window wells. Additionally, Mr. Belonax requested confirmation that the three-season room addition will include sufficient storm gutters and drains.

50 Mr. Betz noted that the proposed addition will include the appropriate gutters and storm drains and pointed out that the installation of the three-season room will adhere to the Village's building permit requirements including submittal of engineering-stamped plans for the proposed foundation for the structure.

Acting-Chair Shumate asked if the proposed addition will be heated and air conditioned and Mr. Treadway noted that the structure will not be heated or cooled.

Member Stocker stated that she had no specific questions or concerns regarding the relief required from the rear setback to accommodate the proposed three-season room addition.

5 Member Higgs noted that he was in favor of the requested relief.

A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 17-4.2.

10 **MOVED: Member Higgs**
SECONDED: Member Stocker
AYES: Members Belonax, Higgs, Stocker and Acting-Chair Shumate
NAYS: None
ABSTAIN: None
15 **MOTION CARRIED 4:0:0**

A MOTION was made to recommend approval of Petition No. 17-4.2, Kimo and Ruth Treadway, 8810 Pearsall Drive, Simplified Residential Zoning Variance for 7.3-foot relief from the rear yard building setback relief in the “RE-1 (PUD)” Residential Estate – Planned Unit Development 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.**

25 **MOVED: Member Higgs**
SECONDED: Member Belonax
AYES: Members Belonax, Higgs, Stocker and Acting-Chair Shumate
NAYS: None
ABSTAIN: None
30 **MOTION CARRIED 4:0:0**

6. Discussion

Planner Williams noted that there were no pending cases scheduled for consideration by the Zoning Board of Appeals.

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7. Adjournment

At 7:00 pm, a MOTION was made to adjourn the April 26, 2017 Zoning Board of Appeals meeting.

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MOVED: Member Belonax
SECONDED: Member Higgs
AYES: Members Belonax, Higgs, Stocker and Acting-Chair Shumate
NAYS: None
45 **ABSTAIN: None**
MOTION CARRIED 4:0:0

Respectfully submitted,

James Williams

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Planner
Village of Huntley