

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
September 11, 2013
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, September 11, 2013 at 6:31 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 Paul Belonax, L. Arlen Higgs, Lee Linnenkohl, Donald Bond, Terra Jensen, and Chairman Tures

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MEMBERS ABSENT: Member Christopher Habel

ALSO PRESENT: Planner James Williams

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3. Public Comment

There were no public comments.

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4. Approval of Minutes

A. Approval of the June 26, 2013 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 the June 26, 2013 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Jensen

SECONDED: Member Linnenkohl

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AYES: Members Linnenkohl and Jensen

NAYS: None

ABSTAIN: Members Belonax, Higgs, Bond, and Chairman Tures

MOTION CARRIED 2:0:4

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5. Public Hearing(s)

A. Petition No. 13-9.3, Robert and Virginia Brown, 12731 Green Meadow Avenue, 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 petitioners' request.

Development Summary

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The petitioners are requesting seven (7') feet relief from the twenty (20') foot minimum rear yard setback to accommodate the construction of a three-season room addition on the west side of the "SF-2-PDD" Garden Residential Planned Development-zoned residence at 12731 Green Meadow Avenue.

5 The proposed 10' x 14' (140 square feet) room addition on an existing deck at the rear (west) portion of the residence will encroach 7.0 feet into the twenty (20') foot minimum rear yard setback area established by Ordinance #97-07-24-01. The petitioners believe the addition will offer more opportunity to enjoy the rear portion of their property by reducing exposure to sunlight and insects. The Sun City Community Association Modifications Committee approved the petitioners' project on June 26, 2013.

10 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
 - (f) Would endanger the public health or safety.
- 50 (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. 13-9.3, Robert and Virginia Brown, 12731 Green Meadow Avenue, Simplified Residential Zoning Variation for 7.0 feet relief from the twenty (20') 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:

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

Planner Williams further stated that all requirements for public notice of this evening's Public Hearing were also fulfilled.

10 **A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 13-9.3.**

MOVED: Member Linnenkohl
SECONDED: Member Bond
15 **AYES: Members Belonax, Higgs, Linnekohl, Bond, Jensen and Chairman Tures**
NAYS: None
ABSTAIN: None
MOTION CARRIED 6:0:0

20 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:

- 25 1. James Williams, Village of Huntley
 2. Wayne Williams, petitioners' representative, Envy Home Services, Inc., 575 S. Arthur Avenue, Arlington Heights, IL 60005

30 Chairman Tures asked if the petitioners' representative had any information to add and Mr. Williams addressed the Zoning Board of Appeals and stated that he did not have any information add, but, that he did have some photographs of the property that he would like to share with the Zoning Board of Appeals members.

35 Chairman Tures asked for confirmation from the petitioners' representative that the footprint of the addition would be no greater than the footprint of the existing deck on the rear of the residence and the petitioner's representative Mr. Williams conformed that the addition would occupy no more space than what is currently occupied by the deck.

40 Member Higgs asked if what the approximate square footage of the subject residence is and Mr. Williams stated that he believed the residence to be approximately 1,800 square feet.

45 Member Belonax noted that the last petition reviewed by the Zoning Board of Appeals earlier this summer involved the proposed construction of a similar addition on the rear portion of the residence. However, in that case Mr. Belonax noted that there appeared to be issues regarding stormwater drainage which do not appear to be at issue with the petition under consideration this evening.

There were no other comments.

50 **A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 13-9.3.**

MOVED: Member Linnenkohl
SECONDED: Member Belonax
AYES: Members Belonax, Higgs, Linnekohl, Bond, Jensen and Chairman Tures

NAYS: None
ABSTAIN: None
MOTION CARRIED 6:0:0

5 **A MOTION was made to recommend approval of Petition No. 13-9.3, Robert and Virginia Brown, 12731 Green Meadow Avenue, Simplified Residential Zoning Variation for 7.00 feet relief from the twenty (20') 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.**

MOVED: Member Jensen
SECONDED: Member Belonax
15 **AYES:** Members Belonax, Higgs, Linnekohl, Bond, Jensen and Chairman Tures
NAYS: None
ABSTAIN: None
MOTION CARRIED 6:0:0

20 Planner Williams stated that the Zoning Board of Appeals recommendation will be forwarded to the Village Board who will consider the request at the Village Board - Committee of the Whole meeting next Thursday evening, September 19, 2013 at 7:00 p.m.

6. Discussion

25 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

30 **At 7:25 pm, a MOTION was made to adjourn the September 11, 2013 Zoning Board of Appeals meeting.**

MOVED: Member Linnenkohl
SECONDED: Member Bond
35 **AYES:** Members Belonax, Higgs, Linnekohl, Bond, Jensen and Chairman Tures
NAYS: None
ABSTAIN: None
MOTION CARRIED 6:0:0

40 Respectfully submitted,
James Williams
Planner
Village of Huntley