

Village of Germantown Hills Zoning Board of Appeals

August 8, 2023, Public Hearing/Regular Meeting 6:00 p.m.

Variance Request-Clint Young-700 Holland Road

2023-01

1. Call to Order/Roll Call-Randy Nash called the meeting to order at 6:00 p.m.

Zoning Board of Appeals	Roll Call	1	2	3	4
Randy Nash-Chairman	P	Y	Y	Y	
Wayne Moses	P	Y	Y	Y	
Ed Rainville	P	Y	Y	Y	
Marty Clinch	P	Y	Y	Y	
Julie Mawazini	P	Y	Y	Y	
Ron Schneider	P	Y	Y	Y	
Margit Alderson	P	Y	Y	Y	

Also in attendance:

Bill Streeter, Village Attorney

2. Public Hearing to consider a request from Clint Young for a variance to the Village's zoning code regarding the Village's rear setback requirements for a structure as contained in Title 9, Chapter 6A, Section 3 (f). Mr. Young is requesting a variance to construct a 16 foot by 38-foot addition to his primary structure, which the addition would be 16 feet from the rear property line instead of the 30 feet required rear setback requirement at his property located at 700 Holland Road, Germantown Hills, Illinois.

Randy Nash explained the purpose of the public hearing and meeting. Clinton and Mei Young at 700 Holland Road were sworn in along with Dallas Jones, from 704 Holland Road. Randy Nash explained that there are four conditions that need to be met in order to show a hardship for a variance to be approved.

a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.

Clint Young stated his house is located on a lot that is significantly different from other lots. Normal lots would have two side yards but instead the house is parallel to Holland Road positioned that a side yard is a rear yard.

Randy Nash stated that wherever a front door faces the opposite direction would indicate a rear yard.

Clint Young noted what other communities do.

Randy Nash stated our only concern is the village's zoning code and no other communities.

Bill Streeter stated we are here to talk about a variance request, and this meeting is your opportunity to provide information so that it can be determined if a variance should be approved.

Clint Young stated if a rear yard is 30' then 12% of his house already sits in that setback area. The way the house sits doesn't give him much property left. Clint questioned if one side of his house is considered to be compliant and then why wouldn't the other side if he is requesting the same setback.

Randy Nash asked if there are any other lots in the village similar to his.

Clint noted he has three 30' setbacks on his property.

Marty Clinch noted the site plan shows the corner of his house is already in the setback.

Clint stated his only thought is that at the time they must have viewed it as a side yard instead of a rear yard.

Bill Streeter noted what was granted previously by a predecessor can't be changed.

Marty Clinch asked if he was trying to stay within that same setback.

Bill Streeter noted Mr. Young is asking for a variance. The zoning board needs to look at what is there now.

Randy Nash indicated that if the ZBA grants a variance it will be in compliance with his request. Randy noted he has looked and there are no other lots like his, but one is similar to this one. This is one of the first things to look at. So, the answer to the first condition is yes, there are circumstances that show this lot is different than other lots.

Ed Rainville stated the lot is like a pie shape with two neighbors abutting him to two side lot lines.

b. That the literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title.

Yes, this would be true. The board agreed.

c. That the special conditions and circumstances do not result from the actions of the applicant.

Yes, whoever built the house created these issues for Mr. Young. The board agreed.

d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.

Yes, it will not confer on the applicant any special privilege. The board agreed.

Dallas Jones stated Mr. Young making the improvements will increase the value of the property.

Randy Nash noted all four conditions have been met, proving a hardship for Mr. Young.

Ed Rainville asked what type of addition Mr. Young was going to build.

Clint noted the property had issues with the drain tiles so he is having to build some retaining walls around the perimeter. He is planning on building a deck and eventually putting a roof on to expand the house. The footprint of the improvements will be at the 16' setback line.

A motion was made by Marty Clinch to approve a variance to construct a 16 foot by 38-foot addition to his primary structure, which the addition would be 16 feet from the rear property line instead of the 30 feet required rear setback requirement at his property located at 700 Holland Road, Germantown Hills, Illinois. The motion was seconded by Ron Schneider. **Motion passed #1.**

3. Minutes Approval-November 15, 2022.

A motion was made by Wayne Moses to approve the November 15, 2022, Zoning Board of Appeals minutes. The motion was seconded by Julie Mawazini. **Motion passed #2.**

4. Adjournment-A motion was made by Marty Clinch to adjourn the meeting at 6:25 p.m. The motion was seconded by Ed Rainville. **Motion passed #3.**

Ann Doubet, Village Clerk