



Village of Bartlett
Zoning Board of Appeals Minutes
October 1, 2020

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

Roll Call

Present: M. Werden, B. Bucaro, J. Banno, C. Deveaux, G. Koziol, G. Papa, and M. Sarwas
Absent: None

Also Present: Village Planner, Kristy Stone

Approval of Minutes

A motion was made to approve the September 3, 2020 meeting minutes.

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

Roll Call

Ayes: J. Banno, B. Bucaro, C. Deveaux, G. Koziol, M. Sarwas, and M. Werden
Nays: None
Abstain: G. Papa

The motion carried.



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(#20-09) 1070 Dartmouth Drive

Variations:

- A. To allow a six (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 SEPTEMBER 3, 2020 MEETING)

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Exhibit D – Photos from Petitioner showing proposed fence location

Exhibit E – Letters from surrounding property owners

M. Werden reopened the Public Hearing and asked if the Petitioners were present. The Petitioners were not present.

M. Werden asked for a motion to continue the Public Hearing until after the next case.

Motioned by: M. Sarwas

Seconded by: C. Deveaux

Roll Call

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

Nays: None

The motion carried.



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(#20-12) 630 Golfers Lane

Variation: A five (5) foot reduction from the required 20-foot rear yard

PUBLIC HEARING (CONTINUED FROM SEPTEMBER 3, 2020 MEETING)

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Exhibit D – Photos from witness Mark Siwik of 569 Rose Lane

Exhibit E – Written statement from Vicie Pruden of 626 Golfers Lane

Exhibit F – Letter from Mary McFarland of RE/MAX Central

The Petitioner, **Dan Palmer** of 630 Golfers Lane came forward and was sworn in by **M. Werden**. **D. Palmer** read from a letter. I guess this is all my fault. Lori and I have lived in Bartlett all our adult lives. This is our third home here. Our last home is where we lived the longest and raised our children. Getting older and not needing the big home anymore, we moved to our current address four years ago. Bartlett on the Greens is one of the few single-family ranch subdivisions in Bartlett. This home is smaller and it has an open space behind us that we have never had before. It's perfect for us. I knew about this particular subdivision because my mother was an original owner way back in 1988. Recently, Lori asked about building a three-season room and when I hesitated, she reminded me that shortly before we moved here, had said let us do that at the next house and so, we are at the next house and as you can see, it is my fault. I explained that there were several hoops that we had to jump through here. I knew about the H.O.A. and their reputation for being difficult, but I also knew that others had built these rooms, so we pressed forward, and we received H.O.A. approval. After that, I consulted with the Building Department because I wanted to get an idea of what was involved. Bartlett's codes are stiffer than many towns and I needed to figure out if it was feasible. They informed me that I would also need a variance since homes that border Villa Olivia in Bartlett on the Greens had reduced back yards. Those backyards were reduced in part because of the open space behind it, but make no mistake, the lots are smaller because the builder could fit more homes in the PUD that way. I imagine that the ZBA had to consider that alteration way back in the 1980s. The golf course lots commanded lot premiums when first sold. Those premiums do not evaporate, they become part of the value of a property. We paid that price when we purchased the home. The sellers commanded a higher price based on the location. After that, I spoke with Community Development Staff and learned about the process necessary to gain approval. I specifically asked what types of projects and to what extent the ZBA generally responds favorably to. I know they cannot speak for you, but I do know they can speak from experience. We planned this room accordingly. I have learned that my neighbor to the south has objected to our plans because she felt it would impair her view. I guess I look at it as I am just trying to enjoy our own property. Any time you live in close proximity, there are going to be things that you do not necessarily like. Maybe I do not like that I cannot park my car in my driveway because her tree hovers over it and drops debris three out of the four seasons of the year. Maybe I do not like that I cannot park my car across the street from our own home because my neighbor backed into my wife's car and then she asked us not to park there. I guess it is too much to look behind you when you are backing up, but we did not say anything because, you know, neighbors. These things happen. Now I am told that my planned three-season room will create a hardship to their view. The room is less than



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160 square feet; enough room for a few chairs and a table. It would impact very little of their 180-degree view from their deck. And what do they think I am looking at when I look to the south? Their deck, which seems allowable extends into the set back nearly as far as mine does and is three times the size. They added roof structure to it at some point and that would seem to me to trigger the same kind of ZBA review requirements that we are going through. Aside from that, it does impact our views. It just never dawned on me that something they have in their yard is any of my business. In general, views are not protected. This structure could be built most anywhere else in town requiring only a building permit. In our subdivision alone, there are other structures that impact more than the 10-foot depth of my planned project. There are trees, bushes, and privacy fences on decks and all sorts of view obstructions that exist already on many properties in Bartlett on the Greens. The only reason this has come up is because of my rear yard variance request. The rear yard variance request is to extend five (5) feet into the setback. If my understanding of a rear yard setback is correct, it means that they do not want me to get too close to anything built behind me. The structures behind me are over 500 feet away. The golf course will remain open space for the foreseeable future. Villa Olivia must remain a golf course through 2022 based on the agreement and covenant when the Village first approved the subdivision. After that, it must remain open space into the 2040s. That requirement was added when the Park District purchased the land and reannexed it to Bartlett after the Villa Olivia lawsuit. We are not asking for any side yard variance. My neighbor characterized the room as being within 10 feet of her home. There is more distance than that between the two (2) homes alone as per Village Code and there is another 12 feet to the structure from the corner of my home. All we are asking for is to build this small three-season room so that we too can enjoy our home and our view. This size of this structure was deliberately kept small in the hope of gaining a favorable review from this board. In a balancing of interests, we believe that what we are seeking is not unreasonable. Lori sits out on our back porch religiously. This room would allow use in more inclement weather. We just want to enjoy our property the same as any other homeowner in that subdivision does. I apologize for the long missive, but this is important to us. **M. Werden** basically you are proposing the same footprint as the deck has right now. **D. Palmer** same footprint, no bigger. Obviously, I would like to have a bigger room, but we cannot have a bigger room. If I was on a bigger lot with no rear yard I could build it 20 x 20 feet. **K. Stone** they are adding a deck north of the room addition, which is outlined in green on the plat of survey. **M. Werden** how does that compare to the one that exists right now? **K. Stone** it is about the same size. It comes out just as far as the current deck. Decks are allowed to encroach up to 10 feet into the required rear yard. The deck does not require a variation. **Loir Palmer** of 630 Golfers Lane stated that she asked a realtor to give an opinion as to the benefits or negatives to putting this on a home and her letter states; she thinks these are positive benefits to both the property and the neighbors if a three-season room is added. The existing deck is old and not aesthetically pleasing. Additional outdoor space to be used by the owner later in the fall and earlier in the spring would be a positive. Again, replacing a deck that is in excess of 20 years of age would be a positive to the property and the renovation would be a high quality, more house-like looking structure, which is what a lot of the existing three-season rooms currently look like. In closing, she said, I do not see any negatives to the resale value to either the homeowner or neighboring properties. **C. Deveaux** is the three-season room on the second floor. **L. Palmer** yes, where the existing deck is. **G. Koziol** does the proposed addition extend past the footprint of the existing deck or is it exactly in line with the outer edge of the deck? Inaudible. Why do they need a variation? **K. Stone** decks are allowed to encroach 10 feet into the required rear yard. The required rear yard is 20 feet. A deck can encroach 10 feet into that. Once



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you put a roof over it, it is no longer considered a deck. It is considered a room addition and that has to meet the rear yard setback. **G. Koziol** thank you for the explanation. That makes sense. **D. Palmer** we are not going to build it any longer than the deck that exists there already. **G. Koziol** I could not get onto other properties, but from what I could see, it appeared that there were a large number of decks and three-season rooms. You are proposing a three-season room over the ground level. Will the ground level also be enclosed? **D. Palmer** no, the ground level will not be enclosed. **G. Koziol** the proposed future addition is not larger than the current deck. **L. Palmer** yes, what we are proposing will not go any further into the rear yard or be any wider than the existing deck. We have a walk-out basement that has a pretty old concrete and we will be replacing that. **D. Palmer** we are looking to make that a usable patio and by moving the stair case from the side of the house to under the deck, it becomes usable. You can walk down to the lower level without going through the house. The room will be the same footprint as the existing deck. We will add an additional deck to the north. **G. Koziol** can Staff comment about other properties and about the number of other structures? **K. Stone** a lot of the homes were built right up to the 20-foot setback. A lot of them have decks that are at grade. Decks 18 inches or below are allowed to extend up to five feet from the property line, but not within the easement. There have been two variations granted by the Zoning Board and the Village Board. One is on Golfers Lane. The other one was on Rose Lane in 1999. One of the variations was for six feet. The other one was a 13-foot encroachment that was permitted. There have been two variations approved previously in this neighborhood, but for the most part, what you see out there, the patios are allowed to encroach and do not have to meet the 20-foot setback that the Petitioners must for theirs being on the second story. **L. Palmer** there are a lot of decks there that have privacy fencing on either end of the deck so that you cannot see the neighbor's property. We have provided you with a lot of pictures of other structures in the neighborhood and pictures of our property as well as the house to the south. **M. Werden** when I was out there, I noticed that you keep the house open with the shades up and typically in a three-season room there are a lot of windows. I would think that you could see through that. **D. Palmer** the idea is to leave the windows open and not even close them.

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

Witness **Vicie Pruden** of 626 Golfers Lane came forward and stated that she lives right next door to the Petitioners, **L. Palmer** and **D. Palmer**, and is here to oppose the variance because the purpose is to allow a room addition to be constructed on the upper level of a small open deck facing Villa Olivia Golf Course. As far as I know, there are not supposed to be any room additions of any kind on the golf course. The golf course homes were marketed as open green space with unobstructed views of the golf course. It was to remain this way for 35 years making it a great place to spend your retirements years. Buyers paid a large premium for the golf course sites. The yards are smaller than is typical in Bartlett and because of the open green space and views afforded by the golf course it was reasoned that we did not need bigger yards. We cannot build playsets, swings, storage sheds, or anything that cannot be put away at day's end. I am sure this would not work with a room addition. The north and south sides of this addition will have walls, a door, windows, stairs, and a roof. My view to the north will be totally blocked and partially my views to the west. This will look like a small house on top of a deck. There is only 10 feet separating our two homes. This will definitely block my view and compromise my open space. I believe it will be an eyesore that will adversely affect my property value. It certainly will have a negative impact on the quality of life I have enjoyed using my deck for the past 30 plus years.



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When I walk out onto the deck, I see open green space of the golf course, a clear view on both sides with neighboring decks almost in an unobstructed line. It is important to me not to have the open view to the north blocked. Most of my activities are carried on the north side as are the patio doors leading from my dining room and my kitchen. It is frustrating to me having lived there for over 30 years for someone to move next door for only about two (2) years and then make significant changes that affect me and eventually, I believe the whole community. I ask you not to approve this variance.

Mike Stapleton of 992 McPhee Drive, Lake in the Hills, IL, **V. Pruden's** son-in-law stated, I am here to summarize the packet, pages 39 and 40. This gives reason for recommendation for this approval is that there is no detrimental impact. As my mother-in-law just said, the view from the deck will be greatly hampered by this, especially the south elevation. The view would be blocked totally to the north. We have a lot of gatherings there and family events. This has caused great distress for her in the past two (2) months with her health seeing that she is going to have that view blocked if the variance is granted. I know that the Board has their rules, but if this is granted, to me this is a slippery slope. If it is granted for one, it will be granted for another. This is a great expense with loss of property value. When she bought the property back in 1987 or 1988, she paid \$12,000 extra just to have that view. We want to ask the Board for flexibility with this and with the fixed code requirement that is already in place. We do not want the variance granted because of the various reasons that we already stated. **M. Werden** I went out and viewed the property and from her deck, the view will not be obstructed from the golf course directly behind her. It is not a real scenic view of the property to the Petitioner's that would be blocked. **M. Stapleton** I submitted an email with photos that show the view looking north and west, and what we would see would be a structure/room addition. We would see a wall on the south elevation with stairs coming down. **G. Koziol** when I look at the aerial view looking down on 630 Golfers Lane to the left of the deck and house proper, there is a tree and since that is not being removed and part of the new construction, it has a certain degree of blockage. Are there other structures like this surrounding this area? **K. Stone** on this side of Villa Olivia, there is one that received a variation. Everything else met the setback. There is only one that received a variation on this side of the golf course. There is one on Rose Lane that had to receive a variation. Everything else that does not back up to the course on Golfers Lane has met the setback. Witness **Sue Pruden** of 140 W. Wood Street, Palatine, IL, **V. Pruden's** daughter stated, this has been my family's home for over 30 years with three generations having lived there. When my parents built their house, they had to pay a high premium to live on the golf course so that they could enjoy the expansive green open views. It is my understanding that the Home Owner's Association has approved this. My mother was never informed by the Home Owner's Association about meetings regarding the **Palmer's** room addition. The Home Owner's Association approval of the room addition was unethical and an abuse of power in my opinion. I do not understand why you would build something so large on top of your deck knowing that it would have a negative impact on my mom's quality of life after 30 years. I am asking the Zoning Board to not approve the variance. **M. Werden** we have nothing to do with the Home Owner's Association. Apparently, they got approval, but we do not enforce the bylaws of the Home Owner's Association. **G. Koziol** has the Home Owner's Association made a statement about their ruling on this property? **K. Stone** there was a member of the Home Owner's Association who came in and said the Board had voted for approval, but she was contemplating whether that was the right way to vote. She felt she did not have enough information, but they had already made their decision. Again, that has no bearing on this variation request. We request that the homeowner tries to get Home Owner's Association approval, but it is not required to get a building permit from us. It is two separate processes.



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Witness **Mark Siwik** of 569 Rose Lane stated that he is a member of the H.O.A. and was part of the re-writing of the bylaws. They do have the right to make approval on this based on the bylaws. A lot of the decks along the second hole and the fifth hole have a privacy wall. Our view is out towards the golf course. I bought the house to look at the golf course not to look at my neighbor's deck. I do not think this is going to knock down the value of our homes whatsoever. I think we are all better for it and I do not have an issue with it. I think this is a nice addition. Witness **Patrick Conrardy** of 683 Rose Lane stated, I also back up to the golf course. I brought pictures that depict all of the different six (6) foot high privacy fences that are on just about every deck on Rose Lane. My neighbor to the east planted trees and bushes for privacy. I have no view of the golf course to the left of my house and I am fine with that. There is no view ordinance in our bylaws. There is no automatic right to preserve status quo with respect to light, air, view or privacy with one exception. That exception is if somebody maliciously blocks a view with structure that has no reasonable use to the owner. This is not the case. It is their right to build this addition. **G. Koziol** I live in a community where there were premium lots. The focal point of my lot is not so much to the side, left and right, but to the back and as you look out further to the back. When you are looking out that is when you see the open view. I think these homes on the golf course seek to take advantage of that open view onto the golf course and as this gentleman said, over time, people plant trees and bushes, which changes the view. It is within reason that they made those changes. I think it is within reason that the homeowners here are asking for a reasonable change to the rules. Witness, **Susan Camiliere** of 618 Golfers Lane stated, I came tonight wanting to hear both sides. I am far enough away that this does not affect me. Seeing the aerial view, I do not see the problem. It is not going to go any further out to the north, and there is really nothing there. Looking out straight ahead to the golf course is the view. If it was my neighbor, I would not have a problem with this. Witness **Dawn Daluge** of 565 Rose Lane stated I am currently the Home Owner's Association Treasurer. I am not here in an official capacity. I am here as a homeowner. I do agree with several of the statements made by the previous commenters, one of them being that many of the homes have three-season rooms. Rose Lane and Golfers Lane have views to the golf course. We also paid a premium to have a golf view, as it was still part of the home when we purchased it. Our deck has a privacy screen. We built it within the past six (6) years with approval from the Village of Bartlett. I cannot see the house to the north or south, but our view to the golf course remains as beautiful as the day we moved in. Over a period of time, people make improvements. I think that is normal. I think that the way we live today is different than the way it was promoted in 1988. I see this as an improvement to the home and to the neighborhood as a whole. Witness **Luis Garcia** of 635 Golfers Lane stated that they are across the street from the Petitioner and the golf course view is limited. I like the proposal. It is an improvement.

M. Werden asked if there were comments from the Board. **B. Bucaro** asked **M. Stapleton** if you look to your property from the Petitioner's property, would they be looking at your deck in a similar manner. **M. Stapleton** yes, but that is a deck and not a room addition. **B. Bucaro** it has a roof. **M. Stapleton** it is a lattice roof to keep the golf balls from coming onto the deck. **K. Stone** the roof is lattice so the Building Department does not consider that to be an enclosed structure. It does not have to meet the same setback as a room addition. However, the pergola was done without a permit. The homeowner at 626 Golfers Lane has been contacted to submit a building permit application after the fact for the roof and the pergola. This came to my attention as part of my due diligence. When we see something that looks like it may be a nonconforming structure or done without a permit, we notify the Building



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Division and they go through their records. **M. Stapleton** this was done in 1988. **G. Papa** just to clarify, you live in Lake in the Hills. **M. Stapleton** yes. My mother-in-law lives there. **G. Papa** so you do not live at this property. **M. Stapleton** correct. **C. Deveaux** when was the deck and lattice work built? **M. Stapleton** it was built with the house. **K. Stone** there was a permit issued for the deck. There was no permit issued for the pergola. **M. Stapleton** we understand the builder did that and that it was all built at the same time. **K. Stone** not according to the building permit submittal. **M. Werden** I do not see what the problem is with the people to the north with the view. You are looking at the golf course and that is not being obstructed. I am not sure that the view of the deck is a valid concern. **M. Stapleton** the deck is not what is in question. What is in question is putting a structure on top of that deck. **M. Werden** there argument was that this will block the view of the other people's deck if this gets granted and I do not see that she is losing much of a view. Putting up a structure it will totally block the view to the north. **M. Werden** what is so spectacular about the view to the north? **M. Stapleton** it is open space. **M. Sarwas** you are looking at a line of trees. The view is to the golf course. **M. Stapleton** the whole idea is to have open space and a view. There was a premium price paid for that view and we recommend that you do not grant the variance. **B. Bucaro** what I am struggling with is that we are looking at a couple of degrees. The golf course view is not going to be compromised. **M. Stapleton** I do not agree. The view to the north is definitely going to be impaired by another wall the same level as the deck at 626 Golfers Lane. When we look down the way we will be seeing another wall. **B. Bucaro** when you look directly north. **M. Stapleton** exactly. The deck they have now is fine that is not an obstruction, but once you put a roof and structure in the same footprint it is very obtrusive. **G. Papa** I do not believe that this will be intrusive based on the testimony that we have from other home owners that live in that area. In addition, we have an affidavit from Mary McFarland from RE/MAX stating in her opinion, as a real estate broker, she does not see any negative effects, only positive effects. I do not see this being an obstruction. **M. Sarwas** I think when you are talking about paying a premium price, you are paying a premium price for the view of the golf course, not a premium for the neighbors that have an open yard or something that I view down the way. You are paying for the view of the golf course. You are guaranteed that it will stay a golf course and the property will remain. I think it is a little bit of a stretch that the view of your neighbor's yard is part of the view that you were charged a premium for. **M. Stapleton** it is the panoramic view from the deck. **C. Deveaux** when I walked out there, the deck at 626 Golfers Lane obstructs the view of the panoramic view of 630 Golfers Lane. I think your panoramic view argument is not valid. Your argument that the structure would interfere with the view I do not believe is valid. You have a great view of the golf course. I believe that the Petitioners are entitled to improve their deck. **M. Werden** you have plenty of open space behind you. It does not seem valid to me either. **G. Koziol** when I visited the property, the deck on 630 Golfers Lane does show its age. It needs something to be done with it to make it better. I think the proposal to put in the deck and the three-season room is very reasonable and adds to the value of their home and adds to their interest and willingness to stay in Bartlett. I do not see the view being blocked. There is a slight blockage to the side, but that is up close. As you take in the panoramic view, it is not the immediate property to your right and left. I think the request is reasonable for the property that the Petitioner has and what they want to do. **M. Stapleton** are they keeping the tree by the stairs? **K. Stone** the stairs will actually curve around the three-season room. The tree is significantly further from that and should not be impacted by the construction. **L. Palmer** the tree is not going anywhere. **V. Pruden** what I am objecting to is the feeling of open space. Now when I go out to the deck I will be looking at a wall and that is going to make a difference. This is not ground level it is up high and that is what I think is bad. That is



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what disturbs me. It will be closed in and I think will affect my property value. It is the open space that is going to be compromised. **M. Werden** there will be windows in the three-season room. You should still be able to see through towards the neighbors to the north. You should be able to see through the three-season room once it is built because there will be windows on three sides. I do not see that it will be a real blocked view. **V. Pruden** if it were a lower level, it would not be so bad, but since it is up high it just takes away from the whole feeling of open space. It is going to make a difference. **J. Banno** in regard to the new stairs, do they stick out further than the current deck? **K. Stone** steps are allowed to encroach into a setback. They do not have to follow setback regulations. It is an access issue. **M. Werden** thank you for the clarification.

G. Koziol made a motion to pass along a **positive recommendation** to the Village Board to approve case **(#20-12)** 630 Golfers Lane to allow a five (5) foot reduction from the required 20-foot rear yard subject to the conditions and Findings of Fact outlined in the Staff report.

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

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

Roll Call

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

The motion carried.



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M. Werden reopened the Public Hearing for **Case (#20-09)** that was continued from earlier during the meeting.

M. Werden asked if the Petitioners were present. The Petitioner, **Cezary Lesniewski** came forward and stated that he apologized for being late and wanted to thank everyone who went out to look at the property because it is much different than a picture from when you are there. The Petitioner passed around a packet of photos that showed the property from every direction showing the location of the proposed fence. **K. Stone** the original plat of survey showed the sidewalk in the right-of-way. At some point in time, the sidewalk was reconstructed. When it was reconstructed, it encroached on part of the Petitioner's property. It is not entirely within in the right-of-way. It varies. Sometimes it encroaches and sometimes it does not. We did not know that before. The Petitioner has a plat of survey that is dated several years after the original plat of survey that we were using and it clearly shows that the sidewalk is within the Petitioner's property. **C. Lesniewski** yes, you can see on the picture that is marked with a cross that represents the border. Picture #2 shows it from the opposite side and picture #3 shows where the sidewalk is. **K. Stone** as the sidewalk gets closer to the bike path it moves entirely into the right-of-way. That portion is not on the Petitioner's property, but as you get closer to Dartmouth Drive, it does encroach. **C. Lesniewski** you can see that on picture #11. **M. Werden** it looks like you made improvements. There will be a better view of the school from the cul-de-sac. **C. Lesniewski** yes, as you can see from the pictures we moved the fence another three and a half (3-1/2) feet towards our property. The tree will also be outside the fence and that area will be completely repaired with sod to create new grass and plants will be added so that it looks nice. **M. Werden** picture #15 shows where the fence is going to cut through. **C. Lesniewski** yes, where the person in the yellow shirt is standing. If a car is on the east side of the bike path they will be able to see the entrance of the school. **K. Stone** we received this site plan towards the end of the day on Friday. Staff did not have a lot of time to review the site plan. There is not a clear dimension on where the fence is going to be from the bike path or the property line. None of the dimensions clearly show what the set back is from the bike path or the property line. **C. Lesniewski** the fence will be 14' from the bike path. **M. Werden** the bike path is partially on the Petitioner's property. **K. Stone** correct. The property line is in the center of the bike path. There was an easement granted in 1994. **M. Werden** this is bringing the fence in considerably more than originally planned. **K. Stone** correct. Originally, the fence was right up against the bike path. **C. Lesniewski** we could move the fence further out, but then we would have to move the large boulder. **M. Werden** it would be an unreasonable request to move the boulder and not an easy task. **C. Lesniewski** the boulder is like a landmark for me and I would not want to move it. **J. Banno** how many feet from the property line along the bike path will the proposed fence be? **C. Lesniewski** it will be 14 feet from the bike path and the tree will be on the outside of the fence. **M. Werden** originally the tree was going to be inside the fence. **K. Stone** the property line is about five (5) feet into the bike path. We are using the bike path as a measurement because that is easier to visualize. **J. Banno** along the curved part of the property line, how many feet back from the property line will the fence be? **C. Lesniewski** it will be about five (5) feet from the property line. We used the sidewalk as a guide. I brought a sample of the material that we are going to use for the fence. It will be a composite material. The Petitioner passed around the sample fence for the commission to examine. **K. Stone** the nicer side of the fence that looks like wood grain is required to face out. **C. Lesniewski** this fence material has a 50-year warranty. We are also going to add bushes along the fence on the cul-de-sac side so that it looks nice. **M. Werden** you had mentioned the people across the street in the cul-de-sac are supportive



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of your ideas. **C. Lesniewski** yes, we have supportive letters from the surrounding neighbors. **M. Werden** I am impressed with what have done with bringing the pictures and I am glad that you got letters from the neighbors that would have to look at the fence and that they do not have a problem with it. **G. Koziol** do you have an idea of what color you would like to use for the fence? **Maggie Lesniewski** of 1070 Dartmouth Drive stated that they are looking at a neutral color that will be a light beige to match the house and the neighborhood. Aesthetics are very important to us and this will be an improvement to the neighborhood. Also, the neighbors took the time write letters to say that they do not have any objection, that is a testament that this is not going to bother the neighbors who will have to see the fence every day. **G. Koziol** I was glad to see that you did go to the neighbors and speak with them. You have to share the space of the neighborhood. I am happy to see on the new plan that greenery is going to be planted on the outside of the fence. That is going to soften the view of the fence. **M. Werden** you are dealing with something unusual with the property line variation with the sidewalk being beyond your control. I think you are doing the best you can because it is an unusual configuration on the lot. You can see from the last hearing, unless you get people to testify for you and write the letters that you are more likely to have people opposed to something. I am impressed that people are not opposed to something that large, but you have an unusual lot shape. I am impressed with what you have done and the things that you have brought before us so that we have better ammunition to base our decisions on. **M. Sarwas** I think the new plan is a nice compromise. I drove by for the third time today and when you look at the actual available space, it is not that much. I think it is nice that this comes in and gives you privacy. **G. Koziol** asked why solar panels are not allowed to be put on the roof. **K. Stone** the Petitioner's Home Owner's Association told them they could not. The Village does not prohibit roof-mounted solar panels. It meets our building code. Their Home Owner's Association denied their request. The Village does not enforce that. If the Petitioner came in for a building permit, we would issue a building permit because it meets code. There is a disclosure on the building permit application that says if the Home Owner's Association exists, they are doing so at their own risk. The Petitioner is trying to cooperate with their Home Owner's Association. **G. Koziol** that is a strong commitment. **C. Lesniewski** the Home Owners' Association told us that the solar panels cannot be visible from any street. **B. Bucaro** my concern initially was the fence being at the sidewalk. I saw it as a safety issue. I understand why you cannot go back 10 feet. Moving the fence back the way you have it now alleviates any safety concerns and is a nice compromise helping to meet the ordinance as best you can. **M. Werden** that is key, as best you can. You are somewhat limited. I am impressed with how much you have striven to work with us and have compromised.

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

C. Deveaux made a motion to pass along a **positive recommendation** to the Village Board to approve case (**#20-09**) 1070 Dartmouth Drive to allow a six (6) foot high fence in the corner side yard and to allow ground-mounted solar panels in the corner side yard subject to the conditions and Findings of Fact outlined in the Staff report.

Motioned by: C. Deveaux
Seconded by: M. Sarwas



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Roll Call

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

Nays: None

The motion carried.



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Old Business/ New Business

K. Stone we will have at least three (3) cases next month; two (2) buildings in Brewster Creek Business Park, a gas station, and possibly an apartment building downtown. We just received a submittal for a building that is 436,000 square feet that is going across from the McKesson building and RANA Pasta is expanding to do frozen foods. They went into the old Dania building and want to add loading docks. Bucky's is looking to go to the southwest corner of Route 59 and Stearns Road with a complete tear down and rebuild.

G. Koziol Staff definitely deserves a thank you for their work. This was the most unique couple of meetings in the past few months.

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

Motioned by: G. Koziol

Seconded by: J. Banno

Motion passed by unanimous voice vote.

The meeting was adjourned at 9:05 pm.