

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS
November 8, 2021
MINUTES

5

CALL TO ORDER

Chairman Kibort called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Monday November 8, 2021 at 6:30 p.m., from the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142.

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ATTENDANCE

MEMBERS PRESENT: Members Ron Hahn, Ric Zydorowicz, Terra DeBaltz, Dennis O’Leary, Jeff Peterson, Vice Chair Dawn Ellison, and Chairman Tom Kibort

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MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director Charles Nordman, Development Manager Margo Griffin, and Senior Planner Scott Bernacki

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3. Public Comment

There were no public comments.

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4. Approval of Minutes

A. Approval of the August 9, 2021 Zoning Board of Appeals Meeting Minutes

Chairperson Tom Kibort requested a Motion from the Board.

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A MOTION was made to approve the August 9, 2021 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Vice Chair Dawn Ellison

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SECONDED: Member Ric Zydorowicz

AYES: Members Ron Hahn, Ric Zydorowicz, Vice Chair Dawn Ellison, and Chairman Tom Kibort

NAYS: None

ABSTAIN: Members Jeff Peterson, Dennis O’Leary, and Terra DeBaltz

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MOTION CARRIED 4:0:3

5. Public Hearing(s)

A. Public Hearing before the Zoning Board of Appeals for Petition No. 21-11.1 David Hanson, 10011 Marvin Drive, Simplified Residential Zoning Variation for rear yard building setback relief in the “R2”, Single Family Residence District.

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Planner Bernacki presented a PowerPoint presentation and reviewed the petitioner’s request and the accompanying documents.

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DEVELOPMENT SUMMARY

Planner Bernacki reviewed an aerial photo and stated the petitioner is requesting ±13.8 feet of relief beyond the 40-foot rear building setback line to accommodate the construction of a ±14’ x 12’ three-season room addition to the single-family residence located at 10011 Marvin Drive.

5 Planner Bernacki stated the property is zoned “R-2” Single Family Residence District, which requires a 40-foot rear yard setback. The proposed ±14’ x 12’ three-season room addition will encroach ±13.8-feet beyond the required 40-foot rear building setback line. The proposed addition would maintain the existing 13’ side setback from the east property line and does not impact the rear yard public utility and drainage easement. Planner Bernacki stated, if the variance is approved and the addition is constructed in the rear setback, the new rear yard (south) setback would be reduced ±35% from the required 40’ to ± 26.2’.

10 Planner Bernacki stated the proposed single story three-season room will be constructed with roofing and siding materials to match the existing residence.

15 Planner Bernacki reviewed Mr. Hanson’s written statement of hardship. Planner Bernacki stated, with respect to hardship, David Hanson described that the homes in the Southwind subdivision have all been sited on “small” and “narrow” 70’ X 120’ lots, a lot size that makes additions such as the proposed difficult to build without setback relief. David Hanson also cited that he personally experiences a recurring issue with skin cancer and the three-season room addition will allow him to enjoy the outdoors.

CRITERIA FOR REVIEWING A PROPOSED VARIATION

20 Planner Bernacki reviewed the criteria the Zoning Board takes into consideration when reviewing the zoning variation request. The Huntley Zoning Ordinance - Section 156.210 Variations, (F) Standards for Variations establishes the following criteria for their review:

25 (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.

30 (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.

35 (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.

40 (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.

45 (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:

50 (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.
- 5 (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.

10 *The petitioner's response to the Criteria for Reviewing a Proposed Variation was included as an exhibit in the Zoning Board packet. Additionally, Mr. Hanson canvassed his neighborhood and collected signatures from neighbors stating they had no issues with the three-season room addition. Copies of the petition/signatures were distributed to the Zoning Board Members prior to the commencement of the meeting.*

REQUEST FOR MOTION

15 Planner Bernacki stated a motion is requested of the Zoning Board of Appeals by the petitioner, to recommend approval of Petition No. 21-11.1 David Hanson, 10011 Marvin Drive, Simplified Residential Zoning Variation for rear yard building setback relief in the "R2", Single Family Residence District.

20 Planner Bernacki stated 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.

25 Planner Bernacki completed his presentation.

Chairman Kibort stated this was the appropriate time to open the public hearing.

A MOTION was made to open the public hearing to consider Petition No. 21-11.1.

30 **MOVED: Vice Chair Dawn Ellison**
SECONDED: Member Terra DeBaltz
AYES: Members Ron Hahn, Ric Zydorowicz, Terra DeBaltz, Jeff Peterson, Dennis O'Leary, Vice Chair Dawn Ellison, and Chairman Tom Kibort
NAYS: None
35 **ABSTAIN: None**
MOTION CARRIED 7:0:0

40 Chairman Kibort 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:

1. Scott Bernacki, Village of Huntley
2. David Hanson, 10011 Marvin Drive

45 Chairman Kibort asked if the petitioner had any comments. There were none.

Chairman Kibort called on the petitioner, Dave Hanson, and asked if he had anything to add.

50 Dave Hanson thanked the staff and Zoning Board. He stated 5 years ago, he was diagnosed with melanoma, and now he is not allowed to sit in the sun. The three-season room will allow him to enjoy his back yard and remain protected. Mr. Hanson discussed his canvas of the adjacent neighbors, and the list of signatures stating they were not opposed to his proposed three-season room addition.

Mr. Hanson had no further comment.

Chairman Kibort thanked the petitioner, and stated he applauded his effort in obtaining the signatures from neighbors.

Chairman Tom Kibort asked for comments from the Zoning Board members.

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Board Member Ron Hahn stated he had no issues with the project and that he was glad to see the neighbors were okay with it.

Board Member Jeff Peterson stated he agreed with Member Hahn, and had no issues with the project.

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Vice Chair Ellison stated she was good with the approving the petition.

Chairman Tom Kibort stated he was in favor of the project.

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Board Member Ric Zydorowicz stated he had no issues.

Board Member Dennis O’Leary questioned whether the petitioner was required to submit medical records. Planner Bernacki stated the Village did not require medical records. The petitioner’s statement was sufficient. Board Member O’Leary stated he did not have any issues with the petition.

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Board Member Terra DeBaltz stated she prefers additions to decks, and she was in favor of the project.

Chairman Tom Kibort asked for a motion to close the public hearing.

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A MOTION was made to close the public hearing to consider Petition No. 21-08.01.

MOVED: Vice Chair Dawn Ellison
SECONDED: Member Jeff Peterson
AYES: Members Ron Hahn, Ric Zydorowicz, Terra DeBaltz, Dennis O’Leary, Jeff Peterson, Vice Chair Dawn Ellison, and Chairman Tom Kibort
NAYS: None
ABSTAIN: None
MOTION CARRIED 7:0:0

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A MOTION was made to recommend approval of Petition No. 21-11.1 David Hanson, 10011 Marvin Drive, Simplified Residential Zoning Variation for rear yard building setback relief in the “R2”, Single Family Residence District, 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: Vice Chair Dawn Ellison
SECONDED: Member Ron Hahn
AYES: Members Darci Chandler, Ron Hahn, Ric Zydorowicz, Vice Chair Dawn Ellison, and Chairman Tom Kibort
NAYS: None
ABSTAIN: None
MOTION CARRIED 7:0:0

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- 6. Discussion

None.

- 7. Adjournment

At 6:43 pm, a MOTION was made to adjourn the November 8, 2021 Zoning Board of Appeals meeting.

MOVED: Vice Chair Dawn Ellison

5 **SECONDED:** Member Terra DeBaltz

AYES: Members Darci Chandler, Ron Hahn, Ric Zydorowicz, Vice Chair Dawn Ellison,
and Chairman Tom Kibort

NAYS: None

ABSTAIN: None

10 **MOTION CARRIED 7:0:0**

Respectfully submitted,

Margo Griffin

Development Manager

15 Village of Huntley