

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
June 26, 2013
MINUTES

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CALL TO ORDER

Zoning Member Lee Linnenkohl called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, June 26, 2013 at 6:45 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 Lee Linnenkohl, Chris Habel, Tim Hoeft, and Terra Jensen

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MEMBERS ABSENT: Member Donald Bond and Chairman Jack Tures

ALSO PRESENT: Planner James Williams

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3. Public Comment

There were no public comments.

4. Approval of Minutes

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A. Approval of the February 13, 2013 Zoning Board of Appeals Meeting Minutes

Member Linnekhoh asked if there were any corrections to the minutes. There were none.

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A MOTION was made to approve the February 13, 2013 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Hoeft
SECONDED: Member Habel
AYES: Members Linnenkohl and Hoeft
NAYS: None
ABSTAIN: Members Habel and Jensen
MOTION CARRIED 2:0:2

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5. Public Hearing(s)

A. Petition No. 13-6.6, Stephanie Schomer, 11533 Wildrose Drive, Simplified Residential Zoning Variance for rear yard setback relief in the "SF-2-PDD" Garden Residential – Planned Development District.

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

Development Summary

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The petitioner is requesting 9.00 feet relief from the forty (40') foot minimum rear yard setback to accommodate the construction of a room addition on the west side of their "SF-2-PDD" Garden Residential Planned Development-zoned residence at 11533 Wildrose Drive.

The proposed 12' x 17' (204 square feet) room addition on the rear (west) portion of the existing residence will encroach 9.0 feet into the forty (40') foot minimum rear yard setback area established in Ordinance #97-07-24-01.

- 5 The petitioner noted that despite the subject property having a relatively large rear yard it is also predominated by the 30-foot wide public utility easement and landscape easement between the residence and the open space to the west resulting in the correspondingly large 40-foot rear yard setback. Additionally, while the majority of the 134 total lots within Del Webb's Sun City Neighborhood 15 have the customary 20-foot rear yard setback, the subject property and fourteen (14) other lots along Wildrose Drive which back-up to the unincorporated McHenry County property have the 30' landscape easement/40' rear yard setback configuration.

15 Planner Williams stated the Huntley Zoning Ordinance - Section 156.210 Variations includes item (F) *Standards for Variations* which establishes the following criteria for their review:

- 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;
 - (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
 - 50 (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.

5 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. 13-6.6, Stephanie Schomer, 11533 Wildrose Drive, Simplified Residential Zoning Variation for 9.00 feet relief from the forty (40') foot rear-yard setback.

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.

A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 13-6.6.

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MOVED:	Member Habel
SECONDED:	Member Jensen
AYES:	Members Habel, Linnenkohl, Hoeft, and Jensen
NAYS:	None
25 ABSTAIN:	None
MOTION CARRIED	4:0:0

Member Linnenkohl 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:

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1. James Williams, Village of Huntley
2. Stephanie Schomer, petitioner, 11533 Wildrose Drive, Huntley, IL 60142
3. Donna McMahon, 11543 Wildrose Drive, Huntley, IL 60142
4. Marsha Damasky, 11523 Wildrose Drive, Huntley, IL 60142

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Member Linnenkohl asked if the petitioner had any information to add and the petitioner did not.

Member Linnenkohl asked if there were any comments from audience members who had been sworn in.

40 Ms. McMahon addressed the Zoning Board of Appeals and stated she is concerned the easement area slope may be adversely affected by the proposed project and that the proposed addition would increase stormwater run-off from the subject property. Additionally, Ms. McMahon asked when the project was to begin, how long it would take to complete, how workers and equipment would access that portion of the property and what plan is in place to restore any damage to adjacent properties during the construction

45 Ms. McMahon had a requested clarification on whether the proposed addition was merely a sun room or a home office as well.

Ms. Schomer addressed the Zoning Board of Appeals and stated her residence was built in 2000 and the proposed addition would serve as a year-round sun room and an office for the home-based marketing work she performs.

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Ms. Schomer stated her contractor is familiar with construction in Del Webb and the close quarters between residences and will access the rear of the yard through the home and/or around the side of house and that any damage to the subject property or the adjacent properties would be promptly repaired.

- 5 Ms. Schomer stated the construction of the addition is expected to begin immediately after the building permit is approved provided she receives approval for the requested relief and that the project is expected to take approximately eight (8) weeks to complete.

10 Ms. Damasky stated that she also had concerns with the stormwater management of the site following construction of the addition.

15 Ms. Schomer stated that she believed rain water gathered in the gutter system of the proposed addition will actually be better managed than how it is with the existing patio which is approximately the same size as the addition footprint.

15 Member Hoeft agreed, stating that as an experienced contractor he would expect the petitioner's contractor to design and build the proposed addition with attention to insuring stormwater will not adversely affect adjacent properties.

20 Member Linnenkohl asked if there were any questions or concerns from any members of the Zoning Board of Appeals.

25 Member Hoeft asked for verification the Sun City Community Association – Board of Directors had reviewed and approved the subject request and was shown the letter from that Board, dated May 20, 2013, approving the appeal for the subject request on May 15, 2013.

There were no other comments.

30 **A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 13-6.6.**

MOVED: Member Jensen
SECONDED: Member Hoeft
AYES: Members Habel, Linnenkohl, Jensen and Hoeft
35 **NAYS: None**
ABSTAIN: None
MOTION CARRIED 4:0:0

40 **A MOTION was made to recommend approval of Petition No. 13-6.6, Stephanie Schomer, 11533 Wildrose Drive, Simplified Residential Zoning Variation for 9.00 feet relief from the forty (40') foot rear-yard setback.**

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

MOVED: Member Hoeft
SECONDED: Member Jensen
AYES: Members Habel, Linnenkohl, Jensen, and Hoeft
50 **NAYS: None**
ABSTAIN: None
MOTION CARRIED 4:0:0

5 Member Linnenkohl reminded the audience that the Zoning Board of Appeals Public Hearing this evening served only to provide a recommendation to the Village Board for their consideration of approval of the petitioner's request at the Huntley Village Board meeting scheduled for Thursday, July 11, 2013 at 7:00 p.m.

6. Discussion

10 Planner Williams stated that there were no pending petition requests at this time requiring Zoning Board of Appeals meetings in the immediate future.

7. Adjournment

15 **At 7:25 pm, a MOTION was made to adjourn the June 26, 2013 Zoning Board of Appeals meeting.**

15	MOVED:	Member Hoeft
	SECONDED:	Member Jensen
	AYES:	Members Habel, Linnenkohl, Hoeft and Jensen
	NAYS:	None
20	ABSTAIN:	None
	MOTION CARRIED	4:0:0

25 Respectfully submitted,
James Williams
Planner
Village of Huntley