

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
July 10, 2019
MINUTES

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CALL TO ORDER

Chairperson Helen Shumate called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, July 10, 2019 at 6:33 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 Melissa Stocker, L. Arlen Higgs, Paul Belonax, and Chairperson Helen Shumate. *(Member Belonax participated telephonically.)*

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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 November 14, 2018 Zoning Board of Appeals Meeting Minutes

Chairperson Helen Shumate asked if there were any corrections to the minutes. There were none.

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A MOTION was made to approve the November 14, 2018 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Stocker

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SECONDED: Member Higgs

AYES: Members Stocker, Higgs, Belonax, and Chairperson Shumate

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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5. Public Hearing(s)

A. Public Hearing before the Zoning Board of Appeals for Petition No. 19.7.3, Barry and Gloria Newman, 13673 Roosevelt Drive, Simplified Residential Zoning Variance for rear yard building setback relief in the "SF-2 (PDD)" Garden Residential – Planned Development District.

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Director Charles Nordman reviewed the petitioners' request and the accompanying documents.

Development Summary

Director Norman stated the petitioners are requesting ±5.59 feet relief from the twenty (20') foot minimum rear yard building setback to accommodate the construction of a three-season room addition to the rear of their home located at 13673 Roosevelt Drive. The property is zoned "SF-2 (PDD)" Garden Residential – Planned Development District.

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The proposed ±12' x ±13.5', ±162 square foot addition is located on the rear (south side) of the single-family residence. The proposed addition will encroach ±5.59 feet into the requisite 20-foot rear yard building setback.

5 The petitioners cited the relatively small size of their lot and depth of their rear yard as reasons for requesting the subject relief from the rear-yard setback requirement. In addition, the lot backs up to a bike path and is located close to a creek. The addition will add privacy from persons utilizing the path, and will improve quality of life with the protection against insects.

10 Criteria for Reviewing a Proposed Variation

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

- 15 (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.
- 20 (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.
- 25 (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.
- 30 (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.
- 35 (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.
- 40 (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.
- 45 (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;
 - 50 (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.

Director Nordman noted 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.

5 Requested Action

Director Nordman concluded the presentation noting that a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 19-7.3, Barry and Gloria Newman, 13673 Roosevelt Drive, Simplified Residential Zoning Variation for ±5.59 feet relief from the twenty (20') foot minimum rear yard building setback to accommodate the construction of a three-season room addition.

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

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

A MOTION was made to open the public hearing to consider Petition No. 19-7.3.

20 **MOVED: Member Belonax**
SECONDED: Member Higgs
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
ABSTAIN: None
MOTION CARRIED 4:0:0

25 Chairperson Shumate 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:

- 30 1. Charles Nordman, Village of Huntley
2. Gloria Newman, 13673 Roosevelt Drive, Huntley, IL 60142

Chairperson Shumate asked if the petitioner had any comments.

35 Ms. Newman stated she agreed with Director Nordman's presentation and review of the project. She said the creek behind the property has made it difficult for her family to enjoy their backyard due to the mosquitos, and they looked forward to the new addition.

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

40 Member Higgs stated the plans looked good, and he thought it would be a good fit for the neighborhood.

Member Stocker stated she agreed, and she was in favor of the project.

45 Member Belonax was in favor of the building plans.

Chairperson Shumate asked if the addition would match the existing structure. Ms. Newman stated it would match perfectly.

50 There were no other questions or concerns asked or raised by the Zoning Board of Appeals members.

A MOTION was made to close the public hearing to consider Petition No. 19-7.3.

MOVED: Member Higgs
SECONDED: Member Stocker
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
5 **ABSTAIN:** None
MOTION CARRIED 4:0:0

10 A **MOTION** was made to recommend approval of **Petition No. 19.7.3, Barry and Gloria Newman, 13673 Roosevelt Drive, Simplified Residential Zoning Variance for rear yard building setback relief in the “SF-2 (PDD)” Garden Residential – Planned Development District** subject to the following condition:

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

15 **MOVED:** Member Higgs
SECONDED: Member Stocker
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
20 **ABSTAIN:** None
MOTION CARRIED 4:0:0

6. Discussion

25 Director Nordman announced Member Stocker would be leaving the Zoning Board of Appeals, and she would soon be joining the Economic Development Department with the Village of Huntley. This would bring the membership of the Zoning Board down to three (3) members, which is insufficient for a quorum. Director Nordman stated the Village Board is considering alternative options, including the possibility of utilizing the current Plan Commission members to take over responsibility for reviewing the Zoning Board of Appeals petitions. He added, if that occurs, this could be the last Zoning Board meeting with the current members.
30 Director Nordman also stated the two boards may be combined, and took a poll of the members to see who would be interested in continuing their service. Members Belonax, Higgs, and Chairperson Shumate were all interested in continuing their service. Director Nordman stated he would keep the Board apprised of the Village Board’s final decision.

35 7. Adjournment

At 6:45 pm, a MOTION was made to adjourn the July 10, 2019 Zoning Board of Appeals meeting.

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

Respectfully submitted,
Margo Griffin
Development Manager
Village of Huntley