

VILLAGE OF BARTLETT

COMMITTEE AGENDA

MAY 7, 2019

BUILDING & ZONING

600 S. Bartlett Road (Forest Trails Horse Stable)



Agenda Item Executive Summary

Item Name 600 S Bartlett Rd (Forest Trails Horse Stable) Committee or Board Committee

BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

EXECUTIVE SUMMARY

The subject property is located along the west side of S. Bartlett Road, south of the Commonwealth Edison R-O-W and is commonly referred to as the Forest Trails Horse Stable.

The Petitioner is requesting the following **variations**:

- 20-foot reduction from the 50-foot required side yard setback (south property line)
- 16-foot reduction from the 50-foot required side yard setback (north property line)
- 10-foot increase from the 15-foot maximum accessory building height

The **Zoning Board of Appeals** reviewed the variation requests, conducted the public hearing and recommended **approval** at their April 4, 2019 meeting.

ATTACHMENTS (PLEASE LIST)

CD Memo, Zoning Board of Appeals Meeting Minutes, Applicant Cover Letter, Application, Location Map, Plats of Survey and a Proposed Color Rendering

ACTION REQUESTED

- For Discussion Only – To review the Petitioner’s variation requests and forward to the Village Board for a final vote.
- Resolution
- Ordinance
- Motion

Staff: Roberta Grill, Planning and Development Services Director

Date: 4/25/2019

COMMUNITY DEVELOPMENT MEMORANDUM

19-045

DATE: April 25, 2019
TO: Paula Schumacher, Village Administrator
FROM: Roberta Grill, Planning and Development Services Director 
RE: **(#19-06) 600 S. Bartlett Rd (Forest Trails Horse Stable)**

PETITIONER

Charles Hankins

SUBJECT SITE

600 S. Bartlett Rd (west side of s. Bartlett Road, south of the Commonwealth Edison R-O-W)

REQUEST

Variations:

- a) 20-foot reduction from the 50-foot required side yard setback (south property line)
- b) 16-foot reduction from the 50-foot required side yard setback (north property line)
- c) 10-foot increase from the 15-foot maximum accessory building height

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Horse Farm	Open Space	ER-1
North	Utility/Horse Farm	Utility	R-3*
South	Open Space	Open Space	R-3*
East	Single Family	Suburban Residential	SR-3
West	Open Space	Open Space	R-3*

*DuPage County

ZONING HISTORY

This property was annexed into the Village of Bartlett in February 2, 1993 by Ordinance 93-10. Upon annexation, the property was zoned ER-1 (Estate Residence). The existing buildings were considered legal non-conforming structures and were grandfathered into the Village. If a request to alter the existing buildings is brought to the Village, they would either need to comply with the current bulk regulations or request a variation to bring the buildings into compliance.

On September 16, 1997 front and side yard variations were approved by Ordinance 97-73 to allow for the construction of a front porch and to bring the non-conforming house into compliance.

DISCUSSION

1. The subject property is zoned ER-1 (Estate Residence).
2. The Petitioner is requesting to construct a 60' x 60' detached, 2-story, 4-car garage. The proposed garage is considered an accessory building for an agricultural use (horse farm). An existing single story garage and small wood shed would be removed.
3. According to the Zoning Ordinance, an accessory building that is not utilized for animals as part of an agricultural use (horse farm) is required to be a minimum of 50 feet from the side property lines. The petitioner is requesting a 20-foot variation from the 50-foot required side yard setback (south property line) and a 16-foot variation from the 50-foot required side yard setback (north property line). The proposed garage would be located 30 feet from the south property line and 34 feet from the north property line. These represent a 40% and 32% reduction from the required setback.
4. The Petitioner is also requesting a 10-foot variation from the maximum accessory structure height of 15 feet. The proposed 2 story garage would be 25 feet in height.
5. The impervious surface ratio of this lot is currently 20%. The proposed garage and removal of the two (2) existing structures will increase the impervious surface ratio for the house and other paved improvements to 21%, which complies with the 30% maximum impervious surface for a lot of this size.
6. If the variations are approved, the Petitioner may apply for a building permit for the proposed garage.

RECOMMENDATION

1. The **Zoning Board of Appeals** reviewed the Petitioner's variation requests, conducted the public hearing and recommended **approval** at their April 4, 2019 meeting based upon the following Findings of Fact:
 - A. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - B. That conditions upon which the petition for a variation is based are unique to the property for which the variations are sought and are not

applicable, generally, to other property within the same zoning classifications.

- C. That the purpose of the variation is not based exclusively upon a desire to make money out of the property.
 - D. That the alleged difficulty or hardship is caused by the provision of this Title and has not been created by any person presently having an interest in the property.
 - E. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
 - F. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
 - G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.
2. Minutes from the Zoning Board of Appeals meeting and background information are attached for your review and consideration.

kms/attachments

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Village of Bartlett
Zoning Board of Appeals Minutes
April 4, 2019

Case (#19-06) 600 S. Bartlett Road

Variations:

- a) 20 foot reduction from the required 50 foot side yard (south property line)
- b) 16 foot reduction from required 50 foot side yard (north property line)
- c) 10 foot increase from the 15 foot maximum accessory building height

Public Hearing

The following Exhibits were presented:

- Exhibit A - Picture of Sign**
- Exhibit B - Mail Affidavit**
- Exhibit C - Notification of Publication**

Petitioner, **Charles Hankins** was sworn in by **G. Koziol**.

K. Stone stated this property was annexed into the Village of Bartlett in 1993 by Ordinance 93-10. Upon annexation the property was zoned ER-1 (Estate Residence). The existing buildings including the principal structures of the house and the metal barn are legal non-conforming structures and were grandfathered in.

In 1997 front yard and side yard variations were approved to allow the construction of a front porch and to bring the non-conforming house into conformance.

The Petitioner is requesting to construct a 60' x 60' detached 2-story garage behind the residence.

It will be located 30 feet from the south property line and 34 feet from the north property line.

Accessory structures that are for an agricultural use but are not being used for agricultural purposes, (in this case a garage) are required to be 50 ft. from the side yards this is the reason for the variance.

The Petitioner is also requesting a 10-foot variation from the maximum height of 15 feet for an accessory structure for the proposed 2 story garage.

The impervious surface of this lot is barely changing, with the removal of the two (2) sheds.

K. Stone asked **C. Hankins** if he had anything to add. **C. Hankins** stated they are just trying to improve the property, the two accessory sheds are beyond repair. They will be removed and everything will be put into one building.

G. Koziol asked if Staff received any calls, emails or comments regarding this petition. **K. Stone** stated she did have one resident who came in who resides on Jervey Lane and her daughter lives on Amherst Meadow. She was inquiring about construction in the rear of the property because that's where they live closest to. **K. Stone** explained the garage will be 50 ft. from the back of the principal structure. They had no concerns with that.



Village of Bartlett
Zoning Board of Appeals Minutes
April 4, 2019

G. Koziol asked if anyone had any questions or comments. **B. Bucaro** asked if the structure was used for nonagricultural purposes what the setback would be. **K. Stone** said they would actually be less, the setbacks would be 5 ft. but if the structure was used for livestock it would require a 100-foot setback.

There were no other comments from the board.

G. Koziol opened the Public Hearing portion of the meeting.

Tom Pavlik 246 Amherst Meadow stated he did have a question regarding the height of the current house and barn. **C. Hankins** answered his question prior to the meeting. The new building will be roughly the same height as the existing buildings. **Tom Pavlik** stated he has lived across from this property for 21 years and the property has been kept up very well and he doesn't have a problem with the new building that is going up.

G. Koziol asked for any comments from the board.

G. Koziol stated he thinks the proposed building is an attractive structure. **C. Hankins** stated the project has not gone into print yet, being he wanted to make sure this was approved. The drawing is very eye appealing and nothing will be changed on the exterior. **G. Koziol** stated **C. Hankins** was fortunate to have the forest preserve as the property to the south which makes the decision much easier. **C. Hankins** stated this building will be very visible to S. Bartlett Road and make the farm look more attractive. The property has been in the family for 29 years and he hopes his kids will take it.

B. Bucaro stated he also thought this is a nice looking building. He drives past this property about 10 times a week and sees the horses north of the property line so evidently there is an agreement with Com Ed. **C. Hankins** stated he has had a lease with Com Ed for the past 28 years that has worked out quite well.

G. Koziol asked if there were any comments from the board. There were no comments.

G. Koziol asked for a motion to approve. **B. Bucaro** made a motion to send a positive recommendation to the Village Board to approve case #19-06, 600 S. Bartlett Road regarding the requested variances.

G. Koziol closed the Public Hearing portion of the meeting.

Motioned by: B. Bucaro
Seconded by: J. Banno

Roll Call

Ayes: J. Banno, G. Koziol, B. Bucaro, L. Hanson
Nays: None

The motion carried.

G. Koziol asked **K. Stone** as to when this case will be on the Village Board agenda. **K. Stone** stated it should be on the two meetings in May.

3/12/2019

To: President and Board of Trustees

The variation of height and side property is being proposed to replace the existing single story garage that is beyond repair. At the time of replacement of the single story garage there will also be a demolition of a wood shed at the back of the property this structure is also beyond repair and will not be replaced.

The new two story proposed garage would be farther away from the forest preserve than the existing front shed. The height variance would be equal to or lower than the existing metal barn and house. The second floor is going to be utilized for storage.

Heights

House = 27'

Metal Barn = 25'

Proposed Garage = 25'

Side yard is set back from Forest Preserve

The existing one story frame shed = 21' and 33"

Proposed two story frame garage = 30'


Sincerely,



Charles Hankins

Property Owner

Sincerely,



Rita Hankins

Property Owner



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # 2019-06

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: CHARLES HANKINS

Street Address: 600 S BARTLETT RD.

City, State: BARTLETT IL 60103

Zip Code: 60103

Email Address: [REDACTED] Phone Number: [REDACTED]

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: CHARLES & RITA HANKINS

Street Address: 600 S BARTLETT RD.

City, State: BARTLETT IL

Zip Code: 60103

Phone Number: [REDACTED]

OWNER'S SIGNATURE: [Signature] Date: 2-28-2019

(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

DESCRIPTION OF VARIATION REQUEST (i.e. setback, fence height) including SIZE OF REQUEST (i.e. 5ft., 10 ft.)

Proposing 30' FRONT SIDE LOT LINE AND 25' HEIGHT.

PROPERTY INFORMATION

Common Address/General Location of Property: 600 S BARTLETT RD.

Property Index Number ("Tax PIN"/"Parcel ID"): 01-03-208-007.

Acreage: 3.43

Zoning: See Dropdown (Refer to Official Zoning Map)

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney _____

Surveyor _____

Other _____

FINDINGS OF FACT FOR VARIATIONS

Both the Zoning Board of Appeals and the Village Board must decide if the requested variation is in harmony with the general purpose and intent of the Zoning Ordinance and if there is a practical difficulty or hardship in carrying out the strict letter of the regulations of the Zoning Ordinance.

The Zoning Board of Appeals shall make findings based upon evidence presented on the following standards: (Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the ZBA and Village Board to review.)

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

No. No HARM to US OR NEIGHBORS OR FOREST PRESERVE. THIS WILL IMPROVE ACESSES TO THE BARN FOR THE FIRE DEPARTMENT

2. That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.

No, WILL NOT AFFECT ANY PARTY.

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

No, IT IS TO IMPROVE THE PROPERTY & MAKE THE STABLES MORE USER FRIENDLY. TO MAKE PROPERTY EQUIPMENT TO BE STORED INSIDE.

4. That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.

No. WE DO NOT PLAN ON SELLING. IT IS MERELY TO IMPROVE THE EXISTING OUT BUILDING (GARAGE).

5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.

No, THE NEW GARAGE IS ONLY ALONG DRIVEWAY AND FOREST PRESERVE.

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

No, WE ARE PROPOSING BUILDING TO BE FARTHER AWAY FROM FOREST PRESERVE THAN THE EXISTING BUILDING THAT WILL BE DEMO.

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

No.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: Charles Hankins

PRINT NAME: CHARLES HANKINS

DATE: 2-28-2019

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: CHARLES HANKINS

ADDRESS: 600 S BARTLETT RD
BARTLETT IL 60103

PHONE NUMBER: [REDACTED]

EMAIL: [REDACTED]

SIGNATURE: Charles Hankins

DATE: 2/22/2019

ZONING/LOCATION MAP

600 S. Bartlett Rd.

Case #19-06 - Variations - Accessory Building Height
and Accessory Building Side Setbacks



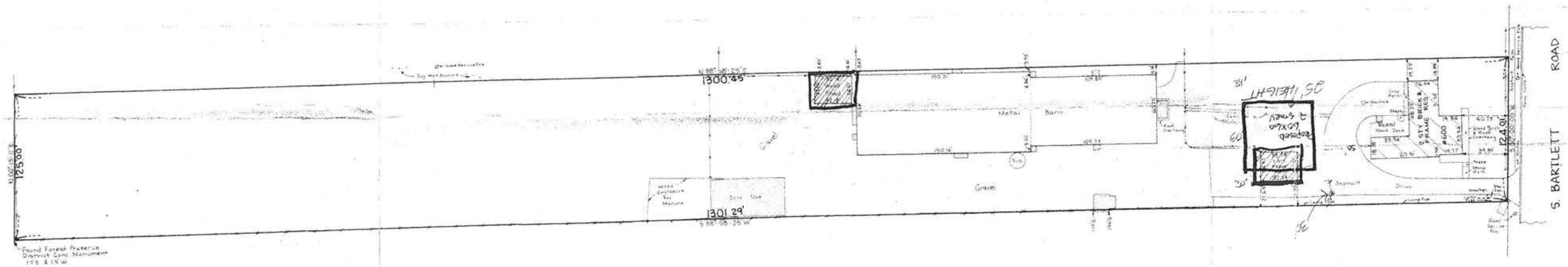




PLAT OF SURVEY

JOHN D. REBIK & Associates
Land and Construction Surveys
35 W 388 Miller Road
Dundee, Illinois 60118 (847) 428-3456







the North 5 chains of the South 10 chains of the East 1/2 of Lot 1 (except the North 205 Feet as measured perpendicular to the North line thereof) in the Northeast 1/4 of Section 3, Township 40 North, Range 9 East of the Third Principal Meridian, in DuPage County, Illinois.



 = DEMO
 = PROPOSED

Scale 1 inch equals 40 feet
Distances are marked in feet and decimal parts thereof.
Ordered by ALLIED MORTGAGE CAPITAL CORPORATION
Checked by KAM Surveyed by RJS, HHG
Building lines, if any, shown hereon are building lines shown on the recorded subdivision plat. Consult local authorities for building lines established by local ordinances.
Please check Legal Description with Deed, also compare all points before building and report ANY DISCREPANCY IMMEDIATELY.
Order No. 00-3016

 denotes Wood Fence
 denotes Wire Fence (Wood Posts)
 denotes Concrete
 denotes Asphalt

STATE OF ILLINOIS }
COUNTY OF KANE } S.S.

JOHN D. REBIK & Associates, do hereby certify that a survey has been made under its direction by a Registered Illinois Land Surveyor, of the property described hereon and that the plat hereon drawn is a correct representation of said survey.
Dundee, Illinois, dated this 23rd day of March, A.D. 2000.


Illinois Professional Land Surveyor No. 34279

