

**VILLAGE OF HUNTLEY**  
**ZONING BOARD OF APPEALS PUBLIC HEARING**  
**September 28, 2020**  
**MINUTES**

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**CALL TO ORDER**

Chairman Kibort called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Monday September 28, 2020 at 6:30 p.m., from the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142.

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**ATTENDANCE**

MEMBERS PRESENT: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Ron Hahn, Lori Nichols, Vice Chair Dawn Ellison, and Chairman Tom Kibort

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MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director Charles Nordman and Development Manager Margo Griffin

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3. Public Comment

There were no public comments.

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4. Approval of Minutes

A. Approval of the June 8, 2020 Zoning Board of Appeals Meeting Minutes

Chairperson Tom Kibort requested a Motion from the Board.

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**A MOTION was made to approve the June 8, 2020 Zoning Board of Appeals Meeting Minutes as presented.**

**MOVED: Vice Chair Dawn Ellison**

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**SECONDED: Member Terra DeBaltz**

**AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort**

**NAYS: None**

**ABSTAIN: None**

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**MOTION CARRIED 7:0:0**

5. Public Hearing(s)

A. Public Hearing before the Zoning Board of Appeals for Petition No. 20-09.2, Philip Rizzo, petitioner/owner, 8965 Clinnin Lane, Simplified Residential Zoning Variation for front yard building setback relief in the "RE-1 PUD" Residential Estate District Planned Unit Development.

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Manager Griffin presented a PowerPoint presentation and reviewed the petitioners' request and the accompanying documents.

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**DEVELOPMENT SUMMARY**

5 Manager Griffin reviewed an aerial photo and stated the petitioner is requesting ±1'- 9 7/8" of relief from the requisite 30-foot front yard building setback to accommodate the construction of ±12' x ±25' garage addition to the home located at 8965 Clinnin Lane. The property is zoned "RE-1 PUD" Residential Estate District Planned Unit Development.

10 Manager Griffin continued with photos of the back of the home and sketches of the garage addition. The proposed ±12' x ±25' garage addition on the southeast front/side of the single-family residence will encroach ±1'- 9 7/8" feet into the requisite 30-foot front yard building setback.

15 Manager Griffin reviewed the petitioner's statement of hardship which lead to the request for variation. The petitioner has cited the fact their lot has an unusual shape and results in a curved building setback line, makes it necessary to request zoning relief for the corner of their proposed garage addition. The petitioner explains that for constructability, the rear yard exterior of the proposed garage addition needs to align with the existing garage. The curved front setback line restricts the depth of the proposed addition.

20 Manager Griffin stated the single story garage addition will be constructed with all new materials to match the existing residence, and the roof shingles will match the existing roof. A third car concrete driveway will also be added and is designed to meet the Huntley Zoning Code.

25 **CRITERIA FOR REVIEWING A PROPOSED VARIATION**

30 Manager Griffin reviewed the criteria the Zoning Board takes into consideration when reviewing the zoning variation request. The Huntley Zoning Ordinance - Section 156.210 Variations, (F) Standards for Variations establishes the following criteria for their review:

35 (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.

40 (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.

45 (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.

50 (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;
- 5 (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.
- 10 (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.

*The petitioner's hardship letter and response to the Criteria for Reviewing a Proposed Variation were included as exhibits in the Zoning Board packet.*

15 **REQUEST FOR MOTION**

Manager Griffin stated a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. No. 20-9.2, Philip Rizzo, 8965 Clinnin Lane, Simplified Residential Zoning Variation for front yard building setback relief in the "RE-1 PUD" Residential Estate District Planned Unit Development.

20 Manager Griffin stated 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.

25 **A MOTION was made to open the public hearing to consider Petition No. 20-9.2.**

- MOVED:** Member Robert Chandler
- SECONDED:** Vice Chair Dawn Ellison
- 30 **AYES:** Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort
- NAYS:** None
- ABSTAIN:** None
- MOTION CARRIED 7:0:0**

35 Chairman Kibort asked that anyone wishing to be heard on this petition raise their hand, and to state their name and address for the record. The following people were sworn in under oath:

- 40 1. Margo Griffin, Village of Huntley
- 2. Philip Rizzo, 8965 Clinnin Lane

Chairman Kibort asked if the petitioner had any comments.

45 Phillip Rizzo stated he agreed with Manager Griffin's presentation and review of the project. He is looking forward to building the garage addition.

Chairman Kibort asked for members of the public to speak if they had any comments. There were none.

50 Chairman Tom Kibort asked for comments from the Zoning Board members.

Board Member Robert Chandler stated he did not have any questions or see any issues with the project. He saw the benefit of having the rear access door, and believes it is a good project.

Vice Chair Dawn Ellison had no issues.

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Board Member Ron Hahn had no problem with the project.

Board Member Darci Chandler was in favor of the project.

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Board Member Lori Nichols stated she was in favor of the project.

Board Member Terra DeBaltz stated she was in favor of approving the garage addition and had no issues.

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Chairman Tom Kibort stated he was in favor of the project. He then asked for a motion to close the public hearing.

**A MOTION was made to close the public hearing to consider Petition No. 20-09.2.**

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**MOVED: Member Terra DeBaltz**  
**SECONDED: Vice Chair Dawn Ellison**  
**AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort**  
**NAYS: None**  
**ABSTAIN: None**  
**MOTION CARRIED 7:0:0**

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**A MOTION was made to recommend approval of Petition No. 20-09.2, Philip Rizzo, petitioner/owner, 8965 Clinnin Lane, Simplified Residential Zoning Variation for front yard building setback relief in the “RE-1 PUD” Residential Estate District 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.**

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**MOVED: Member Robert Chandler**  
**SECONDED: Member Lori Nichols**  
**AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort**  
**NAYS: None**  
**ABSTAIN: None**  
**MOTION CARRIED 7:0:0**

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- B. Public Hearing before the Zoning Board of Appeals for Petition No. 20-09.3, Richard and Judy Scherer, 13058 Farm Hill Drive, Simplified Residential Zoning Variation for side yard building setback relief in the “SF-2 (PDD)” Garden Residential – Planned Development District.**

Manager Griffin presented a PowerPoint presentation and reviewed the petitioners’ request and the accompanying documents.

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**DEVELOPMENT SUMMARY**

5 Manager Griffin reviewed an aerial photo and stated the petitioners are requesting ±12-feet of relief beyond the platted 30-foot south side building setback line to accommodate the construction of a ±16' x ±50' home addition on the side (south side) of the single-family residence located at 13058 Farm Hill Drive. The property is zoned "SF-2 PDD" Garden Residential, Planned Development District.

The proposed ±16' x ±50' home addition will encroach ±12-feet beyond the platted 30-foot south side platted building setback line.

10 Manager Griffin reviewed the zoning hardship presented by the petitioners. Richard and Judy Scherer have cited the fact their lot has a 30' platted building south side yard setback line and does not allow the construction of the addition without the Village Board granting relief for a 12' variance. The petitioners also note that most surrounding homes have 7.5' platted side yard building setback line. If the variance is approved and the addition is constructed, the home will still have an 18' side yard (south) setback.

15 Manager Griffin stated the single story home addition will be constructed with all new materials to match the existing residence, and the roof shingles will match the existing roof.

#### CRITERIA FOR REVIEWING A PROPOSED VARIATION

20 Manager Griffin reviewed the criteria the Zoning Board takes into consideration when reviewing the zoning variation request. 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.

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.

(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;
- 5 (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.

10 Manager Griffin reviewed the petitioner’s hardship and the Scherer’s statement that they cannot construct the ±16’ x ±50’ home addition without relief for the building to encroach ±12-feet beyond the platted 30-foot south side platted building setback line. *The petitioner’s hardship letter and response to the Criteria for Reviewing a Proposed Variation were included as exhibits in the Zoning Board packet.*

15 **REQUEST FOR MOTION**

Manager Griffin stated a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 20-9.3, Richard and Judy Scherer, 13058 Farm Hill Drive, Simplified Residential Zoning Variation for side yard building setback relief in the “SF-2 (PDD)” Garden Residential – Planned Development District.

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Manager Griffin stated 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.

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**A MOTION was made to open the public hearing to consider Petition No. 20-9.3.**

**MOVED:** Vice Chair Dawn Ellison  
**SECONDED:** Member Darci Chandler  
**AYES:** Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort  
**NAYS:** None  
**ABSTAIN:** None  
**MOTION CARRIED 7:0:0**

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Chairman Kibort asked that anyone wishing to be heard on this petition raise their hand, and to state their name and address for the record. The following people were sworn in under oath:

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- 1. Margo Griffin, Village of Huntley
- 2. Richard and Judy Scherer, 13058 Farm Hill Drive

Chairman Kibort asked if the petitioners had any comments.

45

Richard Scherer stated he agreed with Manager Griffin’s presentation and review of the project. He and his wife are looking forward to building the side yard home addition.

Chairman Kibort asked for members of the public to speak if they had any comments. There were no comments.

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Chairman Tom Kibort asked for comments from the Zoning Board members.

Board Members Lori Nichols, Terra DeBaltz, Robert Chandler, Darci Chandler, and Chairman Tom Kibort stated they had no issues with the project and were in favor of approving.

5 Vice Chair Dawn Ellison inquired whether the Fire Department had looked at the plans. She stated she thought the wide space located in the side yard may have been planned for future access to the larger development. Staff responded in stating the Fire Protection District did review the plans and had no issues.

10 Board Member Ron Hahn asked the petitioners if they had thought about adding a door to the main addition from the garden room. Mr. Scherer stated they wanted the garden room to have rear yard access only.

There were no further comments from the Zoning Board Members.

Chairman Tom Kibort asked for a motion to close the public hearing.

15 **A MOTION was made to close the public hearing to consider Petition No. 20-09.3.**

**MOVED: Member Terra DeBaltz**  
**SECONDED: Member Ron Hahn**  
**AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort**  
**NAYS: None**  
**ABSTAIN: None**  
**MOTION CARRIED 7:0:0**

25 **A MOTION was made to recommend approval of Petition No. 20-09.3, Petition No. 20-09.3, Richard and Judy Scherer, 13058 Farm Hill Drive, Simplified Residential Zoning Variation for side yard building setback relief in the “SF-2 (PDD)” Garden Residential – Planned Development District, subject to the following condition:**

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

**MOVED: Vice Chair Dawn Ellison**  
**SECONDED: Member Lori Nichols**  
**AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort**  
**NAYS: None**  
**ABSTAIN: None**  
**MOTION CARRIED 7:0:0**

5. Discussion

Director Nordman stated there were no announcements.

6. Adjournment

At 6:52 pm, a MOTION was made to adjourn the September 28, 2020 Zoning Board of Appeals meeting.

**MOVED: Vice Chair Dawn Ellison**  
**SECONDED: Member Darci Chandler**

**AYES:** Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort

**NAYS:** None

**ABSTAIN:** None

5 **MOTION CARRIED 7:0:0**

Respectfully submitted,

*Margo Griffin*

Development Manager

10 Village of Huntley