

**VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
June 8, 2020
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 June 8, 2020 at 6:30 p.m., virtually from the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142. Pursuant to Governor Pritzker's Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), Governor Pritzker, suspending certain rules of the Open Meetings Act – specifically the Executive Order permits remote public meetings. In light of the current COVID-19 public health emergency and the prohibition of public gathering of 10 or more, the Zoning Board of Appeals has chosen to conduct the commission meeting remotely. Public Comments were allowed telephonically or via advance written emails.

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ATTENDANCE

MEMBERS PRESENT: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Ron Hahn, Lori Nichols, Vice Chair Dawn Ellison, and Chairman Tom Kibort

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MEMBERS ABSENT: None

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

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3. Public Comment

There were no public comments.

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4. Approval of Minutes

A. Approval of the July 10, 2019 Zoning Board of Appeals Meeting Minutes

As this was a newly seated Zoning Board, a short discussion occurred on Roberts Rules of Order and the appropriateness of the new Board approving the minutes. Chairperson Tom Kibort requested a Motion from the Board.

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A MOTION was made to approve the July 10, 2019 Zoning Board of Appeals Meeting Minutes as presented.

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MOVED: Vice Chair Dawn Ellison

SECONDED: Member Darci Chandler

AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort

NAYS: None

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ABSTAIN: None

MOTION CARRIED 7:0:0

5. Public Hearing(s)

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A. Public Hearing before the Zoning Board of Appeals for Petition No. 20-6.1, Brian Spears, 9672 Baumgartner Street, Simplified Residential Zoning Variation for rear yard building setback relief in the "RE-1 PUD" Residential Estate District Planned Unit Development.

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

DEVELOPMENT SUMMARY

5 Manager Griffin reviewed an aerial photo and stated the petitioner is requesting ±11.28 feet of relief from the forty (40') foot minimum rear yard building setback to accommodate the construction of a deck and screen room addition to the rear of the home located at 9672 Baumgartner Street. The property is zoned "RE-1 PUD" Residential Estate District Planned Unit Development.

10 Manager Griffin continued with photos of the back of the home and sketches of the screen room addition. The proposed 13' x 11.5' screen room addition on the rear (south side) of the single-family residence will encroach ±11.28' feet into the requisite 40-foot rear yard building setback.

15 Manager Griffin reviewed the petitioner's statement of hardship which lead to the request for variation. The petitioner has cited the fact their home backs up to a large detention pond and a wetland area makes it very susceptible as a breeding ground for mosquitos. In addition, they state their two sons are allergic to mosquito bites, and the screened in room addition would allow their family to enjoy the outdoors and be protected from the mosquitos, and improve their quality of life. The addition will be in the same general footprint of an existing raised deck, and will not be encroaching into any neighbors' existing sight lines. The screened room will be built with materials and colors to match the home, and the roof shingles will match the existing shingles.

CRITERIA FOR REVIEWING A PROPOSED VARIATION

25 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:

(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.

30 (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.

35 (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.

40 (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.

45 (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.

50 (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;

5 (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

10 (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.

15 *The petitioner's hardship letter and response to the Criteria for Reviewing a Proposed Variation were included as exhibits.*

REQUEST FOR MOTION

20 Manager Griffin stated a motion is requested of the Zoning Board of Appeals by the petitioners, to recommend approval of Petition No. 20-6.1, Brian Spears, 9672 Baumgartner Street, Simplified Residential Zoning Variation for rear yard building setback relief in the "RE-1 PUD" Residential Estate District Planned Unit Development.

Manager Griffin stated Staff recommends the following condition be applied should the Zoning Board of Appeals forward a positive recommendation to the Village Board:

25 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. 20-6.1.

30 **MOVED: Vice Chair Dawn Ellison**

SECONDED: Member Lori Nichols

AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort

NAYS: None

35 **ABSTAIN: None**

MOTION CARRIED 7:0:0

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:

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1. Margo Griffin, Village of Huntley
2. Brian Spears, 9672 Baumgartner Street, Huntley, IL 60142
3. Dan Streich, 9682 Baumgartner Street, Huntley, IL 60142

45 Chairman Kibort asked if the petitioner had any comments.

Brian Spears stated he and his wife agreed with Manager Griffin's presentation and review of the project. He stated the detention area behind the property made it difficult for their family to enjoy their backyard due to the mosquitos, and they looked forward to the new screen room addition.

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Chairman Kibort asked for members of the public to speak if they had any comments.

Dan Streich of 9682 Baumgartner Street stated he was there in support of the petition. He was the next door neighbor and had no issues with the project.

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

Vice Chair Dawn Ellison stated she was in favor of the petition. She drove by the residence over the weekend and stated the project made sense to her, and did not see any impact on other homes.

Board Member Ron Hahn had no problem with the project, especially due to the fact there is no neighbor in the rear.

Board Member Darci Chandler was in favor of the project and she could see how the screen room addition would enhance the enjoyment of their home.

Board Member Lori Nichols stated she was in favor of the project, and understands the difficulties with allergies and how this addition would benefit the homeowners.

Board Member Terra DeBaltz stated she was in favor. She felt like it was just replacing the deck and there were no neighbors impacted.

Board Member Robert Chandler stated he agreed with the rest of the Board. He was in favor of the project and did not see any impact on adjacent homes.

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. 20-6.1.

MOVED: Vice Chair Dawn Ellison
SECONDED: Member Ron Hahn
AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort
NAYS: None
ABSTAIN: None
MOTION CARRIED 7:0:0

A MOTION was made to recommend approval of Petition No. 20-6.1, Brian Spears, 9672 Baumgartner Street, Simplified Residential Zoning Variation for rear yard building setback relief in the “RE-1 PUD” Residential Estate 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 Terra DeBaltz
SECONDED: Member Darci Chandler
AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort
NAYS: None
ABSTAIN: None
MOTION CARRIED 7:0:0

6. Discussion

Director Nordman announced the next Plan Commission meeting was in two weeks; however at this time he did not have any petitions scheduled.

5 Vice Chair Dawn Ellison inquired about Sadar motors being closed and if they were officially out of the space. Director Nordman stated they would be in the space a short while longer while they worked through auctioning off the remaining vehicles.

10 Vice Chair Ellison mentioned the new Starbucks up north has visibility issues when exiting onto the north access road. Director Nordman stated he would follow up with the property owner.

Vice Chair Ellison stated she believed there is a major drainage issue up north near Talamore which also involves some homes in unincorporated Huntley. Director Nordman stated he would follow up with the Village Engineer.

15 7. Adjournment

At 6:55 pm, a MOTION was made to adjourn the June 8, 2020 Zoning Board of Appeals meeting.

20 **MOVED: Vice Chair Dawn Ellison**
SECONDED: Member Lori Nichols
AYES: Members Terra DeBaltz, Darci Chandler, Robert Chandler, Lori Nichols, Ron Hahn, Vice Chair Dawn Ellison, and Chairman Tom Kibort
NAYS: None
ABSTAIN: None
25 **MOTION CARRIED 7:0:0**

Respectfully submitted,

Margo Griffin

Development Manager

30 Village of Huntley