

**VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS**

June 8, 2020

6:30 PM

AGENDA



**VILLAGE HALL WILL NOT BE ACCESSIBLE FOR THIS MEETING.
ACCESS SHALL ONLY BE AVAILABLE AS FOLLOWS:**

Pursuant to Governor Pritzker’s Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), Governor Pritzker has suspended certain rules of the Open Meetings Act – specifically the Executive Order permits remote public meetings. In light of the current COVID-19 public health emergency and the prohibition of public gathering of 10 or more, the Zoning Board of Appeals has chosen to conduct the commission meeting remotely. If you would like to listen to the meeting, please dial in at (872) 240-3212 Access Code: 182-436-741. Public Comments will not be taken via the phone, except for a public hearing as noted below. Please mute your line while listening. All comments must be submitted prior to the start of the meeting and should be sent to Margo Griffin, Development Manager at mgriffin@huntley.il.us. Please state the meeting date in the subject line, and within the body of the e-mail also include your name and address and the topics or agenda items on which you wish to comment. Comments or questions received by 5:00 p.m. on June 8th will be read during the meeting. The meeting will be audio recorded and posted on the Village’s website.

1. Call to Order
2. Roll Call
3. Public Comments
4. Approval of Minutes
 - A. Approval of the July 10, 2019 Zoning Board of Appeals Meeting Minutes
5. Public Hearing(s)
 - A. Petition No. 20-6.1, Brian Spears, 9672 Baumgartner Street, Simplified Residential Zoning Variation for rear yard building setback relief in the “RE-1 PUD” Residential Estate District Planned Unit Development.
6. Discussion
7. Adjournment

MEETING LOCATION

Village Board Room
10987 Main Street
Huntley, IL 60142

The Village of Huntley is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact Lisa Armour, Interim Village Manager at (847) 515-5200. The Village Board Room is handicap accessible.

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
July 10, 2019
MINUTES

5

CALL TO ORDER

Chairperson Helen Shumate called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, July 10, 2019 at 6:33 p.m. in the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142. The room is handicap accessible.

10

ATTENDANCE

MEMBERS PRESENT: Members Melissa Stocker, L. Arlen Higgs, Paul Belonax, and Chairperson Helen Shumate. *(Member Belonax participated telephonically.)*

15

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director Charles Nordman and Development Manager Margo Griffin

20

3. Public Comment

There were no public comments.

25

4. Approval of Minutes

A. Approval of the November 14, 2018 Zoning Board of Appeals Meeting Minutes

Chairperson Helen Shumate asked if there were any corrections to the minutes. There were none.

30

A MOTION was made to approve the November 14, 2018 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Stocker

35

SECONDED: Member Higgs

AYES: Members Stocker, Higgs, Belonax, and Chairperson Shumate

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

40

5. Public Hearing(s)

A. Public Hearing before the Zoning Board of Appeals for Petition No. 19.7.3, Barry and Gloria Newman, 13673 Roosevelt Drive, Simplified Residential Zoning Variance for rear yard building setback relief in the "SF-2 (PDD)" Garden Residential – Planned Development District.

45

Director Charles Nordman reviewed the petitioners' request and the accompanying documents.

Development Summary

Director Norman stated the petitioners are requesting ±5.59 feet relief from the twenty (20') foot minimum rear yard building setback to accommodate the construction of a three-season room addition to the rear of their home located at 13673 Roosevelt Drive. The property is zoned "SF-2 (PDD)" Garden Residential – Planned Development District.

50

The proposed ±12' x ±13.5', ±162 square foot addition is located on the rear (south side) of the single-family residence. The proposed addition will encroach ±5.59 feet into the requisite 20-foot rear yard building setback.

5 The petitioners cited the relatively small size of their lot and depth of their rear yard as reasons for requesting the subject relief from the rear-yard setback requirement. In addition, the lot backs up to a bike path and is located close to a creek. The addition will add privacy from persons utilizing the path, and will improve quality of life with the protection against insects.

10 Criteria for Reviewing a Proposed Variation

Director Nordman stated that the Huntley Zoning Ordinance - Section 156.210 Variations (F) Standards for Variations establishes the following criteria for review of requests:

- 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;
 - 50 (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.

Director Nordman noted that the petitioners' *Responses to the Criteria for Reviewing a Proposed Variation* were included as an exhibit to the Staff report that outlined the petitioner's relief request.

5 Requested Action

Director Nordman concluded the presentation noting that a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 19-7.3, Barry and Gloria Newman, 13673 Roosevelt Drive, Simplified Residential Zoning Variation for ±5.59 feet relief from the twenty (20') foot minimum rear yard building setback to accommodate the construction of a three-season room addition.

10

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

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

A MOTION was made to open the public hearing to consider Petition No. 19-7.3.

20

MOVED: Member Belonax
SECONDED: Member Higgs
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
ABSTAIN: None
MOTION CARRIED 4:0:0

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Chairperson Shumate asked that anyone wishing to be heard on this petition raise their hand, and to state their name and address for the record. The following people were sworn in under oath:

30

1. Charles Nordman, Village of Huntley
2. Gloria Newman, 13673 Roosevelt Drive, Huntley, IL 60142

Chairperson Shumate asked if the petitioner had any comments.

35

Ms. Newman stated she agreed with Director Nordman's presentation and review of the project. She said the creek behind the property has made it difficult for her family to enjoy their backyard due to the mosquitos, and they looked forward to the new addition.

No other members of the public spoke in support or opposition to the relief request.

40

Member Higgs stated the plans looked good, and he thought it would be a good fit for the neighborhood.

Member Stocker stated she agreed, and she was in favor of the project.

45

Member Belonax was in favor of the building plans.

Chairperson Shumate asked if the addition would match the existing structure. Ms. Newman stated it would match perfectly.

50

There were no other questions or concerns asked or raised by the Zoning Board of Appeals members.

A MOTION was made to close the public hearing to consider Petition No. 19-7.3.

MOVED: Member Higgs
SECONDED: Member Stocker
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
5 **ABSTAIN:** None
MOTION CARRIED 4:0:0

10 A **MOTION** was made to recommend approval of **Petition No. 19.7.3, Barry and Gloria Newman, 13673 Roosevelt Drive, Simplified Residential Zoning Variance for rear yard building setback relief in the “SF-2 (PDD)” Garden Residential – Planned Development District** subject to the following condition:

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

15 **MOVED:** Member Higgs
SECONDED: Member Stocker
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
20 **ABSTAIN:** None
MOTION CARRIED 4:0:0

6. Discussion

25 Director Nordman announced Member Stocker would be leaving the Zoning Board of Appeals, and she would soon be joining the Economic Development Department with the Village of Huntley. This would bring the membership of the Zoning Board down to three (3) members, which is insufficient for a quorum. Director Nordman stated the Village Board is considering alternative options, including the possibility of utilizing the current Plan Commission members to take over responsibility for reviewing the Zoning Board of Appeals petitions. He added, if that occurs, this could be the last Zoning Board meeting with the current members.
30 Director Nordman also stated the two boards may be combined, and took a poll of the members to see who would be interested in continuing their service. Members Belonax, Higgs, and Chairperson Shumate were all interested in continuing their service. Director Nordman stated he would keep the Board apprised of the Village Board’s final decision.

35 7. Adjournment

At 6:45 pm, a MOTION was made to adjourn the July 10, 2019 Zoning Board of Appeals meeting.

40 **MOVED:** Member Stocker
SECONDED: Member Belonax
AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate
NAYS: None
ABSTAIN: None
45 **MOTION CARRIED 4:0:0**

Respectfully submitted,
Margo Griffin
Development Manager
Village of Huntley

Village of Huntley
REQUEST FOR ZONING BOARD OF APPEALS ACTION
PUBLIC HEARING

MEETING DATE: June 8, 2020

SUBJECT: Petition No. 20-6.1, Brian Spears, 9672 Baumgartner Street, Simplified Residential Zoning Variation for rear yard building setback relief in the “RE-1 PUD” Residential Estate District Planned Unit Development.

BACKGROUND INFORMATION

Petitioner/Owner: Brian Spears
 9672 Baumgartner Street
 Huntley, IL 60142

Subject Location: 9672 Baumgartner Street, Lot 26, in Talamore, Pod 6, Huntley

Request: The petitioner is requesting approval of a Simplified Residential Zoning Variation for rear yard building setback relief in the “RE-1 PUD” Residential Estate District Planned Unit Development.

Zoning, Land Use and Comprehensive Plan:

LOCATION	ZONING	USE	COMPREHENSIVE PLAN
Property in Question	“RE-1 PUD” Residential Estate Planned Unit Development	Residential	Single Family Residential
North	“RE-1 PUD”	Residential	Single Family Residential
South	“RE-1 PUD”	Detention and wetland	Open space
East	“RE-1 PUD”	Residential	Single Family Residential
West	“RE-1 PUD”	Residential	Single Family Residential

DEVELOPMENT SUMMARY

The petitioner is requesting ±11.28 feet of relief from the forty (40’) foot minimum rear yard building setback to accommodate the construction of a deck and screen room addition to the rear of the home located at 9672 Baumgartner Street. The property is zoned “RE-1 PUD” Residential Estate District Planned Unit Development.

The proposed 13’ x 11.5’ screen room addition on the rear (south side) of the single-family residence will encroach ±11.28’ feet into the requisite 40-foot rear yard building setback.

The petitioner has cited the fact their home backs up to a large detention pond and a wetland area makes it very susceptible as a breeding ground for mosquitos. In addition, they state their two sons are allergic to mosquito bites, and the screened in room addition would allow their family to enjoy the outdoors and be protected from the mosquitos, and improve their quality of life. The addition will be in the same general footprint of an existing raised deck, and will not be encroaching into any neighbors’ existing sight lines. The screened room will be built with materials and colors to match the home, and the roof shingles will match the existing shingles.

CRITERIA FOR REVIEWING A PROPOSED VARIATION

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.

The petitioner's hardship letter and response to the *Criteria for Reviewing a Proposed Variation* are included as exhibits.

REQUEST FOR MOTION

A motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 20-6.1, Brian Spears, 9672 Baumgartner Street, Simplified Residential Zoning Variation for rear yard building setback relief in the "RE-1 PUD" Residential Estate District Planned Unit Development.

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.

EXHIBITS

1. Spears – 9672 Baumgartner – *Aerial Map*
2. Spears – 9672 Baumgartner – *Surveys with Addition foot-print*
3. Spears – 9672 Baumgartner – *Screen Room Addition – Drawing/Elevation*
4. Spears – 9672 Baumgartner – *Screen Room and Deck Footprint*
5. Spears – 9672 Baumgartner – *Existing conditions- photos*
6. Spears – 9672 Baumgartner – *SRZV - Hardship letter from petitioner, 05.02.20*
7. Spears – 9672 Baumgartner – *SRZV Approval Criteria – Responses from petitioner*
8. Spears – 9672 Baumgartner – *HOA Approval letter, 05.20.20*



Village of Huntley GIS

9672 Baumgartner

DISCLAIMER: The Village of Huntley Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 60'



VILLAGE OF HUNTLEY

10987 Main Street

Huntley, IL 60142

(847)669-9600

Print Date: 4/24/2020

CORPORATE OFFICE:
888 EAST BELVIDERE ROAD SUITE 413
GRAYSLAKE, ILLINOIS 60030
847-548-6600 FAX 847-548-6677

TFW SURVEYING & MAPPING
LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
PLAT OF SURVEY
OF

WISCONSIN OFFICE:
1534 NORTH FAIRWAY LANE
ELKHORN, WISCONSIN 53121
262-743-2800 FAX 262-743-2601

LEGEND

- BSL = BUILDING SETBACK LINE
- DE = DRAINAGE EASEMENT
- IP = IRON PIPE
- MUE = MUNICIPAL UTILITY EASEMENT
- PUE = PUBLIC UTILITY EASEMENT
- T/F = TOP OF FOUNDATION
- UE = UTILITY EASEMENT

- AS-BUILT ELEVATION
- PROPOSED GRADES AS SHOWN ON APPROVED PERMIT PLAT
- AS-BUILT ELEVATION AS SHOWN ON APPROVED PERMIT PLAT

NOTE:
AT TIME OF FIELD INSPECTION,
YARD OF LOT WAS NOT SODDED.

LOT 26 IN TALAMORE - POD 6, A PLANNED UNIT DEVELOPMENT,
BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF
SECTION 20 AND PART OF THE WEST 1/2 OF SECTION 21,
TOWNSHIP 43 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH
8, 2006 AS DOCUMENT 2006R0016401, AND CORRECTED BY
CERTIFICATE OF CORRECTION RECORDED MARCH 15, 2006 AS
DOCUMENT 2006R0018128, IN MCHENRY COUNTY, ILLINOIS.

ADDRESS:
9672 BAUMGARTNER STREET

AND
FINAL GRADING AS-BUILT
(SHOWING PROPOSED & EXISTING SITE CONDITIONS)

NOTE A:
IRON PIPES TO BE SET AT COMPLETION
OF FINE GRADING OPERATIONS.

NOTE:
TALAMORE - POD 6, RECORDED MARCH 8, 2006,
AS DOCUMENT 2006R0016401 CONTAINS A DETAIL
DEPICTING A FRONT YARD "MUNICIPAL UTILITY
EASEMENT." THE SIDE YARD OF LOT 26 CONTAINS
A "MUNICIPAL UTILITY AND DRAINAGE EASEMENT."
NO TERMINUS OF THE DRAINAGE EASEMENT IS
SHOWN. THE EASEMENTS SHOWN HEREON ARE AS
THEY ARE DEPICTED ON THE RECORD DOCUMENT.
REFER TO RECORD DOCUMENT FOR COMPLETE
DETAILS REGARDING LIMITS OF EASEMENT.

BUILDING MEASUREMENTS AND PROPERTY LINE
TIES, AS SHOWN HEREON ARE REFERENCED TO
OUTSIDE OF CONCRETE FOUNDATION WALLS.

NO DIMENSIONS TO BE ASSUMED FROM SCALING.

COMPARE YOUR LEGAL DESCRIPTION AND BOUNDARY
MONUMENTATION WITH THIS PLAT AND AT ONCE
REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

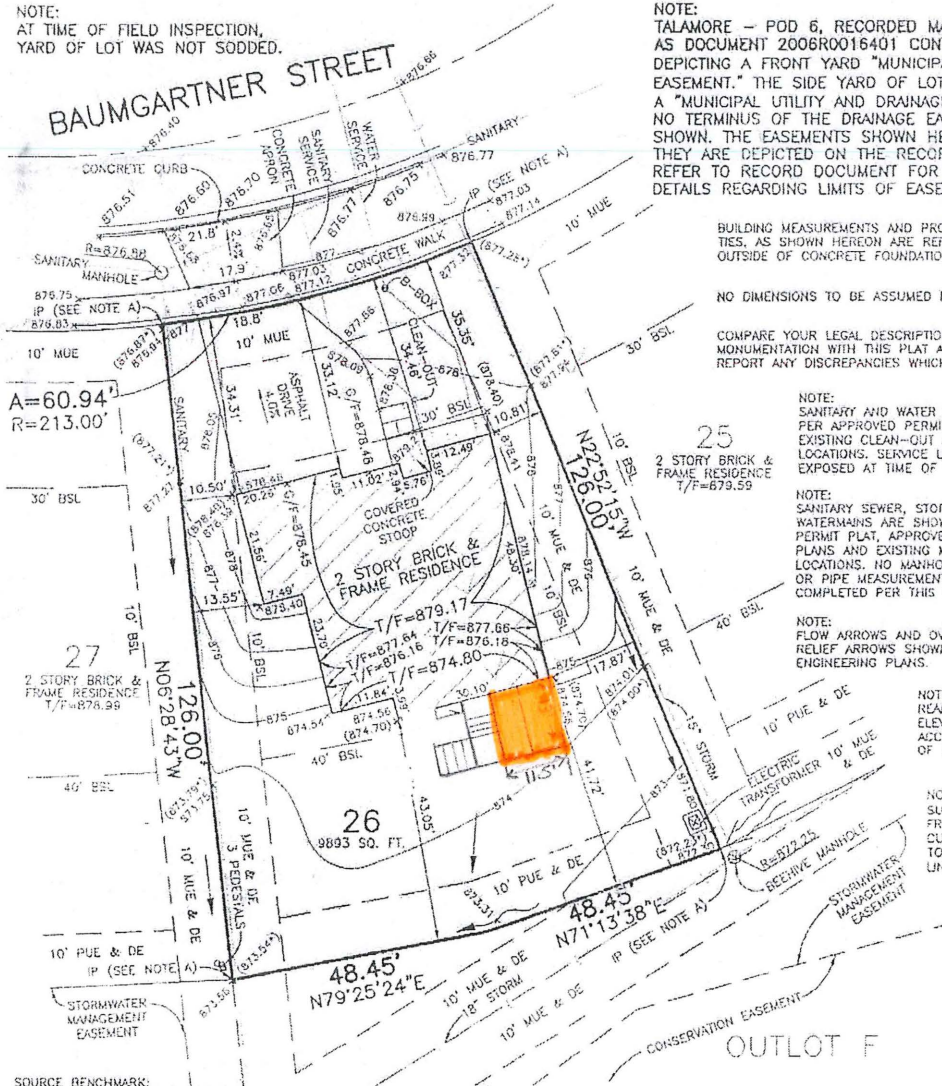
NOTE:
SANITARY AND WATER SERVICE LINES
PER APPROVED PERMIT PLAT AND
EXISTING CLEAN-OUT AND S-BOX
LOCATIONS. SERVICE LINES WERE NOT
EXPOSED AT TIME OF FIELD INSPECTION.

NOTE:
SANITARY SEWER, STORM SEWER AND
WATERMANS ARE SHOWN PER APPROVED
PERMIT PLAT, APPROVED ENGINEERING
PLANS AND EXISTING MANHOLE
LOCATIONS. NO MANHOLE INSPECTIONS
OR PIPE MEASUREMENTS WERE
COMPLETED PER THIS WORK ORDER.

NOTE:
FLOW ARROWS AND OVERFLOW
RELIEF ARROWS SHOWN PER
ENGINEERING PLANS.

NOTE:
REAR GARAGE FLOOR
ELEVATION WAS NOT
ACCESSIBLE AT TIME
OF FIELD INSPECTION.

NOTE:
SUBTRACT 0.35'
FROM ALL BACK OF
CURB ELEVATIONS
TO ACHIEVE FLOW
LINE ELEVATIONS.



SOURCE BENCHMARK:
RAILROAD SPIKE IN EAST FACE OF
POWERPOLE AT THE NORTHWEST CORNER OF
ROUTE 47 AND REED ROAD.
ELEVATION = 883.82

SITE BENCHMARK:
RAILROAD SPIKE IN THE EAST FACE OF
POWERPOLE AT THE SOUTHWEST
CORNER OF ROUTE 47 AND NORTH STREET.
ELEVATION = 890.78

DATE: JULY 21, 2008
ORDER NO: 060739
PROJ. NO: 2254
FOR: KYLAND HOMES
PROJ. NAME: TALAMORE - POD 6
Copyright © TFW Surveying & Mapping, Inc., 2008. All rights reserved.
Professional Design Firm Registration #184-002793.



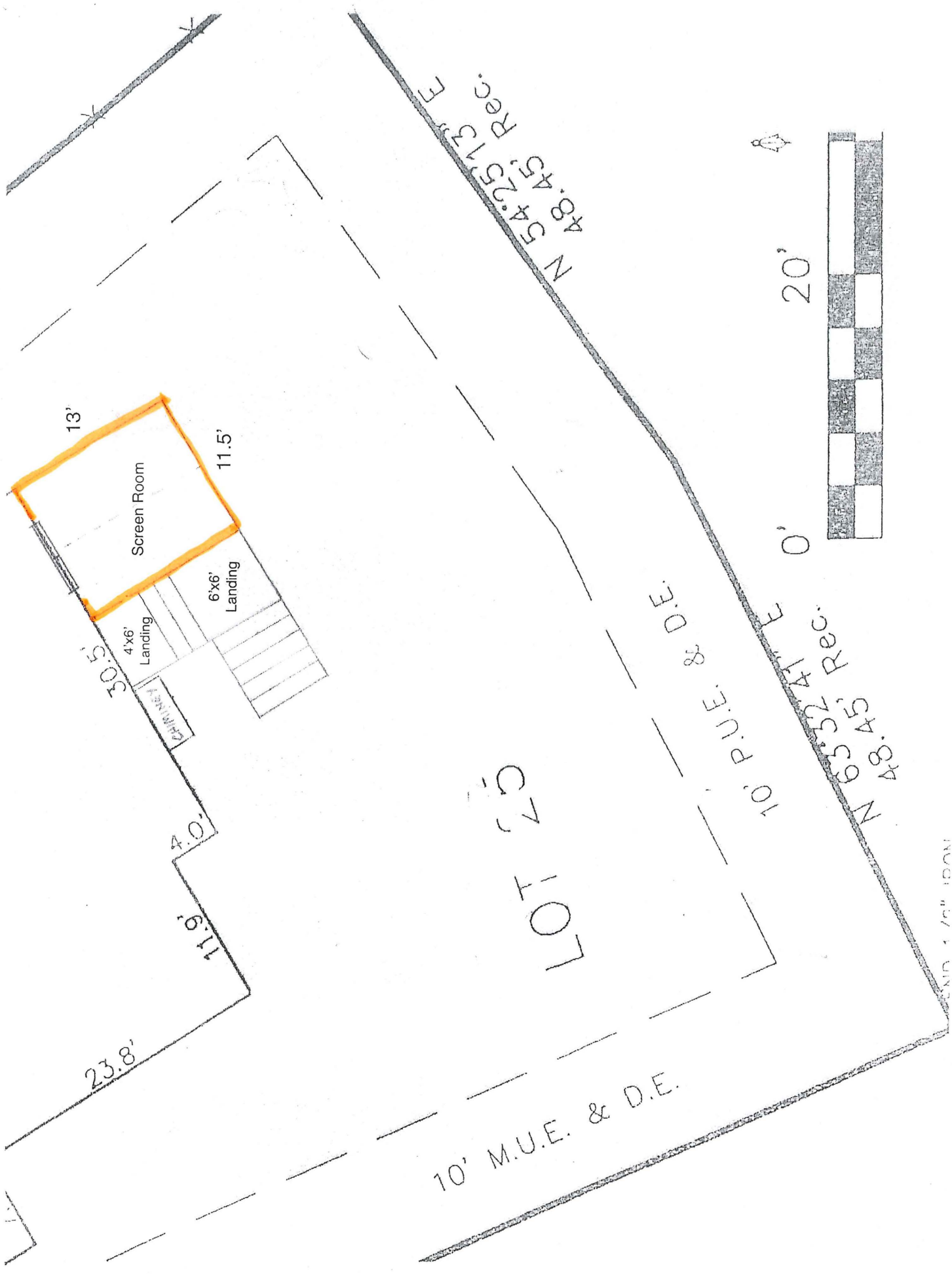
STATE OF ILLINOIS
COUNTY OF LAKE 155

I, THOMAS F. WASILEWSKI, ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY
THAT I HAVE SURVEYED THE PROPERTY AS DESCRIBED ABOVE AND THAT THE PLAT
HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN
IN FEET AND DECIMAL PARTS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS
TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

CERTIFIED AT GRAYSLAKE, ILLINOIS THIS 21st DAY OF JULY, 2008.

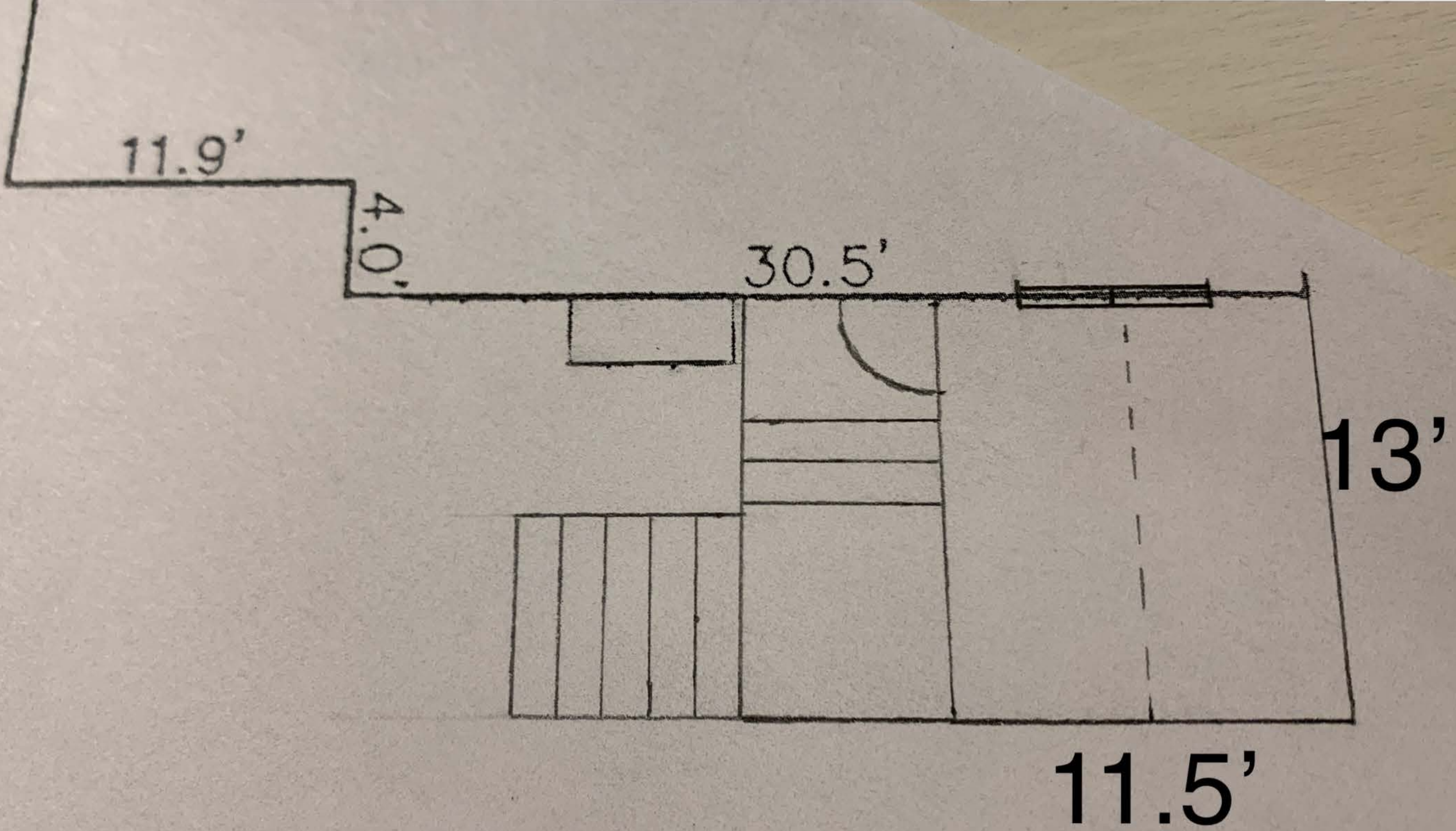
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2515
LICENSE EXPIRES NOVEMBER 30, 2008

RECEIVED



SCALE 1/8" = 10'





2.5

Brian Spears - Existing rear deck, 9672 Baumgartner



When my wife and I decided to purchase our current home in Talamore, the back yard was the selling point. It's wide and flat with no neighbors behind. We get a view of the pond and nature while our, now three, young boys play football or baseball or, the new favorite, bocce ball. Unfortunately, we found rather quickly that the caveat to enjoying the natural surroundings meant a voracious population of mosquitoes. To top that off, we discovered that our oldest and middle sons have nasty reactions to mosquito bites - they develop painful blisters and knot-like welts which persist for days. I, myself, have always had bad reactions to bites, but nothing still like what our boys have. Many tears and plenty of infected mosquito bites have lead to us losing out on the very reason we bought this home - come 5 P.M. we have a full retreat back indoors. There is no sitting on the deck to take in the sunsets or enjoy the sounds of the evening. We have tried everything to ease the situation, to no avail. A screened space is the answer to our problem.

While we have considered a gazebo separate from the house, our greatest desire is to limit our footprint so that we still have that wonderful play space we fell in love with. To follow the ordinances set forth by the village pertaining to un-attached screened-in spaces/gazebos would mean that we would encroach on our neighbors' view of the pond as well as the practical usability of our back yard space. Our proposal for an attached screened room would maintain the same footprint as we currently occupy. We would actually make our deck smaller in the process of this project. What this means is that we would not be encroaching into our neighbors' sight lines and we would not be building any further out than what already exists. The aesthetics and functionality of our home would be much improved while giving our family a place to enjoy the outdoors to the fullest extent.

CRITERIA FOR REVIEWING A PROPOSED VARIATION - Responses

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.

Response: *Current residents propose construction of an 11'6" x 13'0" screened-in room on the rear of the home. There is currently an existing wood deck in the same location which is wider than and as deep as proposed finished screened addition. The forty-foot (40') rear yard setback would require any new addition to be less than two (2) feet in depth.*

- (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.

Response: *The subject property has no neighbors adjacent to the rear (south). The rear of the house faces a wetland detention area and farm field beyond that.*

- (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.

Response: *The home was built in 2008 in compliance with applicable setback requirements.*

- (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.

Response: *Current provision as written would not allow for any addition deeper than two (2) feet to be built on the back of the house. This would not prove sufficient for usable space to be constructed.*

- (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.

Response: *Three (3) of the five (5) residents of the home currently suffer from allergic reactions to biting insects present in the backyard for a majority of the year; this has made it nearly impossible to enjoy using the rear of the property.*

- (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.

Response: *The proposed addition will be constructed by local professionals in compliance with all applicable building/fire code requirements.*

- (7) *Essential Character of the Area.* The variation would not result in a use or development on the subject property that:

- 9672 Baumgartner – Spears SRZV -

- (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;

Response: *No*

- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;

Response: *No*

- (c) Would substantially increase congestion in the public streets due to traffic or parking;

Response: *No*

- (d) Would unduly increase the danger of flood or fire;

Response: *No*

- (e) Would unduly tax public utilities and facilities in the area; or

Response: *No*

- (f) Would endanger the public health or safety.

Response: *No*

- (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.

Response: *Current provision would require a detached building to be constructed as the setback comes to approximately two (2) feet off the back of the house. A detached screened space would not adequately address the residents' problem with biting insects and would potentially encroach on sightline of neighbor to the east. Proposed attached construction would respect that sightline and maintain current footprint.*

Talamore Community Association

12121 Talamore Blvd
Huntley, IL 60142
Phone: 847-659-8120

May 20, 2020

Brian Spears
9672 Baumgartner St
Huntley IL 60142 USA

RE: Application for Deck,Screen

Dear Brian Spears:

We are writing to inform you that the Talamore Community Association Architectural Control Committee has completed review of your application for the following modifications to your home:

RSB will build a new deck at 13' deep and 11'6" wide with a 6'x4' landing at the top of the new 6' wide steps. The new 6' wide steps will be three deck boards deep and built to grade with another landing at 6'x6' built approximately 1/3 of the way down. The new overall size, including the landings, is approximately 209 square feet. as submitted

The Architectural Control Committee has returned the following decision(s):

Status: Approved as Requested

Conditions/Comments: RSB will build a new deck at 13' deep and 11'6" wide with a 6'x4' landing at the top of the new 6' wide steps. The new 6' wide steps will be three deck boards deep and built to grade with another landing at 6'x6' built approximately 1/3 of the way down. The new overall size, including the landings,is approximately 209 square feet.

Please note that NO CONTRACTOR MAY ACCESS YOUR PROPERTY VIA ASSOCIATION COMMON AREAS. VIOLATORS WILL BE LEGALLY PURSUED.

The approval of the application is contingent upon compliance with the specifications set forth above. Any changes or modifications to this approved request must be submitted in writing for review and consideration by the Architectural Control Committee. If your proposed change(s) or addition(s) require a local government permit, the permit must be obtained prior to installation.

Please retain this letter for your files. Should you have any questions regarding this letter, please contact us. We are available between the hours of 9:00 A.M. to 5:00 P.M. at 847-659-8120 or via e-mail at talamore.east@fsresidential.com.

Sincerely,

Talamore Community Association
Architectural Approval Committee