

**VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
April 11, 2012
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, April 11, 2012 at 6:35 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 Ronda Goldman, Lee Linnenkohl, Tim Hoeft, Donald Bond, and Chairman Jack Tures

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MEMBERS ABSENT: Members Lou Stanczak and Chris Habel

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

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3. Public Comment

There was no public comment.

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4. Approval of Minutes

A. Approval of the February 27, 2012 Plan Commission and Zoning Board of Appeals Joint 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 February 27, 2012 Plan Commission and Zoning Board of Appeals Joint Meeting Minutes as presented.

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MOVED: Member Linnenkohl

SECONDED: Member Goldman

AYES: Members Goldman, Bond, Hoeft and Chairman Tures

NAYS: None

ABSTAIN: Member Linnenkohl

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MOTION CARRIED 4:0:1

5. Public Hearing(s)

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A. Public Hearing to consider Petition No. 12-4.1, Andrezej and Alicja Talaska, 10516 Cindy Jo Avenue, Simplified Residential Zoning Variance for side-yard setback relief.

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

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Planner Williams stated the petitioners are requesting approval of a Simplified Residential Zoning Variation for side yard setback relief in the "R-1" Single Family Residence District

Planner Williams continued stating the petitioners are requesting two (2') feet relief from the eight (8') foot minimum side yard setback to accommodate the construction of a garage addition on the south side of their "R-1" Single Family Residentially-zoned residence at 10516 Cindy Jo Avenue.

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Planner Williams pointed out that the Zoning Board of Appeals had previously recommended approval of the subject request in November 2008 and the Village Board subsequently granted approval for the relief on November 20, 2008 per Ordinance No. 2008-11.69. However, a building permit was not issued for the garage addition within the six (6) months following approval of the relief; therefore, the Ordinance approving the relief expired and the petitioners were required to resubmit their request to accommodate the relief and the proposed garage addition.

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The proposed 8' x 25.6' (204.8 square feet) garage addition, Planner Williams stated, proposed on the south side of the existing garage will encroach two (2') feet into the eight (8') foot minimum side yard setback. Despite the proposed setback relief on the south side, the "R-1" Single Family District twenty (20') foot total side yard setback will remain intact given the 14.4 foot north side setback and resulting six (6') foot south side setback will still meet this requirement.

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

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

5 (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 Planner Williams concluded the presentation stating that a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 12-4.1, Andrzej and Alicja Talaska, 10516 Cindy Jo Avenue, Simplified Residential Zoning Variation for two (2) feet relief from the eight (8) foot side-yard setback requirement.

15 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.

20 **A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 12-4.1.**

25 **MOVED: Member Hoeft**
SECONDED: Member Linnenkohl
AYES: Members Linnenkohl, Hoeft, Goldman, Bond and Chairman Tures
NAYS: None
ABSTAIN: None
MOTION CARRIED 5:0:0

30 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
- 35 2. Alicja Talaska, , 10516 Cindy Jo Avenue,, Huntley, IL 60142

Chairman Tures asked if the petitioner had any information to add and the petitioner stated she did not have any additional comments.

40 Chairman Tures asked if there were any questions or concerns from any members of the Zoning Board of Appeals and there were none.

A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 12-4.1.

45 **MOVED: Member Goldman**
SECONDED: Member Hoeft
AYES: Members Linnenkohl, Hoeft, Goldman, Bond and Chairman Tures
NAYS: None
50 **ABSTAIN: None**
MOTION CARRIED 5:0:0

A MOTION was made to recommend approval of Petition No. 12-4.1, Andrzej and Alicja Talaska, 10516 Cindy Jo Avenue, Simplified Residential Zoning Variation for two (2) feet relief from the eight (8) foot side-yard setback requirement 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.

10 **MOVED:** Member Linnenkohl
SECONDED: Member Goldman
AYES: Members Goldman, Hoeft, Linnenkohl, Bond, and Chairman Tures
NAYS: None
ABSTAIN: None
MOTION CARRIED 5:0:0

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6. Discussion

There were no items discussed.

7. Adjournment

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At 6:45 pm, a MOTION was made to adjourn the April 11, 2012 Zoning Board of Appeals meeting.

25 **MOVED:** Member Goldman
SECONDED: Member Linnenkohl
AYES: Members Hoeft, Bond, Linnenkohl, Goldman and and Chairman
Tures
NAYS: None
ABSTAIN: None
30 **MOTION CARRIED** 5:0:0

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Respectfully submitted,
James Williams
Planner
Village of Huntley