



Village of Bartlett  
Zoning Board of Appeals Minutes  
December 2, 2021

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

Roll Call

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

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

Approval of Minutes

A motion was made to approve the July 1, 2021 meeting minutes.

Motioned by: G. Koziol

Seconded by: B. Bucaro

Roll Call

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

Nays: None

The motion carried.



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(#21-19) 985 Auburn Lane

Variations: Front yard, corner side yard, side yard, and rear yard

**PUBLIC HEARING**

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

The petitioner, **Tony Zumpano** of 1425 McKenzie Lane, Elgin, representing the homeowners at 985 Auburn Lane was sworn in by **M. Werden** and stated that at the time the home was built, in 1985-1986, there was a survey given to the Village of Bartlett that was not done by a registered land surveyor, but done by the builder on just an 8-1/2" x 11" piece of paper sketched out where the home and the sunroom where proposed. The sunroom is now completely rotted out and we are applying to rebuild it, which requires a survey. I hired a registered land surveyor and found out that the house encroaches the building line all the way around, including the sunroom. Now we are trying to redo the sunroom to make it habitable and we cannot do it without the variance. I started building in Bartlett in 1985 and the Village required that a registered land surveyor do a proposed foundation. There was a protocol that we followed and for some reason, it was not followed. Now the homeowner is trying to redo the sunroom. This is not the homeowner's fault. She is trying to improve her home and follow all of the guidelines. We do not know what happened in the Building Department at that time or what the protocol was at that time. I know when I was building here, they required these documents. The survey that the Village had on file shows that the house encroaches when the house was built. We just want to go forward with rebuilding the sunroom with the existing foundation. We are not changing anything. We are requesting an approval. **R. Grill** this is basically just to bring the house into conformance. **M. Werden** we do not know what happened in the mid-80s and we are not here to penalize you. Something happened in the process years ago and now you are just trying to restore what was there and you are not changing the footprint.

**M. Werden** opened the public hearing portion of the meeting. No one came forward. **M. Werden** closed the public hearing portion of the meeting.

**G. Koziol** made a motion to pass along a **positive recommendation** to the Village Board to approve case (**#21-19**) **985 Auburn Lane** variations for the front yard, corner side yard, side yard, and rear yard.

Motioned by: **G. Koziol**

Seconded by: **M. Sarwas**

Roll Call

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

Nays: None

The motion carried.



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(#21-14) Temporary Uses & Outdoor Dining Text Amendment  
PUBLIC HEARING

The following exhibit was presented: Exhibit A – Notification of Publication

**K. Stone** currently, outdoor seating for restaurants and bars requires a special use permit in the zoning ordinance. Due to COVID restrictions, the Village temporarily relaxed the outdoor seating regulations and allowed temporary outdoor dining without having to go through the special use process. Temporary outdoor use permits were required for restaurants that obtained the outdoor dining during this time period. Staff attached copies of each restaurant that has obtained a special use permit for outdoor seating as well as the restaurants that had temporary outdoor dining permits. In addition to temporary outdoor dining areas, staff has received requests to allow other temporary uses during the pandemic including medical testing facilities in parking lots. As staff has researched temporary uses, we have found that other municipalities and counties have started adopting temporary use chapters in their zoning ordinances so that we can review things that are not intended to be permanent at a site. Staff is recommending that we add text amendments to the zoning ordinance to allow outdoor seating/outdoor dining as an accessory use, which would eliminate them having to go through the special use process if they are using an existing private sidewalk in front of a restaurant or if it is going to be within a patio area. We are also looking at adding a temporary use chapter which would allow restaurants to have outdoor dining in their parking lot or on the public sidewalk downtown. Staff will review plans to ensure safety and ADA compliance. The restaurants have found this very beneficial during COVID and some of them would like to continue. Right now, when restaurants want to apply for a special use to do outdoor seating, they do not typically think about it until April and they have to go through a special use process, which takes 4 months. It pretty much takes away a year of them having the opportunity. That is why we thought making outdoor dining an accessory use would be beneficial. **M. Werden** yes, especially in the past 2 years when our lives have gone upside down in some cases. It makes a lot of sense. **K. Stone** the zoning administrator would review temporary use permit applications. It would not just be for restaurants. We would also include medical testing sites and temporary sales. As you recall, a few years ago, there was a farmer's market set up at Bartlett Commons and they had to go through a special use permit, which is really granting that use permanently when it really is something that we should be able to look at annually to see if it is appropriate in that location. **M. Werden** if there is a safety violation or issue we can just move them. **K. Stone** yes. **B. Bucaro** are the requirements that are presented in the new text amendment looked at for each restaurant? **K. Stone** before with the special uses, we just looked for a generic site plan. We are asking for more information for the temporary uses. We would still ask for the same information for the accessory use. We ask that they show us where the tables and chairs are located. For the parking lot or a public sidewalk, we will be asking for more information. **C. Deveaux** the sidewalks in front of the restaurants, for example, The Streets of Bartlett, are those public sidewalks? **K. Stone** that is private property. They would be allowed to put in a seating area without having to get a temporary use permit. They would be able to put out tables and chairs and if we got a complaint about ADA, Code Enforcement would go out and make sure they had the ADA clearance that is required. **C. Deveaux** on page 6 of the memo, item B states that nothing can be anchored into the sidewalk. **K. Stone** that is on public sidewalks. That is really just along Bartlett Avenue. The Village does the snow removal there so that is going to be restricted. **G. Koziol** this is a good idea. We have learned a lot



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from the past. This makes it easier and puts it into a document that businesses can reference. I think it is good for business, the Village and the public. I am in favor of this. **R. Grill** it seems that the old way of requiring a special use permit was overly burdensome on the restaurant owners. It took time and cost \$300 and this is only \$25. **M. Werden** you almost never turned them down. **R. Grill** right. **M. Werden** it is ridiculous to make them jump through hoops especially when they do not think of it until it is too late for that year because of delays in the system. **C. Deveaux** for example, does Pasta Mia have to request a variance for 2022? **K. Stone** if they are proposing to have seating in the parking lot they would have to get a temporary permit to allow that, but if they keep it on the private sidewalk or patio area that they have, they would not. **R. Grill** Pasta Mia currently has a special use for outdoor seating on their sidewalk. **K. Stone** Under the current ordinance, anyone in a shopping center that puts tables out has to get a special use, that seems like a lot of hoops to jump through for a small business.

**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 to approve case (#21-14) **Temporary Uses & Outdoor Dining Text Amendment**.

Motioned by: **B. Bucaro**

Seconded by: **J. Banno**

Roll Call

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

Nays: None

The motion carried.



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**Old Business/ New Business**

**R. Grill** we hope to see you all Friday for the holiday party. We do have a meeting in January for the Wheaton Eye Clinic addition.

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

**Motioned by: M. Sarwas**

**Seconded by: G. Koziol**

**Motion passed by unanimous voice vote.**

**The meeting was adjourned at 7:21 pm.**