

**VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
February 13, 2013
MINUTES**

5

CALL TO ORDER

Chairman Jack Tures called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, February 13, 2013 at 6:35 p.m. in the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142. The room is handicap accessible.

10

Planner Williams announced the Development Services Department Staff had received a letter of resignation from Member Lou Stanczak in late December 2012.

ATTENDANCE

15

MEMBERS PRESENT: Members Lee Linnenkohl, Donald Bond, Ronda Goldman, Tim Hoeft, and Chairman Jack Tures

MEMBERS ABSENT: Member Chris Habel

20

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

3. Public Comment

25

There were no public comments.

4. Approval of Minutes

30

A. Approval of the June 27, 2012 Zoning Board of Appeals Meeting Minutes

Chairman Tures asked if there were any corrections to the minutes. There were none.

A MOTION was made to approve June 27, 2012 Zoning Board of Appeals Meeting Minutes as presented.

35

MOVED: Member Linnenkohl

SECONDED: Member Goldman

AYES: Members Linnenkohl, Goldman, Hoeft and Chairman Tures

40

NAYS: None

ABSTAIN: Member Bond

MOTION CARRIED 4:0:1

5. Public Hearing(s)

45

A. Petition No. 13-2.1, Melton and Rebecca Cuaresma, 10318 Oxford Drive, Public Hearing to consider a Simplified Residential Zoning Variance for rear-yard setback relief

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

50

DEVELOPMENT SUMMARY

The petitioners are requesting 9.76 feet relief from the forty (40') foot minimum rear yard setback to accommodate the construction of a room addition on the north side of their "R-2" Single Family Residentially-zoned residence at 10318 Oxford Drive.

5

The proposed 14' x 18' (252 square feet) room addition on the north side of the existing residence will encroach 9.76 feet into the forty (40') foot minimum rear yard setback area.

10

The petitioners have cited the relatively small size of the informal dining area at the rear portion of the existing residence as the reason they are seeking to expand the useable space within the home through construction of the room addition.

15

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

20

(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.

25

(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.

30

(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.

35

(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.

50

(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.

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. 13-2.1, Melton and Rebecca Cuaresma, 10318 Oxford Drive, Simplified Residential Zoning Variation for 9.76 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 **A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 13-2.1.**

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

25 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
2. Melton and Rebecca Cuaresma, petitioners, 10318 Oxford Drive, Huntley, IL 60142

30 Chairman Tures asked if the petitioners had any information they wished to add and the petitioners did not.

35 Chairman Tures asked if there were any questions or concerns from any members of the Zoning Board of Appeals.

Member Goldman stated she visited the site and wanted to know if the existing shed in the rear yard would conflict with the proposed addition.

40 Mr. Cuaresma stated there was adequate space between the shed and the proposed addition and that there would be no conflict between the two structures.

There were no other comments.

45 **A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 13-2.1.**

50 **MOVED: Member Goldman**
SECONDED: Member Hoeft
AYES: Members Linnenkohl, Bond, Goldman, Hoeft, and Chairman Tures
NAYS: None

ABSTAIN: None
MOTION CARRIED 5:0:0

5 A MOTION was made to recommend approval of Petition No. 13-2.1, Melton and Rebecca Cuaresma, 10318 Oxford Drive, Simplified Residential Zoning Variation for 9.76 feet relief from the forty (40') foot rear-yard setback subject to the following condition:

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

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

20 B. Petition No. 13-2.2, Daniel and Jennifer Wise, 10191 Bennington Drive, Public Hearing to consider a Simplified Residential Zoning Variance for rear-yard setback relief
Planner James Williams reviewed a PowerPoint presentation outlining the petitioners' request.

DEVELOPMENT SUMMARY

25 The petitioners are requesting 7.53 feet relief from the forty (40') foot minimum rear yard setback to accommodate the construction of a three-season room addition on the west side of their "R-2" Single Family Residentially-zoned residence at 10191 Bennington Drive.

30 The proposed 12' x 17' (204 square feet) three-season room addition on the west side of the existing residence will encroach 7.53 feet into the forty (40') foot minimum rear yard setback area.

The petitioners have cited the property's exposure to weather elements including wind and sun, wanting to escape insects and the relatively modest landscaping buffer in the rear yard as reasons for constructing the three-season room addition.

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

- 40 (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.
- 45 (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.
- 50 (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 (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.
- 10 (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.
- 15 (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;
 - 20 (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.
- 25 (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 concluded the presentation stating that a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 13-2.2, Daniel and Jennifer Wise, 10191 Bennington Drive, Simplified Residential Zoning Variation for 7.53 feet relief from the forty (40') foot rear-yard setback.

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

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

A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 13-2.2.

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

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
2. Jeff Jucknowski, petitioners' builder, 967 Cardiff Drive, Crystal Lake, IL 60014

5 Chairman Tures asked if the petitioners' representative had any information he wished to add and the petitioners' representative did not.

Chairman Tures asked if there were any questions or concerns from any members of the Zoning Board of Appeals.

10 Member Goldman stated she visited the site and mentioned that she understood why the proposed addition would be useful particularly given the rather windy day she had visited the site.

There were no other comments.

15 **A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 13-2.2.**

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

25 **A MOTION was made to recommend approval of Petition No. 13-2.2, Daniel and Jennifer Wise, 10191 Bennington Drive, Simplified Residential Zoning Variation for 7.53 feet relief from the forty (40') foot rear-yard setback subject to the following condition:**

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

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

40 6. Discussion

Director Nordman reminded the Zoning Board of Appeals members of the Village Board/Plan Commission joint meeting scheduled for tomorrow evening, Thursday, February 14, 2013 where the proposed Centegra Hospital project will be updated and discussed.

45 Additionally, Director Nordman pointed out that the Tax Increment Finance district for the Village's Downtown area was approved as of January 10, 2013.

7. Adjournment

50 **At 6:48 pm, a MOTION was made to adjourn the February 13, 2013 Zoning Board of Appeals meeting.**

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

10 Respectfully submitted,
James Williams
Planner
Village of Huntley