

VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS
September 12, 2022
MINUTES

5

CALL TO ORDER

Chairwoman Dawn Ellison called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Monday September 12, 2022 at 6:30 p.m., from the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142.

10

PLEDGE OF ALLEGIANCE

Chairwoman Ellison led the Pledge of Allegiance.

ROLL CALL

15

MEMBERS PRESENT: Members Ron Hahn, Joseph Holtorf, Jeff Peterson, Dennis O’Leary, Terra DeBaltz, Vice Chair Ric Zydorowicz, and Chairwoman Dawn Ellison.

MEMBERS ABSENT: None

20

ALSO PRESENT: Senior Planner Scott Bernacki

3. Public Comment

25

There were no public comments.

4. Approval of Minutes

A. Approval of the November 8, 2021 Zoning Board of Appeals Meeting Minutes

30

Chairwoman Ellison requested a Motion from the Board.

A MOTION was made to approve the November 8, 2021 Zoning Board of Appeals Meeting Minutes as presented.

35

MOVED: Member Ron Hahn

SECONDED: Vice Chair Ric Zydorowicz

AYES: Members Ron Hahn, Joseph Holtorf, Jeff Peterson, Dennis O’Leary, Vice Chair Ric Zydorowicz, Chairwoman Dawn Ellison

40

NAYS: None

ABSTAIN: Member Terra DeBaltz

MOTION CARRIED 6:0:1

5. Public Hearing(s)

45

A. Public Hearing before the Zoning Board of Appeals for Petition No. 22-09.01, Patrick and Kathy Shull, 9920 Riverside Drive Simplified Residential Zoning Variation for rear yard building setback relief in the “R2”, Single Family Residence District.

50

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

Planner Bernacki reviewed photographs of the home and neighboring lots stating that the petitioner is requesting ±9 feet of relief beyond the 40-foot rear building setback line to accommodate the construction of a ±13' x 16'-10" three-season room addition to the single-family residence located at 9920 Riverside 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 ±13' x 16'-10" three-season room addition will encroach ±9-feet beyond the required 40-foot rear building setback line. The proposed addition would maintain the existing ±12.95' side setback from the south 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 (east) setback would be reduced from the required 40' to ± 31.04.

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

15 Planner Bernacki noted that the petitioner has submitted a response to the criteria for reviewing the proposed zoning variation. 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.

(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.

35 (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.

40 (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:

45 (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;

50 (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 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.

10 Planner Bernacki completed his presentation.

Chairwoman Ellison requested a motion to open the public hearing.

A MOTION was made to open the public hearing to consider Petition No. 22-09.01

15

MOVED: Member Terra DeBaltz

SECONDED: Vice Chair Ric Zydorowicz

AYES: Members Ron Hahn, Joseph Holtorf, Jeff Peterson, Dennis O’Leary, Terra DeBaltz, Vice Chair Ric Zydorowicz, Chairwoman Dawn Ellison

20

NAYS: None

ABSTAIN: None

MOTION CARRIED 7:0:0

25

Chairwoman Ellison 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: Scott Bernacki, Village of Huntley; Kathy Shull, 9920 Riverside Drive.

Chairwoman Ellison asked if the petitioner had any comments. There were none.

30

Chairwoman Ellison asked for comments from the Zoning Board members.

Board Member Ron Hahn stated he had no issues with the project given that the property abuts to the open space of the park and that no other neighbors spoke in opposition to the request. It was said that the proposed addition does not obstruct the yard any further than the existing accessory deck or pool structures installed on the two neighboring lots.

35

Board Member Joseph Holtorf confirmed with the petitioner that the legal notice was sent in a timely manner and that no HOA was needed for this approval.

40

Board Member Jeff Peterson stated he had no issues with the project.

Vice Chair Ric Zydorowicz stated the project looks good.

Board Member Dennis O’Leary and Terra DeBaltz agreed with the sentiments of the previous board members.

45

Chairwoman Dawn Ellison confirmed with the petitioner that the tree was to remain on site.

Chairwoman Ellison asked for a motion to close the public hearing.

50

A MOTION was made to close the public hearing to consider Petition No. 22-09.01.

MOVED: Member Terra DeBaltz

SECONDED: Member Jeff Peterson

AYES: Members Ron Hahn, Joseph Holtorf, Jeff Peterson, Dennis O’Leary, Terra DeBaltz, Vice Chair Ric Zydorowicz, Chairwoman Dawn Ellison

NAYS: None

ABSTAIN: None

5 **MOTION CARRIED 7:0:0**

A **MOTION** was made to recommend approval of Petition No. 22-09.01, Patrick and Kathy Shull, 9920 Riverside Drive, Simplified Residential Zoning Variation for rear yard building setback relief in the “R2”, Single Family Residence District, subject to the following condition:

10

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

MOVED: Member Terra DeBaltz

15 **SECONDED:** Member Joseph Holtorf

AYES: Members Ron Hahn, Joseph Holtorf, Jeff Peterson, Dennis O’Leary, Terra DeBaltz, Vice Chair Ric Zydorowicz, Chairwoman Dawn Ellison

NAYS: None

ABSTAIN: None

20 **MOTION CARRIED 7:0:0**

6. Discussion

None.

25

7. Adjournment

At 6:40 pm, a **MOTION** was made to adjourn the September 12, 2022 Zoning Board of Appeals meeting.

30 **MOVED:** Member Terra DeBaltz

SECONDED: Chairwoman Dawn Ellison

AYES: Members Ron Hahn, Joseph Holtorf, Jeff Peterson, Dennis O’Leary, Terra DeBaltz, Vice Chair Ric Zydorowicz, Chairwoman Dawn Ellison


NAYS: None

35 **ABSTAIN:** None

MOTION CARRIED 7:0:0

Respectfully submitted,

40


Senior Planner
Village of Huntley