



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
September 3, 2020
7:00 P.M.**

- I. Roll Call
- II. Approval of the August 6, 2020 meeting minutes
- III. **(#20-09) 1070 Dartmouth Drive**
Variations:
 - A. To allow a 6-foot tall fence in the corner side yard
 - B. To allow ground-mounted solar panels in the corner side yard**PUBLIC HEARING (CONTINUED FROM THE AUGUST 6, 2020 MEETING)**
- IV. **(#20-10) 260 S. Western Avenue**
Variation: To allow an existing pool in the side yard on proposed Lot 1 of the Cylwik Resubdivision
PUBLIC HEARING
- V. **(#20-12) 630 Golfers Lane**
Variation: A 5-foot reduction from the required 20-foot rear yard
PUBLIC HEARING
- VI. Old Business/New Business
- VII. Adjournment



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M. Werden called the meeting to order at 7:01 pm.

Roll Call

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

Also Present: Planning & Development Services Director, Roberta Grill, Village Planner, Kristy Stone

Approval of Minutes

A motion was made to approve the May 7, 2020 meeting minutes.

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

Roll Call

M. Werden, B. Bucaro, G. Papa, M. Sarwas

The motion carried.



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(#20-11) 900 Poplar Lane

Variations:

- A. A 33-foot reduction from the 45-foot required rear yard
- B. To allow a shed in the side yard

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Exhibit D – Letter from neighbor stating no objection to the plan

Exhibit E – Letter from neighbor stating no objection to the plan

The Petitioner, David Barry of 900 Poplar Lane was sworn in by The Chairman, **M. Werden**. **D. Barry** presented his case stating that they have an odd shaped lot and would like to put a shed in the side yard. The back yard has a utility easement and they cannot build on a utility easement. The corner of the lot is the only logical place to put the shed. The shed will be 8 feet x 12 feet. We need a shed to store tools and small equipment. We would like to take those items out of the garage and put them into the shed so that we can use the garage as a garage. There is a similar lot two doors away with a shed in the side that the Village granted a Variance for about 10 years ago. **M. Werden** stated, I viewed this lot and from a practical standpoint, the side is the best location for the shed in your yard, provided no neighbors object to it. **D. Barry** stated no, in fact, the neighbor to the north contacted me as well as the neighbors behind us. They have both written letters in support of the plan. **M. Werden** stated that the property is a triangle, not a rectangle. **D. Barry** stated that along the northern edge, there is a 6-foot fence and that the neighbor put up and they would only see the top of the shed. Over the past 13 years, they have replaced the siding, roof, and driveway. They like living in Bartlett and would like to make this a place to stay. **M. Werden** asked what material would be used for the shed. **D. Barry** stated that it would be a wood shed that would be painted. It would be very similar to the shed that the neighbor behind us has. It would fit our needs. We would paint it with colors compatible with the neighborhood and our house. We would probably put plants around it to soften it from the street. **M. Werden** asked if there were any questions from the Committee. **B. Bucaro** stated that considering the shape of the lot and the easements around the house, you really have no other choice. I have no problem with it. **G. Papa** agreed, the shed looks very nice and would add to the property.

M. Werden opened the Public hearing portion of the meeting. No one came forward. **M. Werden** asked staff if there were any calls about this. **K. Stone** answered no, we did not get any calls. **M. Werden** asked if there were any further questions or motions by the Committee.

B. Bucaro made a motion to pass along **a positive recommendation** to the Village Board for case **(#20-11) 900 Poplar Lane**, a variation for a shed to be located in the side yard and a rear yard variation to bring the house into conformance.

Motioned by: B. Bucaro

Seconded by: G. Papa



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

Roll Call

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden

Nays: None

The motion carried.



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(#20-03) True North

Zoning Text Amendments:

- A. Definitions: Section 10-2-2
Add "Truck Stop Establishment"
- B. Community Shopping District Special Uses: Section 10-6D-4
Add "Truck Stop Establishment"

Variation: To reduce the number of trees required in the interior parkways along Route 25 and West Bartlett Road

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Tim Shoemaker of RTM Engineering for the Petitioner and Todd Stanton, President of Design Perspectives, the landscape architect came forward and were sworn in by The Chairman, **M. Werden**. **T. Shoemaker** stated that the owners apologize for not being here. They had a previous commitment, but sent along a video to introduce the company (True North Holdings) that they would like to share. The True North introduction video was played and viewed by all in attendance. **T. Shoemaker** stated that they are seeking to define a truck stop establishment. They need that in order to apply for a video gaming license with the State, as that is a requirement with the State of Illinois. The variance they are seeking is to reduce the number of interior parkway trees along the main frontages. The reason for that is that they do not look a lot like a gas station. They do not want to hide it any more than they have to. They have provided an extra landscape feature in the interest of the Village at the corner. **T. Stanton** stated the property is the gateway into the Village and they worked with Staff so that it would be attractive for both the Village as well as the Petitioner. There is cut stone, ornamental trees, different types of shrubbery, ornamental grasses, and perennials. It will be a focal point of the design at the northwest corner of the property. In terms of the variance request for the trees along the north and west property lines, there is about half the amount that you require per Code. As **T. Shoemaker** mentioned, the Petitioner's standard operating procedure is to provide a tree canopy that is short and provides visibility into the property. We are really not providing as many trees as we would like to see, but there are trees that run along the north and west property line. The design mimics the video and imagery that was shown on the video. There is really just the one variation required for the four trees on the north and four trees on the west in terms of shade trees or evergreen trees. **K. Stone** stated that site is located at the southeast corner of W. Bartlett Road and Route 25. Benchmark Lane already exists with a right-in, right-out onto Route 25. The developer will be putting in a cross-access easement off of W. Bartlett Road, which will be at the property line. There are going to be future improvements on W. Bartlett Road, which will make this a right-in, right-out access point as well. If cars want to turn left onto W. Bartlett Road, they would either have to turn right onto Route 25 and make a left or go to Southwind Boulevard to make a left. Passenger vehicles utilize the fueling stations at the north side of the building and trucks will be able to utilize the diesel pumps on the east side of the site. There are two truck parking spaces provided, which is required for truck stop establishments. They do meet all of the parking requirements. This property is located within the West Bartlett Road Corridor Plan as part



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of the Western Gateway. We require more native plantings and have more detailed landscaping requirements than what we have throughout the rest of the Village. The Petitioner has bulked up the amount of landscaping at the corner, but are requesting a reduction in the number of trees that are required along the north and west property lines. There are not going to be any parkway trees in this location due to the overhead wires along both W. Bartlett Road and Route 25. The landscaping you see on the site would be the landscaping proposed. There are not additional parkway trees being proposed along Route 25 and W. Bartlett Road. There will be trees along Benchmark Lane to the south. Staff has some concerns about the access point on Benchmark closest to Route 25. That is going to be discussed at the Plan Commission meeting next week. They are requesting a Special Use Permit for package liquor, for a convenience store with gasoline sales, an automobile station, and a truck stop establishment, which will all be heard by the Plan Commission next week. **M. Werden** Southwind Boulevard and Benchmark Lane are both Village streets. **K. Stone** correct. **M. Werden** W. Bartlett Road is a Kane County highway. **K. Stone** correct and Route 25 is IDOTs. There will be a bike path installed along the north part of the property and there will be an 18-inch berm that is required as part of the West Bartlett Road Corridor Plan. **M. Werden** stated that, I am uncomfortable with the tree reduction, but there is an issue with wires and we have had problems with other portions of the road with trees interfering with the wires. **K. Stone** stated that wires are the parkway and what the Petitioner is asking for is separate from the parkway trees. It is the interior parkway within the Petitioner's property and not that close to the power lines. **B. Bucaro** there are five trees proposed to be put in on the W. Bartlett Road side. **T. Stanton** correct. **K. Stone** we normally require nine in that location **T. Stanton** we are four short. **B. Bucaro** in the Petition, the Petitioner's response was "The convenience store use is not compatible with landscaping across the front of the building. Landscaping in this area encourages loitering and littering that is detrimental to the immediate property." **K. Stone** the Petitioner was originally also requesting a Variation to eliminate the foundation landscaping. They have worked with Staff to put in planters in front of the building to meet the intent. That finding was in regards to foundation landscaping. **B. Bucaro** the concern is that you are not going to see the building, is that right? **T. Shoemaker** yes. **B. Bucaro** the landscape plan calls for those trees to have lower branches, no lower than 6 feet. I do not see how trees with a canopy above 6 feet are going to hide the building. What is going to hide the building are the gas pumps, the canopy, and the pillars. **T. Stanton** the five trees; two small shade trees and three ornamental trees starting from the corner to the access drive are a Japanese lilac, which is a small shade tree, a Serviceberry, which is a large ornamental tree, a magnolia, which is a small flowering ornamental tree, another Japanese lilac, and just south of the sign is another Serviceberry across the frontage of W. Bartlett Road. The Code allows some flexibility grouping them, but the Petitioner is concerned about putting in large trees like maples and honey locust that grow 40-50 feet tall and spread out 40-50 feet will block the canopy and the building that is set back quite a way and would also change the character of the landscaping depicted in the video that was shown at the beginning of the meeting. **T. Shoemaker** we are also talking about being able to see the building when you are further down the road so there is time to change lanes and approach the building. **M. Werden** asked what would be along Route 25. **T. Stanton** stated that there are actually two ornamental trees in the gateway and we do have three shade trees that are larger, but the focus is more towards the north and west. These are to the west and to the south. The primary concern is visibility from the intersection and the frontage of W. Bartlett Road, not Route 25. **K. Stone** there are seven trees required along Route 25. **T. Stanton** we have proposed three trees. We are four short as far as quantity. **B. Bucaro** does the Ordinance require larger trees? **K. Stone** yes, half of the



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trees that are required must be large. **B. Bucaro** is this a W. Bartlett Road Corridor requirement? **K. Stone** this is actually the standard Landscape Ordinance requirement that all sites have to comply with. **B. Bucaro** asked what Staff thought of this. **K. Stone** we have not had a landscape reduction request previously for interior parkway trees. **B. Bucaro** stated that it is a beautiful building and obviously they run a great operation. This being W. Bartlett Road, I like the cluster on the corner, but this being the Gateway, I am struggling with the extent that a couple more trees would block the building or block passers-by to realize that is a gas station. **T. Stanton** stated that one of the things working against them is that there are substantial easements not far off the curb line. Under traditional circumstances, we would probably easily be able to accommodate grouping the trees. The bike trail eats up a good portion of the frontage. The width of the planting bed area is constricted and we are at our property line. The rest of it moving north is the easement. The width is less than 15 feet. It is a very constricted linear pathway. The trees will be lined-up. We cannot move them south or north. We have to move them east and west. The concern is that if we put four more shade trees in it will act as a picket. If we have flexibility with Staff, 40-feet on center or across the frontage to create a vertical screen with the larger shade trees that would be proposed. The other side might not be an issue, but the frontage, because we have the utility easement and bike path does not give us a lot of green space to work with because we are not going on the other side of the bike path. **M. Werden** if either road is eventually widened to five lanes, how much is that going to eat into the landscaping? **R. Grill** that is not in the plans for the near future and would probably not interfere with the landscaping at this location. From what I can view from the landscape plans, the trees the Petitioner is providing on W. Bartlett Road are what we would consider ornamental trees. I think if they were willing to compromise and provide two large shade trees and substitute two of the ornamental trees, Staff could work with that as a compromise. We are getting no large trees along W. Bartlett Road and that was part of our review as to what we were looking for. **M. Werden** since that is the Gateway and our motto is "Progress with Pride" and we are not South Elgin across the street. We want it to be a different landscape and to be obvious when you come in to Bartlett, especially our Gateway. **B. Bucaro** it looks to me like the berm is 10 feet and next to that is a 16-foot path easement before you get to the path. **T. Shoemaker** the path is in the middle of the path easement. There is 11-1/2 to 12 feet of green space plus the 10 feet in the utility easement that we cannot plant anything in. **T. Stanton** if the bike path was not there I would have 25 feet of green space to work with, which would give me a lot more flexibility to adjust things north and south, which would not make it look so linear. By cutting it in half with the bike path it forces this to be very linear landscaping even though it will look like there is a lot of green space, which there is from the path to the north to the street. As shown on the Petitioner's 3D perspective, the edge of the planting beds is the end of their property as far as where we can plant and the rest is all easement from the trees to the end of the property. If that was all plantable as far as green space that could be used to plant, the trees could be pushed much further towards the road, and it would create the corridors that the petitioner is concerned about. If we put in four more trees the perspective changes dramatically. The concern is that these trees would be double that size and you would not see the canopy or the building because it is so far from the road. **M. Sarwas** to piggy-back on what Staff said, I would feel comfortable with the number of trees, but if some of the trees we bigger shade trees it would look more pleasing. I understand what you are saying about it looking linear, but if some were replaced with bigger trees, it would not look as linear. I think putting bigger trees in would be a nice compromise and would bring some synergy into what we have in the rest of the Village. **T. Stanton** we can swap trees and adjust the spacing. **M. Sarwas** I think it is a beautiful building though. **M. Werden**



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yes, it is a very nice plan. I think we are all concerned because of the W. Bartlett Road Corridor. We have the street scaping and the lighting east of Route 59 and we want to see things continue to develop looking nice along W. Bartlett Road. **T. Shoemaker** we are going to match the poles and we have the enhanced native grasses and bushes. **M. Werden** that is going to look nice. **K. Stone** Their request was for a reduction in the number of trees. As long as we keep the number the same, the variation request can move forward. **M. Werden** we will add as part of recommendation to work with Staff on the types of trees.

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

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

B. Bucaro made a motion to pass along **a positive recommendation** to the Village Board for case **(#20-03)** True North, a variation for a reduction of the number of trees required in the interior parkway (the number of trees on the landscape plan will stay as is and the Petitioner will work with Staff to substitute tow shade trees for two ornamental trees along W. Bartlett Road and for the Text Amendments to define truck stop establishment and add the truck stop establishment to the list of Special Uses to the Zoning District.

Motioned by: B. Bucaro
Seconded by: M. Sarwas

Roll Call

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden
Nays: None

The motion carried.



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(#20-09) 1070 Dartmouth Drive

Variations:

- A. To allow a 6-foot tall fence in the corner side yard
- B. To allow ground-mounted solar panels in the corner side yard

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Paul Szczesny of Eco Solar representing the homeowner was sworn in by **M. Werden**, Chair and presented his case for the Petitioner. **P. Szczesny** stated that they are asking for a Zoning Variance for a privacy fence and to install ground-mounted solar panels in the corner side yard. This property has a very unique outline. There is a school and a park that are adjacent north of the property. Parents and other people come to pick up their children and drop them off during the school year. The entire cul-de-sac is filled with vehicles with parents waiting. We are asking to raise the height of the fence to 6 feet to provide privacy. The other variance we are asking for is to install ground-mounted solar panels in the corner side yard. Typically, a homeowner would not have to go through a variance because the yard would be behind their house. The way this lot is shaped, we are asking to put the solar panels on the side of the house. One is going to be on the northeast corner and the other one will be directly east. We want to structure the system in such a way that the height would be five feet, six inches. No one would be able to see solar panels if the fence was raised to a height of 6 feet.

M. Werden asked the Petitioner if they want the whole fence on the property to be a height of six (6) feet. **P. Szczesny** answered, yes. Right now, the fence height is about 3 feet. **M. Werden** asked if the bushes in the back along the gas pipeline right-of-way would stay or come down. **P. Szczesny** stated that the bushes facing the back would stay, but they are open to removing them. **M. Werden** stated that the right-of-way is very wide and quite a distance to the bike path. Is this a drop-off point for students? **P. Szczesny** yes, the entire sidewalk and street, along the fence, the cul-de-sac, and the pathway is used. **M. Werden** you have a very unique situation. We liberalized our view on fences earlier this year, but we still do not like fences right along the sidewalk where people are walking, as it could be a potential hazard. It is going to look a little bit odd in the front. Were there any calls about this? **K. Stone** I received three calls from residents who had some concerns about the fence being that close to the sidewalk. No one stated a concern about the ground-mounted solar panels, but did state that the sidewalk is very heavily utilized and they were concerned that having the fence that close to the sidewalk could potentially be problematic. **M. Werden** were there any concerns about having the fence that high along Dartmouth Lane? **K. Stone** It is along Dartmouth Court that is the issue with the fence being six (6) feet tall. Their concerns are along the sidewalk. **B. Bucaro** asked Staff where the new fence would be. **K. Stone** stated that the Petitioner is proposing the new fence to be in the exact same location as the current fence. **B. Bucaro** asked if that met the 6-foot setback. **K. Stone** answered yes, from the



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property line. **P. Szczesny** stated that they could move the proposed fence closer to the east to be able to see more clearly around the corner where the bike path is. **B. Bucaro** asked if there was room on the roof for all of the solar panels. **P. Szczesny** stated that the Home Owner's Association does not allow any equipment installed on the side of the roof that faces the street. **B. Bucaro** asked if there was consideration made for a 4-foot fence, which would meet the Ordinance in place of the current 3-foot fence. **P. Szczesny** the same concern that people have raised about not being able to see around the corner is also the same as the homeowner's concern. A five (5) foot fence might provide better safety and security, but there is still not enough privacy. **B. Bucaro** I understand the unique shape of the lot, but was there any consideration given to moving the fence away from the sidewalk any distance rather than right on the lot line? **P. Szczesny** yes, and that is why I mentioned moving that portion of the fence. We have not discussed moving the fence on the entire property. We could move the fence about two (2) feet away from the current location that might help ease the concerns. **B. Bucaro** being right on the sidewalk, around the curve and along the other side being so high, I think both esthetically and for safety, there are concerns. **P. Szczesny** we could move it eight (8) feet or 10 feet and that would give clear site. **B. Bucaro** I would find that more appealing and less of a variance than what you are asking for. **M. Werden** I agree with that. **M. Sarwas** I agree. I think it needs to be pulled in from a safety standpoint. **P. Szczesny** the fence along the public sidewalk could be offset by two (2) feet and the smallest fence adjacent to the bike path could be moved in by eight (8) feet. **B. Bucaro** what will that do for the placement of the solar panels? **P. Szczesny** it will not have an impact as far as placement. It will have an impact on production on the system, but that is something we would be willing to work with and would be happy with that outcome. **M. Werden** asked if we have any panels in the Village that are ground level. **K. Stone** I do not believe I have ever reviewed one. **B. Bucaro** I believe there is a tree at the corner where the two sidewalks meet. Is that going to pose a problem for the tree? **P. Szczesny** that tree would be very close. We might have to move the fence a little bit further. **R. Grill** to clarify, their property line is actually one (1) foot in from the sidewalk. They are only truly moving the fence one (1) foot in from the property line. **B. Bucaro** is the current fence on the property line? **R. Grill** the fence is currently approximately six (6) inches from the property line.

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

Witness, **Monika Zakrzewski** of 1085 Dartmouth Drive came forward and stated that she lives across the street, one (1) house down from the Petitioner's property and has lived at that location for almost eight (8) years. I have observed many things throughout the years, which I have contacted the Village about. The biggest problem is with the school and parking. The cul-de-sac is a no parking zone during school days from 8:00 am to 2:00 pm, but people do park on Dartmouth Lane and around the corner to pick up their children. People cut through to the play yard to pick up kids from school and cars park there. I have observed numerous times people reaching over the Petitioner's fence and picking up their dog and kids throwing trash into the yard. I do not see a problem with them having a bigger fence. There is no privacy at all for the Petitioner. I do not see it as a safe place for children with the high traffic and people walking around. I would not feel



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safe leaving my children in their yard. There are other houses that have a six (6) foot fence. I fully support them having a six (6) foot fence for safety and privacy and the solar panels would be great.

M. Werden asked if there were any other questions or comments. No one came forward.

R. Grill the property line is through the middle of the bike path currently shown on the plan, the fence is about six (6) feet from the property line, and the bike path is about five (5) feet wide. From the east edge of the bike path, how far are you looking to pull the fence in? **P. Szczesny** are you saying that currently, the fence is past the property line? **K. Stone** the bike path is half on the property. It is split down the middle of the property line in an easement. **P. Szczesny** it does not look like there is a bike path there. Where the fence is, it looks like that is the property line. **K. Stone** the easement was recorded after the subdivision was created. **P. Szczesny** understood. **K. Stone** the previous owners for this lot and the one next to it granted an easement to put the bike path there once Sycamore Trails Elementary School was built. How far from the bike path are you willing to locate the fence? **P. Szczesny** we are willing to move the fence eight (8) feet from the current location, but I cannot tell you right now how many feet away from the bike path that would be. **K. Stone** it was 1 foot off the bike path. If you are moving it back eight (8) feet then you would be nine (9) feet from the bike path. **M. Werden** it is questionable how much we can negotiate. We are not the Plan Commission. **R. Grill** right. I just want to make sure what they are saying is clear. There is a difference between the distance from the property line and the path. **M. Sarwas** I think the concern is the bike path. You need to continue to talk about the distance from the bike path. If the property line is in the middle of the bike path that is kind of irrelevant. The bike path is already over the property line. What you really want to concentrate on is from the edge of the bike path because that is the concern. **R. Grill** the plan before your shows the fence off of the bike path and my question was, how far is this plan showing it currently off the bike path and they want to shift it even further? **P. Szczesny** currently, the fence is right up against the bike path just like it is up against the sidewalk. There is also a huge boulder on the property. **M. Werden** would you fence the boulder outside of the fence? **P. Szczesny** if we moved it 8 feet, it would still be right up against the fence on the property. **B. Bucaro** can they change their plan at this meeting without having to resubmit? **R. Grill** no. Their request before you tonight is as submitted. If you want to vote tonight, you can do that or we could continue it and work with the homeowner, or the homeowner could resubmit a new request. **M. Werden** could the Petitioner come back next month? **R. Grill** yes. **B. Bucaro** or, we could say no and the Village Board could say yes. **M. Werden** this has some major hurdles for us. I realize that the lot has a very odd configuration. I do not like setting a precedent although we are not bound by precedents with having the panels on the ground and having this fence so close to the sidewalk, especially now from what has been said, there is a lot of traffic there. I like the idea of continuing this until next month and coming back with a redesign that you work out with the Staff. That certainly is an option. **G. Papa** I agree. **M. Sarwas** I do not have an issue with the solar panels and I understand you are trying to work with the HOA regulations. I actually like the idea of a six (6) foot fence, but I would like to see this redesigned to bring the fence in especially if you are going to that height as a safety issue. I live



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on a bike path too and I understand the concerns and feeling like you are on public display. I understand that there are residents who do not necessarily have an appreciation for private property the fence is part of private property. **G. Papa** I think we all agree on the six (6) foot fence. I think we all like that, but it should be pulled back. **M. Werden** I think everybody is in agreement with moving forward with the project. We just need more details. **M. Werden** the fact that you do not have neighbors opposed to this makes a big difference. The fact that you do not have anyone opposed, we can go along with something, but this is so close to the sidewalk and personally would like to see us vote to continue this so that you can work with the Staff. **P. Szczesny** during this period of time during the month, we will be able to communicate with Staff as opposed to just resubmitting? **M. Werden** yes.

G. Papa continue for one (1) month and urge the homeowners and their representative to work with Staff to pull the fence back from the sidewalk.

Motioned by: G. Papa

Seconded by: M. Sarwas

Roll Call

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden

Nays: None

The motion carried.



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Old Business/ New Business

K. Stone we now have a Development App on the website that people can go to and see what is going on in the Village. It shows a list of the different projects that we have gotten applications and proposals for. **B. Bucaro** will that include residential developments? **K. Stone** yes. **R. Grill** all current development projects and the status of projects are on the map. It has already been utilized by a Facebook group for True North. **K. Stone** we are hoping this helps to answer a lot of questions when people see the Public Hearing signs. They can look at this app and get an idea of what projects are proposed. **M. Werden** good. **K. Stone** we keep it up to date with our GIS staff twice a month. **B. Bucaro** that is great.

K. Stone we will have another meeting next month.

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

Motioned by: M. Sarwas

Seconded by: G. Papa

Motion passed by unanimous voice vote.

The meeting was adjourned at 8:35 pm.

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM

20-118

DATE: August 25, 2020
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Kristy Stone, Village Planner *KS*
RE: **(#20-09) 1070 Dartmouth Drive**

PETITIONER

Magdalena & Cezary Lesniewski

SUBJECT SITE

1070 Dartmouth Drive, part of Lot 164 in the Orchards of Bartlett Phase 2

REQUESTS

Variations –

- (a) To allow a 6-foot tall fence in the corner side yard
- (b) To allow ground-mounted solar panels in the corner side yard

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Single Family (Duplex)	Suburban Residential	SR-3 PUD
North	Single Family (Duplex)	Suburban Residential	SR-3 PUD
South	Single Family	Suburban Residential	SR-3 PUD
East	Single Family	Suburban Residential	SR-3 PUD
West	Utility/School	Utility/Institutional	P-1

UPDATE

At the August 6, 2020 Zoning Board of Appeals meeting, the Petitioner presented their variation requests. Members of the Zoning Board voiced concerns regarding the proposal to have the 6-foot tall fence located on the property line (one (1) foot from the sidewalk) along Dartmouth Court and six (6) feet from the west property line (one (1) foot from the bike path). The Zoning Board of Appeals directed the

Petitioner to meet with Staff and revise the location of the fence and continued the case to the September 3, 2020 Zoning Board of Appeals meeting. *The minutes of the August 6, 2020 Zoning Board of Appeals meeting are attached.*

The Petitioner submitted revised plans to Staff proposing to move the fence 1 foot inside the property along Dartmouth Court and an additional 2 feet from the bike path.

	ORIGINAL PLAN	REVISED PLAN
DISTANCE FROM DARTMOUTH CT PROPERTY LINE	on property line	1 foot
DISTANCE FROM DARTMOUTH CT SIDEWALK	1 foot	2 feet
DISTANCE FROM WEST PROPERTY LINE	6 feet (includes 5' wide bike path)	8 feet (includes 5' wide bike path)
DISTANCE FROM BIKE PATH	1 foot	3 feet

DISCUSSION

1. The subject property is zoned SR-3 PUD (Suburban Residence Planned Unit Development). The duplex property is part of Lot 164 in the Orchards of Bartlett Phase 2.
2. The Petitioners are requesting to construct a 6-ft tall, solid vinyl fence in the corner side yard to replace the existing 3-ft tall wood fence. The Zoning Ordinance allows 6-foot tall fences in the corner side yard provided the fence is setback at least 10 feet from the property line while fences up to 4-feet tall are permitted at the property line.
3. Document #R94-189811 recorded a 15-foot wide bike path easement (7.5-ft wide on Lots 164 and 165) for the construction and maintenance of the 10-foot bike path to Sycamore Trails Elementary School.
4. The Petitioners are also proposing to install two 5.42-ft tall, ground-mounted solar panel arrays (19'6"x10'4" and 14'7"x 10'4") in the required corner side yard. The Zoning Ordinance requires ground-mounted solar panels to be located within the rear yard. Both arrays would be located 10 feet from the corner side property line and more than 15 feet from the house.
5. The proposed impervious surface ratio of this lot is 28% which meets the 45% maximum impervious surface for a duplex lot.

6. If the variations are approved, the Petitioners could then apply for building permits for the proposed fence and solar panels.

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.

CD Memo 20-118

August 25, 2020

Page 4

/attachments

x:\comdev\mem2020\118_1070dartmouth_zba2.docx

June 9, 2020

VARIATION REQUEST

Kevin Wallace
Village President
Bartlett, IL 60103
(630) 837-0800
kwallace@ybartlett.org

RECEIVED

JUL 13 2020

PLANNING & DEVELOPMENT
VILLAGE OF
BARTLETT

Dear Mr. Wallace,

We kindly thank you in advance for reviewing our variation request. In summary, our property is located in a cul-de-sac, and as a result has a highly irregularly shaped lot, and high traffic due to it's proximity to Bartlett Trail and Sycamore Trails Elementary School. Parents love to pickup and drop off their kids, and we understand.

We are requesting that we are allowed to replace the existing and dated fence, with one that is taller. Also, I think, one that looks a lot better. This in no way would be an inconvenience to our friends, neighbors and Bartlett residents, but it would provide us the much relief from hardship as a result of the number of people that are passing and waiting during school year.

Our second request is that we are allowed a much smaller offset for installation of Solar Photovoltaic equipment in our backyard. The PV equipment will not be seen by anyone as it'll be below the height of our requested fence. The current offset requirement and the shape of our lot make placing the array very hard.

We look forward to discussing this matter in front of the committee. Thank you.

Best regards,

Magdalena and Cezary Lesniewski



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # 2020-09

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Magdalena & Cezary Lesniewski

Street Address: 1070 Darthmouth Dr

City, State: Bartlett, IL

Zip Code: 60103

Email Address: [REDACTED]

Phone Number: [REDACTED]

Preferred Method to be contacted Phone

PROPERTY OWNER INFORMATION

Name: Madgalena & Cezary Lesniewski

Street Address: 1070 Darthmouth Dr

City, State: Bartlett, IL

Zip Code: 60103

Phone Number: [REDACTED]

OWNER'S SIGNATURE: Cezary Lesniewski Date: 6/9/2020

(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.)

A) 6ft fence to replace existing fence in a high traffic area. B) Additionally, a 1' setback for ground mounted solar array, of which height will be below the height of the fence.

PROPERTY INFORMATION

Common Address/General Location of Property: 1070 Darthmouth Dr Bartlett, IL 60103

Property Index Number ("Tax PIN"/"Parcel ID"): 01-10-211-072

Acreage: _____

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.

Our lot is adjacent, and is part of a cul-de-sac. This makes the shape of our lot very irregular, compared to others. Additionally, the rear of our property is adjacent to Sycamore Trails Elementary School and bike path. There is a walkway from the end of our cul-de-sac, along the edge of our property, through the backyard of the school and into the school compound. During the school year, our cul-de-sac is being used by parents to drop off and pickup their children. Over the course of one day, we may have as much as 200 people pass by, and as many as 10-20, congregating around our property. Lastly, due to the irregular shape of our yard, in order for us to observe a 10' offset for our ground mounted Photovoltaic Array, it would place it in the center of our yard.

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.

There is not another property except for us, and our neighbor west of us, that has similar circumstances within Bartlett. These circumstances are: being adjacent to school and bike path, having a walkway connecting the school with a public road that ends with no way out, irregular shape of lot due to cul-de-sac.

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 variation A) to replace existing 3' fence with a 6' fence, is for us to protect our property including but not limited to loitering, privacy, from within our house and yard. The purpose of variation B) is to position the PV array such that it would not take up majority of our yard. This PV system will save us money on utility bills, however, that will be the case no matter where it will be located within our yard. Thus there is no monetary advantage for variation B. Our proposed location of PV array is attached as Exhibit A.

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.

None of the circumstances listed here: irregularly shaped lot due to cul-de-sac, high traffic area due to location of school / bike path, and large amounts of parents congregating, have been in any way, shape or form, been altered or created, by us. Furthermore, while we do not mind, and understand parents coming by, we have placed signage on our driveway as we have often found people parked in our driveway waiting for their kids.

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.

We have deliberated greatly about the affects that these two provisions will have, and none will pose any safety issues. The higher fence will make it that the PV array will not be seen from any vantage point below 6'. Since we are part of the cul-de-sac, there aren't any intersecting streets where the fence would cut any visibility. Please see attached Exhibit A, showing what the field of view will be like from different points around our property. Variation B, 1' setback instead of 10', will not impact the public welfare, as children will not have the opportunity to touch the array behind the fence.

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.

Exhibit B shows the frontal shot of our property, along with pictures and specifications of a fence we think would look best with our home and the neighborhood. We believe that replacing the current and dated 3' fence will make the neighborhood look better. And since the PV array will not be seen, it will have no impact on the "look of the neighborhood". The fence will be exactly within our property lines, and would not have any impact on public safety, being able to get from point A to point B. Please see attached plan of survey.

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.

Looking at the map of Bartlett, and following Bartlett trail, we do not see any other homes or lots, that are under the same circumstances, except for our direct neighbor located at 1072 Dartmouth Dr. They are across from the walkway that connects our cul-de-sac and the Bartlett Trail. I don't believe variation A and B would apply to any other property in Bartlett.

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: Cezary Lesniewski

PRINT NAME: Cezary Lesniewski

DATE: 6/9/2020

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: Cezary Lesniewski

ADDRESS: 1070 Dartmouth Dr
Bartlett, IL 60103

PHONE NUMBER: [REDACTED]

EMAIL: [REDACTED]

SIGNATURE: Cezary Lesniewski

DATE: 6/9/2050



Village of Bartlett
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August 6, 2020

(#20-09) 1070 Dartmouth Drive

Variations:

- A. To allow a 6-foot tall fence in the corner side yard
- B. To allow ground-mounted solar panels in the corner side yard

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Paul Szczesny of Eco Solar representing the homeowner was sworn in by **M. Werden**, Chair and presented his case for the Petitioner. **P. Szczesny** stated that they are asking for a Zoning Variance for a privacy fence and to install ground-mounted solar panels in the corner side yard. This property has a very unique outline. There is a school and a park that are adjacent north of the property. Parents and other people come to pick up their children and drop them off during the school year. The entire cul-de-sac is filled with vehicles with parents waiting. We are asking to raise the height of the fence to 6 feet to provide privacy. The other variance we are asking for is to install ground-mounted solar panels in the corner side yard. Typically, a homeowner would not have to go through a variance because the yard would be behind their house. The way this lot is shaped, we are asking to put the solar panels on the side of the house. One is going to be on the northeast corner and the other one will be directly east. We want to structure the system in such a way that the height would be five feet, six inches. No one would be able to see solar panels if the fence was raised to a height of 6 feet.

M. Werden asked the Petitioner if they want the whole fence on the property to be a height of six (6) feet. **P. Szczesny** answered, yes. Right now, the fence height is about 3 feet. **M. Werden** asked if the bushes in the back along the gas pipeline right-of-way would stay or come down. **P. Szczesny** stated that the bushes facing the back would stay, but they are open to removing them. **M. Werden** stated that the right-of-way is very wide and quite a distance to the bike path. Is this a drop-off point for students? **P. Szczesny** yes, the entire sidewalk and street, along the fence, the cul-de-sac, and the pathway is used. **M. Werden** you have a very unique situation. We liberalized our view on fences earlier this year, but we still do not like fences right along the sidewalk where people are walking, as it could be a potential hazard. It is going to look a little bit odd in the front. Were there any calls about this? **K. Stone** I received three calls from residents who had some concerns about the fence being that close to the sidewalk. No one stated a concern about the ground-mounted solar panels, but did state that the sidewalk is very heavily utilized and they were concerned that having the fence that close to the sidewalk could potentially be problematic. **M. Werden** were there any concerns about having the fence that high along Dartmouth Lane? **K. Stone** It is along Dartmouth Court that is the issue with the fence being six (6) feet tall. Their concerns are along the sidewalk. **B. Bucaro** asked Staff where the new fence would be. **K. Stone** stated that the Petitioner is proposing the new fence to be in the exact same location as the current fence. **B. Bucaro** asked if that met the 6-foot setback. **K. Stone** answered yes, from the



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August 6, 2020

property line. **P. Szczesny** stated that they could move the proposed fence closer to the east to be able to see more clearly around the corner where the bike path is. **B. Bucaro** asked if there was room on the roof for all of the solar panels. **P. Szczesny** stated that the Home Owner's Association does not allow any equipment installed on the side of the roof that faces the street. **B. Bucaro** asked if there was consideration made for a 4-foot fence, which would meet the Ordinance in place of the current 3-foot fence. **P. Szczesny** the same concern that people have raised about not being able to see around the corner is also the same as the homeowner's concern. A five (5) foot fence might provide better safety and security, but there is still not enough privacy. **B. Bucaro** I understand the unique shape of the lot, but was there any consideration given to moving the fence away from the sidewalk any distance rather than right on the lot line? **P. Szczesny** yes, and that is why I mentioned moving that portion of the fence. We have not discussed moving the fence on the entire property. We could move the fence about two (2) feet away from the current location that might help ease the concerns. **B. Bucaro** being right on the sidewalk, around the curve and along the other side being so high, I think both esthetically and for safety, there are concerns. **P. Szczesny** we could move it eight (8) feet or 10 feet and that would give clear site. **B. Bucaro** I would find that more appealing and less of a variance than what you are asking for. **M. Werden** I agree with that. **M. Sarwas** I agree. I think it needs to be pulled in from a safety standpoint. **P. Szczesny** the fence along the public sidewalk could be offset by two (2) feet and the smallest fence adjacent to the bike path could be moved in by eight (8) feet. **B. Bucaro** what will that do for the placement of the solar panels? **P. Szczesny** it will not have an impact as far as placement. It will have an impact on production on the system, but that is something we would be willing to work with and would be happy with that outcome. **M. Werden** asked if we have any panels in the Village that are ground level. **K. Stone** I do not believe I have ever reviewed one. **B. Bucaro** I believe there is a tree at the corner where the two sidewalks meet. Is that going to pose a problem for the tree? **P. Szczesny** that tree would be very close. We might have to move the fence a little bit further. **R. Grill** to clarify, their property line is actually one (1) foot in from the sidewalk. They are only truly moving the fence one (1) foot in from the property line. **B. Bucaro** is the current fence on the property line? **R. Grill** the fence is currently approximately six (6) inches from the property line.

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

Witness, **Monika Zakrzewski** of 1085 Dartmouth Drive came forward and stated that she lives across the street, one (1) house down from the Petitioner's property and has lived at that location for almost eight (8) years. I have observed many things throughout the years, which I have contacted the Village about. The biggest problem is with the school and parking. The cul-de-sac is a no parking zone during school days from 8:00 am to 2:00 pm, but people do park on Dartmouth Lane and around the corner to pick up their children. People cut through to the play yard to pick up kids from school and cars park there. I have observed numerous times people reaching over the Petitioner's fence and picking up their dog and kids throwing trash into the yard. I do not see a problem with them having a bigger fence. There is no privacy at all for the Petitioner. I do not see it as a safe place for children with the high traffic and people walking around. I would not feel



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August 6, 2020

safe leaving my children in their yard. There are other houses that have a six (6) foot fence. I fully support them having a six (6) foot fence for safety and privacy and the solar panels would be great.

M. Werden asked if there were any other questions or comments. No one came forward.

R. Grill the property line is through the middle of the bike path currently shown on the plan, the fence is about six (6) feet from the property line, and the bike path is about five (5) feet wide. From the east edge of the bike path, how far are you looking to pull the fence in? **P. Szczesny** are you saying that currently, the fence is past the property line? **K. Stone** the bike path is half on the property. It is split down the middle of the property line in an easement. **P. Szczesny** it does not look like there is a bike path there. Where the fence is, it looks like that is the property line. **K. Stone** the easement was recorded after the subdivision was created. **P. Szczesny** understood. **K. Stone** the previous owners for this lot and the one next to it granted an easement to put the bike path there once Sycamore Trails Elementary School was built. How far from the bike path are you willing to locate the fence? **P. Szczesny** we are willing to move the fence eight (8) feet from the current location, but I cannot tell you right now how many feet away from the bike path that would be. **K. Stone** it was 1 foot off the bike path. If you are moving it back eight (8) feet then you would be nine (9) feet from the bike path. **M. Werden** it is questionable how much we can negotiate. We are not the Plan Commission. **R. Grill** right. I just want to make sure what they are saying is clear. There is a difference between the distance from the property line and the path. **M. Sarwas** I think the concern is the bike path. You need to continue to talk about the distance from the bike path. If the property line is in the middle of the bike path that is kind of irrelevant. The bike path is already over the property line. What you really want to concentrate on is from the edge of the bike path because that is the concern. **R. Grill** the plan before your shows the fence off of the bike path and my question was, how far is this plan showing it currently off the bike path and they want to shift it even further? **P. Szczesny** currently, the fence is right up against the bike path just like it is up against the sidewalk. There is also a huge boulder on the property. **M. Werden** would you fence the boulder outside of the fence? **P. Szczesny** if we moved it 8 feet, it would still be right up against the fence on the property. **B. Bucaro** can they change their plan at this meeting without having to resubmit? **R. Grill** no. Their request before you tonight is as submitted. If you want to vote tonight, you can do that or we could continue it and work with the homeowner, or the homeowner could resubmit a new request. **M. Werden** could the Petitioner come back next month? **R. Grill** yes. **B. Bucaro** or, we could say no and the Village Board could say yes. **M. Werden** this has some major hurdles for us. I realize that the lot has a very odd configuration. I do not like setting a precedent although we are not bound by precedents with having the panels on the ground and having this fence so close to the sidewalk, especially now from what has been said, there is a lot of traffic there. I like the idea of continuing this until next month and coming back with a redesign that you work out with the Staff. That certainly is an option. **G. Papa** I agree. **M. Sarwas** I do not have an issue with the solar panels and I understand you are trying to work with the HOA regulations. I actually like the idea of a six (6) foot fence, but I would like to see this redesigned to bring the fence in especially if you are going to that height as a safety issue. I live



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on a bike path too and I understand the concerns and feeling like you are on public display. I understand that there are residents who do not necessarily have an appreciation for private property the fence is part of private property. **G. Papa** I think we all agree on the six (6) foot fence. I think we all like that, but it should be pulled back. **M. Werden** I think everybody is in agreement with moving forward with the project. We just need more details. **M. Werden** the fact that you do not have neighbors opposed to this makes a big difference. The fact that you do not have anyone opposed, we can go along with something, but this is so close to the sidewalk and personally would like to see us vote to continue this so that you can work with the Staff. **P. Szczesny** during this period of time during the month, we will be able to communicate with Staff as opposed to just resubmitting? **M. Werden** yes.

G. Papa continue for one (1) month and urge the homeowners and their representative to work with Staff to pull the fence back from the sidewalk.

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

Roll Call

Ayes: G. Papa, B. Bucaro, M. Sarwas, M. Werden
Nays: None

The motion carried.

CEZARY AND MAGDALENA LESNIEWSKI - 11.600kW DC, 10.000kW AC

SHEET CATALOG	
INDEX NO.	DESCRIPTION
T-1	COVER PAGE
M-1	ELEVATION VIEW-1
M-2	ELEVATION VIEW-2
SS	SPEC SHEET(S)

SCOPE OF WORK

GENERAL SYSTEM INFORMATION:
 SYSTEM SIZE:
 11,600W DC, 10,000W AC
 MODULES:
 (29) SOLARIA POWER XT-400R-PM
 INVERTER:
 (1) SOLAREDGE TECHNOLOGIES
 SE10000H-US(240V)
 OPTIMIZER:
 (29) SOLAREDGE P320 POWER OPTIMIZER

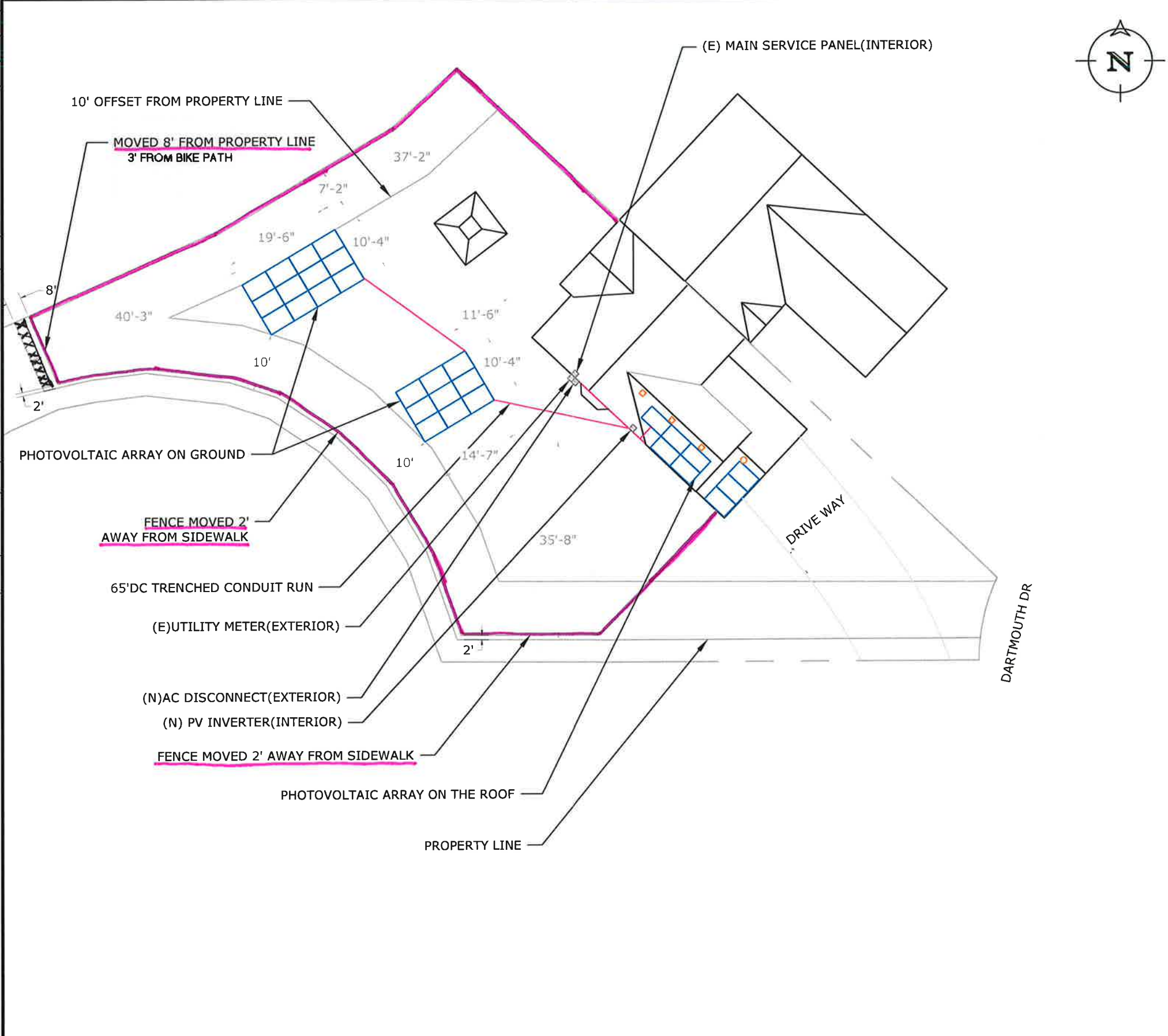
APPLICABLE CODES

- ELECTRIC CODE: NEC 2011
- FIRE CODE: IFC 2012
- BUILDING CODE: IBC 2012
- RESIDENTIAL CODE: IRC 2012

GENERAL NOTES

1. MODULES ARE LISTED UNDER UL 1703 AND CONFORM TO THE STANDARDS.
2. INVERTERS ARE LISTED UNDER UL 1741 AND CONFORM TO THE STANDARDS.
3. DRAWINGS ARE DIAGRAMMATIC, INDICATING GENERAL ARRANGEMENT OF THE PV SYSTEM AND THE ACTUAL SITE CONDITION MIGHT VARY.
4. WORKING CLEARANCES AROUND THE NEW PV ELECTRICAL EQUIPMENT WILL BE MAINTAINED IN ACCORDANCE WITH NEC 110.26.
5. ALL GROUND WIRING CONNECTED TO THE MAIN SERVICE GROUNDING IN MAIN SERVICE PANEL/ SERVICE EQUIPMENT.
6. ALL CONDUCTORS SHALL BE 600V, 75°C STANDARD COPPER UNLESS OTHERWISE NOTED.
7. WHEN REQUIRED, A LADDER SHALL BE IN PLACE FOR INSPECTION IN COMPLIANCE WITH OSHA REGULATIONS.
8. THE SYSTEM WILL NOT BE INTERCONNECTED BY THE CONTRACTOR UNTIL APPROVAL FROM THE LOCAL JURISDICTION AND/OR THE UTILITY.
9. ROOF ACCESS POINT SHALL BE LOCATED IN AREAS THAT DO NOT REQUIRE THE PLACEMENT OF GROUND LADDERS OVER OPENINGS SUCH AS WINDOWS OR DOORS, AND LOCATED AT STRONG POINTS OF BUILDING CONSTRUCTION WHERE THE ACCESS POINT DOES NOT CONFLICT WITH OVERHEAD OBSTRUCTIONS SUCH AS TREES, WIRES OR SIGNS.
10. PV ARRAY COMBINER/JUNCTION BOX PROVIDES TRANSITION FROM ARRAY WIRING TO CONDUIT WIRING

SITE PLAN LAYOUT



ECOSOLAR

**NABCEP
CERTIFIED**

PV Installation
Professional

CERT# PV-102415-012838

CUSTOMER INFORMATION

NAME: CEZARY AND MAGDALENA LESNIEWSKI

ADDRESS: 1070 DARTMOUTH DR, BARTLETT, IL 60103

41.967637, -88.190566
 APN: 011-02-11-072

AHJ: IL- VILLAGE OF BARTLETT

PRN NUMBER: ESS-010958

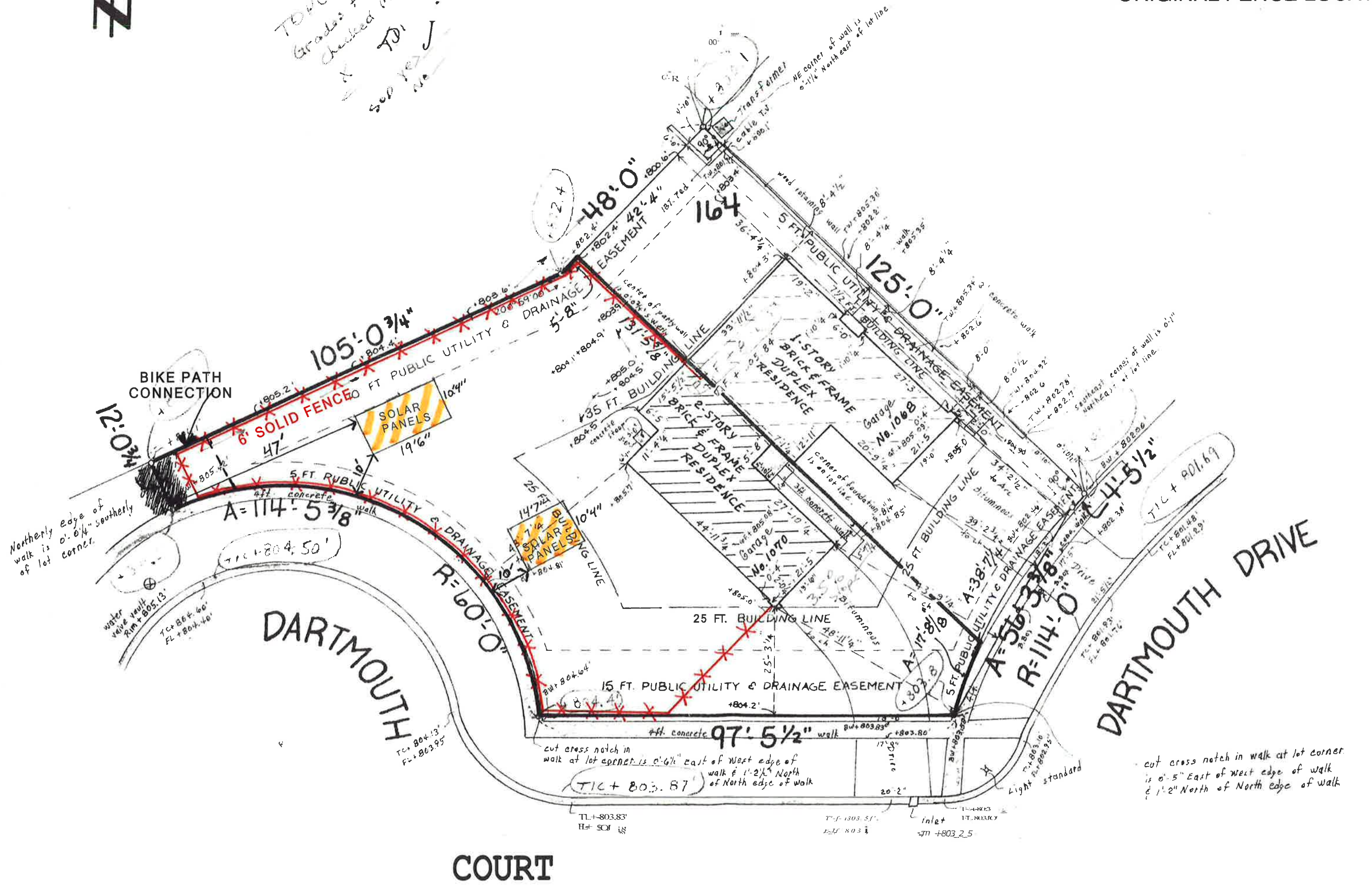


COVER PAGE

DESIGNER /CHECKED BY: SR/HK	PAPER SIZE: 17"X11"
SCALE: AS NOTED	REV: A
DATE: 8/18/2020	T-1



*TOPC
Grades checked in
500 feet
no*



*Northerly edge of lot
walk is 0'-0 1/4\"*

BIKE PATH CONNECTION

DARTMOUTH COURT

DARTMOUTH DRIVE

COURT

*cut cross notch in walk at lot corner
is 0'-5\"*

cut cross notch in walk at lot corner is 0'-6 1/2\"

*water valve vault
rim +805.13
TC +804.60
FL +804.40*

TIC +804.50

TIC +803.87

TIC +801.69

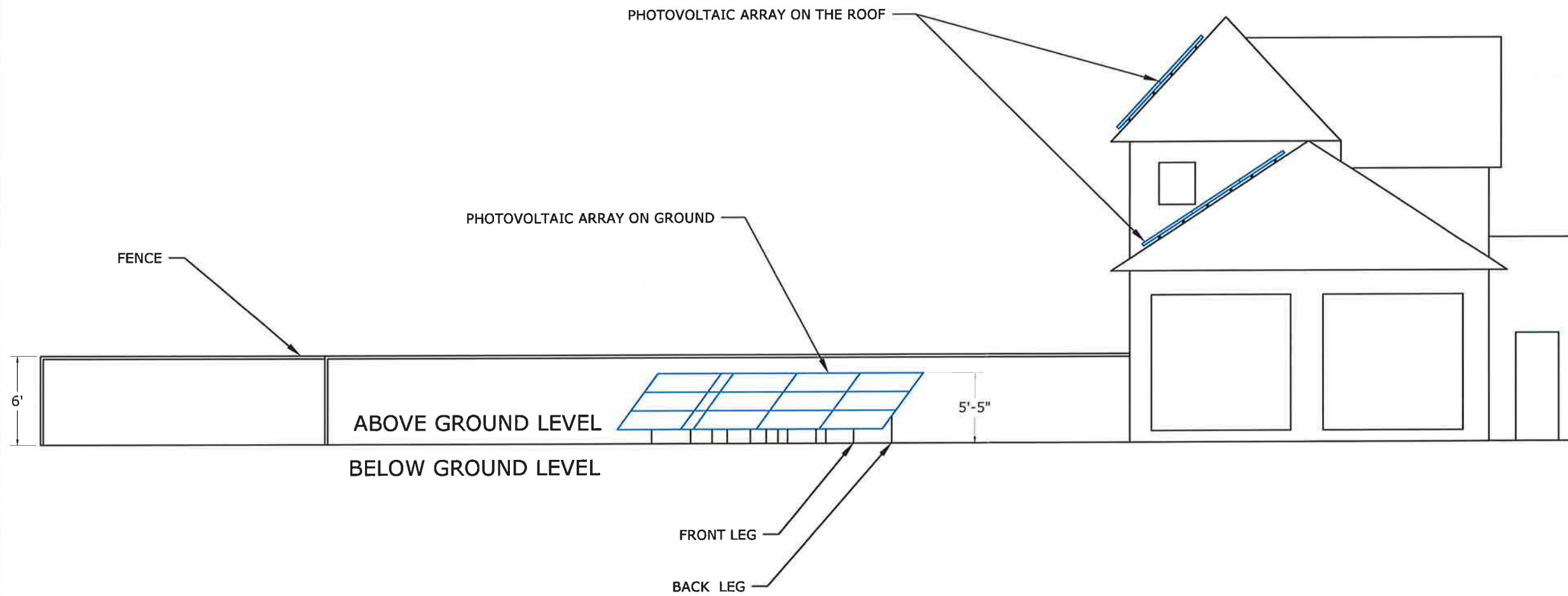
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H +801.18*

*T +803.51
E +803.18*

*Inlet
M +803.25*

Light standard

FRONT ELEVATION



AERIAL VIEW



ECOSOLAR



PV Installation
Professional
CERT# PV-102415-012838

CUSTOMER INFORMATION

NAME: CEZARY AND MAGDALENA
LESNIEWSKI

ADDRESS: 1070 DARTMOUTH DR,
BARTLETT, IL 60103

41.967637, -88.190566
APN: 011-02-11-072

AHJ: IL - VILLAGE OF BARTLETT

PRN NUMBER: ESS-010958



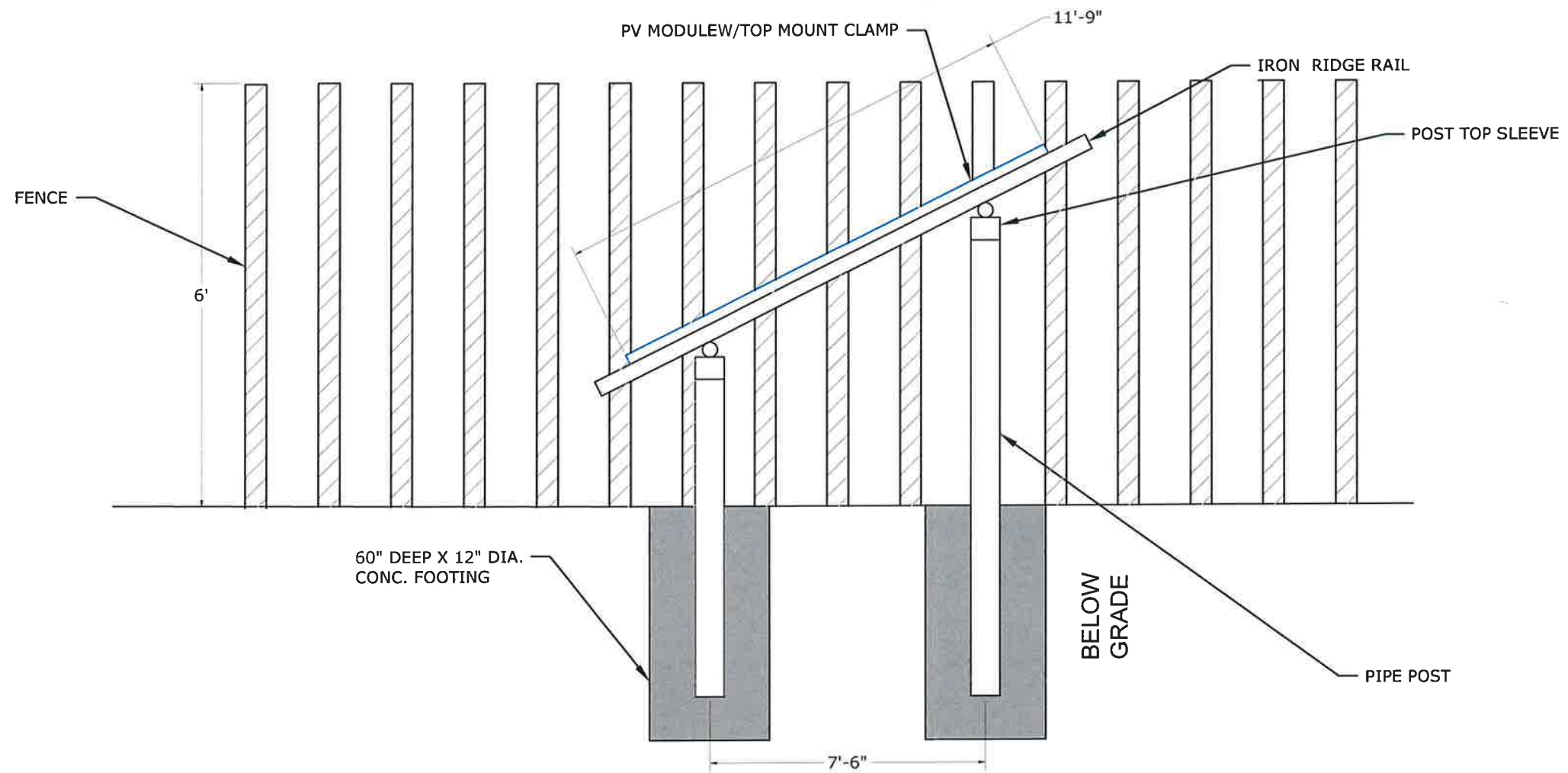
ELEVATION VIEW-1

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SCALE: AS NOTED	REV: A
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DATE: 8/18/2020	M-1
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SIDE VIEW OF GROUND MOUNTING:



MODULES DATA

SOLARIA POWER XT-400R-PM

MODULE DIMS 64.7"x47.4"x1.57"



PV Installation Professional

CERT# PV-102415-012838

CUSTOMER INFORMATION

NAME: CEZARY AND MAGDALENA LESNIEWSKI

ADDRESS: 1070 DARTMOUTH DR, BARTLETT, IL 60103

41.967637, -88.190566
APN: 011-02-11-072

AHJ: IL- VILLAGE OF BARTLETT

PRN NUMBER: ESS-010958



ELEVATION VIEW-2

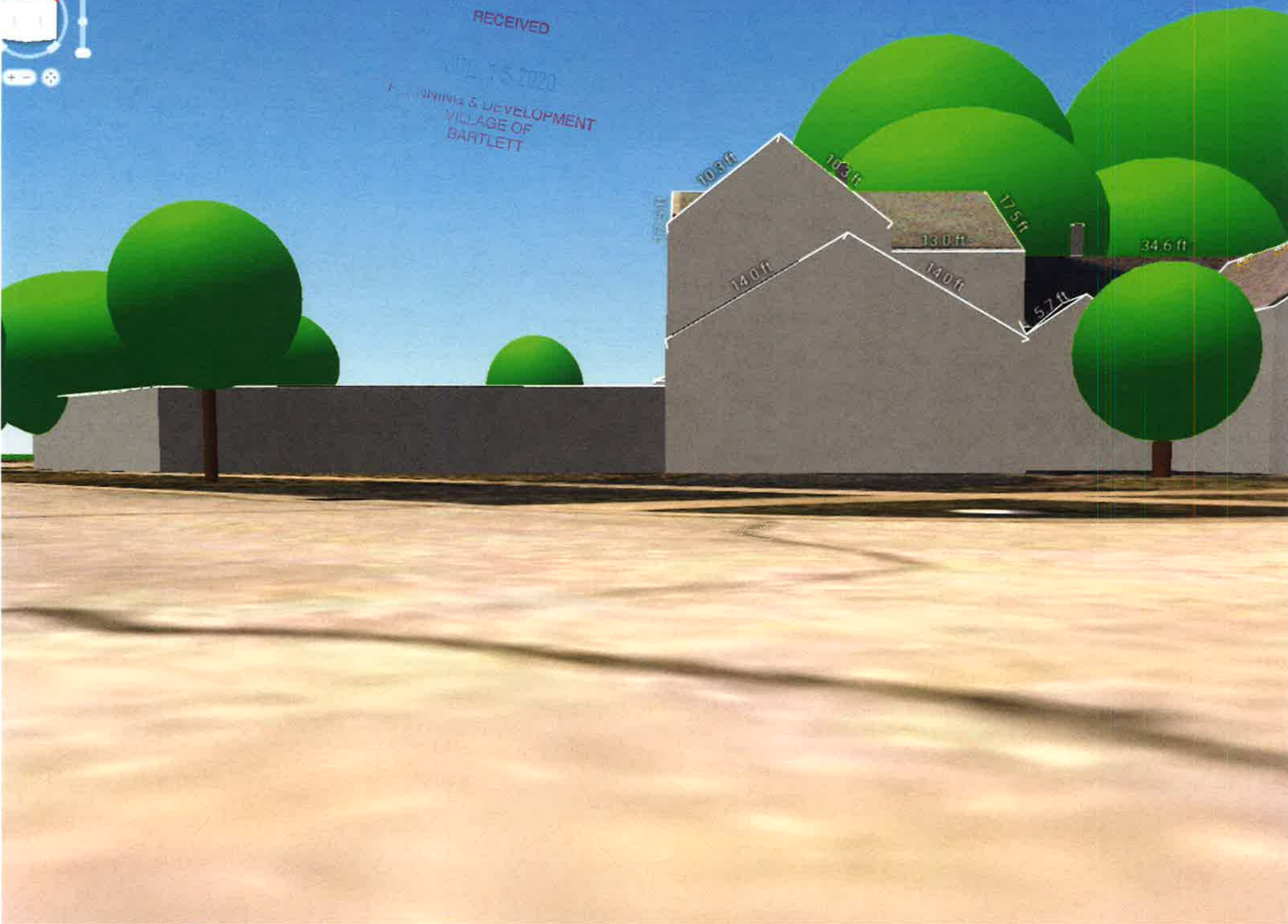
DESIGNER /CHECKED BY: SR/HK	PAPER SIZE: 17"X11"
SCALE: AS NOTED	REV: A
DATE: 8/18/2020	M-2



RECEIVED

JUL 15 2020

PLANNING & DEVELOPMENT
VILLAGE OF
BARTLETT

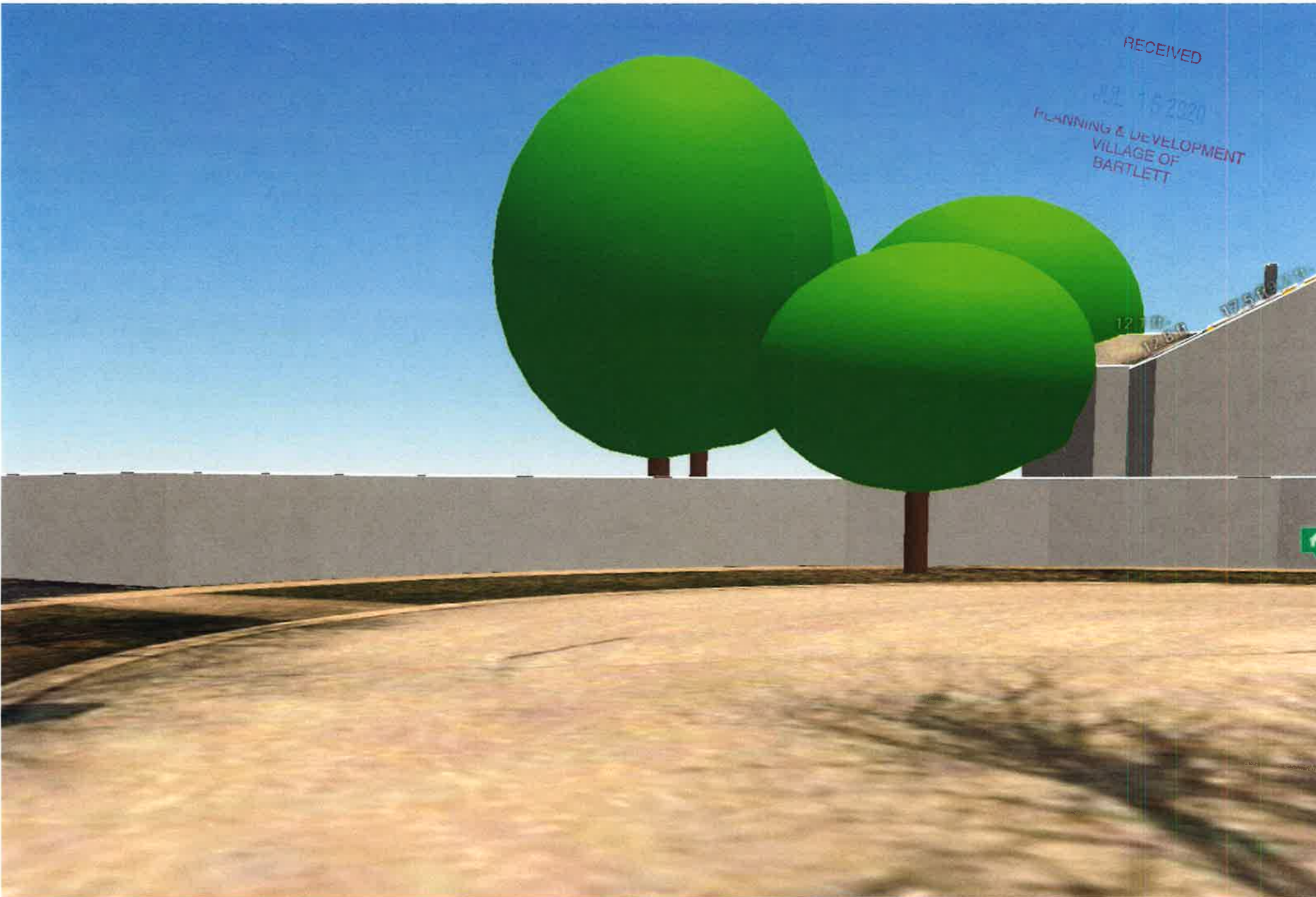




RECEIVED

APR 15 2020
PLANNING & DEVELOPMENT
OFFICE OF
WENDETT

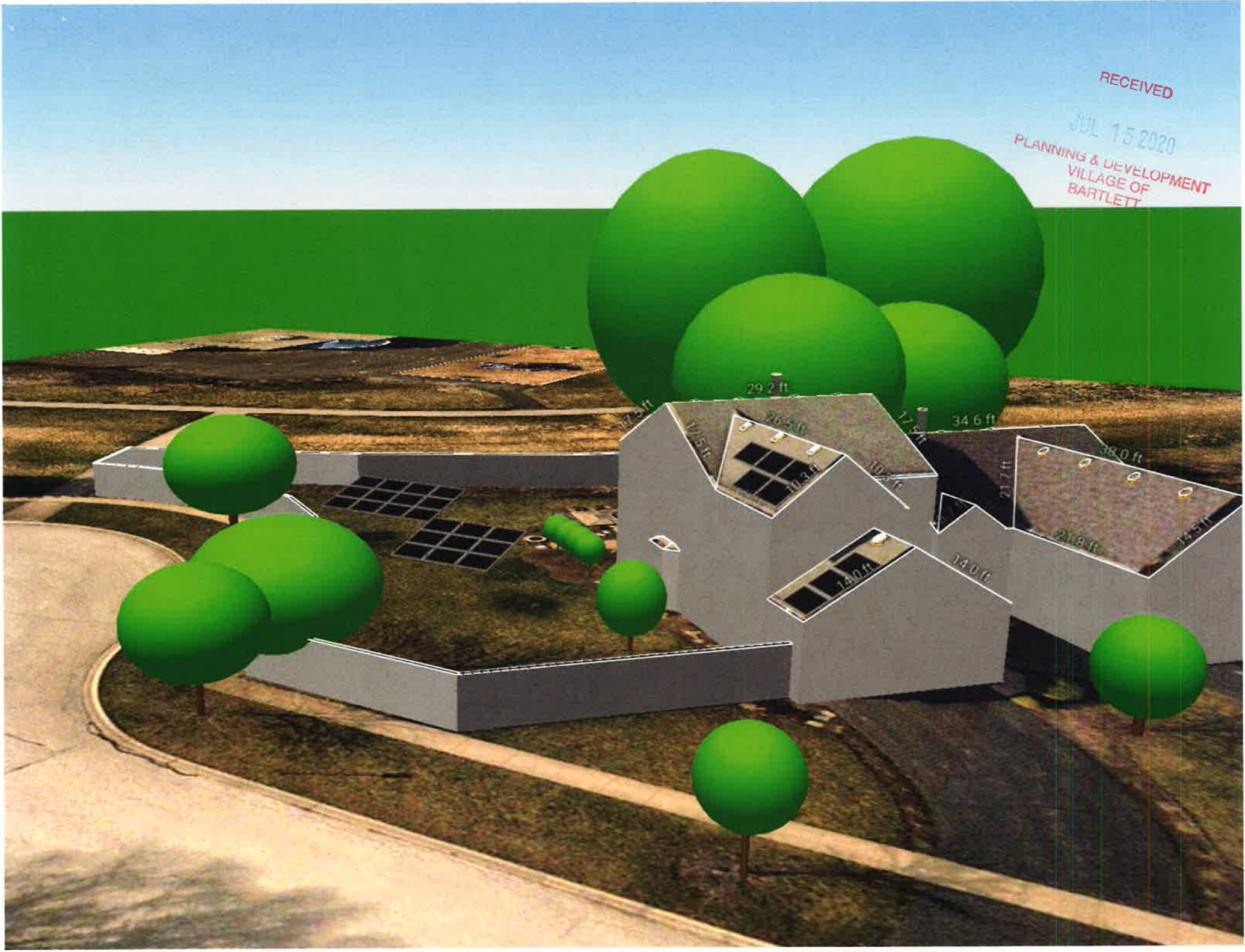




RECEIVED


JUL 15 2020

PLANNING & DEVELOPMENT
VILLAGE OF BARTLETT



PLANNING AND DEVELOPMENT SERVICES MEMORANDUM

20-115

DATE: August 25, 2020
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Kristy Stone, Village Planner 
RE: **(#20-10) Cylwik Resubdivision**

PETITIONER

Katarzyna Cylwik

SUBJECT SITE

Portions of Lot 47 in the County Clerks Division of Unsubdivided Lands (260 S. Western Ave)

REQUESTS

Variation – To allow a pool in the side yard on Lot 1

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	Multi-Family	Suburban Residential	SR-3
East	Single-Family	Village Center Residential	SR-3 & SR-4
West	Single-Family	Suburban Residential	SR-3

ZONING HISTORY

Through the Staff's research and as shown on the Village's Annexation Map, this parcel has been part of Bartlett since its incorporation in 1891 and was shown on the Village's first Zoning Map (1941) as part of the Farm District. According to the 1962 Zoning Map the property was zoned R-1 Single Family Residence. During the comprehensive rezoning of the Village in 1978, the property was rezoned to the SR-3 Suburban Residence Zoning District.

CURRENT DISCUSSION

1. The Petitioner is requesting a Preliminary/Final Plat of Resubdivision for portions of Lot 47 in the County Clerks Division of Unsubdivided Lands. The 48,222 square foot (1.10 acre) parcels would be resubdivided to create two single-family lots. *The Plan Commission will review the Preliminary/Final Plat of Subdivision at their September 10, 2020 meeting.*

2. Lot 1 consisting of 33,8042 square feet and Lot 2 consisting of 14,417 square feet would both meet the minimum lot standards for the SR-3 Zoning District; including the 60 ft. minimum lot width and the 8,100 sq. ft. minimum lot size requirements. The existing house, detached garage and swimming pool will remain on Lot 1 and a new single-family house could be constructed on Lot 2.
3. The Preliminary/Final Plat of Resubdivision includes public utility and drainage easements along all property lines in accordance with the Subdivision Ordinance.
4. Since the subject property is less than 3 acres, no detention is required for this subdivision. However, PCBMPs (Post-Construction Best Management Practices) will be required for Lot 2 if the new impervious area is more than 2,500 square feet to meet the DuPage County Stormwater Ordinance regulations. (This will be reviewed by the Building and Public Works Departments during the building permit review process.)
5. As required in the Subdivision Ordinance, the Petitioner will plant parkway trees along the existing rights-of-way spaced not less than forty feet (40') nor more than sixty feet (60') apart.
6. The Petitioner is also requesting a **variation** to allow the existing pool in the side yard for Lot 1. The current Zoning Ordinance requires that pools be located in rear yards only. The existing pool is visible on an aerial photograph from 1978. The pool would be setback 17 feet from the new south property line on Lot 1 and meets the minimum 8-foot setback requirement.



7. This project would result in a net density of 1.8 dwelling units/net acre and is consistent with the Comprehensive Plan which designates the area as "Suburban Residential, 2-5 dwelling units/net acre".

8. The Engineering Plans are currently being reviewed.
9. Lot 1 will keep the 260 S. Western Ave address and a new address will be assigned to Lot 2 if the subdivision is approved.

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.



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only
Case # 2020-10
RECEIVED
PLANNING & DEVELOPMENT
JUN 23 2020
VILLAGE OF
BARTLETT

PROJECT NAME LOT 47 SPLIT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: KATARZYNA CYLWIK

Street Address: [REDACTED]

City, State: BARTLETT ILLINOIS

Zip Code: 60103

Email Address: [REDACTED]

Phone Number: [REDACTED]

Preferred Method to be contacted: See Dropdown

PROPERTY OWNER INFORMATION

Name: KATARZYNA CYLWIK

Street Address: [REDACTED]

City, State: BARTLETT ILLINOIS

Zip Code: 60103

Phone Number: [REDACTED]

OWNER'S SIGNATURE: [Signature]

Date: 6/23/2020 KLC
4/26/2020

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

ACTION REQUESTED (Please check all that apply)

- Annexation
 - PUD (preliminary)
 - PUD (final)
 - Subdivision (preliminary)
 - Subdivision (final)
 - Site Plan (please describe use: commercial, industrial, square footage): _____
 - Unified Business Center Sign Plan
 - Other (please describe) _____
- Text Amendment
 - Rezoning See Dropdown to See Dropdown
 - Special Use for: _____
 - Variation: _____

SIGN PLAN REQUIRED? No

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

PROPERTY INFORMATION

Common Address/General Location of Property: 260,262 S WESTERN AVE BARTLETT ILLIN

Property Index Number ("Tax PIN"/"Parcel ID"): 260/06-34-411-016 262/06-34-411-022

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

Land Use: Existing: Residential

Proposed: SR-3

Proposed: Residential

Comprehensive Plan Designation for this Property: See Dropdown
(Refer to Future Land Use Map)

Acreage: 48,229 SQ. FT

For PUD's and Subdivisions:

No. of Lots/Units: 2

Minimum Lot: Area 14,420 Width 70 Depth 206

Average Lot: Area _____ Width _____ Depth _____

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

Attorney

Engineer

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.

Given the size of the pool and inground concrete structure the cost of removal would result in extreme financial hardship upon the owner.

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 house was purchased in April, 2017 and one of the main reasons the house was purchased was the pool. Shortly after purchase permits were obtained for remodel and it was never brought to our attention that the pool was build with the permit. Some work has been done at the pool with

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 variation is not based in order to generate additional compensation from the sale of the property. The intention of owner for variation was purchase a dream house with a pool for personal use. According to research the owner did the pool was build around 1970 when the equipment that is still attached and in use for the pool was manufactured. At that time there was no requirements

Page 11

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 person who has interest in the property was involved in creating the provision of this title.

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 proposed variation will not affect the public. A wire fence has been surrounding the pool structure ~~data~~ at the time of purchase of the house. A privacy tape was put in place after the purchase of the house as well as lock on the gate ^{for safety}.

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 impair an adequate supply of light and air to adjacent properties. As shown in the plot of survey.

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 does not give applicant any special privilege that is denied by the provisions of this title.

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: 

PRINT NAME: KATARZYNA CYLWIK

DATE: 6/23/2020

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: KATARZYNA CYLWIK

ADDRESS:  BARTLETT IL 60103

PHONE NUMBER: 

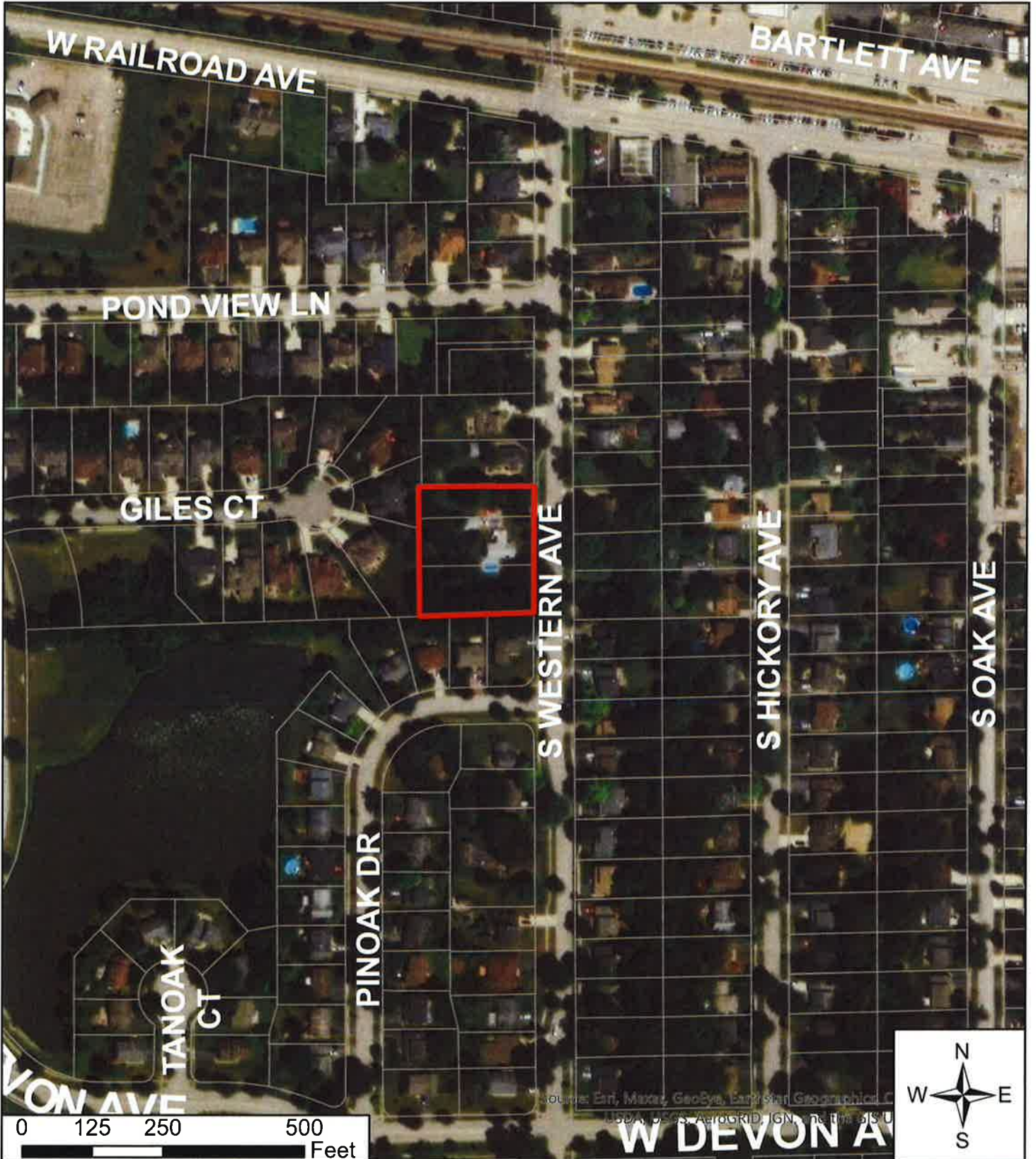
EMAIL: 

SIGNATURE: 

DATE: 6/23/2020

Location Map

2020-10 Cylwyk Resubdivision
Preliminary/Final Subdivision and Variation
PINs: 06-34-411-016 & 06-34-411-022



LEGEND

A = ASSUMED
 C = CALCULATED
 CH = CHORD
 CL = CENTERLINE
 D = DEED
 E = EAST
 F.I.P. = FOUND IRON PIPE
 F.I.R. = FOUND IRON ROD
 FT. = FEET/FOOT
 L = ARC LENGTH
 M = MEASURED
 N = NORTH
 NE = NORTHEAST

* = CHAIN LINK FENCE
 ○ = WOOD FENCE
 □ = METAL FENCE
 △ = VINYL FENCE
 --- = EASEMENT LINE
 - - - = SETBACK LINE
 - · - · = INTERIOR LOT LINE

PLAT OF SURVEY

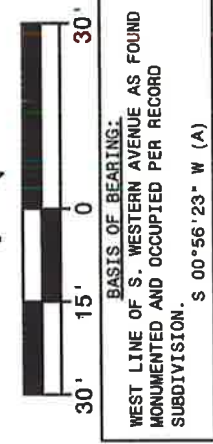
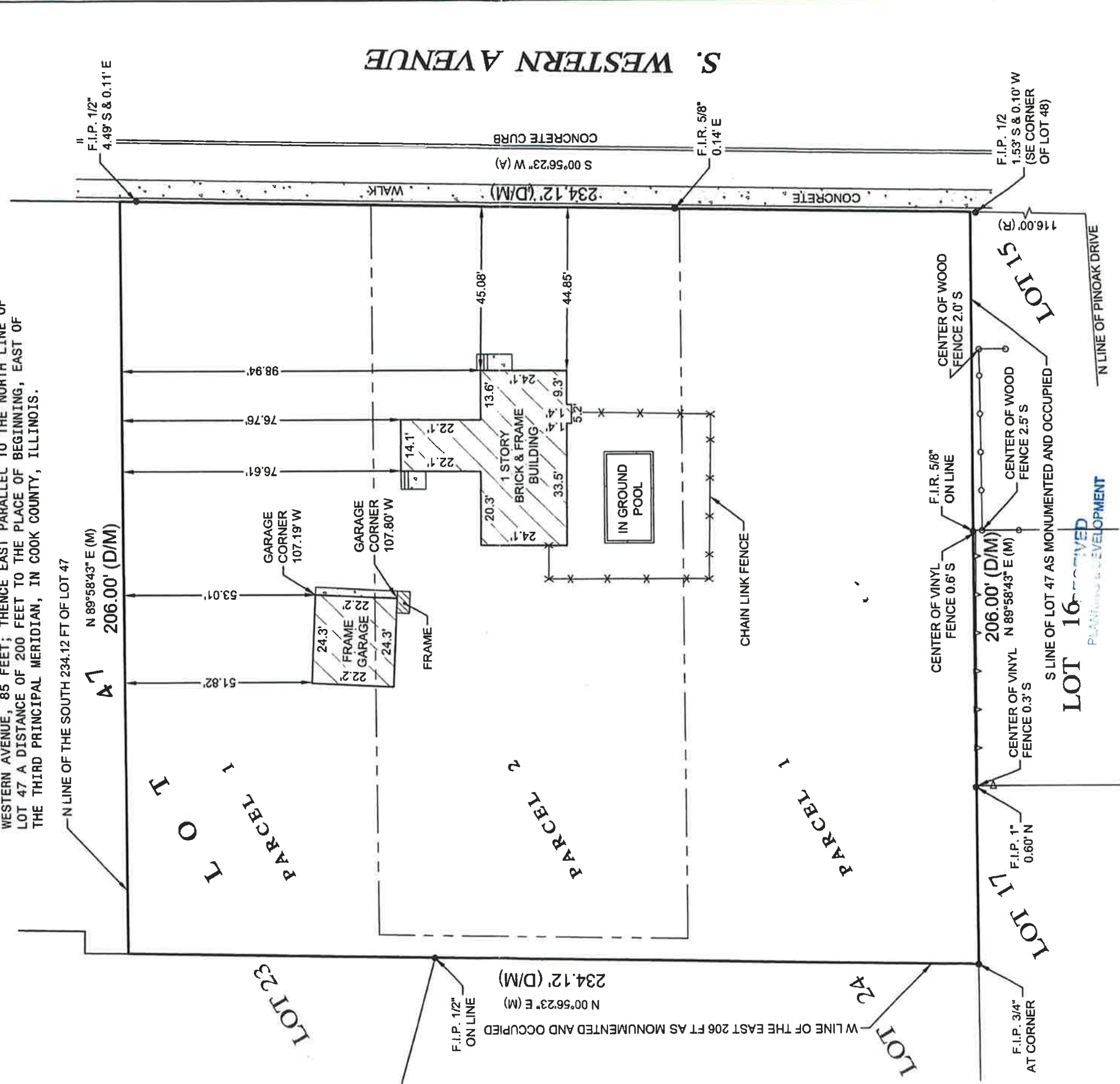
of

PARCEL 1:
 THE SOUTH 234.12 FEET OF THE EAST 206 FEET OF LOT 47 (EXCEPT THAT PART TAKEN IN PARCEL 2) IN COUNTY CLERKS DIVISION OF UNSUBDIVIDED LANDS, SAID LOT 47 BEING THE SOUTH 396 FEET OF THE NORTH 407.88 FEET IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:
 THAT PART OF LOT 47 IN COUNTY CLERKS DIVISION IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 9, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION, 1542.96 FEET SOUTH OF THE CENTER OF SAID SECTION; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 47, A DISTANCE OF 1290.02 FEET MORE OR LESS TO THE WEST LINE OF WESTERN AVENUE; THENCE SOUTH ALONG THE WEST LINE OF WESTERN AVENUE AND SAID WEST LINE EXTENDED, 33 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH ALONG SAID WEST LINE AND ALONG SAID WEST LINE EXTENDED, 85 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT 47, A DISTANCE OF 200 FEET; THENCE NORTH PARALLEL TO THE NORTH LINE OF WESTERN AVENUE, 85 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF LOT 47 A DISTANCE OF 200 FEET TO THE PLACE OF BEGINNING, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

N LINE OF THE SOUTH 234.12 FT OF LOT 47

A 1 N 89°58'43" E (M) 206.00' (D/M)



AREA OF SURVEY:
 CONTAINING 48,229 SQ. FT. OR 1.11 ACRES MORE OR LESS



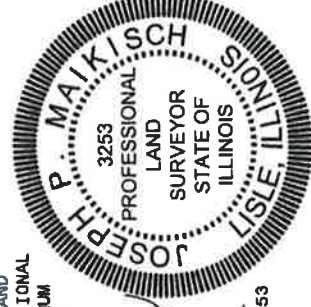
Morris Engineering, Inc.
 515 Warrenville Road, Lisle, IL 60532
 Phone: (630) 271-0770
 FAX: (630) 271-0774
 WEBSITE: WWW.ECVIL.COM

STATE OF ILLINOIS
 COUNTY OF DUPAGE

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 31ST DAY OF JANUARY, A.D. 2018, AT LISLE, ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3253
 LICENSE EXPIRATION DATE NOVEMBER 30, 2018
 ILLINOIS BUSINESS REGISTRATION NO. 184-00245



VILLAGE OF BARTLETT

PLANNING & DEVELOPMENT

JUN 23 2020

NOTE: SOME IMPROVEMENTS MAY NOT BE SHOWN HEREON DUE TO SNOW COVER AT TIME OF SURVEY.

- NOTE:**
- ALL TIES SHOWN ON THIS SURVEY ARE MEASURED TO THE BUILDING'S SIDING (BRICK, FRAME, STUCCO, METAL, ETC.) AND NOT TO THE FOUNDATION, UNLESS NOTED OTHERWISE.
 - ROOF LINES AND OVERHANGS ARE TYPICALLY NOT SHOWN HEREON.
 - COMPARE ALL DISTANCES AND POINTS IN FIELD AND REPORT ANY DISCREPANCIES TO SURVEYOR AT ONCE.
 - NO DIMENSIONS SHALL BE ASSUMED BY SCALING.

ADDRESS COMMONLY KNOWN AS 260-262 S. WESTERN AVENUE
 BARTLETT, ILLINOIS
 CLIENT SIMS LAW FIRM LTD
 FIELDWORK DATE (CREW) 01/24/2018 (JP/MM)
 DRAWN BY: NG REVISED: JOB NO. 18-01-0222

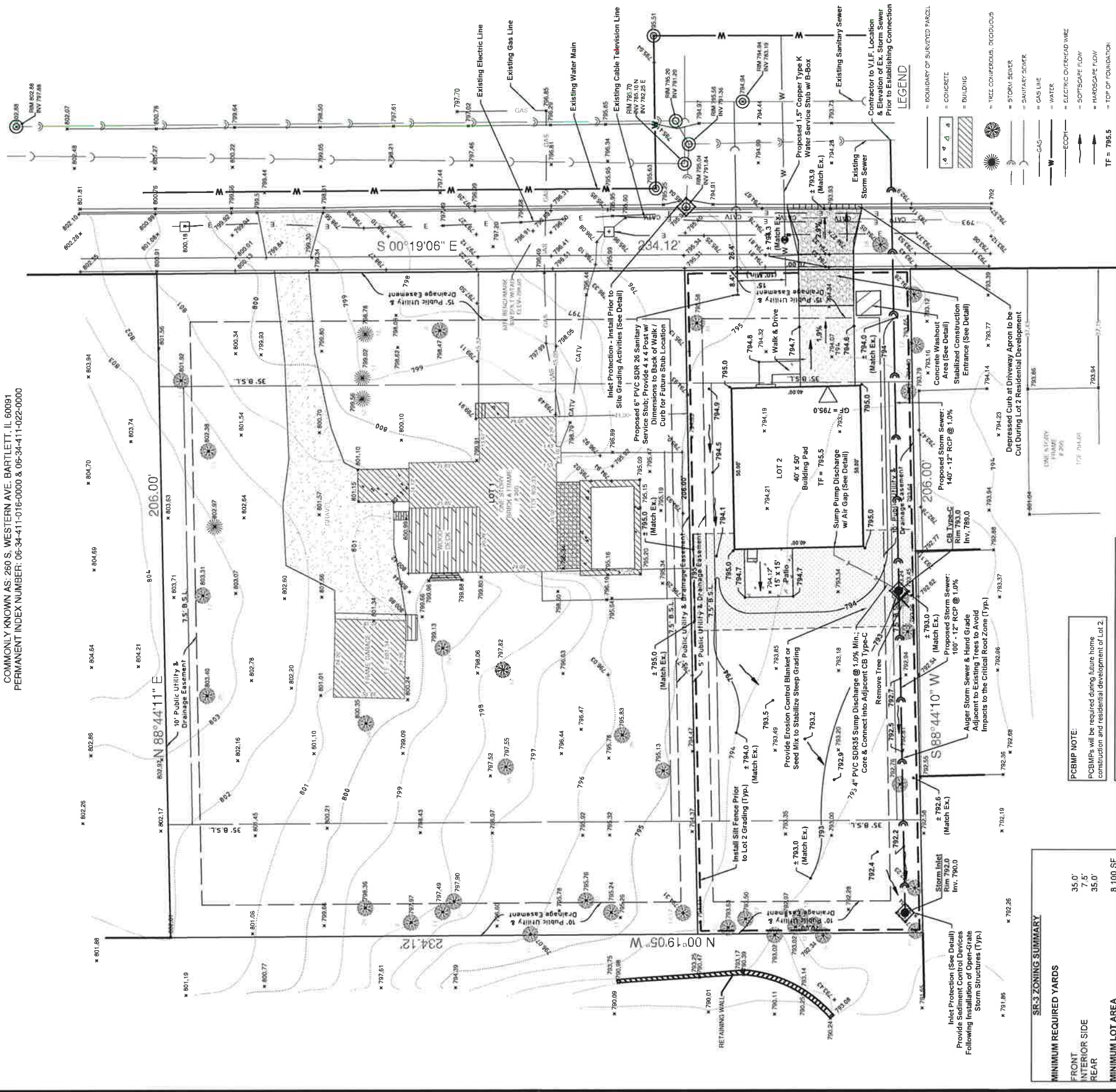
SITE GRADING PLAN

OF

THE SOUTH 234.12 FEET OF THE EAST 206 FEET OF LOT 47, IN COUNTY CLERKS DIVISION OF UNSUBDIVIDED LANDS, AS RECORDED MAY 31, 1885 AS DOCUMENT 2227310, SAID LOT 47 BEING THE SOUTH 366 FEET OF THE NORTH 407.88 FEET IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE POINT ON THE SOUTH LINE OF SAID LOT 47 AND THE WEST RIGHT-OF-WAY LINE OF WESTERN AVENUE; THENCE S 88°44'10" W, ALONG THE SOUTH LINE OF SAID LOT 47, 206.00 FEET; THENCE N 00°19'05" W, PARALLEL WITH THE EAST LINE OF SAID LOT 47, 234.12 FEET; THENCE N 88°44'10" E, PARALLEL WITH THE SOUTH LINE OF SAID LOT 47, 206.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF WESTERN AVENUE; THENCE S 00°19'05" E, ALONG THE WEST RIGHT-OF-WAY LINE OF WESTERN AVENUE; 234.12 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS

DESCRIBED AREA AS MEASURED = 48222.35 SQ.FT. (1.11 ACRE)

COMMONLY KNOWN AS: 250 S. WESTERN AVE. BARTLETT, IL 60091
 PERMANENT INDEX NUMBER: 06-34-411-016-0000 & 06-34-411-022-0000



AREA SUMMARY

LOT 1	33,804 S.F.	0.776 AC.
LOT 2	14,418 S.F.	0.331 AC.
TOTAL	48,222 S.F.	1.107 AC.

NOTE:
 Boundary and Topographic Information shown taken from Topographical Survey by Krzyzstof Blando, dated March 17th, 2020.

PCBMP NOTE:
 PCBMPs will be required during future home construction and residential development of Lot 2.

SR-3 ZONING SUMMARY

MINIMUM REQUIRED YARDS	
FRONT	35.0'
INTERIOR SIDE	7.5'
REAR	35.0'
MINIMUM LOT AREA	8,100 SF
MAXIMUM BUILDING HEIGHT	30.0'
MAXIMUM IMPERVIOUS COVERAGE	
LOT AREA ≥ 20,000 SF	30.0%
20,000 SF > LOT AREA ≥ 10,800 SF	35.0%
LOT AREA < 10,800 SF	40.0%



HAEGER ENGINEERING
 consulting engineers • land surveyors
 100 East State Parkway, Schaumburg, IL 60193 • Tel: 815.394.6600 Fax: 815.394.6608
 Illinois Professional Design Firm License No. 184-003152
 www.haegerengineering.com

SITE GRADING PLAN
LOT 2
CYLWIK RESUBDIVISION
 BARTLETT, ILLINOIS

Project Manager: J W G
 Engineer: K P N
 Date: 04/13/2020
 Project No. 20049
 Sheet 1/4

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM
20-116

DATE: August 27, 2020

TO: The Chairman and Members of the Zoning Board of Appeals

FROM: Kristy Stone, Village Planner *K.S.*

RE: **(#20-12) 630 Golfers Lane – Rear Yard Variation**

On August 27, 2020, the Petitioners, Daniel and Lori Palmer, formally requested that their case be continued to the October 1, 2020 Zoning Board of Appeals meeting.

The public hearing must be opened to the public prior to a motion being made for this item to be continued by a Zoning Board member.