

**VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
October 15, 2014
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, October 15, 2014 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 L. Arlen Higgs, Paul Belonax, Lee Linnenkohl, Donald Bond, Helen Shumate, Melissa Stocker and Chairman Jack Tures

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MEMBERS ABSENT: None

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 March 26, 2014 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 March 26, 2014 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Bond

SECONDED: Member Linnenkohl

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AYES: Members Higgs, Belonax, Linnenkohl, Bond, and Chairman Tures

NAYS: None

ABSTAIN: Members Shumate and Stocker

MOTION CARRIED 5:0:2

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5. Public Hearing(s)

A. Petition No. 14-10.1, Monica and Richard Dase, 10713 Midwest Avenue, Simplified Residential Zoning Variance for rear yard building setback relief in the "RE-1 (PUD)" Residential Estate – Planned Unit Development.

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

Development Summary

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Planner Williams began with noting that the petitioners are requesting 0.64-foot (approximately 7-11/16 inches) relief from the forty (40') foot minimum rear yard building setback to accommodate the construction of a sun

room addition on the south side of the “RE-1 (PUD)” Residential Estate – Planned Unit Development-zoned residence at 10713 Midwest Avenue.

5 The proposed 10’ x 19’ (190 square feet) sun room addition on the rear (south) side of the residence will encroach 0.64 feet into the forty (40’) foot rear yard setback established in Village of Ordinance #2002-07.37.

10 The petitioners noted that as designed the sun room addition cannot be constructed without encroaching 0.64 feet into the forty (40’) foot rear yard building setback. Additionally, the Development Services Department has confirmed that the Georgian Place Homeowners Association does not require review and approval of building additions such as the sun room proposed by the petitioners.

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. 14-10.1, Monica and Richard Dase, 10713 Midwest Avenue, Simplified Residential Zoning Variance for rear yard building setback relief in the “RE-1 (PUD)” Residential Estate – Planned Unit Development.

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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.

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

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A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 14-10.1.

MOVED: Member Linnekohl
SECONDED: Member Higgs
20 AYES: Members Higgs, Belonax, Linnekohl, Bond, Shumate, and Stocker and Chairman Tures
NAYS: None
ABSTAIN: None
MOTION CARRIED 7:0:0

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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. Monica Dase, 10713 Midwest Avenue, Huntley, IL 60142

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Chairman Tures asked if the petitioner wanted to offer any additional testimony and she did not.

Members Higgs stated he was in favor of the request.

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Member Bond also stated that he was in favor of the relief request particularly given the relatively small amount of relief necessary to accommodate the proposed sunroom addition.

Chairman Tures noted that there were no audience members in attendance to offer additional testimony in favor or opposed to the subject request.

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Chairman Tures asked if the Zoning Board of Appeals members had any comments and there were none.

A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 14-10.1.

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MOVED: Member Shumate
SECONDED: Member Belonax
50 AYES: Members Higgs, Belonax, Linnekohl, Bond, Shumate and Stocker and Chairman Tures
NAYS: None

ABSTAIN: None
MOTION CARRIED 7:0:0

5 A MOTION was made to recommend approval of Petition No. 14-10.1, Monica and Richard Dase, 10713 Midwest Avenue, Simplified Residential Zoning Variance for rear yard building setback relief in the “RE-1 (PUD)” Residential Estate – Planned Unit Development subject to the following condition:

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

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MOVED: Member Higgs
SECONDED: Member Linnekohl
AYES: Members Higgs, Belonax, Linnekohl, Bond, Shumate and Stocker
and Chairman Tures
15 **NAYS:** None
ABSTAIN: None
MOTION CARRIED 7:0:0

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6. Discussion

Planner Williams introduced recently appointed Zoning Board of Appeals members Helen Shumate and Melissa Stocker.

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The proposed development at the southeast corner of Route 47 and Powers Road was also discussed.

7. Adjournment

At 6:50 pm, a MOTION was made to adjourn the October 15, 2014 Zoning Board of Appeals meeting.

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MOVED: Member Higgs
SECONDED: Member Belonax
AYES: Members Higgs, Belonax, Linnekohl, Bond, Shumate and Stocker
and Chairman Tures
35 **NAYS:** None
ABSTAIN: None
MOTION CARRIED 7:0:0

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Respectfully submitted,
James Williams
Planner
Village of Huntley