

**VILLAGE OF HUNTLEY
ZONING BOARD OF APPEALS PUBLIC HEARING
November 14, 2018
MINUTES**

5

CALL TO ORDER

Chairperson Helen Shumate called to order the meeting of the Zoning Board of Appeals of the Village of Huntley on Wednesday, November 14, 2018 at 6:31 p.m. in the Municipal Complex Village Board Room at 10987 Main Street, Huntley, Illinois 60142. The room is handicap accessible.

10

ATTENDANCE

MEMBERS PRESENT: Members Kim Scalise, Melissa Stocker, L. Arlen Higgs and Chairperson Helen Shumate

15

MEMBERS ABSENT: Member Paul Belonax

ALSO PRESENT: Development Services Director Charles Nordman

20

3. Public Comment

There were no public comments.

25

4. Approval of Minutes

A. Approval of the November 29, 2017 Zoning Board of Appeals Meeting Minutes

Chairperson Helen Shumate asked if there were any corrections to the minutes. There were none.

30

A MOTION was made to approve the November 29, 2017 Zoning Board of Appeals Meeting Minutes as presented.

MOVED: Member Higgs

SECONDED: Member Stocker

35

AYES: Members Scalise, Stocker, Higgs and Chairperson Shumate

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

40

5. Public Hearing(s)

A. Public Hearing before the Zoning Board of Appeals for Petition No. 18-11.1, Zakarya and Kelley Zerby, 11008 N. Myrtle Street, Simplified Residential Zoning Variance for rear yard building setback relief in the "R-2" Single-Family Residence District.

45

Director Charles Nordman reviewed a PowerPoint presentation outlining the petitioners' request.

Development Summary

The petitioners are requesting ±9.5 feet relief from the forty (40') foot minimum rear yard building setback to accommodate the construction of a three-season room addition on the east side of the "R-2" Single-Family Residence District-zoned residence at 11008 N. Myrtle Street.

50

The proposed ±15.5' x ±21.1', ±307 square foot three-season room addition on the rear (east) of the residence will encroach ±9.5 feet into the forty (40') foot rear yard setback required per the Huntley Zoning Ordinance, Section 156.029, "R-2" Single Family Residence District, (C) 3. *Minimum Yards*.

- 5 The petitioners cited insects during warmer months, relatively small size of their lot and the inability to construct a sufficiently sized building addition in compliance with the requisite rear-yard setback as reasons for requesting the subject relief from the rear-yard setback requirement.

Criteria for Reviewing a Proposed Variation

10 Director Nordman stated that the Huntley Zoning Ordinance - Section 156.210 Variations (F) Standards for Variations establishes the following criteria for review of requests:

- 15 (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.
- 20 (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.
- 25 (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.
- 30 (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.
- 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;
 - (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.
- 50 (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.

Director Nordman noted that the petitioners' *Responses to the Criteria for Reviewing a Proposed Variation* were included as an exhibit to the Staff report that outlined the petitioner's relief request.

Requested Action

5 Director Nordman 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. 18-11.1, Zakarya and Kelley Zerby, 11008 North Myrtle Street, Simplified Residential Zoning Variation for ±9.5 feet relief from the forty (40') foot rear-yard building setback.

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

A MOTION was made to open the public hearing to consider Petition No. 18-11.1.

MOVED: Member Stocker

SECONDED: Member Higgs

20

AYES: Members Scalise, Stocker, Higgs and Chairperson Shumate

NAYS: None

ABSTAIN: None

MOTION CARRIED 4:0:0

25

Chairperson 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:

1. Charles Nordman, Village of Huntley
2. Zak Zerby, 11008 N. Myrtle Street, Huntley, IL 60142
3. Tony Cutrona, Incredible Builders, 10438 Eastwood Drive, Huntley, IL 60142

30

Chairperson Shumate asked if the petitioner had any comments.

35 Mr. Cutrona stated he was the contractor for the project. Mr. Cutrona explained the wetland behind the property has made it difficult for the family to enjoy their backyard due to the mosquitos.

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

40

Member Stocker stated that she believed the property is unique because there are no other homes behind it.

Chairperson Shumate asked if their addition would have heat and air conditioning. Mr. Cutrona stated it was a three season room and would not have heat or air conditioning.

45

Commissioner Higgs asked if the addition would be constructed on piers. Mr. Cutrona confirmed it would be constructed on piers.

There were no other questions or concerns asked or raised by the Zoning Board of Appeals members.

50

A MOTION was to close the public hearing to consider Petition No. 17-11.1.

MOVED: Member Higgs

SECONDED: Member Scalise

AYES: Members Scalise, Stocker, Higgs and Chairperson Shumate
NAYS: None
ABSTAIN: None
MOTION CARRIED 4:0:0

5

A MOTION was made to recommend approval of Petition No. 18-11.1, Zakarya and Kelley Zerby, 11008 North Myrtle Street, Simplified Residential Zoning Variation for ±9.5 feet relief from the forty (40') foot rear-yard building setback 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 Higgs
SECONDED: Member Stocker
AYES: Members Scalise, Stocker, Higgs and Chairperson Shumate
NAYS: None
ABSTAIN: None
MOTION CARRIED 4:0:0

15

20

6. Discussion

Director Nordman stated there were no pending cases scheduled for consideration by the Zoning Board of Appeals.

25

7. Adjournment

At 6:44 pm, a MOTION was made to adjourn the November 14, 2018 Zoning Board of Appeals meeting.

MOVED: Member Stocker
SECONDED: Member Scalise
AYES: Members Scalise, Stocker, Higgs and Chairperson Shumate
NAYS: None
ABSTAIN: None
MOTION CARRIED 4:0:0

30

35

Respectfully submitted,

Charles Nordman

Director of Development Services
Village of Huntley