

**VILLAGE OF BARTLETT**

**COMMITTEE AGENDA**

**SEPTEMBER 6, 2016**

**PLANNING & ZONING**

Rosewood Court Variation for Accessory Structure

**EXECUTIVE SESSION**

To Discuss Pending or Imminent Litigation Pursuant to  
Section 2(c)11 of the Open Meetings Act



**COMMUNITY DEVELOPMENT MEMORANDUM**

**16-169**

DATE: August 18, 2016  
TO: Valerie L. Salmons, Village Administrator  
FROM: Jim Plonczynski, CD Director  
RE: **(#16-07) Polerecky – 929 Rosewood Ct.**

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**PETITIONER**

Marek and Roksolana Polerecky

**SUBJECT SITE**

929 Rosewood Ct.

**REQUEST**

Variation – Accessory Structure less than 10 feet from the Principal Structure

**DISCUSSION**

1. The subject property is zoned SR-4 (Suburban Residential).
2. The Petitioners received a 3' variation from the 45' required rear yard setback for a one story addition in 2007 per Ordinance 2007-14.
3. The petitioner is now requesting a 10-foot variation from the required 10-foot separation between a detached accessory structure and the principal structure (single family residence) in two locations. The accessory structure is not attached to the house but abutting the house on two sides.
4. The accessory structure has already been constructed. It was discovered after a complaint was submitted to the Building Department in May.
5. The petitioner was informed by the Community Development and Building Department that the existing accessory structure did not meet the required 10-foot separation between a principle structure (existing house) and an accessory structure. The petitioner was informed that they could either apply for a variation, relocate the structure or demolish the structure. A stop work order was put on the project.
6. The impervious surface ratio of this lot will not change as a result of the proposed accessory structure as it was installed over an existing concrete patio. The

impervious surface ratio for the house and other paved improvements is 35%, which complies with the 40% maximum impervious surface for a lot of this size.

7. Staff has visited the site and has made the determination that adding the accessory structure over the existing concrete patio will not create any drainage issues since it was already an impervious surface before adding the walls and also the lot slopes down to the east (rear lot line).
8. The Village Board has considered nine (9) petitions for a variation for accessory building separation. Only one (1) request was denied.

The variation requests for accessory building separation since 1993 are broken down as follows:

<u>Petition #</u>	<u>Street</u>	<u>Separation request</u>	
1993-13	Francine Drive	6'	DENIED
1995-29	Newcastle Lane	4.25'	
1996-09	Plymouth Court	4.5'	
2000-26	Gerber Road	7.35'	
2001-13	Tennyson Road	1'	
2002-05	Trenton Lane	4.5'	
2006-14	Braintree Lane	2'	
2006-58	White Oak Lane	5'	
2007-10	W. Oneida Avenue	4'	

9. If the variation were approved, the petitioner could then apply for a building permit and finish construction of the accessory structure to make it more structurally sound as recommended from the petitioner's architect.

## **RECOMMENDATION**

1. The Zoning Board of Appeals reviewed the variation request and conducted the public hearing at their August 4, 2016 meeting. The Zoning Board of Appeals recommended **approval** of the variation based on the following findings of fact:
  - 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 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.
  - 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.
2. Minutes from the Zoning Board of Appeals public hearing and background information are attached for your review and consideration.

alz/attachments

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**Case # 16-07 929 Rosewood Ct. Variation – Accessory Structure Less than 10 feet from Principal Structure**

The following Exhibits were presented:

- Exhibit A - Picture of Sign
- Exhibit B - Mail Affidavit
- Exhibit C - Notification of Publication
- Exhibit D - Picture of Home before Structure

**Robert Kirk - Architect, 1100 Landmier, Elk Grove Village**

**The Petitioner: Roksolana Polerecky, resides at 929 Rosewood Court. Both were sworn in by M. Werden.**

**R. Kirk** stated he had done an addition on this residence a number of years ago. The homeowners recently built a screened in porch on the existing patio. It is adjacent to the existing house with access into the screened porch. The homeowner has a serious back ailment that makes it difficult for her to go up steps. To allow her access to the porch, it was built closer to the home than the code allows therefore the homeowner's are asking for a 10 foot variance. The base of the patio is 5 inches, not a full foundation, also why this is not attached and just bolted in.

Staff questioned as to how long this is has been there and why it is not sided or is it just unfinished?

**R. Polerecky** stated that the roof and pillars were built sometime ago but recently added the doors and screens.

**A. Zubko** answered that it was discovered that they were building it without a permit and were asked to stop. Since it is considered an accessory structure and not connected to the house it can just be put on a concrete pad. The building will be sided to match the existing home.

**G. Koziol** stated that there was a conflict of definition on the architect's letter. First it is called an accessory structure and then a sun room. Which is it?

**R. Kirk** replied that was his error it is considered a covered screened porch and has no mechanicals or running water. There is a deck adjacent to the pool but not attached to this structure. The ceiling is white siding.

**G. Koziol** expressed concern that this may be a possible problem to a future homeowner if this accessory structure is approved.

**P. Hanson** commented it was an accessory structure such as an above ground pool, some will like it some will not. It can easily be taken down since it not attached to the home.

**M. Werden** asked the reason there was never a permit for this structure.

**R. Polerecky** stated that since it was not an addition to the home she wasn't aware that she needed a permit.

Discussion amongst staff took place trying to clarify exactly what this accessory structure looks like being it only has three sides. Why would one side be open near the house and the other three sides have siding and windows? It was explained that it was somewhat of a Gazebo with one open side. There were no other questions by Staff.

**M. Werden** opened up the Public Hearing.

**Brook Lavin-Robb** of 932 Rosewood Court was there to comment in favor of the screen porch. Also, everyone she talked to only had nice things to say.

**P. Hanson** made motion to send a positive recommendation to the Village Board for Case # 16-07, 929 Rosewood Ct.

**Motion: P. Hanson**

**Second: B. Bucaro**

M. Werden closed the Public Hearing.

**M. Werden** noted that this was a very unusual request. His original concern was if the foundation would be substantial enough and it appears it will be.

**R. Kirk** provided a drawing to the building department to get a permit. He recommended that on each of the four corners, have structural sonotube added to help support the structure and give it more stability. Microlams will be added to the structure over the sliding glass doors for the same reason.

This is something that must meet the Village building codes. The strengthening of the structure still needs to be done if the variance is approved. Once the homeowner's meet the Zoning codes they may proceed with the building permit.

No further discussion.

### **Roll Call**

**Ayes:** B. Bucaro, P. Hanson, M. Werden, L. Hanson, G. Koziol

**Nays:** J. Banno

**M. Werden** started a positive recommendation will be sent to the Village Board.

**Old Business:** The Village may have broken a record for "Train Whistle Blowing" at National Night Out. Old record was 1127 participants and Bartlett had 1581.

**New Business:** Public Hearing on Thursday September 1, 2016 for Ashton Gardens. Everyone was encouraged to attend.

**Motioned to approve:** P. Hanson

**Seconded:** L. Hanson

**The meeting was Adjourned at 7:32**



GROUP A ARCHITECTURE, INC.  
1100 Landmeier Road, Suite 202, Elk Grove Village, IL 60007

P: 847.952.1100  
F: 847.952.1158  
W: [www.groupaarch.com](http://www.groupaarch.com)

July 28, 2016

Village of Bartlett  
Development Department  
228 S. Main St.  
Bartlett, IL 60103

ATTN: President and Board of Trustees

Re: Variation Request for 929 Rosewood Ct., Bartlett, IL

Dear Sir or Madam:

We, at Group A Architecture, Inc., formally request the approval of a variation at 929 Rosewood Ct. to allow for an accessory structure (detached accessory building) to be set back from 1" to 12" distance from the main residential building in lieu of the required 10'-0" separation from the principal buildings, per Title 10-3-3 of the Bartlett Municipal Code.

The sun room is used as a family gathering and eating area. The sun room porch has to be adjacent to the house to allow for handicap access for family members and security. The structure is not attached to the house and was constructed over an existing concrete patio.

Sincerely,

A handwritten signature in black ink that reads "Robert W. Kirk".

Robert W. Kirk, AIA  
President  
Group A Architecture, Inc.

RWK:dlg



~~NOV 30 2016~~  
VARIATION DATE





# VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only  
Case # 2016-07  
**RECEIVED**  
**COMMUNITY DEVELOPMENT**  
**JUN 15 2016**  
VILLAGE OF  
BARTLETT

### PETITIONER INFORMATION (PRIMARY CONTACT)

Name: MAREK & ROKSOLANA POLERECKY  
Street Address: 929 ROSEWOOD CT  
City, State: BARTLETT IL Zip Code: 60103  
Email Address: ROKFUR28@GMAIL.COM Phone Number: 847-924-1863  
Preferred Method to be contacted (Please Circle): Phone/Email

### PROPERTY OWNER INFORMATION

Name: MAREK & ROKSOLANA POLERECKY  
Street Address: 929 ROSEWOOD CT  
City, State: BARTLETT IL Zip Code: 60103  
Phone Number: 847-924-1863  
OWNER'S SIGNATURE: [Signature] Date: 5/19/16  
(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.)

variation for 5'4"

### PROPERTY INFORMATION

Common Address/General Location of Property: 929 Rosewood Ct.  
Property Index Number ("Tax PIN"/"Parcel ID"): 01-10-225-014  
Acreage: 0.19  
Zoning: SR-4 (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.

There was existing concrete patio  
we just want to close it up.

- 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.

concrete patio

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

It just for enjoyment for the  
family.

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.

Concrete patio existed before we moved in.

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.

No

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.

No

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.

No

**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: ROKSOLANA POLERECKY

DATE: 5/19/16

**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: ROKSOLANA POLERECKY

ADDRESS: 929 ROSEWOOD CT  
BARTLETT IL 60103

PHONE NUMBER: 847-924-1863

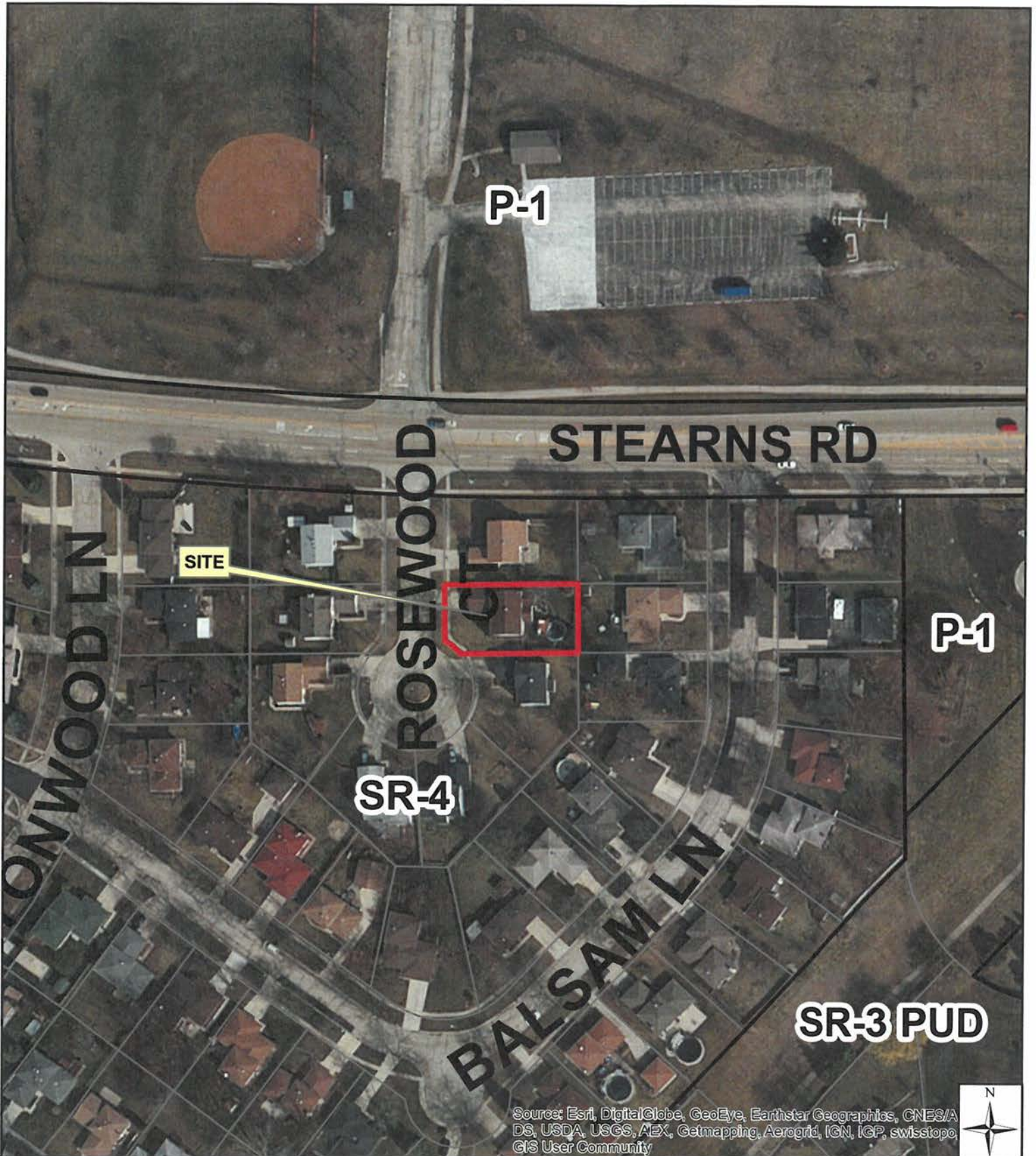
EMAIL: ROKFUR28@gmail.com

SIGNATURE: 

DATE: 5/19/16

# ZONING/LOCATION MAP

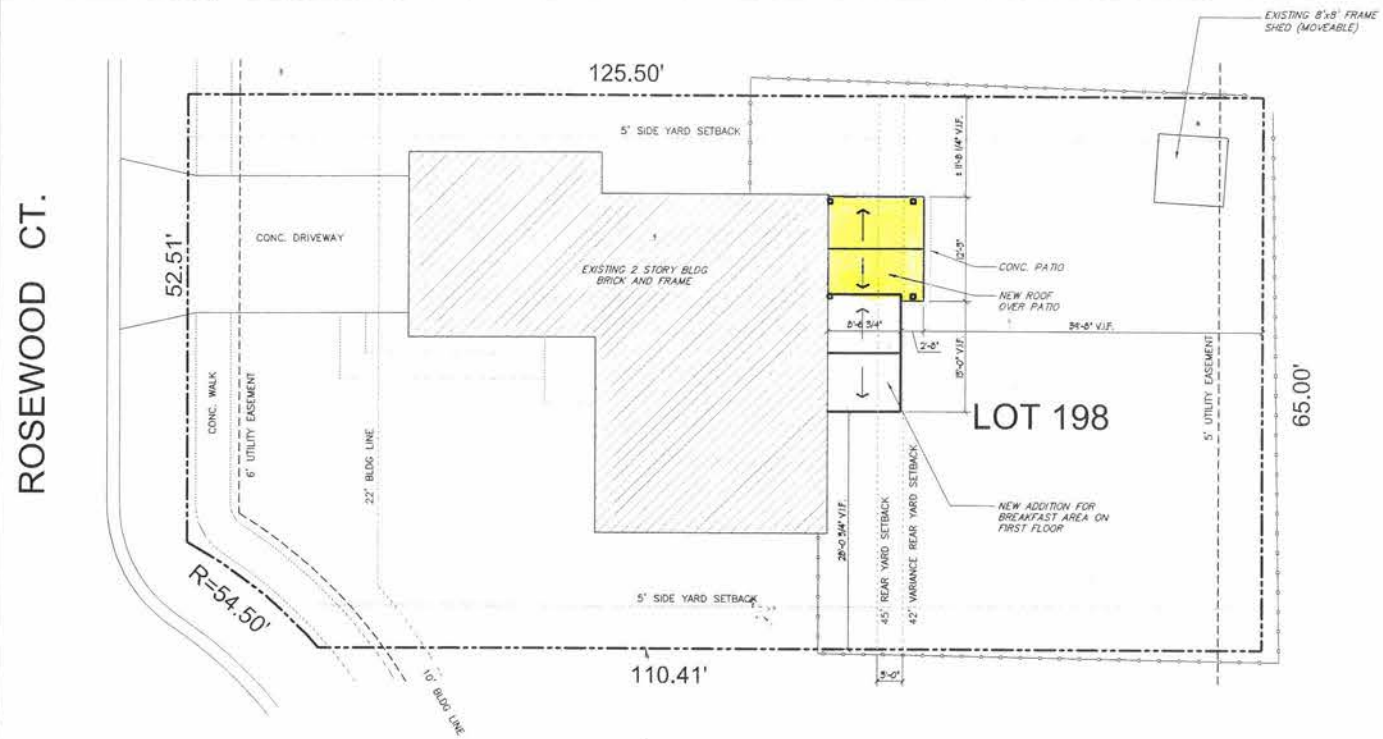
929 Rosewood Ct.



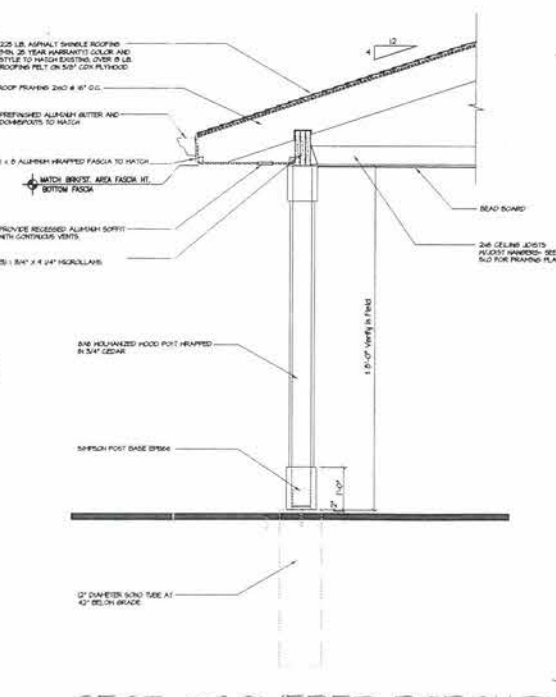
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, GIS User Community

# POLERECKY RESIDENCE

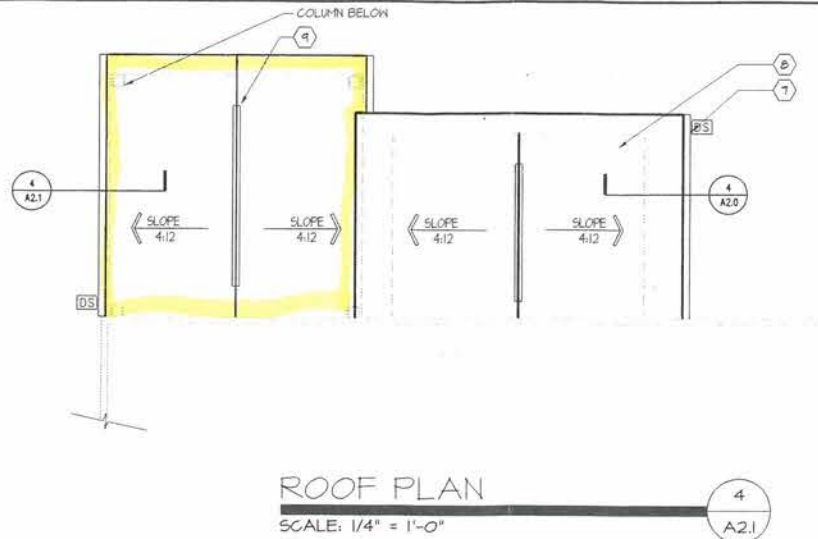
929 ROSEWOOD COURT  
BARTLETT, ILLINOIS 60103



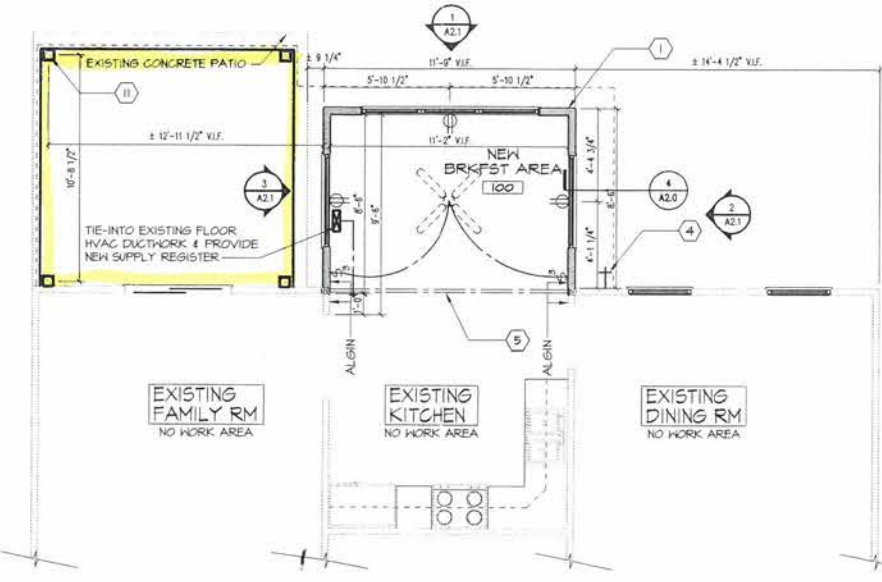
EAST ELEVATION  
SCALE: 1/4" = 1'-0"  
A2.1



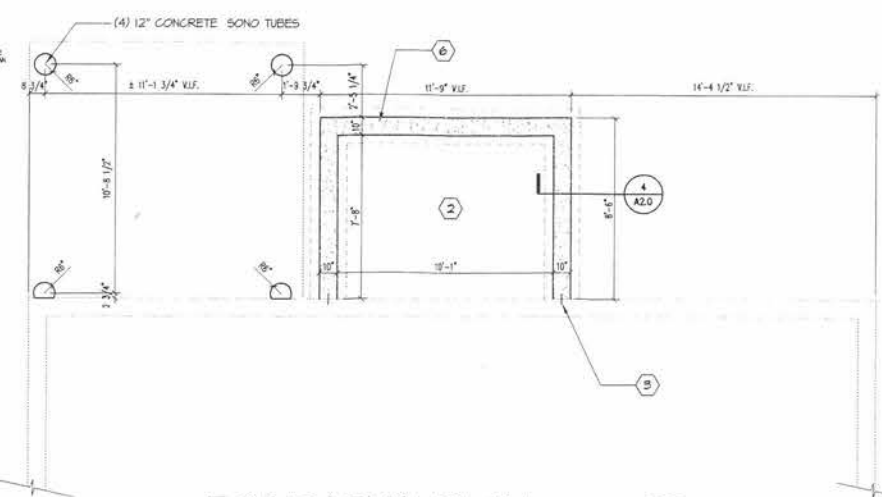
SECT. @ COVERED PORCH  
SCALE: 1/2" = 1'-0"  
A2.1



ROOF PLAN  
SCALE: 1/4" = 1'-0"  
A2.1



FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
A2.1



FOUNDATION PLAN  
SCALE: 1/4" = 1'-0"  
A2.1

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POLERECKY RESIDENCE  
929 ROSEWOOD CT.  
BARTLETT, IL 60103

DRAWING USE

SIGNATURE AND SEAL



NO.	ISSUED FOR	DATE
1	REVIEW	05/04/2007
2	PERMIT	05/14/2007
3	REVIEW	06/14/2007
4	COVERED PORCH	04/12/2007
5	REVISION	06/15/2016

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