

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
April 12, 2021
MINUTES

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CALL TO ORDER

Chairman Kibort called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Monday April 12, 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 Darci Chandler, Robert Chandler, Vice Chair Dawn Ellison, and Chairman Tom Kibort

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MEMBERS ABSENT: Members Terra DeBaltz, Ron Hahn, and Lori Nichols

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

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3. Public Comment None.

4. Approval of Minutes

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A. Approval of the September 28, 2020 Zoning Board of Appeals Meeting Minutes

Chairperson Tom Kibort requested a Motion from the Board.

A MOTION was made to approve the September 28, 2020 Zoning Board of Appeals Meeting Minutes as presented.

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MOVED: Member Darci Chandler

SECONDED: Vice Chair Dawn Ellison

AYES: Members Darci Chandler, Robert Chandler, Vice Chair Dawn Ellison, and Chairman Tom Kibort

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NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

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5. Public Hearing(s)

A. Public Hearing before the Zoning Board of Appeals for Petition No. 2021-04.1, Douglas McMillan, 14097 Sundance Drive, Simplified Residential Zoning Variation for rear yard building setback relief in the “SF-2 PDD” Garden Residential- Planned Development District.

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Manager Griffin presented a PowerPoint presentation and reviewed the petitioners’ request and the accompanying documents.

DEVELOPMENT SUMMARY

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Manager Griffin reviewed an aerial photo and stated the petitioner is requesting ±8.25 feet of relief beyond the 20-foot rear building setback line to accommodate the construction of a ±15’3” x 16’4” three season room addition to the single-family residence located at 14097 Sundance Drive. The property is zoned “SF-2 PDD” Garden Residential, Planned Development District.

Manager Griffin continued with photos of the back of the home and sketches of the three-season room addition. The proposed ±15'3" x 16'4" three season room addition will encroach ±8.25-feet beyond the platted 20-foot rear building setback line.

5 Manager Griffin reviewed the petitioner's statement of hardship which lead to the request for variation. The petitioner, Douglas McMillan, has cited the fact his lot backs up to a wooded area and a farmed lot, and that his wife is allergic to mosquitoes and bee stings. The three-season room addition will allow them to safely enjoy the view of their yard, and will also reduce noise during the busy planting and harvest times in the spring and fall. If the variance is approved and the addition is constructed, the home will still have an 11.75' rear yard (south) setback.

10 Manager Griffin stated the single story three-season room will be constructed with all new materials to match the existing residence, and the roof shingles will match the existing roof.

15 CRITERIA FOR REVIEWING A PROPOSED VARIATION

Manager Griffin 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:

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.

(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.

5 *The petitioner's hardship letter and response to the Criteria for Reviewing a Proposed Variation were included as exhibits in the Zoning Board packet.*

REQUEST FOR MOTION

10 Manager Griffin stated a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition 21-04.1, Douglas McMillan, 14097 Sundance Drive, Simplified Residential Zoning Variation for rear yard building setback relief in the "SF-2 PDD" Garden Residential- Planned Development District.

15 Manager Griffin 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.

20 **A MOTION was made to open the public hearing to consider Petition No. 21-04.1.**

MOVED: Vice Chair Dawn Ellison

SECONDED: Member Darci Chandler

AYES: Members Darci Chandler, Robert Chandler, Vice Chair Dawn Ellison, and Chairman Tom Kibort

25 **NAYS: None**

ABSTAIN: None

MOTION CARRIED 4:0:0

30 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. Margo Griffin, Village of Huntley
2. Douglas McMillan, 14097 Sundance Drive

35 Chairman Kibort asked if the petitioner had any comments.

Douglas McMillan stated he agreed with Manager Griffin's presentation and review of the project. He is looking forward to building the three-season room addition.

40 Chairman Kibort asked for members of the public to speak if they had any comments. There were none.

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

45 Board Member Robert Chandler stated he did not have any questions or see any issues with the project. He said he understands many people have allergies, and appreciates there are no neighbors in the rear.

Vice Chair Dawn Ellison had no issues.

Board Member Darci Chandler was in favor of the project.

50 Chairman Tom Kibort stated he was in favor of the project. He then asked for a motion to close the public hearing.

A MOTION was made to close the public hearing to consider Petition No. 21-04.1.

5 **MOVED:** Member Robert Chandler
SECONDED: Member Darci Chandler
AYES: Members Darci Chandler, Robert Chandler, Vice Chair Dawn Ellison, and
Chairman Tom Kibort
NAYS: None
ABSTAIN: None
10 **MOTION CARRIED 4:0:0**

15 A MOTION was made to recommend approval of Petition No. 21-04.1, Douglas McMillan,
petitioner/owner, 14097 Sundance Drive, Simplified Residential Zoning Variation 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.

20 **MOVED:** Vice Chair Dawn Ellison
SECONDED: Member Robert Chandler
AYES: Members Darci Chandler, Robert Chandler, Vice Chair Dawn Ellison, and
Chairman Tom Kibort
NAYS: None
ABSTAIN: None
25 **MOTION CARRIED 4:0:0**

6. Discussion

30 Director Nordman stated there were no announcements.

7. Adjournment

At 6:42 pm, a MOTION was made to adjourn the April 12, 2021 Zoning Board of Appeals meeting.

35 **MOVED:** Vice Chair Dawn Ellison
SECONDED: Member Darci Chandler
AYES: Members Darci Chandler, Robert Chandler, Vice Chair Dawn Ellison, and
Chairman Tom Kibort
NAYS: None
40 **ABSTAIN:** None
MOTION CARRIED 4:0:0

Respectfully submitted,

Margo Griffin

45 Development Manager
Village of Huntley