



Village of Bartlett
Zoning Board of Appeals Minutes
December 5, 2019

M. Werden called the meeting to order at 7:00 pm.

Roll Call

Present: M. Werden, G. Koziol, B. Bucaro, J. Banno, and G. Papa

Absent: M. Sarwas and C. Deveaux

Also Present: Roberta Grill, Planning & Development Director and Kristy Stone, Assistant Planner

Approval of Minutes

A motion was made to approve the November 7, 2019 meeting minutes with corrections.

Motioned by: G. Koziol

Seconded by: J. Banno

Roll Call

Ayes: G. Koziol, B. Bucaro, J. Banno, G. Papa, and M. Werden

Nays: None

The motion carried.



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**(#19-18) 415 S. Hickory Avenue
Variation - Front Yard
PUBLIC HEARING**

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Jonathan Bieritz, President of JB Architecture Group, Inc. came forward to discuss the variation on the setback that abuts Devon Avenue. They are asking for roughly a 13 foot encroachment into the required setback on that side. The northernmost corner of the addition for the garage is just shy of 60 feet off of the pavement of Devon Avenue. The setback is about 22-1/2 feet off the property line. The existing home was built in 1973. His clients have chosen to keep the home and renovate it as opposed to tearing it down and building a new one. They have been working with the existing footprint to create a new home for them both inside and out. The outside will have all new siding, windows, and a roof. At the time the home was built in 1973, it was standard to have a two-car-garage. In today's market, three cars are almost always the standard. They are asking to be able to encroach into the setback to allow construction of a third car garage stall. **M. Werden** asked if there were comments from anyone calling in and inquiring. **K. Stone** stated that she had fielded numerous phone calls from people who saw the signs and were very concerned that Hickory Avenue was being extended to Devon Avenue. Once they found out it was this addition, they had no comments and their fears were alleviated. **K. Stone** further stated that this subdivision was approved in 1969. Devon Avenue stopped at what is now S. Bartlett Road and Main Street. They were not sure exactly where Devon Avenue was going to be located. This subdivision dedicated a 33 foot right of way assuming half of the road would be in DuPage and half would be in Cook. When Heritage Oaks came in in 1979 they dedicated an additional 66 foot right of way so that all of the road on that side is in Cook County. The curb line is actually on the County Line. The right of way for Devon Avenue is significantly wider, which is why there is such a large distance between this property and the curb line. **M. Werden** stated that they have a very unique situation. That street apparently will never go through Devon Avenue. **K. Stone** agreed, that is correct, the roads do not align currently. **J. Bieritz** stated they are challenged with the property having three street sides in terms of where they can add on to the structure. **M. Werden** stated that he thinks it is a wonderful idea and will add value to the home. **Amy Langfelder**, the homeowner stated that the home was purchased by her parents and was their pride and joy, and that her mother's dream was that she would take it over. That is what they are doing and why they hired J. Bieritz to help with the process. **M. Werden** stated he was glad to see they were renovating the house and not just tearing it down. They do have a unique situation with having streets on three sides. **Jay Langfelder** stated that this has been a nice process that they have been going through. They are keeping the core of the home with the addition of the three-car-garage



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with a Frank Lloyd Wright style or a prairie style home to keep the history. He thanked the Board Members and administration for taking time to look over the plans and communicate with **J. Bieritz**. **M. Werden** stated that when he looked at it, it did not look like they were going to encroach on a neighbor and that no one else will be affected by it adversely. **J. Langfelder** stated that when his neighbors saw on the Village Website that the three-car-garage was going to be a ranch, they were happy.

M. Werden asked if there were any questions. **G. Koziol** commented that it is a unique lot and he thinks it makes it easy to come to a conclusion because to the north, there is a buffer zone that is never going to be used by anyone. He stated that he likes the concept that he sees in the plan. It is going to look more modern and fresh. **M. Werden** asked if there were any further comments or questions. **J. Banno** noticed that the right of way for Devon is 85 feet and if it had been a typical right of way it would have been 66 feet. It seems that this house is going to infringe on the right of way by 6-1/2 feet. **K. Stone** stated that it is not going to be into the right of way at all. From the property line north there is 85 feet before you hit the property line of the house to the north. The addition is about 22-1/2 feet from the north property line. It is 59-1/2 feet from the actual curb line of Devon Avenue. **G. Koziol** stated that it is in that 69 feet that you have the woods. It will continue to block the view south of the property. **K. Stone** stated that what we would consider that the parkway, which is approximately 30 feet wide. Typically, you have a 5 feet sidewalk and about a 5 feet grassy area. It is about 20 feet wider than what you normally see on a typical street. **M. Werden** asked for further comments or concerns. **B. Bucaro** stated that it is one of the most bizarre cases he has seen with the three streets and the front yard not really being the front yard. He stated that he thinks it looks very nice.

M. Werden opened the Public Hearing. No one came forward.

G. Koziol made a motion to pass along to the **Village Board a positive recommendation** to approve item (#19-18) Langfelder at 415 S. Hickory Avenue.

Motioned by: G. Koziol
Seconded by: B. Bucaro

M. Werden closed the Public Hearing portion of the meeting.

Roll Call

Ayes: G. Papa, B. Bucaro, M. Werden, and G. Koziol

Nays: J. Banno

The motion carried.



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(#19-14) Fences in the Corner Side Yard – Text Amendment

**The following exhibits were presented:
Exhibit A – Notification of Publication**

At the July 16, 2019 Village Board meeting, the Board reviewed and approved a request to grant a variation to allow a 6-foot tall fence located approximately 25 feet off S. Bartlett Road (Minor Arterial) in the corner side yard for 114 Lamont Parkway. Staff was directed to look into modifying the fence height requirement in corner side yards when fences are setback from the property line, especially along major streets.

Since 1990, there have been 57 residential corner side yard fence variation requests. The Zoning Ordinance previously restricted the maximum fence height to three (3) feet in the required front and corner side yards. In 2015, a text amendment was approved by Ordinance 2015-97 to increase the maximum height of fences in the front and corner side yards to four (4) feet. Nineteen (19) of the variation requests were for fences between 3.5 feet and 4 feet tall and would not have required a variation after the 2015 Text Amendment.

Staff researched all the previous variation requests to allow 5-foot and 6-foot fences in the corner side yard. The chart in the Memo shows what the approval rate has been and the number of requests in each of those instances. The Zoning Board of Appeals recommended approval and the Village Board approved two (2) variation requests for a 5-foot and 6-foot tall fence when it was located along a Major Arterial with the fence being setback 6 inches. There are only three Major Arterials in the Village of Bartlett (Lake Street, Route 59 and County Farm Road). The Zoning Board of Appeals has generally recommended approval of fence variations for fences 5-6 feet tall along all other street designations when the fence is set back at least 10 feet from the corner side property line. Planning Staff often has to talk to residents that submit a building permit application for fences the fence height restrictions exceeding four feet (4') in height in a corner side yard. Many residents have stated that having to install a shorter fence at the building setback takes away the benefit of owning a corner lot and makes their corner side yard less usable.

Based our analysis of the Zoning Board of Appeals and Village Board's votes on fence variations, Staff has prepared a Text Amendment to the Zoning Ordinance, which will increase the fence height in the required corner side yard from four feet (4') to six feet (6') provided the fence is setback at least six inches (6") from roads designated as Major Arterials and setback a minimum of ten feet (10') from all other road designations. The maximum fence height in the required front yard would remain four feet (4') and the maximum fence height in the vision clearance triangle would remain at three feet (3').

The proposed Text Amendment would allow residents to apply for a building permit immediately rather than delaying the permitting process while going thru the 45-60 day variation process. If the



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proposed Text Amendment had been in effect in 1990 through today, 64% of the petitions for fence height variations would have been eliminated.

M. Werden stated that he thinks it is a wonderful idea. The fence at 114 Lamont Parkway looks better and gives a lot of privacy with the pool. This will eliminate a lot of unnecessary time delays for people trying to get summer projects done. **G. Koziol** asked if 114 Lamont Parkway had a distance from the property line of 10 feet would it still be approved. **K. Stone** answered, yes. **G. Koziol** asked, is this because it is not a major arterial? **K. Stone** answered, yes. **G. Koziol** stated that he thinks it makes it more consistent and easier to understand. **M. Werden** agreed that we need consistency when it is not in the vision triangle. **R. Grill** stated that we tried to analyze what this Board has recommended in the past and that is what we drafted. We typically have approved fences when they are set back 10 feet. **M. Werden** agreed it makes it safer. **K. Stone** stated that esthetically, it looks better. We have had a lot of residents who want the privacy and end up putting up a 4 foot fence to avoid going through the variation process and then they plant shrubs next to the fence that is right at the property line and then it overhangs into the sidewalk and creates a code enforcement issue. This is a compromise to allow privacy and use of the back yard, but still leaves open space without a fenced-in feel.

M. Werden opened the Public Hearing portion of the meeting. No one came forward.

B. Bucaro made a motion to pass along a positive recommendation to the Village Board to approve case **(#19-14) Fences in the Corner Side Yard – Text Amendment**

Motioned by: B. Bucaro

Seconded by: G. Koziol

M. Werden closed the Public Hearing portion of the meeting.

Roll Call

Ayes: G. Papa, B. Bucaro, J. Banno, M. Werden, G. Koziol

Nays:

The motion carried.



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Old Business/ New Business

Service Recognition

R. Grill thanked the Committee Members on behalf of the Staff for their service. Gifts were provided to the Committee Members based on their years of service. **R. Grill** paid special tribute to **M. Werden** who has served for 40 years. **M. Werden** said thank you. **R. Grill** added that **M. Werden** will receive a special honor in January.

R. Grill polled members regarding attendance for the next meeting, which is scheduled to be January 2, 2020. All five members in attendance confirmed that they will attend the meeting in January.

Chromebook Training

R. Grill and **K. Stone** handed out the Chromebooks to all members along with the Device Policy Memo. Member were asked to read and sign the Memo, and assisted members with signing on to their new Chromebooks. All members were able to sign in successfully.

M. Werden asked if there was a motion to adjourn.

Motioned by: J. Banno

Seconded by: B. Bucaro

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:45 pm.