



Village of Bartlett
Zoning Board of Appeals Minutes
March 5, 2020

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

Roll Call

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

Also Present: Village Planner, Kristy Stone

Approval of Minutes

A motion was made to approve the January 2, 2020 meeting minutes.

Motioned by: B. Bucaro

Seconded by: G. Koziol

Roll Call

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

The motion carried.



Village of Bartlett
Zoning Board of Appeals Minutes
March 5, 2020

(#20-05) 102 Oakwood Lane
Variation – Corner Side Yard
PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Petitioner **Evan Regopoulos** was sworn in by **M. Werden**. **E. Regopoulos** stated that this is for 102 Oakwood Ln, which is the corner lot off of S. Bartlett Road and Oakwood Ln. This lot previously had a swimming pool, parking lot, and a structure on it, which had been demoed a few years back. On this particular lot, which is an 80-foot wide lot and with setbacks off of both Bartlett Rd and Oakwood Ln of 35 feet that allows a buildable area of only about 45 feet for the house. The houses next door have 65-foot-wide lots and because of the setbacks on the sides, they are not as large and the houses were wider. Talking with the owner, building on this lot, we were looking to keep the structure inside the existing setback, but we are looking to have a variance off of the Bartlett Rd setback of 35 feet of 8 feet so they can fit a covered porch that would extend into that. The previous structure extended into the setbacks by about 11 feet on one side and about 17 to 18 feet on the Oakwood Ln side. Part of what we would be doing with this building would be taking down the retaining walls, leveling the dirt and restricting access off of S. Bartlett Rd by closing off the curb cut and having access off of Oakwood Ln. The house would be a little bit smaller than the houses next door, but with the porch, it would be more uniform to the houses next door. Access would be off of Oakwood Ln with a driveway off there. This lot has a lot of grade change from the front to the back so it is a little bit tricky to try to get the driveway to fit. We went back and forth between the County and the Public Works Engineer as to where we can get this driveway. Right now, we are looking for it to be at the northeast side of the lot. That would mean we would have to take down the retaining wall, because right now, it is about 3 to 4 feet tall, is in decaying condition, and is not needed anymore. We can take that down and improve site visibility and make the lot grade better. **M. Werden** stated that this is a very unusual situation at best. It would be very impractical to try to come out to S. Bartlett Rd. **E. Regopoulos** stated that because they have access to Oakwood Ln the County, in conversations with him, will not allow access to S. Bartlett Rd because we have access to Oakwood Ln. **M. Werden** asked Staff if they received any calls from anybody in the Village. **K. Stone** stated that she received two phone calls from people who saw the sign and their only concern was that the retaining wall would be removed and once she told them that it was. They did not have any additional questions or concerns about the building itself. **M. Werden** stated that it was originally a country club and hard to fit everything in with the grade and that is why they had to put the retaining wall in. **G. Koziol** stated that he thinks this is a good improvement to the property and added that he is a big fan of a porch and likes the idea. **E. Regopoulos** stated that because they have a narrow width along Oakwood, fitting a front door with a two-car garage is tough to fit, so the front door faces Bartlett Rd to give the S.



Village of Bartlett
Zoning Board of Appeals Minutes
March 5, 2020

Bartlett Rd side more of a front-of-the-house look. The porch helps to accomplish that by having the wrap-around affect and having the door face S. Bartlett, but the garage door and address faces Oakwood. **G. Koziol** asked Staff, what will become of Lot 23? **K. Stone** answered it could be a single-family home.

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

James Lemberg of 807 Redwood Ln came forward as a Witness and stated that this property is on a hill and he was wondering if the property is going to be leveled off because coming from S. Bartlett Rd east it goes down to an angle and you cannot see the traffic coming over the hill on S. Bartlett Rd. Right now, the existing driveway is on S. Bartlett Rd and the retaining wall that is there is almost 5 feet high if you are standing on the sidewalk and the sidewalk is another 3 feet higher than the street elevation. What needs to be done is the land and this property to be lowered to have better visibility of the traffic coming over the hill. Right now, there is a barrier wall holding up the 5 feet of dirt plus trees and bushes, and now that there will also be a house there, people trying to exit that are going to have a very difficult time seeing the traffic coming over that hill, so that needs to be removed. **K. Stone** stated that the Petitioner is re-grading the entire site. **J. Lemberg** asked if it was going to be graded down to street level or sidewalk level. **K. Stone** stated that the it is going to be the same grade as the sidewalk. The entire site is going to be regraded. It is all being brought down. **M. Werden** asked if the sidewalk is going to be replaced and lowered. **K. Stone** answered, no. They are starting at the sidewalk. The lowest point of the lot is in the front where it will be about 802. The highest point is 806, way at the back. The entire lot is being regraded and flattened out. There will not be the visibility problems that there are now. **J. Lemberg** asked if the sidewalk on Oakwood will be lowered down to street level because it is 3 feet above street level right now. **K. Stone** asked **E. Regopoulos** to clarify if they are doing anything to that area. **E. Regopoulos** stated that it will be lowered so that the curb, sidewalk and lot all flow together and the section of sidewalk on Oakwood Ln will be lowered. All of the grading will be coming down from the retaining wall to down to the driveway. **C. Deveaux** stated that he walked the area yesterday and if it is lowered down, it will be very safe and not an issue with people coming in and out of Oakwood Ln. **M. Werden** asked if the resident is going to have to make a U-turn to get in and out because of the island. **E. Regopoulos** answered, yes. **J. Lemberg** stated that the main problem with that property is that the farm house was built 80 years ago and nobody cared about traffic coming over that hill, but right now, it is pretty busy, especially with the 18-wheelers now traveling on that road. They do not follow the speed limit and the police are not out there to give them tickets anymore. If that property is down lower, we can see what is coming down the hill a lot easier, especially the person that is going to make a right-hand turn coming out. They can look in that direction and see what is coming. **B. Bucaro** asked if the existing stairs will be gone. **E. Regopoulos** answered, yes. **G. Koziol** stated that this will be a great safety improvement. **M. Werden** agreed.



Village of Bartlett
Zoning Board of Appeals Minutes
March 5, 2020

Witness **Neill Power** of 106 Oakwood Ln came forward and stated that he did not have an issue with the variance. He stated that his issue is with the builder. He stated, he bought a lot with him 2 parcels over at 106. It was supposed to be a 5-month build and it ended up being 2 years. He is a chronic liar. There were several issues. He wished that Brian Goralski and Kevin Walsh were there because they had to deal with him too and his attorney. He does not answer phone calls. He does not return calls. There were Stop Work Order Permits on the house. There was never anybody there to oversee the work. There were people drinking beer in the house when it was being built. He stated that he called the Better Business Bureau and Attorney General's office. There was an article that he submitted to "The Examiner." There were weeks and months at a time when nothing was done at the house. He would drive by every night and there was no work. He would call and email with no response, just excuses. The house next door was supposed to start in April the following year, but did not start for about 6 months after that. The Village told him they were not going to let him build in the Village, but obviously that is not the case, as he is here today to do that. He just wanted to warn the new owner of the lot. He cannot say enough about how awful it was to built with them. He stated that Brian Goralski, Building Director also dealt with him and stated that he was not responding to him as well. **N. Power** stated that he wants houses built on these vacant lots, but wants to warn the potential homeowner what they are getting into. **M. Werden** stated that it sounds as though he had a unique and unfortunate experience perhaps, but at this point, even if there is a delay of building after they level the lot, everybody is going to benefit from having that corner improved at the site. **N. Power** agreed, he would benefit, but does not know if the homeowner who is promised a 6-month build and never knowing when the house would be complete would benefit. When they moved in the house was not complete. There was never a final walk though or punch list. **M. Werden** stated that this is something that the Village will try to be on top of and have a better outcome. **M. Werden** asked if he had any objection to the Variance. **N. Power** answered no, he did not have any objection to the Variance.

Witness **Joann Rahn** of 103 Oakwood Ln stated that she is a long-time resident on that street and she is hoping that with the re-grading that water flow from storms is addressed. **J. Rahn** asked if the setback for the porch is closer to Oakwood. **K. Stone** stated that setback is for S. Bartlett Rd side. There is a 35-foot building line. The porch bumps out. **J. Rahn** that she hopes the grading is done appropriately so that the neighborhood does not end up with water issues with drainage from storms. **K. Stone** stated that the Village Engineer will look at the grading plans that will be submitted with the building permit and make sure that everything is flowing correctly.

Witness **Jason Hebert** of 108 Oakwood Ln came forward and asked if the sidewalk, which is in on S. Bartlett Rd next to the retaining wall, which is a complete disaster, will be repaired once the retaining wall is removed. **K. Stone** stated that the sidewalk is not in our jurisdiction and that it is in the County's right of way, and that they will get a copy of the plans. The builder would have to work that out with the County.

C. Deveaux asked if there was a buyer for the lot. **K. Stone** stated that it has already been purchased. **C. Deveaux** stated that there is a home set up to be built, which we show the plans for. **J. Hebert** asked if 104, the lot that is not being built on, are there plans for the future? If not, can he and his neighbors have something better to look at other than a mound of dirt and weeds. **K. Stone** stated that she will



**Village of Bartlett
Zoning Board of Appeals Minutes
March 5, 2020**

inform the Health Officer tomorrow to add it to his list of vacant lots to check on. **G. Koziol** asked Staff if this Variance is approved tonight, where does it go next? **K. Stone** answered that it would go to Village Board Committee on March 24, 2020. **G. Koziol** asked if everything is ready as far as the Building Department. **K. Stone** replied that he has not submitted building permit plans. We make them go through this process first before they have full architectural drawings made and have all of the engineering done for the lot. We do not want them to spend the time and money to have all of that done if the request is ultimately going to be denied. Once we get a positive recommendation and the vote from the Board, he can submit Building Permit plans.

M. Werden asked if there were any further questions or motions by the Committee.

G. Koziol made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-05)** 102 Oakwood Lane.

Motioned by: G. Koziol
Seconded by: J. Banno

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

Roll Call

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

The motion carried.



**Village of Bartlett
Zoning Board of Appeals Minutes
March 5, 2020**

Old Business/ New Business

K. Stone stated that she hopes they all enjoyed a few months off, but that there will be upcoming meetings to include 7-Eleven on Lake Street and N. Bartlett Road and probably a Text Amendment for a gas station at the southeast corner of Route 25 and W. Bartlett Road. There are a couple other projects in the works as well.

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

Motioned by: C. Deveaux

Seconded by: M. Sarwas

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:40 pm.