

**VILLAGE OF HUNTLEY**  
**ZONING BOARD OF APPEALS PUBLIC HEARING**  
**June 8, 2016**  
**MINUTES**

5

**CALL TO ORDER**

Chairman Jack Tures called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, June 8, 2016 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 Melissa Stocker, Helen Shumate, Paul Belonax, L. Arlen Higgs and Chairman Jack Tures

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MEMBERS ABSENT: Member Lee Linnenkohl

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 October 15, 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 October 15, 2014 Zoning Board of Appeals Meeting Minutes as presented.**

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**MOVED: Member Higgs**

**SECONDED: Member Shumate**

**AYES: Members Stocker, Shumate, Belonax, Higgs, and Chairman Tures**

**NAYS: None**

**ABSTAIN: Members**

**MOTION CARRIED 5:0:0**

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5. Public Hearing(s)

A. Petition No. 16-6.1, Robert and Frances Fry, 12242 Winne Lane, 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

Planner Williams stated that the petitioners are requesting 10.7-foot relief from the forty (40') foot minimum rear yard building setback to accommodate the construction of a screen room addition on the north side of the "RE-1 (PUD)" Residential Estate – Planned Unit Development-zoned residence at 12242 Winne Lane.

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5 Planner Williams continued, noting that the proposed 11.5-foot x 14.5-foot (166.75 square feet) screen room addition on the rear (north) side of the residence will encroach 10.7 feet into the forty (40') foot rear yard setback established per Village of Huntley Ordinance #2013-09.51. Planner Williams stated that the subject property abuts Outlot A to the north and Outlot F to the east which provide for stormwater detention and a Municipal Utility Easement / Drainage Easement, respectively. Planner Williams pointed out that both Outlots are dedicated to the Talamore Community Association.

10 Planner Williams stated that the petitioners noted in their application for the relief from the rear setback requirement that their extreme allergies to mosquitos and other outdoor contaminants and that the Talamore developer not offering a model with a screen porch were reasons for wanting the screened addition. Planner Williams also pointed out that the Development Services Department is in receipt of the Talamore Community Association letter approving the proposed screen room addition.

15 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:

- 20 (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.
- 25 (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.
- 50 (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. 16-6.1, Robert and Frances Fry, 12242 Winne Lane, Simplified Residential Zoning Variance for rear yard building setback relief in the “RE-1 (PUD)” Residential Estate – Planned Unit Development.

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.

**A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 16-6.1.**

20 **MOVED: Member Belonax**  
**SECONDED: Member Higgs**  
**AYES: Members Stocker, Shumate, Belonax, Higgs, and Chairman Tures**  
**NAYS: None**  
**ABSTAIN: None**  
25 **MOTION CARRIED 5:0:0**

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:

- 30
1. James Williams, Village of Huntley
  2. Robert and Frances Fry, 12242 Winne Lane, Huntley, IL 60142
  3. Al Betz, Betz Design, 715 Exmoor Terrace, Crystal Lake, IL 60014

35 Chairman Tures asked if the petitioners wanted to offer any additional testimony and they did not.

Member Belonax stated he was in favor of the request.

40 Member Higgs stated that the request for the relief appeared reasonable and given the property abutting the two Outlots would hopefully minimally impact the adjacent residential properties.

Members Stocker stated the proposed request to accommodate the project appeared reasonable.

45 Member Shumate asked the petitioners if the proposed addition was indeed a three season room rather than a structure intended to be used year-round.

Al Betz, the petitioners’ contractor, addressed the Zoning Board of Appeals and confirmed that the proposed addition was a screen room and generally intended to only be used the portion of the year when weather conditions were mild and agreeable.

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

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

5 **A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 16-6.1.**

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

15 **A MOTION was made to recommend approval of Petition No. 16-6.1, Robert and Frances Fry, 12242 Winne Lane, 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:**

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

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

6. Discussion

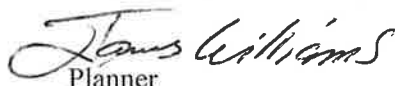
30 Planner Williams noted that Zoning Board of Appeals Member Don Bond had tendered his resignation and that this evening’s Zoning Board of Appeals public hearing was Chairman Tures’ last meeting after twenty-six years of service.

7. Adjournment

35 **At 6:46 pm, a MOTION was made to adjourn the June 8, 2016 Zoning Board of Appeals meeting.**

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

45 Respectfully submitted,

  
Planner  
Village of Huntley