

Village of Bartlett  
Zoning Board of Appeals  
Minutes

December 4, 2014

Commissioner Koziol called the meeting to order at 7:01 pm.

Roll Call

Present: G. Koziol, B. Bucaro, P. Hanson, R. Carney, L. Hanson, J. Banno,  
M. Werden (arrived at 7:05)  
Absent: None  
Also Present: R. Grill, Asst. CD Director; M. Schwarz, Village Planner

Approval of Minutes

A motion was made to approve the minutes of the November 6, 2014 meeting.

Motioned by: P. Hanson  
Seconded by: B. Bucaro

Roll Call

Ayes: G. Koziol, B. Bucaro, P. Hanson, R. Carney, L. Hanson  
Nays: None  
Abstain: J. Banno

The motion carried.

**Case # 14-28 310 W. North Avenue – Variations – 1) Accessory Structure Height; and 2) Accessory Structure Setback – PUBLIC HEARING (Continued from the November 6, 2014 ZBA meeting)**

The Petitioner, Chris Carrier, was present and sworn in. He resides at 310 W. North Avenue, Bartlett, IL.

**The following Exhibits were presented:**

- Exhibit A - Picture of Sign**
- Exhibit B - Mail Affidavit**
- Exhibit C - Notification of Publication**

**C. Carrier** – I sent a letter stating that I hired a company to build a garage after I had done a driveway. During the construction of the driveway project, they informed me that the garage was dilapidated and was actually going to fall apart. There was rotten boards along the sides and in the front. During the excavation process of pulling the driveway up, the concrete underneath the garage had given way and there was a huge 3-foot hole. So I, basically, felt at that point I would build a new garage. I knew I was going to anyway, but I was hoping I would be able to do keep it and just do siding. It didn't turn out that way.

When I was talking about it they said they were General Contractors and they could bring in a crew that would take care of it for me and I wouldn't need to look further for any kind of help in doing that. I went and got quotes anyway. Theirs was the best quote I got. So I had them go ahead and start the construction on the garage. I gave them my drawings; I am a computer technician and don't know anything about construction. I have no idea of what I am doing as far as that is concerned. Basically what I gave them was an Excel spreadsheet type of document with certain heights. I have an RV and I know the Village doesn't want RVs in the driveway; they need to be enclosed. Originally the RV was to be on a pad that was to be on the side of the old garage. But since the garage fell apart I said just build it so I can park the RV in the garage. So, I drew it with a 12-foot door, knowing that would be how high it would have to be to clear the RV and gave the company a rough idea of how high it was supposed to be. I gave that to the guys who were supposed to build this garage. They were supposed to bring that to their person who is supposed to be giving architectural drawings, real drawings, and give them to the Village to get the building permits and stuff like that. They assured me that they did these things. I called the Building Department a couple of days later and talked to Dave. Dave said someone from the company had come into the Building Department and submitted some kind of drawings, but I didn't really clarify with him what drawings he received and how big it was or how it was presented to him.

Anyway, they started the construction, after they demolished the old garage and took that away. My drawings were in error. I have a 34-foot RV and I only made the garage 34 feet. I didn't know that you have to compensate for the 2 feet of 2 X 4 boards and the whole thing was short by about 6 feet. They were supposed to come in and clarify that with the Building Department and make sure that it would be longer than it was originally supposed to be and apparently they did not. Then, one thing led to another. They finished the project, sort of, well half way. Then they left and I have not seen them since November and I have been chasing them ever since. I have a police report on them. I have a State Attorney's report on them. I've reported them to the Building Code people and I will be going to the Cook County State Attorney's office to press charges for fraud because they ripped me off quite a bit of money. This is what I am left with. I talked to the Building Department people about putting doors on the garage because I didn't want to leave a gaping hole in it. The Building Department told me they didn't care if I put doors on it; they said they were only concerned about the height of the garage.

Apparently the median point, whatever that means, is too high by a couple of feet. So, I put the doors on there to at least make it look nice and presentable and for it not to look like it was half way done. But there is still some cosmetic work that needs to be done. Then when I submitted the report to have the variance for the height because that was all the guy in the Building Department said to look for, Mike Schwarz said the garage was more than 2-feet over the accessory structure setback. I didn't know that was an issue because it is built right on the exact same footprint as the old garage. I don't know what else to tell you other than I've tried to do everything in my power to make sure the building was built like it was supposed to be. I have contacted the Village Building Department on a regular basis. I have phone records that show that. I tried to make sure they understood and everything was copasetic and everything was fine and then I find out that these things are wrong. Then I get the other report from the secretary in the Building Department and I am fuming. There is a list of things from her that were missing and the General Contractor lied to me and told me that they had done them. I am very unhappy and very ticked off. I was hoping the Village would help with this whole building process. I am a computer guy. If you have computers that are dead, I can help you. But I know nothing about construction. Other than making phone calls, I don't know what else I was supposed to do to make sure that this garage was built right. The only thing I can do now is to at least make it look as best I can and that is why I put the doors up. The Building Inspector said it would be okay to do that. So, at least it makes it look like a decent garage. It is better than the old one was; it was in very bad shape. The neighbors all complained about the old garage as soon as I moved in. I just never planned on doing it like it happened. But, when it was falling down, I had no other choice. I don't know what else to tell you. That's basically all I have. I can answer any questions if you have any.

**G. Koziol** – Has the Village received any phone calls, e-mails or comments?

**M. Schwarz** – We received a phone call. It was basically just an inquiry. It was from a neighbor that was on the outer edge of the notification area. I seemed to answer his questions about the project that weren't specified in the notification, so he seemed satisfied. We also received one e-mail, which is in your packet, in support of the two variance requests.

**M. Werden** – Have we had any other problems before with the company that did the work?

**R. Grill** – We have no information on this company.

**P. Hanson** – Were they licensed in the Village of Bartlett?

**C. Carrier** – They came in and got licensed, however the Building Department told me “don't ever send these guys to me again. I don't want to deal with them. You call me.” When they (the Building Department) called me for the architect's drawing for the Plat of Survey, they got it within a week or two. Everything the Building Inspectors asked me to do, I did; right away. That is the way I like to do things. This is not the way I like to do things. I am not happy with the way this turned out. But, I am trying my best to try to make sure that it is as good as I can make it. So, I am going to go back and try to make sure everything is taken care of. There is some siding that is buckling and I have some other things to do to make it look nice.

**R. Carney** – Did you say that your new garage was built on the same footprint of what the old garage was?

**C. Carrier** – Exactly the same footprint.

**R. Carney** – So, the depth and length are the same?

**C. Carrier** – No. The side where the red line is shown, that is where it is. But it is wider and longer than the other one was.

**R. Carney** – And, they did a pre-pour inspection? Correct?

**C. Carrier** – They did a pre-pour inspection on the driveway only. From what I understand and what I read, they never did a pre-pour inspection on the foundation of this garage, which is really not making me too happy because I was told that there was one done.

**R. Carney** – Well, that is the start of the whole process. That is where I am going with this. Because, if they did a pre-pour inspection for the foundation of your garage, at that point they would have known where the structure was going to end. And, at which point this all could have been avoided. And it could have been brought to our attention at the beginning of the process.

**C. Carrier** – Exactly, which is why I am here and I am containing myself. But, trust me, I am very furious at this whole thing. I called the Building Inspectors and I did make sure that they understood that they got the drawings and that this was taking place. So, I don't know what else to do other than to come over here and drag them over here to do the pre-pour inspection. And, quite frankly, and I don't know if I can say this as part of the record, but Cardinal Construction has been lying to me for a long time. And, I didn't know exactly to what extent, until after I got into this process all the way.

**P. Hanson** – Where is this company located?

**C. Carrier** – They are out of Geneva. I looked on Home Life, which is where I did a web search that supposedly has good construction companies.

**G. Koziol** – Specifically, a yes or no answer, is a pre-pour inspection typically done?

**M. Schwarz** – Yes. And, I can't speak for the Building Department, but the list of dates listed in your Staff report are based on records that are in the Building Permit file and there was an August 30, 2013 pre-pour inspection. However, it was not for the new garage. At that point in time the Building Department didn't know there was to be a new garage. It was for the slab off to the side where the RV initially would have been parked. So that was the one pre-pour inspection. After that, the demolition occurred without a permit. The contractor did not pull a permit to take down the old garage.

**G. Koziol** – That was my next question. Was a permit pulled before this whole thing started?

**M. Schwarz** – No.

**G. Koziol** – And, did he have an approved application for a permit, prior to the pour and construction?

**M. Schwarz** – No. Not at that point in time. The old, original garage was taken down without a permit and construction began somewhat early and before the new garage permit was applied for. And, obviously, there are a number of other dates that are listed. I am not going to go into detail about them, but if there are questions, I can certainly go into them. But, that was the starting point of all of this.

**G. Koziol** – Mr. Carrier, in your letter to the Village explaining what has happened, you state that Cardinal Construction obtained preliminary approval. What was this preliminary approval and was it in writing?

**C. Carrier** – It was not in writing. And when I called, the person I talked to said he saw it and it was okay. But nothing was in writing. I didn't get anything in writing. I didn't even get the Building Permit for the driveway for a month and a half after the driveway was already completed and done. I don't know why I was given the permit after the fact instead of before the fact. Every other city I have been in, it is required to hang the permit in the front window before the work starts. It was explained to me that is not the case in the Village of Bartlett. That was told to me from the Building Department.

**G. Koziol** – That is true. You don't have to have the permit hanging in the front window; but it does have to be available and presentable, if necessary. And the bottom line is, it is your contractor that did things without the permit. The bottom line is that you are responsible for the correctness of having the permit and the correctness of having the architectural work approved. So, it should have been approved by the Building Department.

**J. Banno** – What is the final size of the garage? What is the actual size of the garage right now?

**C. Carrier** – I believe it is 36 feet long. There should be a Plat of Survey that has the exact measurements on there, including the side garage. Here it is, 24.21 feet wide and 36.22 feet long. The little garage is 10.58 feet wide in front and 10.51 feet wide in the back and it is 21.97 feet long. That is the little side garage; the third-car garage.

**M. Schwarz** – In your report, it lists a total floor area of 1,114 square feet.

**G. Koziol** – I am curious about the property to the right of you, as you face your home. I believe it would be 304 W. North Avenue. We didn't receive any comments from them? Have they made any comments about the encroachment of the rather large building on the property line?

**M. Schwarz** – There have been no phone calls, letters or e-mails from them.

**R. Carney** – It is sitting right where the old garage was, so other than the height, nothing changed for them. But, I have another question. In our notes the timeline indicates that on January 9, 2014 the Building Department told you that the electrician was still not registered with the Village.

**C. Carrier** – Right, and I called Cardinal Construction and they said that they sent someone out. My wife told me that there were two guys out in the garage looking at the electrical work and the next thing I knew they came to the Village. From what I was told by the Building Department they had come in and registered and everything was fine now. They had to change some of the wiring.

**R. Carney** – And, the timeline states that by May 7, 2014 a note in the Building Permit file indicates that the new garage was built but not completed. So, were there any inspections done, as far as framing, electrical...?

**C. Carrier** – No. The only thing that was done was the doors. I have been chasing them since April. I have letters to them. I have e-mail records. I have been trying to chase them down to put the doors on because they were contracted to do that. Quite frankly, they kept giving me one song and dance after

another; they kept saying “they are going to do it” and finally they said that “they had the doors but since you owe us this amount of money, why don’t you just pay the guys and they will do it and then we will pay you whatever is extra.” I sent them the bill. I sent them everything and right now they are not responding to my e-mails. So, basically, they have totally blown me off. That is why I am trying to do everything I can legally to get after these guys.

**G. Koziol** – We understand your concern about what was or wasn’t done. That is really not pertinent to the issue here tonight. That is for you to follow up with and do whatever you think is necessary, after the fact.

**C. Carrier** – All I can tell you is that the garage is in good shape. It looks decent. Now that the garage doors are on there, it actually looks like a real garage. It is no longer an eyesore. The neighbors that I have talked to don’t have an issue with the garage and they seem to be okay with it.

**G. Koziol** – I have to admit that when I looked at the property, when I drove up, that the garage looks almost as large as the house.

**C. Carrier** – Almost, but it is smaller. It is smaller than the house.

**G. Koziol** – It is one of the largest garages I think I have seen in a residential area.

**C. Carrier** – Well, I kind of wish that I had built my garage like my neighbor’s. Their garage is almost exactly the same height as mine and the same width. It looks like a barn versus a garage. It might have been more aesthetically pleasing if I had built something like that versus this.

**P. Hanson** – Mr. Carrier, did Cardinal Construction do your concrete work for you also?

**C. Carrier** – Yes.

**G. Koziol** – It appears that the Board’s discussion has ended. Are there any last comments from the Board?

**M. Werden** – I think that one thing in favor of this is that the house has kind of a high peak anyway. And the fact that this sits way back on the lot it is not quite so noticeable unless you really walk back there. I can’t believe that the neighbors didn’t complain, but maybe they were so excited to see the other garage come down that they were pleased.

**C. Carrier** – I don’t know that I lived there a week before all the neighbors came to me and said things about the old garage and was I going to get rid of it. Or, what were my plans for the old garage. Apparently they did not care for the older garage, for whatever reason; I don’t know why. I mean, it was a long garage. I think it was about 28 feet long.

**M. Werden** – Beside these zoning issues, is there any other problems with the construction of the garage. Does it meet the standards?

**M. Schwarz** – I am not able to speak for the Building Department, and my understanding is that the only inspections, according to the records, were the pre-pour inspections for the slab and the contractor never called in to schedule any other inspections during the process, which is required. The purpose of

the variation process is that if this is brought into compliance, through the blessing of the Zoning Board of Appeals and with a recommendation to and approval from the Village Board, the Building Department would do a final inspection on this to make sure it met construction standards and then close out the file. But until this matter of the height and the encroachment into the required 5-foot setback is resolved, they will not do any inspections.

**C. Carrier** - I talked to the Building Department and they have come out 3 or 4 times because they tried to measure the exact height. The Inspector has been out to look at these things. The only thing he told me he had an issue with was the height. It was something about the median height.

**G. Koziol** – So, as it stands right now, we don't know if the Building Department has done any inspections regarding the framing, the electrical?

**M. Werden** – I presume they have not.

**M. Schwarz** – They have not.

**G. Koziol** – Are there any other comments from the Board?

**L. Hanson** – I drove by the property and I think it looks fine. Yes, it is a little large, but with it being so far set back and because the house next door also has a high peak, it is not an eyesore.

**P. Hanson** – And, I think that the third-car bay being pushed back gives it a much better look. If that third bay had been pulled forward, I think it would have really appeared gigantic looking.

**M. Werden** – I would agree. It gives it a little bit more personality and less of a barn look.

**C. Carrier** – It has been mistakenly looked at as a tool room. It is not. There are no saws in there. That is where the other car goes.

**M. Werden** – There was a time in the past that we had a problem and we voted to tell them to tear the foundation out and re-do it because it was so great a violation, but in this case, you have had an unusual set of circumstances and I can't believe that the neighbors that have to look at this are not commenting on this one way or another. To me that makes quite a bit of difference; if the ones that have to look at it all the time are not having a problem with it. And it is set back so far, it is not really that noticeable unless you are looking for it when you drive down the street. And, if you are driving, you don't have time to be sightseeing. Based on those reasons, I would be inclined to pass a favorable recommendation on to the Village Board. I am not happy with it, but I think making the best of the whole situation is the best we can do. I mean, I wouldn't like to see a flat roof on it and it would look funny to chop the peak off just to meet the height requirement. *Other Commissioners agreed.*

**G. Koziol** – I also think that if you flatten the peak, in relation to the height, it would look way out of proportion. Because of the uniqueness of this situation, and because no one, especially the neighbor to the right of you, has made any negative comment is a strong plus in your favor.

**M. Werden** – I couldn't vote for this if the neighbors were objecting to this because they have to look at it.

**R. Carney** – As the other Commissioners stated, with no comments from your neighbors, I don't see an issue with it. I rather like it. Perhaps it is "garage envy". However, regarding the issues with the builders, there were several red flags. There should have been red flags all over this project from the beginning, especially the issue of communication between the Building Department and the builders. It sounds like there was really no follow up from the Building Department while chasing down these guys. I have no problem with the structure. Your neighbors have no problems if there are no negative comments from them. I like the structure itself.

**J. Banno** – Is this lot in compliance with the Impervious Surface requirement?

**M. Schwarz** – It is.

**R. Carney** – It is a very large lot.

**Commissioner Koziol opened the Public Hearing.** *There was no one in the audience that wished to speak.* **Commissioner Koziol closed the Public Hearing.**

**A motion was made to pass on a positive recommendation to the Village Board.**

**Motioned by:** M. Werden  
**Seconded by:** P. Hanson

**Roll Call**

**Ayes:** M. Werden, G. Koziol, B. Bucaro, P. Hanson, R. Carney, L. Hanson,  
**Nays:** J. Banno

**The motion carried.**

**G. Koziol** – We will pass on a positive recommendation to the Village Board. Stay in touch with Staff to see when this will appear on a Village Board agenda.



**Old Business / New Business**

**R. Grill** – Your next meeting is scheduled for New Year’s Day. How do you feel about that? So far we have no cases assigned to that date. Are you all comfortable in canceling the January meeting? *All Commissioners verbally agree.* As long as you are all in agreement we will cancel the January 1, 2015 meeting. We will send the necessary notices for the cancelation.

The meeting adjourned at 7:31 pm.