



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
March 1, 2018**

7:00 P.M.

- I. Roll Call
- II. Approval of the January 4, 2018 meeting minutes
- III. (#18-04) 165 W. Oak Glenn Drive
Variations:
 - a) a 1 foot reduction from the required 35 foot front yard setback and
 - b) a 9 foot reduction from the required 55 foot rear yard setback**Public Hearing**
- IV. Old Business/New Business
- V. Adjournment



Village of Bartlett
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January 4, 2017

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

Meeting was held in the second floor conference room # 201.

Roll Call

Present: M. Werden, G. Koziol, B. Bucaro, J. Rasmussen and J. Banno

Absent: L. Hanson

Also Present: R. Grill, Assistant CD Director and A. Zubko, Village Planner

Petitioners: J. Kampert and L. Ferguson

Approval of Minutes

A motion was made to approve the minutes of the September 7, 2017 meeting.

Motioned by: G. Koziol

Seconded by: J. Banno

Roll Call

Ayes: M. Werden, G. Koziol, B. Bucaro, J. Rasmussen and J. Banno

Abstain: none

The motion carried.



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Case (# 17-25) Lot 7 Alperin's First Addition to the Village of Bartlett Subdivision

Variations:

- a) 10 foot reduction from the required 25 foot side yard along the north property line,
- b) 10 foot reduction from the required 25 foot side yard along the south property line,
- c) 2,325 square foot reduction from the required 40,000 square foot required lot size;
- d) 42 foot reduction from the required 140 foot lot width

PUBLIC HEARING

The following Exhibits were presented:

Exhibit A - Picture of Sign

Exhibit B - Mail Affidavit

Exhibit C - Notification of Publication

Petitioners **J. Kampert**, 8N650 IL Rt. 59 and **L. Ferguson**, 6N801 Willow Brook Drive, St. Charles were both sworn in by **M. Werden**.

J. Kampert stated his family have owned the properties since 1952, building on one lot and leaving Lot 7 empty. Both parents have since passed away leaving the properties to **J. Kampert** and his siblings. **J. Kampert** came and spoke with **J. Plonczynski** and **A. Zubko** regarding zoning of the Lot 7, and what can be done with it. They discussed rezoning of the property to ER-3 20,000 sq. ft. which is more conforming to Lot 7. Most other lots are zoned ER-2, with lot sizes of 40,000 sq. ft. **J. Kampert** stated the issue is that the lot is 95 to 98 feet at the building width and the variation of side setback of 25 feet on each side. Before they went in for a variation, they put the lot up for sale with a real estate broker. There has been some interest in the lot with a proposed footprint of 59 feet wide which leaves about 18 feet on each side. **J. Kampert** stated he discussed with **A. Zubko** about cleaning up the setbacks or make it more conforming to what is out there. This is somewhat of a hardship being the lot is restricted to a 45 ft. footprint on a country lot. Also, the zoning was changed in 1978. Many of the homes are closer than 25 ft. off of the lot lines. **J. Kampert** stated his home is only 19.8 ft. off of the lot line from his neighbors. The neighbors north of him are about 20 ft. off of the lot line. This wouldn't alter anything out there and would not alter the view of the surrounding properties. **J. Kampert** stated his neighbors just south of his property, are present at this meeting. None of the properties in that area are conforming to ER-2. **J. Kampert** stated this would be the right thing to do to make the change and would not alter the landscape view. This is case they are trying to make and they do have an interested party in the lot. **J. Kampert** has seen some of the plans the potential buyers have. The home is about 2000 sq. ft., similar to the homes that are currently there.

M. Werden stated this is a very unique area. He has been on the Zoning Board since 1979 and this has always been a zoning nightmare. Originally this was Cook County rural zoning and that the width of the lots didn't conform to any zoning within the Village. It needed its own little island of zoning. This is very similar to the front yard setbacks on Stearns Road and Sycamore. There wasn't room for four lanes on Stearns Road because the setbacks are so close to the road. **M. Werden** stated he thinks it's remarkable what they want to do with the lot being with what they have to work with.

M. Werden asked if any of the Commissioners had any questions for Staff. **G. Koziol** asked Staff if any of the other homes out there if they were going to do any building they would come to the Village



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for review and a grandfather type issue. **A. Zubko** stated yes if anyone wanted to do any additions or alterations they would have to come to us for a variance to make it conforming. **G. Koziol** stated with this lots setback and the setback on the adjacent lots, this isn't any different than the issues with other lots in the area. Being the lots are so narrow, a house fills the majority of the width of the lot. **A. Zubko** stated 8 of the 11 lots have homes on them. She has only found 4 lot drawings and only one of the lots (the largest) meets the setback requirements. There was a variation granted on lot 4, for 7 ft. on the north side yard setback that was done in 1985. Most of the homes are 10 to 20 ft. off of the property line which is what they are looking to do as well. **G. Koziol** stated he agreed with **M. Werden** that this is a very unique situation, and he has never seen anything like it in his 15 years on the ZBA. **M. Werden** stated in order for anything to fit without a variance on this lot, it would need to be like a Chicago row house. **G. Koziol** and **J. Banno** both agreed that this is a reasonable request on the part of the owner. **J. Banno** stated he lives across the street and he didn't know that this was even a part of Bartlett. **J. Kampert** stated his father didn't either. **J. Banno** asked if this was on Bartlett water and sewer. **A. Zubko** stated no all the properties on the west side are on well & septic. There is water in front of lot 7 and the property to the south. The new lot will hook up to water but not sewer. Sewer is only on the east side of Rt. 59, but this lot will be the first lot to hook up to Bartlett water.

M. Werden opened the meeting to the Public.

Santos Urso, 8N620 IL. Rt. 59. **S. Urso** owns 4 lots, and asked if the ZBA is willing to back off on the width of the lots. He can only build one more house on his 4 acres. Will the ZBA be changing the 140 ft. lot widths to 100 ft. as they are now for tax purposes? **M. Werden** stated the ZBA looks at each case individually. This is a unique area, staff is very open to looking at different options, since it doesn't fit into any zoning criteria within the Village. Considering the depth of the lots they are extremely narrow. **S. Urso** stated his lot is 400 ft. x 400 ft., and **J. Kampert** is asking him to give up some of his free area, by allowing 10 ft. taken off of his lot line. At the moment there is 150 ft. between properties this will reduce it to 45 ft. **M. Werden** stated **S. Urso** can object to this if he chooses which is the purpose of this meeting. The ZBA does not make the final decision, just recommendations. **S. Urso** stated this would not be necessary if they would just build a smaller home. The house could be a 100 ft. deep and 50 ft. wide with a three car garage. **M. Werden** stated it may look odd but it's a possibility. **S. Urso** stated there are 4,000 sq. ft. homes that are built on a 60 ft. lot, but they are deep. This is the type of home that needs to go there and they wouldn't need approval. **M. Werden** stated whichever way the ZBA votes on this case, it will still need to be approved by the Village Board. **S. Urso** will have another opportunity to voice his opinion at the Village Board. **B. Bucaro** stated the ZBA doesn't have the authority to change anything on **S. Urso** properties without going to the Plan Commission and the Village Board. **A. Zubko** stated **S. Urso** has four separate lots and they would just be considered non-conforming on their own if they had four different owners. **M. Werden** stated the Village would not arbitrarily change a lot. Someone would need to propose an alteration, and request a change through the ZBA. **G. Koziol** stated the lots will stay the same, what is up for discussion is the footprint, placement of the house on the lot and how close the purposed structure is to the lot line. **G. Koziol** addressed **S. Urso** by stating there will be 30 ft. between structures. **S. Urso** would not be losing any of his property or trees. The new property owners may or may not need to take down trees to fit the home where they want it built. **S. Urso** stated they are asking for 10 ft. on each side and he is taking away from 140 ft. that he never had, unless he keeps the properties contiguous. **J. Kampert** stated it's an empty lot that is already subdivided. Everyone has a right to build on this, and the **Urso's** have enjoyed the open space having this lot vacant, as did his parents. **M. Werden** asked **S. Urso** how long has he lived in Bartlett? **S. Urso** replied 50 years and his house is on lot 9 and he has two garages that spread across two other lots. A three car garage and another 2



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car with a rec room above it. One garage may be between lots 8 & 9. **B. Bucaro** asked if someone wanted to buy lots 8 & 9 (tearing down the structure already built on them) they would need the approval from the Village to build a home in the middle of both lots. **A. Zubko** stated yes it would become one zoning lot. **S. Urso** asked if there are any other properties that are less than two lots. **A. Zubko** stated yes, there are eleven lots and seven owners and **S. Urso** owns four of them. **A. Zubko** stated lots 1 and 2 are the largest lots, being 200 ft. wide, all others are 100 ft. wide and separately owned.

G. Koziol made a motion to pass along a positive recommendation to the Village Board to approve Case #17-25, Lot 7, of the Alperin's Subdivision.

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

Motioned by: **G. Koziol**

Seconded by: **J. Rasmussen**

Roll Call

Ayes: **M. Werden, G. Koziol, B. Bucaro, J. Banno and J. Rasmussen**

Nays: **None**

The motion carried.

M. Werden advised to stay in touch with **A. Zubko** as to when this case will be on the Village Board agenda.

Old Business/ New Business

None

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

Motioned by: **B. Bucaro**

Seconded by: **G. Koziol**

All in favor.

Motion Carried

The meeting was adjourned at 7:25 P.M.

COMMUNITY DEVELOPMENT MEMORANDUM

17-27

DATE: February 22, 2018
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Angela L Zubko, Community Development Planner
RE: **(#18-04) 165 W. Oak Glenn Drive**

PETITIONER

John & Dorothy Zabinski

SUBJECT SITE

165 W. Oak Glenn Drive, Williamsburg Estates Unit No. 1 Subdivision

REQUESTS

Variations:

- a) a 1 foot reduction from the required 35 foot front yard, and
- b) a 9 foot reduction from the required 55 foot rear yard

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Single Family	Suburban Residential	SR-2
North	Single Family	Suburban Residential	SR-2
South	Single Family	Suburban Residential	SR-2
East	Single Family	Suburban Residential	SR-2
West	Single Family	Suburban Residential	SR-2

DISCUSSION

1. The subject property is zoned SR-2 (Suburban Residence Single Family).
2. The Petitioner is requesting **two variations**: a one foot (1') reduction from the required thirty-five foot (35') front yard setback and a nine foot (9') reduction from the required fifty-five foot (55') rear yard setback to bring the existing house into conformance to allow for a building permit to be issued for the construction of new attached 2 car garage and entry. The new attached 2 car garage and entry will meet the required 10' side yard and 35' front yard setbacks.
3. The original zoning on the property in 1964 was R-1 Single Family Residence District. During the comprehensive rezoning of the Village in 1978 the property

was rezoned to the SR-2 Suburban Residence Zoning District and 55' rear yard setbacks were established. Previously the rear yard setback was 35' and the house met the requirement. **This zoning change made the existing house a non-conforming structure.**

4. Section 10-10-5-A of the Zoning Ordinance states that: "Repairs and Alterations: Ordinary repairs and alterations may be made to a nonconforming building or structure. **No structural alterations shall be made in or to such building or structure except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located.**" Therefore, the Petitioner is requesting the variations be granted to bring the existing structure into conformance prior to any alterations being made to the house.
5. If the variations are approved, a building permit could be issued for the attached garage and any other modifications to the home.

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 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.

A variation shall be recommended only if the evidence, in the judgment of the Board of Appeals, sustains all the conditions enumerated above.

Background information is attached for your review.

alz/attachments

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To: PRESIDENT AND BOARD OF TRUSTEES

Date: 02-03-2018

From: John & Dorothy Zabinski

Re; 165 W. Oak Glenn Drive

Bartlett IL 60103

VARIATION REQUEST

Please be advised that we recently purchased single family residence located at the address described above to become our home with no intension for resale.

Based on this fact we kindly ask for variation approval of non-conforming lot according to SR-2 zoning requirements 35' Front yard and 55'back yard.

We acknowledge that our existing back yard conditions are 34.41' front yard and 46.85' back yard and approval for addition to existing house is necessary by village requirements.

Addition will include converting existing garage to Master Suite, adding new 2 car garage, new front entry and new driveway. All construction will be done at the front of the house with no additional impact to existing back yard.

We believe that proposed addition will increase value of our home and surrounding properties and will have positive impact to the neighborhood.



Dorothy Zabinski



John Zabinski

RECEIVED
COMMUNITY DEVELOPMENT

FEB 02 2018

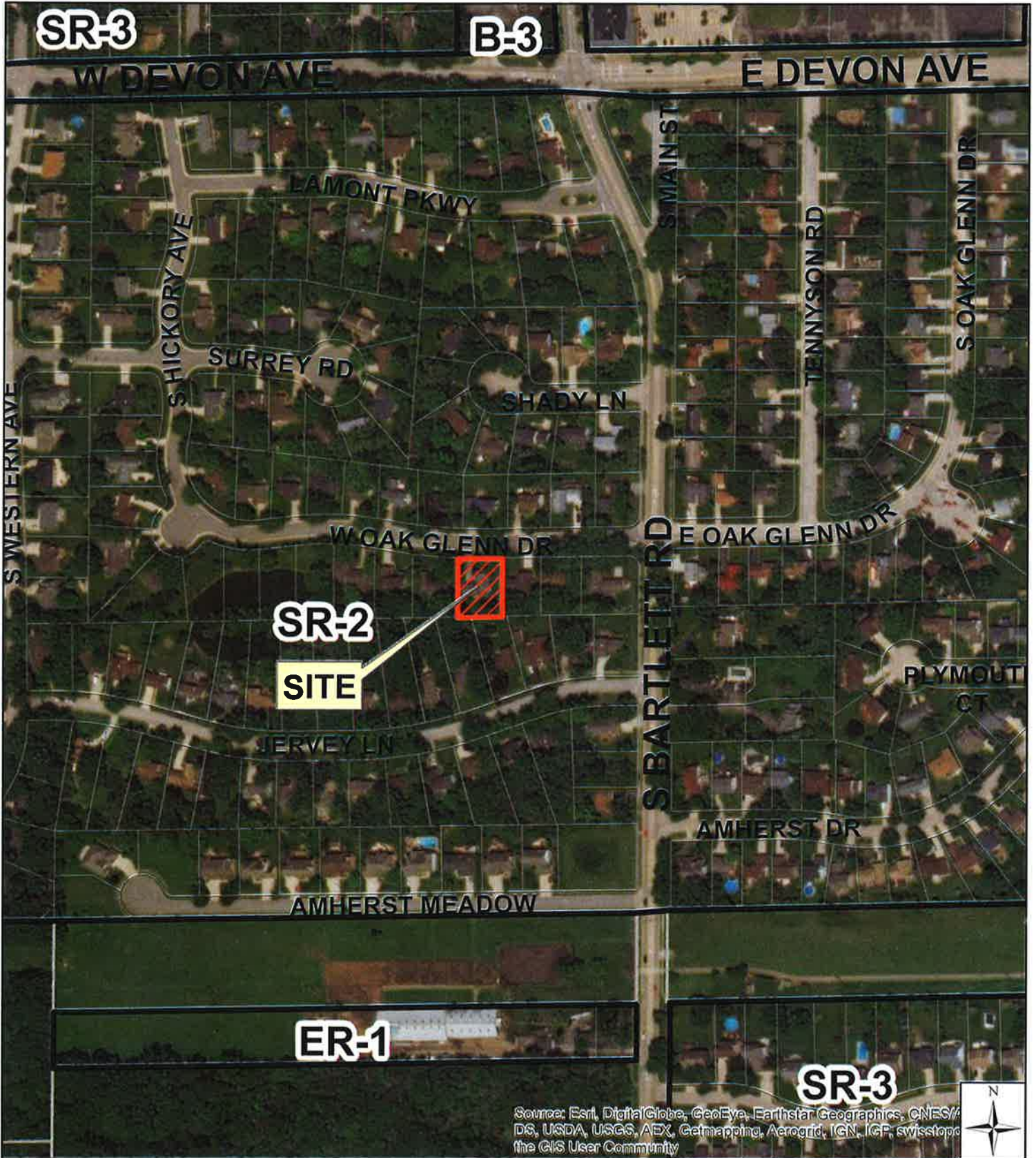
VILLAGE OF
BARTLETT

29w540 Orchard Ln.
Bartlett ILL 60103

630-742-0980
630-372-4524
johnzabinski@hotmail.com

ZONING/LOCATION MAP

Zabinski - 165 W. Oak Glenn Drive
Case #18-04 - Variation





VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # 18-04
RECEIVED
COMMUNITY DEVELOPMENT

FEB 02 2018

VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: John & Dorothy ZABINSKI

Street Address: 165 W. OAK Glenn Dr.

City, State: BARTLETT ILLINOIS

Zip Code: 60013

Email Address: dorothyzabinski@yahoo.com Phone Number: 630-742-0898

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: The ZABINSKI Declaration of Trust dated November 8/2011

Street Address: 165 W. OAK GLENN Dr.

City, State: BARTLETT IL

Zip Code: 60013

Phone Number: 630-742-0898

OWNER'S SIGNATURE: [Signature] Date: 02/03/18

(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.) Incompliance with Zoning Ordinance (setbacks)

Front required 35' EXISTING 34.41' BACK yard required 55' EXISTING 46.85'
Addition to the front of EXISTING HOUSE (GARAGE, ENTRY NEW DRIVEWAY)

PROPERTY INFORMATION

Common Address/General Location of Property: 165 W. OAK GLENN Dr.

Property Index Number ("Tax PIN"/"Parcel ID"): 01-03-206-014

Acreage: _____

Zoning: See Dropdown (Refer to Official Zoning Map) SR-2

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.

not apply.

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.

EXISTING PROPERTY WAS BUILT IN 1964 AND IS NOT COMPLYING WITH SR-2 zoning ordinance

Front yard setback required 35' existing 39.91'

Back yard setback required 55' existing 46.85'

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

Purpose of this variation is to grand existing conditions and permission to build addition to our house
Addition will include: 2 car garage, extension to front entry, driveway, sidewalk and patio

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.

We are new owners of the property, and all existing conditions are created in 1964 when the house was build.

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.

Additions to our house will have no impact to the surrounding properties

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.

Propose addition will comply with all existing zoning requirements and will have no negative impact to the surrounding properties or neighborhood.

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 special privileges will be obtain after granting our request.

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: John & Dorothy ZABINSKI

DATE: 02/03/2018

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: Dorothy Zabinski

ADDRESS: 165 W. OAK GLEN Drive
BARTLETT IL 60013

PHONE NUMBER: 630-742-0898

EMAIL: dorothyzabinski@yahoo.com

SIGNATURE: 

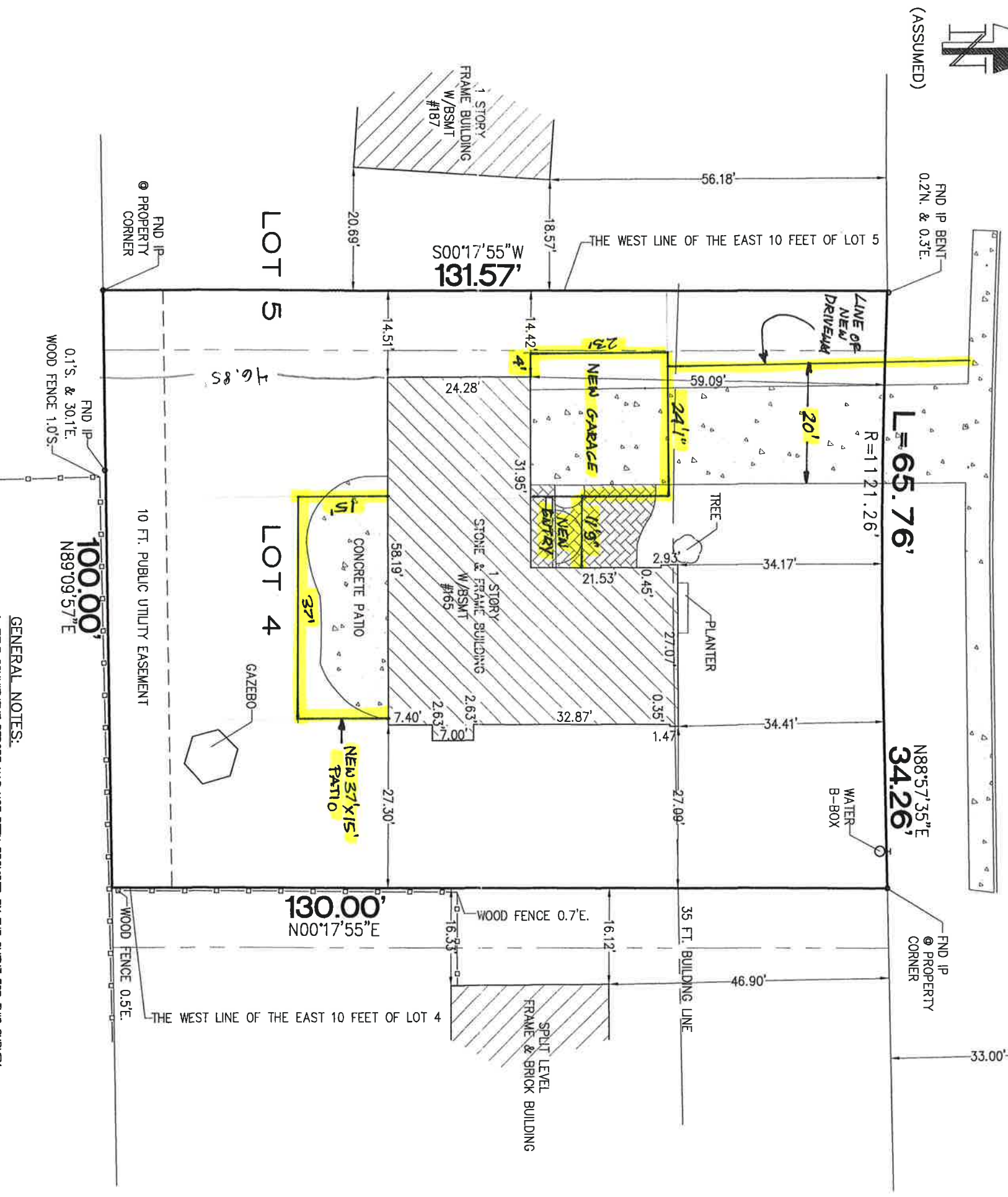
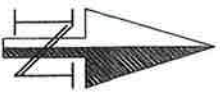
DATE: 02/03/2018

PLAT OF SURVEY

OF

LOT 4 (EXCEPT THE EAST 10 FEET THEREOF) AND THE EAST 10 FEET OF LOT 5 IN WILLIAMSBURG ESTATES UNIT NO. 1, BEING A SUBDIVISION OF PART LOT 2 OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.
COMMONLY KNOWN AS: 165 WEST OAK GLENN DRIVE, BARTLETT, ILLINOIS 60103.

W. OAK GLENN DR.



- IRON PIPE + CROSS
- IRON PIPE - NOTCH
- ▣ REBAR/ROD
- CHAIN LINK FENCE
- WOOD FENCE
- IRON FENCE

ABBREVIATIONS:
L = ARC LENGTH
R = RADIUS
CH = CHORD LENGTH
(r) = RECORD VALUE
(m) = MEASURED VALUE
P.U.D. = PUBLIC UTILITY & DRAINAGE EASEMENT

NLY = NORTHERLY
Sly = SOUTHERLY
Ely = EASTERLY
Wly = WESTERLY
TYP = TYPICAL

SCALE 1 INCH EQUALS 20 FEET
DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF.

ORDERED BY: DOROTHY ZABINSKI
DRAWN BY: KB
SURVEYED BY: AB/DF
ORDER NO: 18-016

- GENERAL NOTES:**
1. TITLE COMMITMENT REPORT HAS NOT BEEN PROVIDED BY THE CLIENT FOR THIS SURVEY;
 2. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, TITLE COMMITMENT, ORDINANCE, ETC.
 3. BEARINGS ARE FOR ANGULAR REFERENCE ONLY AND ARE NOT RELATED TO TRUE OR MAGNETIC NORTH.
 4. SURVEY IS BASED ON FIELD WORK COMPLETED ON JANUARY 26, 2018

"THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM TECHNICAL STANDARDS FOR A BOUNDARY SURVEY."
STATE OF ILLINOIS } SS
COUNTY OF DUPAGE }

WE, GEOPOL SURVEYORS, DO HEREBY STATE THAT WE HAVE PREPARED THE BOUNDARY SURVEY DEPICTED HEREON. THIS PLAT REPRESENTS THE CONDITIONS FOUND AT THE TIME OF SAID SURVEY.

LEMONT, ILLINOIS JANUARY 29, 2018

RECEIVED
COMMUNITY DEVELOPMENT
FEB 02 2018
VILLAGE OF BARTLETT

