

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
August 3, 2016
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, August 3, 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 Paul Belonax, L. Arlen Higgs, Melissa Stocker, and Acting-Chair Helen Shumate

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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 June 8, 2016 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 June 8, 2016 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Higgs

SECONDED: Member Belonax

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AYES: Members Belonax, Higgs, Stocker and Acting-Chair Shumate

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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5. Public Hearing(s)

A. Petition No. 16-8.1, Daniel and Jina Baggio, 10753 Santa Fe Trail, 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

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Planner Williams noted that the petitioners are requesting 1.18-foot relief from the forty (40') foot minimum rear yard building setback to accommodate the construction of a sunroom addition on the south side of the "RE-1 (PUD)" Residential Estate – Planned Unit Development-zoned residence at 10753 Santa Fe Trail.

Planner Williams stated that the approximately 229 square foot sunroom addition on the rear (south) side of the residence will be setback 38.82 feet from the rear lot line, thereby encroaching 1.18-feet into the forty (40') foot rear yard setback established in Village of Ordinance #2002-07.37.

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Planner Williams stated that the petitioners noted that their property is unique because it backs to the open space corridor. Additionally, Planner Williams pointed out that the Georgian Place Homeowners Association does not require review and approval of building additions such as the sunroom proposed by the petitioners.

10 **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:

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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.

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(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 pointed out that the petitioners' *Responses to the Criteria for Reviewing a Proposed Variation* were included as an exhibit to the Staff report outlining the petitioner's 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. 16-8.1, Daniel and Jina Baggio, 10753 Santa Fe Trail, Simplified Residential Zoning Variation for 1.18 feet relief from the forty (40') foot rear-yard building setback.

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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.

Planner Williams further stated that all requirements for public notice of this evening's Public Hearing were also fulfilled.

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A MOTION was made by the Zoning Board of Appeals to open the public hearing to consider Petition No. 16-8.1.

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

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Acting-Chair 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. Daniel Baggio, 10753 Santa Fe Trail, Huntley, IL 60142
3. Al Betz, Betz Design, 715 Exmoor Terrace, Crystal Lake, IL 60014

Acting-Chair Shumate asked if the petitioner had any comments.

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Mr. Baggio addressed the Zoning Board of Appeals and thanked them for their consideration of the relief request and noted that he hoped given that the relief is so modest that it would receive a positive recommendation.

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

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Member Higgs noted that he was in favor of the requested relief given its relatively modest size as well as the orientation of the subject residence backing-up to open space.

Similarly, Member Stocker also expressed her support of the request particularly because of the subject property backing-up to open and therefore the proposed addition would have little impact upon surrounding properties.

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Member Belonax agreed that there appeared to be plenty of room in the rear portion of the property to accommodate the addition with little impact upon adjacent residences.

A MOTION was made by the Zoning Board of Appeals to close the public hearing to consider Petition No. 16-8.1.

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

A MOTION was made to recommend approval of Petition No. 16-8.1, Daniel and Jina Baggio, 10753 Santa Fe Trail, Simplified Residential Zoning Variation for 1.18 feet relief from the forty (40') foot rear-yard building 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.**

20 **MOVED:** **Member Higgs**
SECONDED: **Member Belonax**
AYES: **Members Belonax, Higgs, Stocker and Acting-Chair Shumate**
NAYS: **None**
ABSTAIN: **None**
25 **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.

30 7. Adjournment

At 6:45 pm, a MOTION was made to adjourn the August 3, 2016 Zoning Board of Appeals meeting.

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

Respectfully submitted,

James Williams

Planner

45 Village of Huntley