



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
March 5, 2020
7:00 P.M.**

- I. Roll Call
- II. Approval of the January 2, 2020 meeting minutes
- III. **(#20-05) 102 Oakwood Lane
Variation – Corner Side Yard
PUBLIC HEARING**
- IV. Old Business/New Business
- V. Adjournment



Village of Bartlett
Zoning Board of Appeals Minutes
January 2, 2020

M. Werden called the meeting to order at 7:03 pm.

Roll Call

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

Also Present: Roberta Grill, Planning & Development Director and Renee Hanlon, Senior Planner

Approval of Minutes

A motion was made to approve the December 5, 2019 meeting minutes.

Motioned by: J. Banno

Seconded by: G. Koziol

Roll Call

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

Abstain: M. Sarwas, C. Deveaux

The motion carried.



Village of Bartlett
Zoning Board of Appeals Minutes
January 2, 2020

There would be site design regulations to include: security fencing with a locked gate, landscape materials around the fence and interior of the lot, hard surface paving, curb and storm water management, security lighting, toilet facilities and trash receptacles, and striped parking spaces.

M. Werden asked if the lot would be cement or asphalt. **R. Hanlon** stated that the lot would be finished with a binder course at a minimum and dust proof. **B. Bucaro** commented that the requirement of striping for the parking spaces is a good idea. **R. Grill** added that our site will be the nicest site in the area. **B. Bucaro** asked staff if they thought that all of the regulations would be a turn off to potential business. **R. Grill** said no, she did not think so and that these regulations were modeled after another community. **B. Bucaro** stated that the proposed regulations allow a maximum of three lots like this and that we already have one. **R. Hanlon** confirmed that is correct. **B. Bucaro** asked if Bluff City was paved. **R. Grill** stated no, but we conduct monthly code inspections at that site to keep it clean. **M. Werden** stated that he liked the fact that this will be paved to control the dust. **M. Sarwas** asked how many truck parking spaces will be in the lot. **R. Hanlon** answered there will be 300 to 350 spaces. **B. Bucaro** commented that the proposed regulation will require the lot owners to pay about \$25 per month tax to the village, per space. He asked if this tax will apply whether the space is filled or not. **R. Hanlon** stated, yes, the tax will apply to the total number of spaces on the lot. **B. Bucaro** added that this is restrictive and asked if other lots have the same requirements. **R. Grill** confirmed that this will be strictly for truck and trailers only with no other type of storage allowed. **G. Koziol** asked if this site will have sewers for run-off. **R. Hanlon** stated that this will have sewers. **B. Bucaro** asked if staff thought there would be any other potential applications. **R. Grill** stated possibly, but again this is to clearly identify a use for truck and trailer storage only. **G. Koziol** stated that he thought the final result of this is that the use is clear and straight forward. **M. Werden** asked how long it will be before the existing facility is in compliance. **R. Grill** stated that they are working on it and are about 70% there. **M. Werden** asked if staff thought there would be problems with this type of use that would require the police. **R. Grill** stated possibly, that is why we are requiring this site to be lit, fenced, and secure. **G. Koziol** asked staff what was the reaction of the owner proposing a new facility to the requirement that the lot must be paved. **R. Grill** stated that the reaction was good and the owner is considering the use only as a temporary one for approximately ten (10) years. **B. Bucaro** stated that he sees that there is a growing demand for this type of site.

G. Koziol made a motion to pass along to the **Village Board a positive recommendation** to approve case (#19-16) Trailer and Semi-trailer Storage Lots Zoning Text Amendment.

Motioned by: G. Koziol
Seconded by: M. Sarwas

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



**Village of Bartlett
Zoning Board of Appeals Minutes
January 2, 2020**

Old Business/ New Business

R. Grill stated that there may not be a meeting next month, but we could have a variation request.

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

Motioned by: C. Deveaux

Seconded by: G. Koziol

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:25 pm.

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM
20-021

DATE: February 25, 2020
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Kristy Stone, Village Planner *KJS*
RE: **(#20-05) 102 Oakwood Lane**

PETITIONER

Rego Development & Realty Group Ltd of behalf of Nitaben Patel

SUBJECT SITE

102 Oakwood Lane, Lot 22 in Country Creek Unit No. 1

REQUESTS

Variation - 8 ft. reduction from the 35-ft. required corner side yard (S. Bartlett Road)

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Single Family	Suburban Residential	SR-3
North	Single Family	Suburban Residential	SR-3
South	Single Family	Suburban Residential	R-4*
East	Single Family	Suburban Residential	SR-3
West	Forest Preserve	Open Space	P-1

*unincorporated DuPage County

DISCUSSION

1. The subject property is zoned SR-3 (Suburban Residence). The property is Lot 22 in the Country Creek Unit No. 1 Subdivision.
2. When Country Creek Unit No. 1 Subdivision was recorded in 1970, Lots 22-25 were the site of the former Country Creek clubhouse, parking lot and pool. The clubhouse was constructed prior to the subdivision being recorded and did not

meet the 35-foot building setback. The clubhouse was located 16.61 feet from Oakwood Ln. and 23.95 feet from S. Bartlett Rd. Variations were never sought to permanently change the setbacks of Lot 22 to bring the clubhouse building into conformance.

3. Rego Development & Realty Group Ltd. purchased the four lots in 2013 and demolished the clubhouse and pool (2014) and built single-family homes on Lots 24 and 25 (2015).
4. The current owner purchased Lot 22 from Rego Development Group in February 2020 and is proposing to construct a two-story single-family home. The proposed house meets the 35-foot building setback however the covered porch is setback 27.3 feet from the corner side setback (S. Bartlett Road). The Zoning Ordinance requires that covered porches meet the building setback.
5. The Petitioner is requesting an 8 ft. variation from the 35-ft. required corner side yard to allow for the construction of a new two-story single-family home with a covered porch. This represents a 23% reduction of the required corner side yard setback.
6. The Petitioner will regrade the site and remove the retaining wall along the sidewalk which will improve the site vision for motorists exiting the subdivision onto S. Bartlett Road. The driveway for the new home will be located on Oakwood Ln. and the existing curb cut on S. Bartlett Rd. will be removed.
7. The proposed impervious surface ratio of this lot is 28% which meets the 35% maximum impervious surface for a lot of this size.
8. If the variation is approved, the Petitioner could then apply for a building permit for the proposed single-family home.

RECOMMENDATION

According to the provisions of the Zoning Ordinance, the Zoning Board of Appeals should render a decision based upon the following:

- 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 the variation are 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.

- 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.

A variation shall be recommended only if the evidence, in the judgment of the Board of Appeals, meets all the conditions enumerated above.

Background information is attached for your review.

/attachments

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Via Personal Delivery

February 7, 2020

The Honorable Kevin Wallace
Village President
The Board of Trustees of
the Village of Bartlett
228 South Main Street
Bartlett, IL 60103

**Re: 102 Oakwood Lane, Bartlett, Illinois 60103
The Rego Development & Realty Group, Ltd
Application for Variance of West Building Line**

Dear President Wallace and Trustees:

I represent The Rego Development and Realty Group, Ltd. the Petitioner in the above project. 102 Oakwood Lane is a residential lot at the southeast corner of Bartlett Road and Oakwood Lane. This lot one of the four adjacent residential lots which my client purchased. These lots were a part of the Country Creek subdivision which was plated in 1972. You may be familiar with the subject lot as it once had a large in-ground pool, and small home which was used as an insurance office. My client removed both soon after it purchased the four lots.

My client recently sold the subject lot to Ashok and Nitaben Patel (Although Nitaben Patel is the legal title owner). Mr. and Mrs. Patel, who are current residents of Bartlett, are having my client plan and build their new home.

The planned home was originally to face Oakwood Lane, but have driveway access by Bartlett Road. However, the county was not agreeable with the access. As a result, the home and driveway will access from Oakwood Lane.

The subject lot has a 35 foot set back line on both the north and west side. We are seeking to a variance of the west set back line (along Bartlett Road) of eight feet. The variance is not to allow a larger home to be built. The footprint of the planned residence will not encroach on any set back line. Rather, the variance is to allow a porch to be built along the west side of the home. Work in the west yard area will also include removing the current railroad tie retaining wall. My client and the Patels believe that the porch not only provides an outdoor area for the homeowners, but improves the aesthetics on the home visible from Bartlett Road.

An encroachment of this set back line is not new to the subject lot. The prior building which I mention above, encroached on the same 35 set by line by 11 feet. We do not know if the prior building was built



The Honorable Kevin Wallace
Village President
The Board of Trustees of
the Village of Bartlett
February 10, 2020
Page | 2

before or after the recording of the 1972 plat. In addition to the required documents to be provided, we are including a survey which shows the location of the prior improvements.

Very truly yours



Michael R. Ek

MRE:jm

Enclosures per attached

Cc: Evan E. Regopoulos
Ashok and Nitaben Patel



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # 2020-05
RECEIVED
FEB 10 2019
PLANNING & DEVELOPMENT
VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Rego Development & Realty Group Ltd

Street Address: 1273 S. Falcon Drive

City, State: Palatine, IL

Zip Code: 60067

Email Address: eeregopoulos@sbcglobal.net

Phone Number: 847-361-1750

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: Nitaben Patel

Street Address: 1130 Sausalito Court

City, State: Bartlett, IL

Zip Code: 60103

Phone Number: 630-837-4217

OWNER'S SIGNATURE: _____ Date: _____

(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.)

Eight foot variance (35 feet to 27 feet) of the west building set back line.

PROPERTY INFORMATION

Common Address/General Location of Property: 102 Oakwood Lane

Property Index Number ("Tax PIN"/"Parcel ID"): 01-02-301-001

Acreage: 0.29 acres

Zoning: SR-3 (Refer to Official Zoning Map)

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

Attorney Michael Ek, mreld@sbcglobal.net, 847-310-1035

Surveyor Michael Krisch m.krisch@gkkis.com, 630-627-5589

Other Mike Anderson, engineer, mail@haegerengineering.com 847-394-6600

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.

The subject property has 2 front yard 35 foot set back lines along Bartlett Rd, and Oakwood Ln. The configuration of the lot rectangular (160 ft along Bartlett Rd & 80 ft along Oakwood Ln) with the setbacks substantially reduces the buildable area for the home. The building envelope, east to west is 37.5 ft. Two of the 3 lots immediately to the east have homes of approximately 47 ft in width. The garage and driveway of the subject property will be facing Oakwood Ln. The planned home of the subject property will be within the buildable area, and the variance is to permit the home to have a porch

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.

The plat creating this subdivision was recorded in 1972. A single family residence, last used as offices, and an in-ground pool were on the property, both of which petitioner has removed. The prior residence encroached the west 35 foot set back line by eleven feet. The west lot line has a railroad tie retaining wall. Assuming the approval of this request for a variance request, the retaining wall will be removed.

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

The purpose of the variance is not to build a bigger home. The purpose would be to allow the construction of a porch along the west side of the home.

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.

Neither the Petitioner no the Owner took any action to create this condition. Rather, the situation relates back to the time of the plat and the grade and use of the land.

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.

The variance will not be detrimental. Rather, the variance and the proposed construction will result in the removal of the retaining wall which abuts, or is very close to the walkway along Bartlett Rd., thereby eliminating a potential falling and other hazards associated with retaining walls.

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.

The variance will not have a negative effect on the above. The property will be a residence within the current zoning, and a size home equivilant to those recently constructed in the subdivision.

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.

The variance will confer any special benefit or privilege. Rather, the variance will is a small adjustment to create similarity among the homes in the subdivision in terms of size and configuration.

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: Nitaben Patel Evan Regopoulos

PRINT NAME: Nitaben Patel NITABEN PATEL EVAN E. REGOPOULOS
OWNER PRES. THE REGO DEVELOPMENT
REALTY GROUP, LTD.

DATE: January 31, 2020

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: Evan Regopoulos, Rego Development & Realty Group

ADDRESS: 1273 S. Falcon Drive
Palatine, IL 60067

PHONE NUMBER: 847-361-1750

EMAIL: eeregopoulos@sbcglobal.net

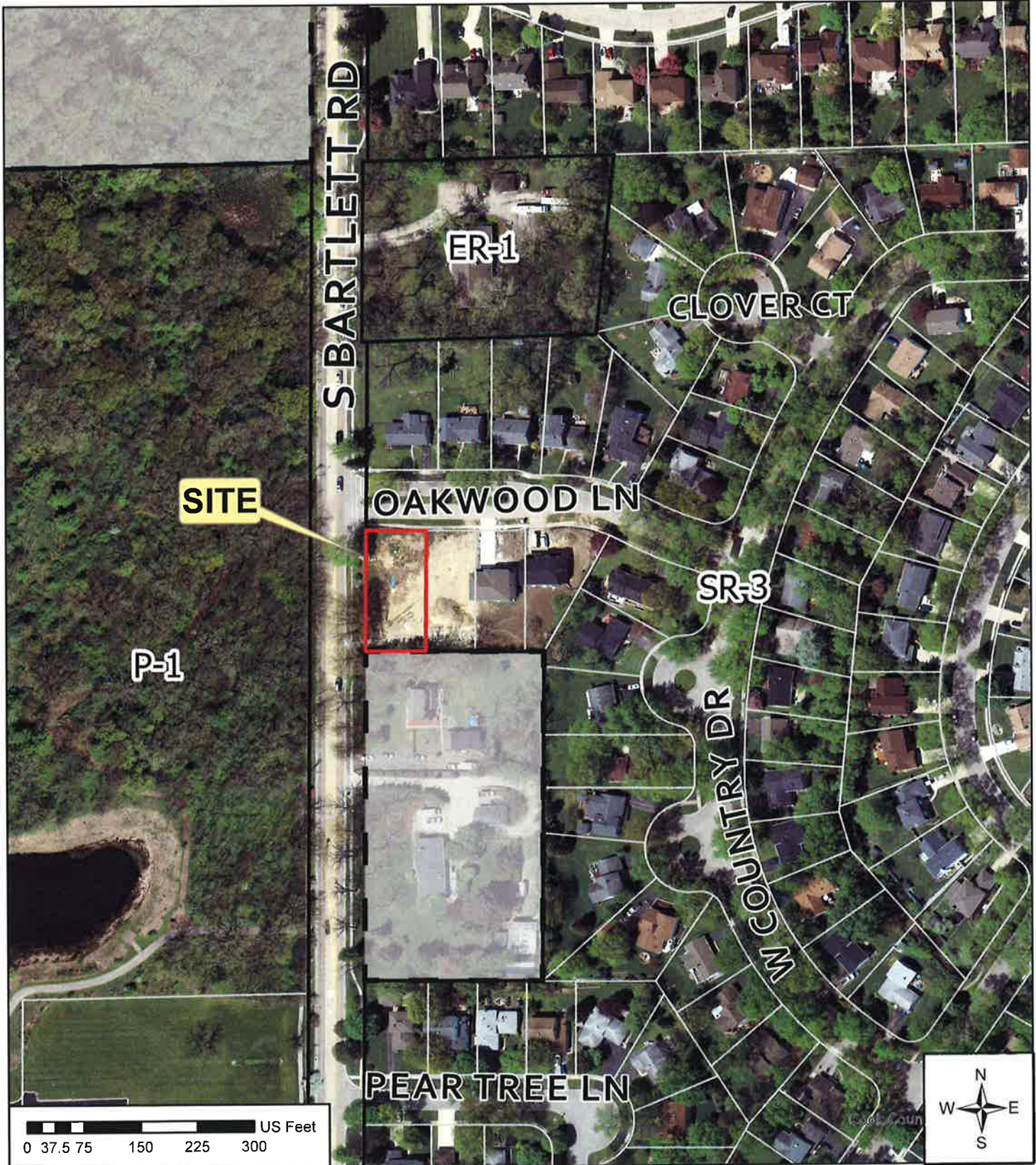
SIGNATURE: Nitaben Patel Evan Regopoulos
NITABEN PATEL EVAN REGOPOULOS

DATE: January 31, 2020

LOCATION MAP

#2020-05

Patel - 102 Oakwood Ln.
Variation - Corner Side Yard

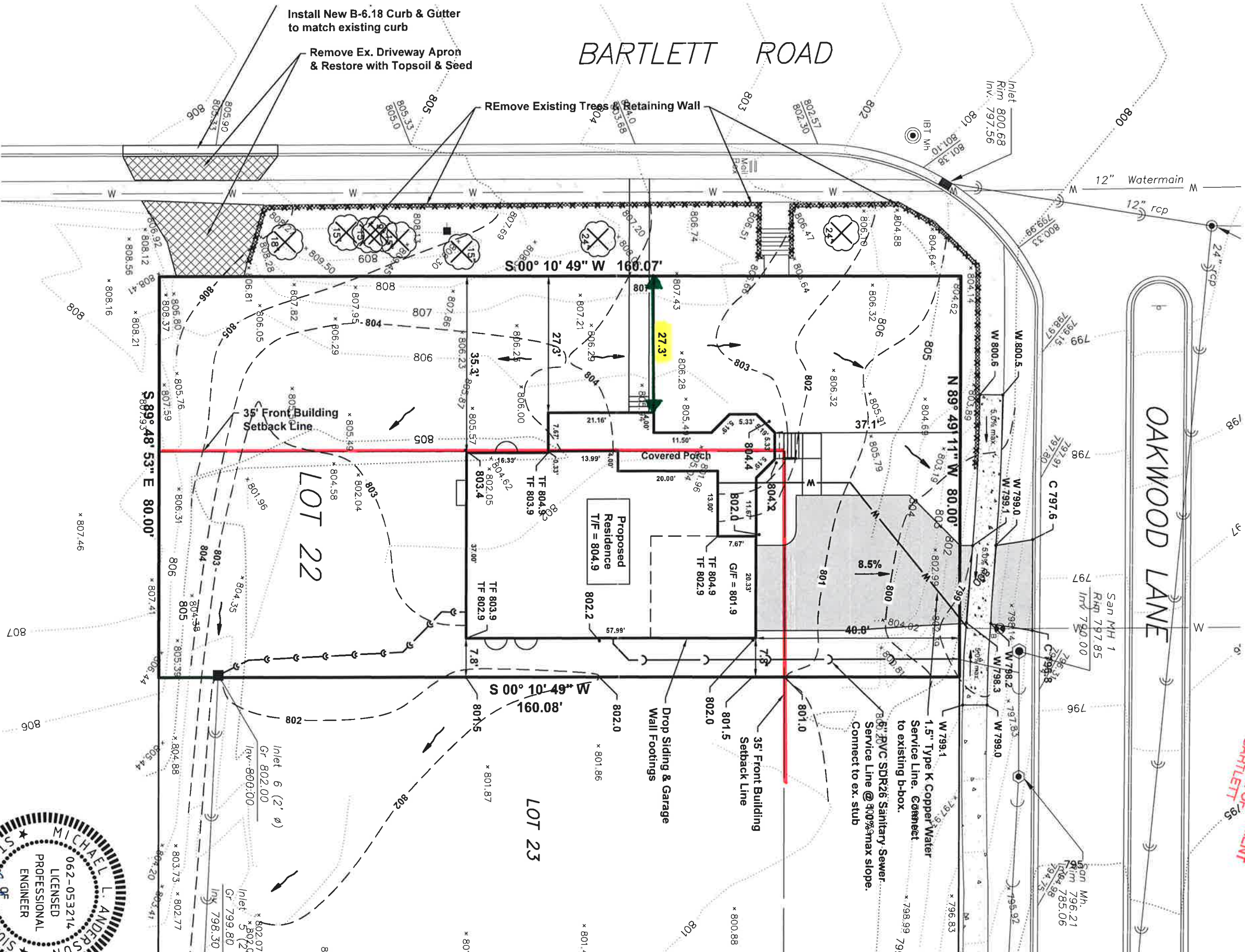


PERMIT PLAT

OF

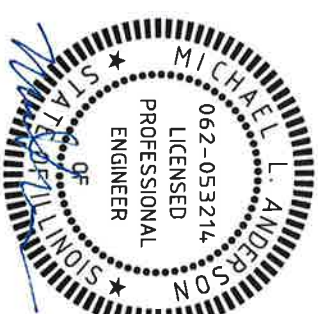
LOT 22 IN COUNTRY CREEK UNIT NO. 1, BEING A SUBDIVISION OF PART OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 3, 1973 AS DOCUMENT RT0-17515, IN DUPAGE COUNTY, ILLINOIS.

RECEIVED
 FEB 10 2019
 PLANNING & DEVELOPMENT
 VILLAGE OF BARTLETT



LEGEND

- Manhole
- Catch Basin
- Inlet
- Clean Out
- B-Box
- Sanitary Sewer
- Sanitary Service
- Storm Sewer
- Storm Sump
- Water Main
- Water Service



EXPIRES 11-30-21

HAEGER ENGINEERING
 consulting engineers
 100 E. State Parkway, Schaumburg, IL 60173
 www.haegerengineering.com

Land surveyors
 Scale: 1" = 20'
 Prepared By: MLA
 Ordered By: REGO BUILDERS
 Date: 02.03.20
 Order No. 14-184

REGO BUILDERS
 PERMIT PLAT
 COUNTRY CREEK, UNIT 1
 OAKWOOD LANE

RECEIVED

FEB 12 2019

PLANNING & DEVELOPMENT
VILLAGE OF
BARTLETT



REAR ELEVATION



RIGHT SIDE ELEVATION

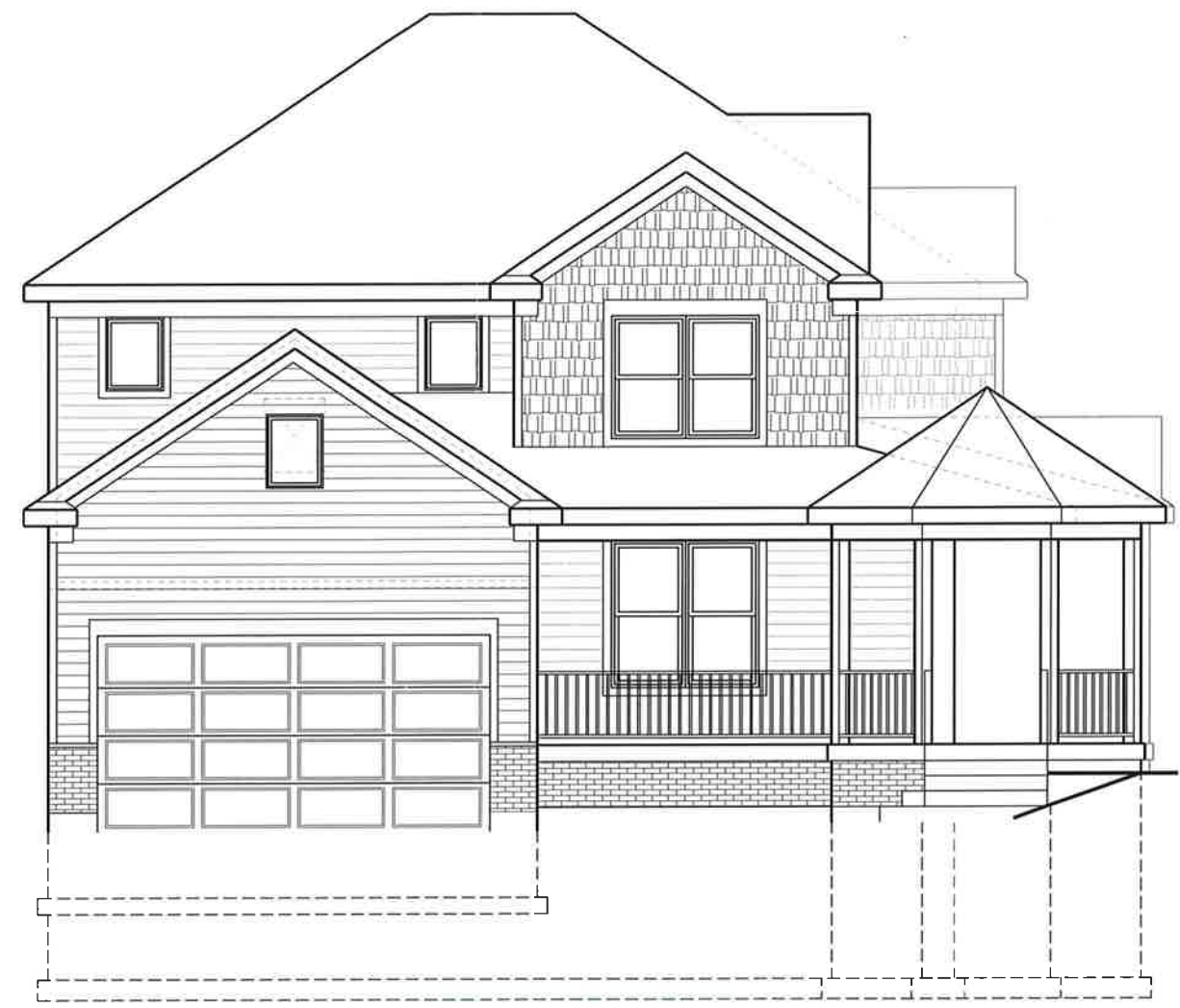
RECEIVED

FEB 12 2019

PLANNING & DEVELOPMENT
VILLAGE OF
BARTLETT



LEFT SIDE ELEVATION

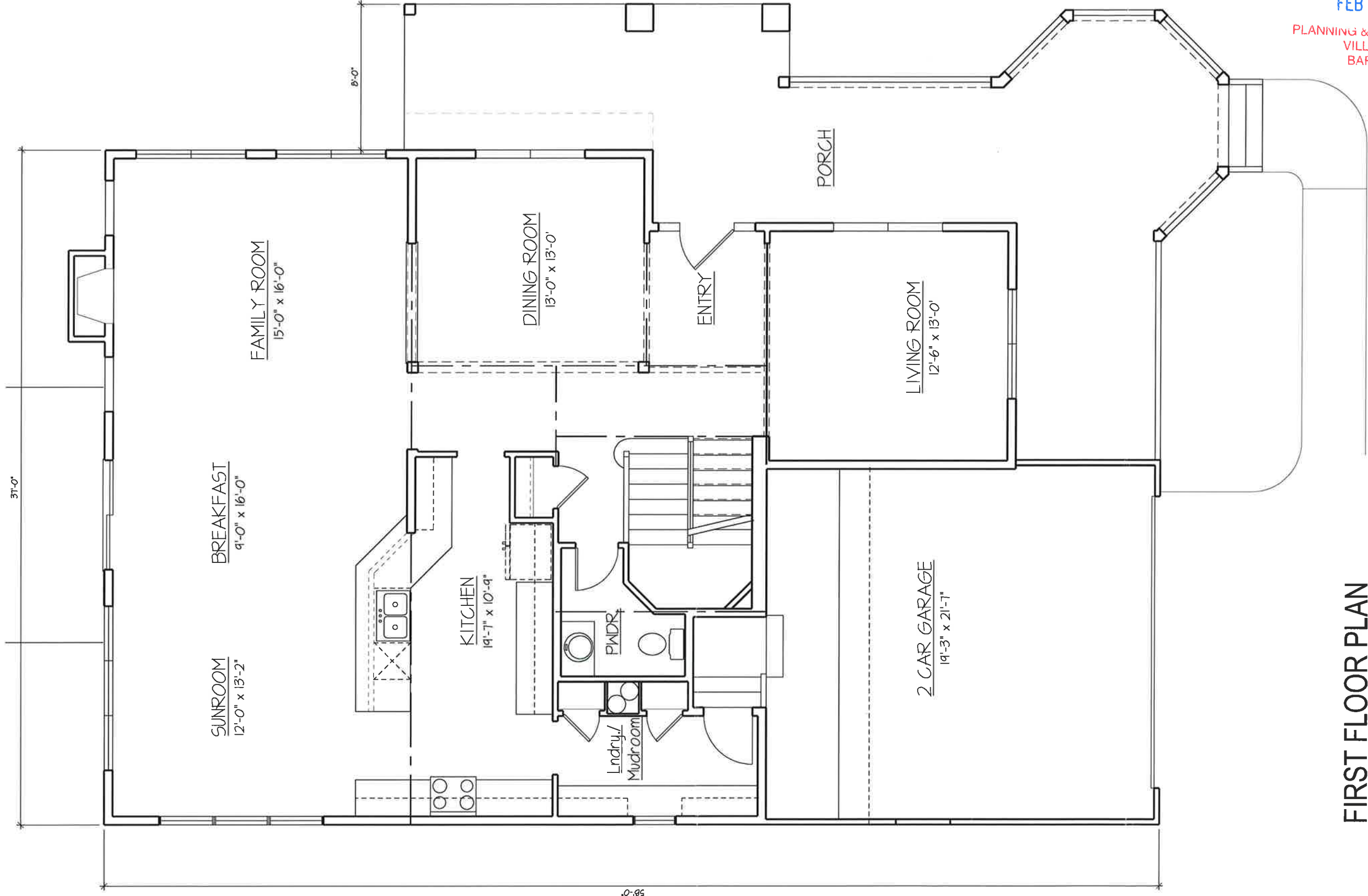


FRONT ELEVATION

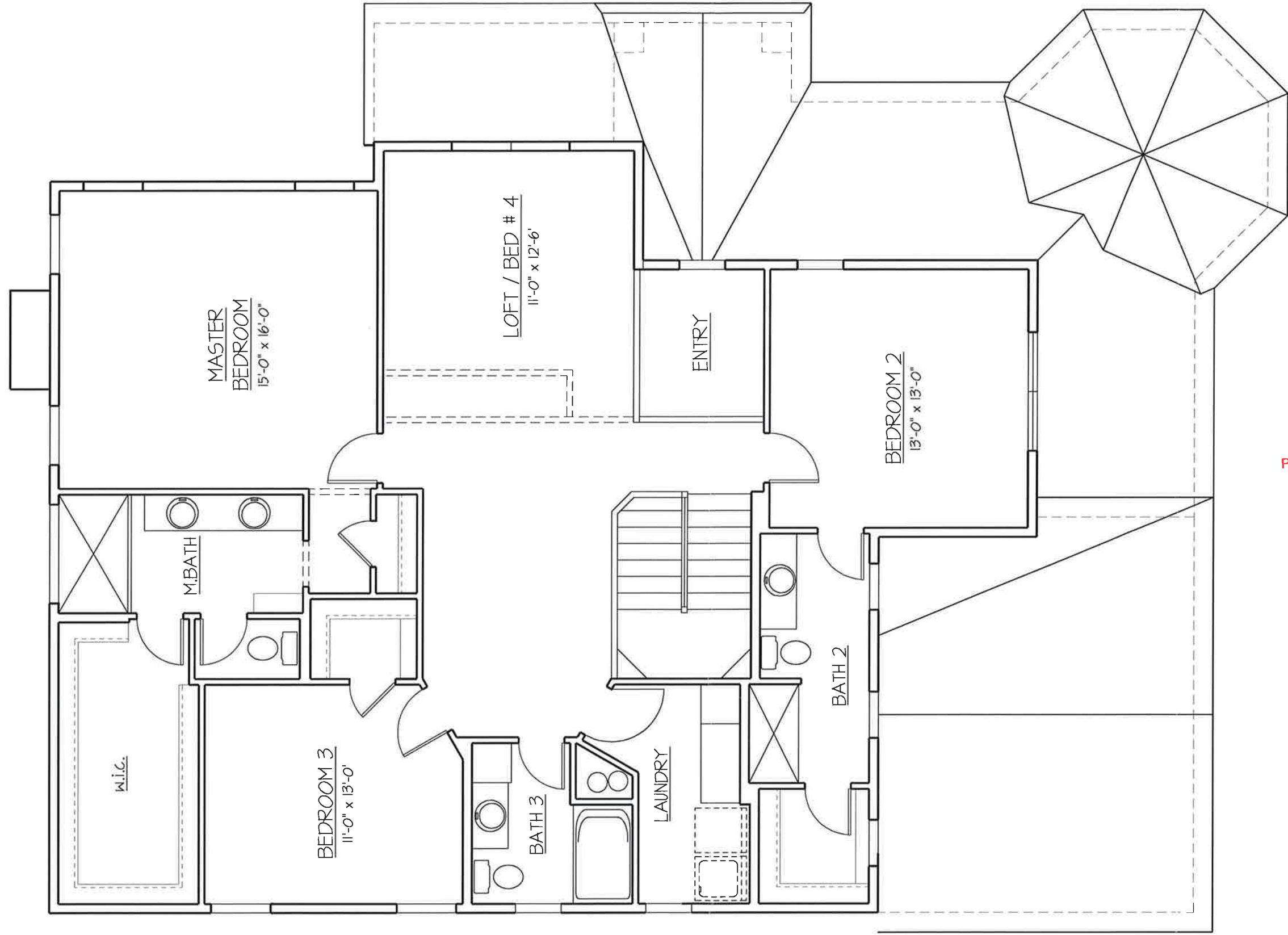
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PLANNING & DEVELOPMENT
VILLAGE OF
BARTLETT



FIRST FLOOR PLAN



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VILLAGE OF
BARTLETT

SECOND FLOOR PLAN