

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
June 27, 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, June 27, 2012 at 6:36 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, and Chairman Jack Tures

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MEMBERS ABSENT: Members Lou Stanczak, Donald Bond, and Chris Habel

ALSO PRESENT: 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 April 11, 2012 Zoning Board of Appeals Meeting Minutes

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

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A MOTION was made to approve April 11, 2012 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Hoeft

SECONDED: Member Goldman

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AYES: Members Goldman, Bond, Hoeft and Chairman Tures

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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5. Public Hearing(s)

A. Petition No. 12-6.5, Joseph and Julie Foley, 12345 Hadley Drive, Public Hearing to consider a Simplified Residential Zoning Variance for rear-yard setback relief

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

DEVELOPMENT SUMMARY

Planner Williams stated subject lot is zoned RE-1 (PUD) Residential Estate – Planned Unit Development with a minimum 10,000 square foot lot per Huntley Zoning Ordinance (O) 2006-8.70, which required a 40-foot rear yard setback.

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Planner Williams continued stating the petitioners are requesting approval of 10.46 feet in relief from the required 40-foot rear yard setback to allow a 12 foot x 16 foot addition at the rear of the residence. The subject property is located mid-block and is surrounded by lots of a similar shape and size. All surrounding lots also have the same setback requirements as the subject property. The petitioners have sited their desire for a bug-free refuge for family activities as the reason for wanting the addition that requires the relief to the setback requirement. The petitioners have not identified a hardship or unique physical condition specific to the property itself.

Planner Williams pointed out the Development Services Department is in receipt of the approved Talamore Community Association - Architectural Improvement Application, dated 06/05/2012, for the addition project.

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

- (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.
- (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.
- (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) *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;
 - (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. 12-6.5, Joseph and Julie Foley, 12345 Hadley Drive, Simplified Residential Zoning Variation for 10.46 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. 12-6.5.**

19	MOVED:	Member Goldman
	SECONDED:	Member Linnenkohl
20	AYES:	Members Linnenkohl, Hoeft, Goldman, and Chairman Tures
	NAYS:	None
	ABSTAIN:	None
	MOTION CARRIED	4:0:0

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. Jeff Moritz, Design Consultant, Patio Enclosures, 2846 Hitchcock Avenue, Downers Grove, IL 60515
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Chairman Tures asked if the petitioners' representative had any information to add and Mr. Moritz stated the proposed 12' x 16' three-season room addition is a fairly typical project in his industry.

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 a little more information regarding the orientation of the proposed addition on the rear of the existing residential structure.

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Mr. Moritz stated if you are looking at the rear of the residence the proposed addition will be oriented slightly more the left, closer to the southeast corner of the structure.

45 Mr. Moritz added that there was a significant portion of the rear yard left after the addition and the proposed three-season room does not encroach into the property side yard.

Member Goldman was concerned with the potential effect of the addition on adjacent vacant lots.

50 Mr. Moritz pointed out that the Talamore Homeowners Association approved the project.

There were no other comments.

A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 12-6.5.

5 **MOVED:** **Member Linnenkohl**
SECONDED: **Member Goldman**
AYES: **Members Linnenkohl, Hoeft, Goldman, and Chairman Tures**
NAYS: **None**
ABSTAIN: **None**
10 **MOTION CARRIED** **4:0:0**

A MOTION was made to recommend approval of Petition No. 12-6.5, Joseph and Julie Foley, 12345 Hadley Drive, Simplified Residential Zoning Variation for 10.46 feet relief from the forty (40') foot rear-yard setback subject to the following condition:

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

20 **MOVED:** **Member Linnenkohl**
SECONDED: **Member Goldman**
AYES: **Members Goldman, Hoeft, Linnenkohl, and Chairman Tures**
NAYS: **None**
ABSTAIN: **None**
25 **MOTION CARRIED** **4:0:0**

6. Discussion

There were no items discussed.

30 7. Adjournment

At 6:48 pm, a MOTION was made to adjourn the June 27, 2012 Zoning Board of Appeals meeting.

35 **MOVED:** **Member Hoeft**
SECONDED: **Member Linnenkohl**
AYES: **Members Hoeft, Linnenkohl, Goldman and Chairman Tures**
NAYS: **None**
ABSTAIN: **None**
40 **MOTION CARRIED** **4:0:0**

Respectfully submitted,

James Williams

Planner

Village of Huntley

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