

**VILLAGE OF HUNTLEY  
ZONING BOARD OF APPEALS PUBLIC HEARING  
March 26, 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, March 26, 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 Paul Belonax, L. Arlen Higgs, Lee Linnenkohl, Donald Bond, Christopher Habel 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 September 11, 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 September 11, 2013 Zoning Board of Appeals Meeting Minutes as presented.**

**MOVED: Member Linnenkohl**

**SECONDED: Member Belonax**

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

**NAYS: None**

**ABSTAIN: Member Habel**

**MOTION CARRIED 5:0:1**

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5. Public Hearing(s)

A. Petition No. 14-3.2, Norbert and Aida Sniegowski, 13952 Redmond 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 petitioners' request.

Development Summary

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The petitioners are requesting 3.33-foot relief from the twenty (20') foot minimum rear yard setback to accommodate the construction of a three-season room addition on the north side of the "SF-2-PDD" Garden Residential Planned Development-zoned residence at 13952 Redmond Drive.

The proposed 12' x 15' (180 square feet) three-season room addition on the rear (north) side of the residence will be built upon an existing deck and encroach 3.33 feet into the twenty (20') foot minimum rear yard setback established in Ordinance #97-07-24-01.

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The petitioners note the three-season room addition will encroach no more into the rear building setback than the existing deck. Additionally, the petitioners pointed out that the residence backs-up to open space; therefore, the proposed three-season room addition would have a minimal impact upon other neighboring homes.

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The Sun City Community Association Modifications Committee approved of the architecture of the three-season room addition, but denied the petitioners' project request due to the encroachment into the setback area. The Modification Committee does not have the authority to approve encroachments into required setbacks. As a result, the petitioners appealed to the Sun City Community Association's Board of Directors which approved the request on March 19, 2014.

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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:

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(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.

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(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.

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(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.

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(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.

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(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.

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(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.

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(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. 14-3.2, Norbert and Aida Sniegowski, 13952 Redmond Drive, Simplified Residential Zoning Variance for 3.33 feet relief from the twenty (20') foot rear-yard building 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.

20 **A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 14-3.2.**

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

30 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. Norbert and Aida Sniegowski, 13952 Redmond Drive, Huntley, IL 60142

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

Member Belonax inquired as to whether the relocated stairs necessary for construction of the addition was the reason the relief from the rear setback was requested.

40 Mr. Sniegowski acknowledged that while the stairs to the existing deck will be relocated to accommodate the addition, he noted that the reconfigured stairs is not what required relief, rather it is the fact that the addition will be built upon and essentially match the footprint of an existing deck which already encroaches within that rear setback area.

45 Chairman Tures asked if there were any members of the audience who wished to offer comments regarding the subject request and there were none.

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

50 **A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 14-3.2.**

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

10 **A MOTION was made to recommend approval of Petition No. 14-3.2, Norbert and Aida Sniegowski, 13952 Redmond Drive, Simplified Residential Zoning Variance for 3.33 feet relief from the twenty (20') 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.**

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

- 25 **B. Petition No. 14-3.3, Diane Marks, 12036 Sweetwater Lane, Simplified Residential Zoning Variance for street-side setback relief in the "SF-2-PDD" Garden Residential – Planned Development District.**

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

30 The petitioner is requesting 0.5 feet relief from the twenty (20') foot minimum street-side yard setback to accommodate the construction of a three-season room addition on the east side of the "SF-2-PDD" Garden Residential Planned Development-zoned residence at 12036 Sweetwater Lane.

35 The proposed 12' x 16' (192 square feet) three-season room addition on the rear (east) side of the residence will encroach approximately 0.5 feet into the twenty (20') foot minimum street-side yard setback established in Ordinance #97-07-24-01.

40 The petitioner notes that the width of their irregular shaped corner lot narrows toward the rear of the property. Therefore, it is this irregularity in the configuration of the lot that necessitates the encroachment into the street-side setback in order to build the proposed addition in-line with exterior of the existing home. The proposed location of the addition's gable roof also allows it to be in line with the gable roof of the existing residence.

45 The Sun City Community Association Modifications Committee approved of the architecture of the three-season room addition, but denied the petitioners' project request due to the encroachment into the setback area. The Modification Committee does not have the authority to approve encroachments into required setbacks. As a result, the petitioners appealed to the Sun City Community Association's Board of Directors which approved the request on March 19, 2014.

50 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:

- (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.

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. 14-3.3, Diane Marks, 12036 Sweetwater Lane, Simplified Residential Zoning Variance for 0.5 feet relief from the twenty (20') foot street-side setback.

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.

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. 14-3.3.**

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

10 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. Diane Marks, 12036 Sweetwater Lane, Huntley, IL 60142
- 15 3. Peggy Kinane, Timberbuilt, Inc., 3990 Commerce Drive, St. Charles, IL 60174

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

Chairman Tures asked if there were any members of the audience who wished to offer comments regarding the subject request and there were none.

20 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. 14-3.3.**

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

35 **A MOTION was made to recommend approval of Petition No. 14-3.3, Diane Marks, 12036 Sweetwater Lane, Simplified Residential Zoning Variance for 0.5 feet relief from the twenty (20') foot street-side setback subject to the following condition:.**

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

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

6. Discussion

50 Planner Williams provided a brief overview of current and pending Village of Huntley projects including roadway improvements, downtown revitalization projects and other developments either currently under construction or to begin this spring and summer.

Planner Williams noted that are no currently pending petitions requiring a future Zoning Board of Appeals meeting at this time.

5 7. Adjournment

**At 7:08 pm, a MOTION was made to adjourn the March 26, 2014 Zoning Board of Appeals meeting.**

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

15 Respectfully submitted,  
*James Williams*  
Planner  
Village of Huntley

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