

**VILLAGE OF HUNTLEY**  
**ZONING BOARD OF APPEALS PUBLIC HEARING**  
**November 29, 2017**  
**MINUTES**

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**CALL TO ORDER**

Acting-Chair Helen Shumate called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, November 29, 2017 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, Melissa Stocker, L. Arlen Higgs and Chairperson Helen Shumate

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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 April 26, 2017 Zoning Board of Appeals Meeting Minutes

Acting-Chair Helen Shumate asked if there were any corrections to the minutes. There were none.

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**A MOTION was made to approve the April 26, 2017 Zoning Board of Appeals Meeting Minutes as presented.**

**MOVED: Member Higgs**

**SECONDED: Member Belonax**

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

**NAYS: None**

**ABSTAIN: None**

**MOTION CARRIED 4:0:0**

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5. Public Hearing(s)

A. Petition No. 17-11.3, Steve and Nicole Simons, 10680 Rushmore Lane, Simplified Residential Zoning Variance for rear yard building setback relief in the “R-1 (PUD)” Single-Family Residence District – Planned Unit Development.

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

Development Summary

Planner Williams stated that the petitioners are requesting ±9.32 feet relief from the forty (40’) foot minimum rear yard building setback to accommodate the construction of a three-season room addition on the north side of the “R-1 (PUD)” Single-Family Residence District – Planned Unit Development -zoned residence at 10680 Rushmore Lane.

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Planner Williams reviewed the petitioners' project noting that the proposed 12.0-foot x 14.0-foot (168 square feet) three-season room addition on the rear (north) side of the residence will encroach ±9.32 feet into the forty (40') foot rear yard setback established per the Annexation Agreement approved by the Village of Huntley on September 13, 1990 and recorded as Document Number 1991R0003845 in McHenry County, Illinois.

Planner Williams, referring to the petitioners' responses to the Criteria for Reviewing a Proposed Variation, noted that the petitioners cited the relatively small size of their lot and limited depth of their rear yard as reasons for requesting the subject relief from the rear-yard setback requirement to accommodate the room addition.

Criteria for Reviewing a Proposed Variation

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

- (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 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

Planner Williams concluded the PowerPoint presentation noting that a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 17-11.3, Steve and Nicole Simons, 10680 Rushmore Lane, Simplified Residential Zoning Variance for rear yard building setback relief in the "R-1 (PUD)" Single-Family Residence District – 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:

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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. 17-11.3.**

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**MOVED: Member Belonax**  
**SECONDED: Member Stocker**  
**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 step forward to state their name and address for the record. The following people were sworn in under oath:

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1. James Williams, Village of Huntley
2. Nicole Simons, 10680 Rushmore Lane, Huntley, IL 60142

Chairperson Shumate asked if the petitioner had any comments.

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Nicole Simons addressed the Zoning Board of Appeals and thanked them for their consideration of the relief request and offered to answer any questions or concerns they had regarding the proposed project.

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

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Member Belonax inquired as to the impact the proposed addition would have on the existing deck in the rear yard of the subject property.

Ms. Simons replied that the existing deck would remain and not be reconfigured at this time or otherwise impacted by the construction of the room addition.

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

**A MOTION was to close the public hearing to consider Petition No. 17-11.3.**

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**MOVED: Member Belonax**  
**SECONDED: Member Higgs**  
**AYES: Members Belonax, Stocker, Higgs and Chairperson Shumate**  
**NAYS: None**  
**ABSTAIN: None**

**MOTION CARRIED 4:0:0**

A **MOTION** was made to recommend approval of **Petition No. 17-11.3, Steve and Nicole Simons, 10680 Rushmore Lane, Simplified Residential Zoning Variance for ±9.32 feet relief from the forty (40’) foot rear yard building setback in the “R-1 (PUD)” Single-Family Residence District – 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.**

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

**6. Discussion**

Planner Williams noted that there were no pending cases scheduled for consideration by the Zoning Board of Appeals.

**7. Adjournment**

**At 6:45 pm, a MOTION was made to adjourn the November 29, 2017 Zoning Board of Appeals meeting.**

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

Respectfully submitted,

*James Williams*  
Planner  
Village of Huntley