



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
June 7, 2018**

7:00 P.M.

- I. Roll Call
- II. Approval of the May 3, 2018 meeting minutes
- III. (#18-11) 250 Wilcox Court
Variation - Accessory Structure less than 10 feet from a Principal Structure
Public Hearing
- IV. (#18-12) 220 Aron Court
Variations – Front and Rear Yards
Public Hearing
- V. Old Business/New Business
- VI. Adjournment



Village of Bartlett
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May 3, 2018

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

Roll Call

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

Absent: None

Also Present: J. Plonczynski, CD Director, R. Grill, Assistant CD Director and Tyler Isham, Mgmt. Analyst

Approval of Minutes

A motion was made to approve the minutes of the March 1, 2018 meeting with one correction: J. Hanson to L. Hanson.

Motioned by: B. Bucaro

Seconded by: J. Banno

Roll Call

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

Abstain:

The motion carried.



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Case (# 18-08) 521 Ladysmith Road
Variation:
Rear Yard
PUBLIC HEARING

The following Exhibits were presented:

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

Petitioners **Jessica Schafer**, 521 Ladysmith Road was sworn in by **M. Werden**.

Jessica Schafer stated she and her husband were hoping to add on a 15ft. x 15ft. screened in porch to the back of their home. They moved into the home in June 2017. Their lot is pie shaped and the setback is exactly 35 feet to the back of the house. To get a 15ft. x 15ft. porch she is asking for a 14 foot variance. Her home is surrounded by a 6ft. high fence and having a single story screened in porch will not be in anyone's view over the fence. The current 20ft. x 20ft. deck will be replaced with the screened in porch. Her neighbor to the west, already has a screened in porch. **M. Werden** stated her home backs up to Newport so there are four lanes of traffic behind her. She is asking for a 14 foot variance to be able to put in a screened porch. **M. Werden** stated **J. Schafer's** home is in a unique area that pushes her home closer to Newport than the other neighbors. **M. Werden** stated he wishes the Village would do away with wooden fences because people do not take care of them. Half of the fences are falling down or have large gaps in them, sections are missing and mismatched. **J. Schafer** stated fixing and painting the fence was one of the first things they did when they moved in because it was falling over. **M. Werden** asked Staff if they received any calls or letters supporting or opposing this request. **T. Isham** stated no one called or sent in a letter. **J. Schafer** stated she has talked with her neighbors and they have all been supportive.

M. Werden asked if there were any other questions or comments from the Board before opening the meeting to the Public. **G. Koziol** stated cul de sac properties are prone to pushing the house back further into the lot and he thinks it's a reasonable request. **M. Werden** agreed because there are no neighbors behind them and this would look better than most of the fences. **B. Bucaro** also agreed.

The Public Hearing portion of the meeting was open to the Public. No one came forward.

M. Werden asked what the base will be since the deck will be gone. **J. Schafer** stated they will follow the codes and use 6ft. footings, put the porch in and a small area for a grill off to the side. **M. Werden** asked if there was going to be any heating or duct work within the screen room, **J. Schafer** answered no, just a screened in porch.

M. Werden asked if there was any further discussion or motions from the Board.

G. Koziol made a motion to pass along a positive recommendation to the Village Board to approve Case #18-08, 521 Ladysmith Road, rear yard variance.

Motioned by: G. Koziol
Seconded by: L. Hanson

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



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Roll Call

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

Nayes: J. Banno

The motion carried.

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



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Case (# 18-07) Zoning Ordinance Chapter 4A: Residential Districts
Text Amendment - Section 10-4A-2-C-2: Chicken (Poultry)
Public Hearing

The following Exhibits were presented:

Exhibit A- Notification of Publication

R. Grill stated the Village of Bartlett approved the first Chicken License in the residential districts on April 3, 2017. At that time the Village Board determined that the minimum lot size of 8,000 square feet would be required to issue a license for chickens. The Village has issued 4 chicken licenses since that time. One resident applied for a Chicken License and was denied due to the lot size falling below the 8,000 square foot requirement. That resident asked if they could obtain a variance for the lot size requirement. Since there are no variance provisions in the Chicken Regulations outlined in the Staff report a license could not be issued. The resident was informed that the Chicken License regulations would be reviewed prior to the March 21, 2019 sunset clause date.

The one year anniversary date of the issuance of the first Chicken License was April 3, 2018. A sample of the license is in the Staff Report.

The Village Board Committee reviewed the existing regulations pertaining to chickens at their meeting on April 3, 2018 and made the following recommendations for the Zoning Board of Appeals to review:

Reduce the minimum single family residential lot size to 6,000 square feet from the current minimum of 8,000 square feet.

Extend the sunset clause for three (3) additional years to 2022 from the original date of 2019.

The Staff would also like to recommend deleting the letter **N** from the existing regulations which is proof of registration with the Department of Agriculture which is only required for the keeping of bees. **M. Werden** asked if this was an oversight that Staff was not aware of at the time. **R. Grill** stated this was to try and keep the regulations as similar as possible between chicken and bees. We have since found out the Department of Agriculture does not require this regulation for chickens and Staff would like to delete this regulation.

R. Grill stated included in the Staff report are the proposed amendments and the map of the four existing licenses that have been issued. There are also three in the works that have applied for their building permits. **M. Werden** asked if this amount is fewer than was anticipated. **R. Grill** stated yes, we were thinking closer to 25 licenses. **M. Werden** stated perhaps people were not aware they could do this, not publicized enough. **R. Grill** stated it does take a lot of work, a commitment. Some people want to research it before investing into something like this. **M. Werden** asked since the Village Board put in the sunset clause, wouldn't they have the authority to change it, why would this item come before the ZBA as well as it's a year down the road. **R. Grill** stated she just wanted to bring all of the regulations to the ZBA Committee to see if everyone agreed with the extension. The regulations are all together and are presented to the ZBA as a whole. **M. Werden** stated the sunset clause is treated as equal as the other letters? Even if this was not brought before us the Board could have extended it without our approval. **R. Grill** stated yes. **J. Rasmussen** stated some people were reluctant to apply for a license due to the sunset clause. They do not want to go through the expense as well as to have to rehome the chickens if the Ordinance is reversed. **M. Werden** stated he doesn't have a problem with it, but to ask to extend it a year before it expires. **J. Rasmussen** stated Trustee Hopkins has asked to have it removed completely from the Ordinance but President Wallace wants to give it more time to review. **M. Werden** stated maybe they want to see what happens



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before they get rid of the sunset clause completely. **R. Grill** stated there has only been one applicant that did not meet the required lot size. **J. Banno** stated he was not happy with the 8000 sq. ft. minimum size and definitely not happy with 6000 sq. ft. Since there are three items up for vote can they be voted on individually or do we need to vote on them all at once? **R. Grill** stated it was up to the Board members. **M. Werden** said it can be done that way but **G. Koziol** said he would rather vote all three at once. **G. Koziol** stated the sunset clause is reasonable and due to the lack of applications he wasn't sure the sunset clause was even required and would be fine if the Village Board would do away with it completely. **G. Koziol** continued by saying last year he had mixed emotions regarding chickens in general but did some research and thought the 8000 sq. ft. was a responsible number. **G. Koziol** recently had visited a full size farm in Marengo and got to see chickens on a much larger scale. Except for the rooster, he didn't even hear the chickens. Reducing the flock of chickens to four, he was firmly convinced they could peacefully coexist with almost anyone. 6000 sq. ft. was ok with him. **L. Hanson** stated she agreed with **J. Banno**, 6000 sq. ft. is way too small and she would have said 10,000 sq. ft. lot minimum but the Village approved 8000 sq. ft. **B. Bucaro** agreed he was of the opinion a year ago that 8000 sq. ft. was too small, so 6000 sq. ft. is way too small. **M. Werden** stated the items should be voted on separately or there will not be a quorum. **R Grill** stated you will have a quorum, you will need four concurring votes to have a recommendation to the Board. **M. Werden** stated he didn't want the whole issue to die because three are opposed to the lot size. Also, **J. Rasmussen** brought up a good point, people may be reluctant to put in the time and expense if the Board may get rid of this through the sunset clause. **G. Koziol** stated he would hate to see a vote that ends up like Ashton Gardens. **J. Plonczynski** stated as **R. Grill** said if the ZBA does not pass a positive recommendation, it will go as a report. If the Board follows suit we will still have this ordinance in place, we just won't reduce the lot size. It will still have the 2019 sunset clause. **J. Plonczynski** stated he was under the impression that the Board wanted to make these changes. If we do a report of three to three vote, it will be a report of the minutes, the Board will then decide without a positive recommendation. The ultimate decision will be the Board, but this Ordinance will stay in place. **R Grill** stated it is 8000 sq. ft. right now but **G. Koziol** wanted to know if the Board can change it to 6000 sq. ft. **J. Plonczynski** stated yes they can, even if there isn't a positive recommendation. This may take a super majority vote of the Board, which means at least four Trustees must vote in favor to override ZBA vote 3-3 vote. This is similar to Ashton Gardens. **B. Bucaro** stated this Board did not pass on a positive recommendation for the ordinance as it exists now and yet the Village Board approved it. **R Grill** stated this Board voted for a 20,000 sq. ft. lot that went three to three vote, as is. The Village Board approved 8000 sq. ft. **J. Banno**, **L. Hanson** and **B. Bucaro** were in agreement with everything except changing the square footage. **M. Werden** stated it would look better to have two out of three positive recommendations than a tie breaker.

M. Werden stated he will motion each item separately.

M. Werden asked for a motion to extend the sunset clause by three years beyond 2019 and eliminating item N for proof of Registration with the Department of Agriculture.

Motioned by: J. Rasmussen

Seconded by: J. Banno

Roll Call

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

Nays: None

The motion carried.



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M. Werden stated we will pass along a positive recommendation to the Village Board to extend the sunset clause by three years beyond 2019 and eliminating item N for proof of Registration with the Department of Agriculture.

M. Werden asked for a motion to reduce the minimum single family residential lot size to 6,000 square feet from the current minimum of 8,000 square feet.

G. Koziol made a motion to pass along a positive recommendation to the Village Board to reduce the minimum single family residential lot size to 6,000 square feet from the current minimum of 8,000 square feet.

Motioned by: G. Koziol

Seconded by: J. Rasmussen

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

Roll Call

Ayes: M. Werden, G. Koziol and J. Rasmussen

Nays: B. Bucaro, L. Hanson and J. Banno

Motion failed to pass. The vote of 3 ayes and 3 nays will be sent to the Village Board as reported.



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Old Business/ New Business

R. Grill introduced **T. Isham**, Management Analyst. **T. Isham** shares his time with Community Development and Public Works.

M. Werden stated he wished **T. Isham** would be a Regional Coordinator for the construction at Stearns & Rt. 59, Lake Street & Rt. 59 and the Stearns Road bridge traffic is horrendous trying to get out of town.

J. Plonczynski stated there is a lot going on and there should be a June meeting.

J. Banno asked what is going on at Lake Street and Rt. 59. **J. Plonczynski** stated it is an IDOT construction project that will provide an eastbound ramp, from going northbound on Rt. 59 to go directly on to Lake Street. Also, widening both the north and south side of Rt. 59, north and south of Lake Street and extending the median widths. There will also be a left turn lane into the Jain Center. **G. Koziol** stated there will be two lanes off of the ramp, going in each direction. This should move the traffic volume more quickly. There will also be a right turn in on Rt. 20 that residents have been wanting this for thirty years.

B. Bucaro stated the old Main Steel Development appears to have slowed down or stalled. **R. Grill** stated **J. Plonczynski** and she were out there this morning and he moves slowly, but progress is being made. He is doing some of the work himself. Some of the brick is up on the south and east exterior, but none of the interior. The storm sewer along the east property line was just installed. **J. Plonczynski** stated he does have a letter of credit that cover the public improvements that he is required to make. He did get a tax break and when the project is completed there will be four individual industrial units that he can rent out.

B. Bucaro stated he had a fear he pulled out of the project, ran into financial trouble or second thoughts. **M. Werden** stated it already looks nicer than it ever looked. **R. Grill** stated he did run into permit issues with the County, curb cuts delays and wetlands to deal with. A Lot of red tape and different agencies that slowed him down a bit. **J. Plonczynski** stated steel has been delivered so they will be starting the interior soon, and a letter of credit so he has the faith of a bank behind his project.

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

Motioned by: G. Koziol

Seconded by: J. Rasmussen

All in favor.

Motion Carried

The meeting was adjourned at 7:34 P.M.

COMMUNITY DEVELOPMENT MEMORANDUM

18-77

DATE: May 29, 2018
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Angela L Zubko, Community Development Planner
RE: **(#18-11) 250 Wilcox Court**

PETITIONER

Edward & Jennifer Paladino

SUBJECT SITE

250 Wilcox Court, Lot 13 in the Amy Subdivision

REQUESTS

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

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Single Family	Suburban Residential	SR-3 PUD
North	Single Family	Suburban Residential	SR-3 PUD
South	Single Family	Suburban Residential	SR-3
East	Single Family	Suburban Residential	SR-3 PUD
West	Single Family	Suburban Residential	SR-3

DISCUSSION

1. The subject property is zoned SR-3 PUD (Suburban Residence Single Family Planned Unit Development).
2. The Petitioners received a variation from the 3' maximum fence height in a corner side yard setback to allow for a 5' high wrought iron fence in 2014 per Ordinance #2014-83.
3. The Petitioners are now requesting a 7-foot variation from the required 10-foot separation between an accessory structure and the principal structure (single family residence) to allow an 11'x17' shed to be located in the rear yard. The shed would be located approximately 3' from the covered patio and 8' from the south elevation of the house.

4. The Petitioners' lot has a large Public Utility, Drainage and Detention Easement that is 35' wide along Prospect Avenue and about 60' wide along the southern property line encompassing a majority of the lot. The Petitioners are limited in their choice of where to locate the shed on the property; and permanent structures are not permitted in easements per the Building Code.
5. The impervious surface ratio of this lot is currently 27%. The proposed accessory structure will increase the impervious surface ratio for the house and other paved improvements to 28%, which complies with the 35% maximum impervious surface for a lot of this size.
6. The Village Board has considered ten (10) variation requests to reduce the accessory building separation from the principal structure. 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'
2016-07	Rosewood Court	10'

7. The Bartlett Fire Protection District has reviewed this Petitioner and did not have any concerns or comments.
8. If the variation is approved, the Petitioners may apply for a building permit for the proposed accessory structure/shed.

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

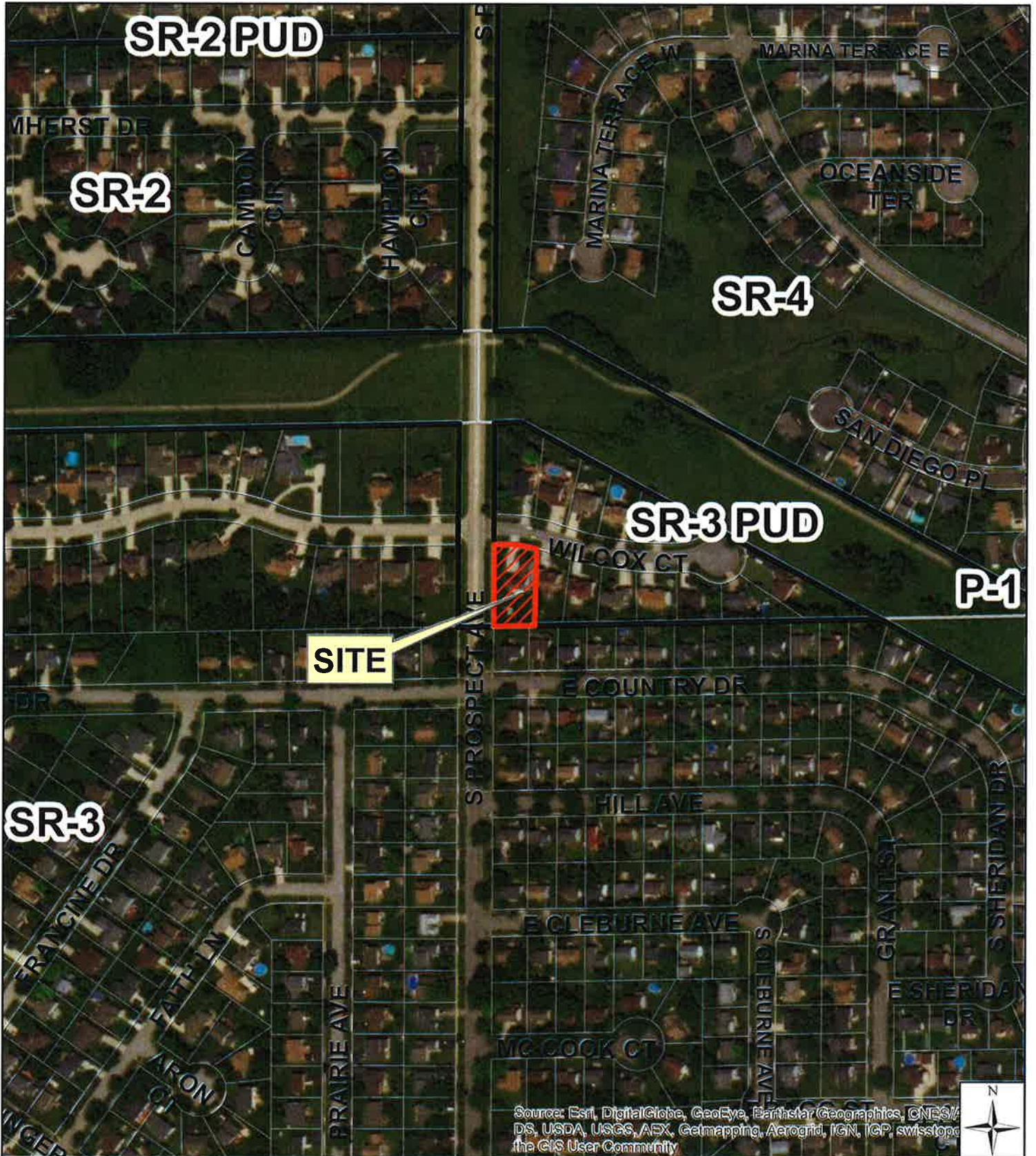
x:\comdev\mem2018\077_250 Wilcox Court_Paladino_variation_zba.docx

ZONING/LOCATION MAP

250 Wilcox Ct.

Case #18-11 - Variation

PIN: 01-02-216-008



May 3, 2018

To the President and Trustees of Bartlett;

My name is Edward Paladino and I along with my wife and children reside at 250 Wilcox Ct in Bartlett. We would like to request a variance for a utility shed location. Our rear yard is very limited in buildable space for a utility shed due to a drainage and detention easement. The required building distance from our house is 10 feet and we would like to build the shed at 8 feet. Additionally, the space in which we have to build the shed is adjacent to our existing covered patio. Over the past 4 years we have put a lot of effort into improving the esthetics of our home and with this next project we continue to do the same. Thank you.

Edward and Jennifer Paladino



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # 2018-11
RECEIVED
COMMUNITY DEVELOPMENT
MAY 04 2018
VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: EDWARD + JENNIFER PALADINO

Street Address: 250 WILCOX CT

City, State: BARTLETT, IL

Zip Code: 60103

Email Address: _____

Phone Number: _____

Preferred Method to be contacted (Please Circle): Phone / Email

PROPERTY OWNER INFORMATION

Name: EDWARD + JENNIFER PALADINO

Street Address: 250 WILCOX CT

City, State: BARTLETT, IL

Zip Code: 60103

Phone Number: _____

OWNER'S SIGNATURE: [Signature] Date: 4-10-18

(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.)

REQUEST TO BUILD A UTILITY SHED 8 FT. FROM THE REAR OF MY HOUSE (2 FT. CLOSER THAN THE 10 FT. REQUIRED NORMALLY) AND ADJACENT TO COVERED PATIO EXISTING. OUR BACK YARD IS DOMINATED BY EASEMENT AND THIS IS OUR ONLY AVAILABLE SHED BUILDING SPACE.

PROPERTY INFORMATION

Common Address/General Location of Property: 250 WILCOX CT

Property Index Number ("Tax PIN"/"Parcel ID"): 01-02-216-008

Acreage: 0.39

Zoning: SR-3 (Refer to Official Zoning Map)

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney: N/A

Surveyor: N/A

Other: N/A

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.

IT WILL NOT.

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.

IT DOES.

COMPARED TO MY NEIGHBORS, MY YARD HAS A VERY LIMITED SPACE TO BUILD A UTILITY SHED. BECAUSE MY REAR YARD IS MOSTLY EASMENT, THE AREA I'M REQUESTING A VARIANCE FOR IS THE ONLY OPTION TO PUT THE UTILITY SHED.

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

IT DOES NOT.

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.

IT HAS NOT.

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.

IT WILL NOT.

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.

IT WILL NOT.

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.

IT WILL NOT.

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: EDWARD PALADINO _____

DATE: 4-10-18 _____

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: EDWARD PALADINO _____

ADDRESS: 250 WILCOX CT

PHONE NUMBER:  _____

EMAIL:  _____

SIGNATURE:  _____

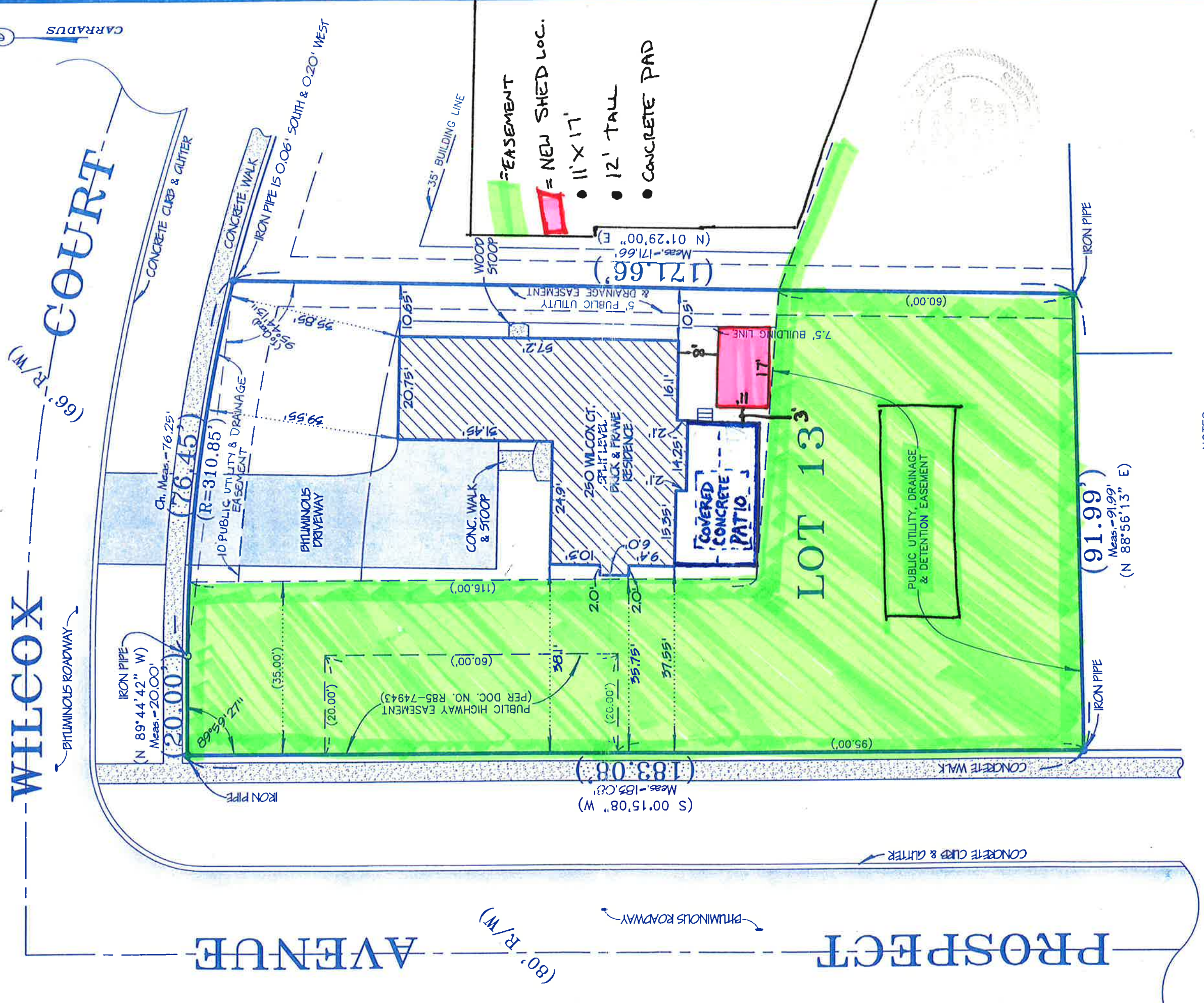
DATE: 4.10.18 _____

PALADINO SHED — 250 WILCOX CT

PLAT OF SURVEY

- LEGEND**
- Monumentation Found (RLS 35-2351)
 - Record Dimension (50')
 - Fence Line

LOT 13 IN AMY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 2, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 1990 AS DOCUMENT R90-152284, IN DU PAGE COUNTY, ILLINOIS.



NOTES

- All distances shown hereon are in feet and decimal parts thereof corrected to 68° f. Distances shown along curved lines are Arc Measurements unless otherwise noted.
- Compare the Legal Description, Building Lines, and Easements as shown hereon with your Deed, Title Insurance Policy or Title Commitment.
- Consult local authorities for additional setbacks and restrictions not shown hereon.

- Compare all survey points and report any discrepancies immediately.
- Consult utility companies and municipalities prior to the start of any construction.
- Dimensions to and along buildings are exterior foundation measurements.
- Do Not Assume distances from scaled measurements made hereon.

THIS IS TO CERTIFY THAT I, ALLEN D. CARRADUS, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF ILLINOIS, HAVE SURVEYED THE PROPERTY AS DESCRIBED HEREON AND THAT THE ANNEXED PLAT IS A CORRECT AND TRUE REPRESENTATION THEREOF, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED AT WHEATON, ILLINOIS THIS 15th DAY OF June A.D. 2009
 BY *Allen D. Carradus* ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2551.
 MY LICENSE EXPIRES NOVEMBER 30, 2010.

ALLEN D. CARRADUS AND ASSOCIATES
 Residential & Commercial Land Surveying Services
 108 W. Liberty Drive, Wheaton, Illinois 60187
 (630) 588-0416 (Fax) 653-7682

PREPARED FOR: **LAW OFFICES OF STELLA BERTAKIS**
 DRAWN BY: CMC DATE OF FIELD WORK: SCALE: 1" = 20'
 PROJECT NO. 21390

COMMUNITY DEVELOPMENT MEMORANDUM

18-78

DATE: May 29, 2018
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Angela L Zubko, Community Development Planner
RE: **(#18-12) 220 Aron Court**

PETITIONER

Kevin & April Wickey

SUBJECT SITE

220 Aron Court, Lot 177 in the Ginger Brook Unit Number 3 Subdivision

REQUESTS

Variations:

- a) a 5 foot reduction from the required 35 foot front yard, and
- b) a 13 foot reduction from the required 35 foot rear yard

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Single Family	Suburban Residential	SR-3
North	Single Family	Suburban Residential	SR-3
South	Single Family	Suburban Residential	SR-3
East	Single Family	Suburban Residential	SR-3
West	Single Family	Suburban Residential	SR-3

DISCUSSION

1. The subject property is zoned SR-3 (Suburban Residence Single Family).
2. The Petitioners are requesting **two variations**: a five foot (5') reduction from the required thirty-five foot (35') front yard setback for the construction of a covered front porch and a thirteen foot (13') reduction from the required thirty-five foot (35') rear yard setback to bring the existing house into conformance.
3. 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 Petitioners are requesting the variation be granted to bring the existing structure into conformance prior to any alterations being made to the house.

4. The house was constructed in 1988 by permit #10159 and on the front yard setback was dimensioned on the Plat of Survey.
5. If the variations are approved, a building permit could be issued for the covered front porch 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 the variations are 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 variations are 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 variations 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 variations 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 variances 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.

CD Memo 18-78

May 29, 2018

Page 3

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

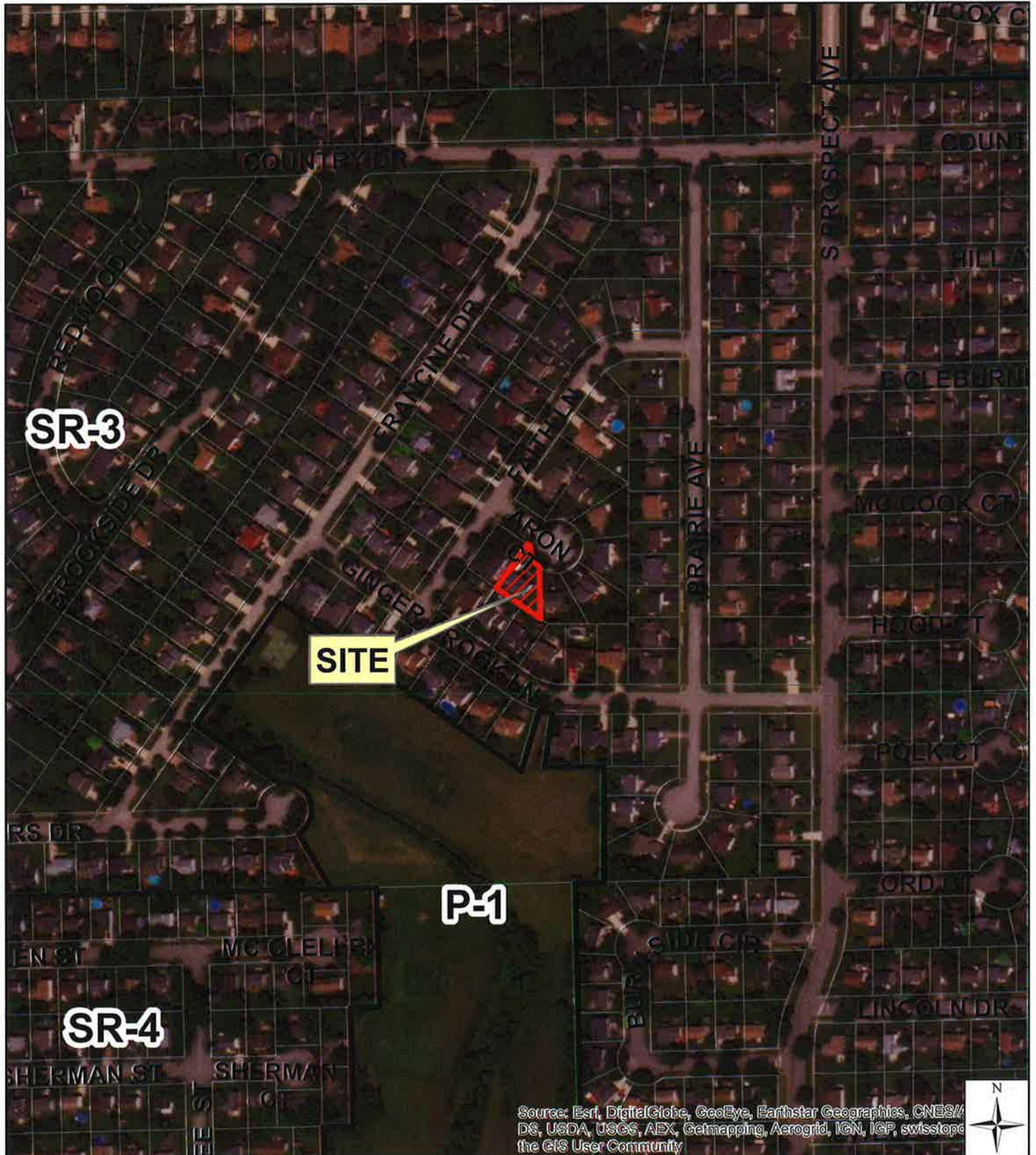
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ZONING/LOCATION MAP

220 Aron Ct.

Case #18-12 - Variations

PIN: 01-02-314-018



The Wickey Family

220 Aron Ct, Bartlett, IL 60101 | 630.235.8948 | wickey76@comcast.net

05/01/2018

President and Board of Trustees
Village of Bartlett

Dear President and Board of Trustees:

Please take the time to review our request for a variance on our home to add a front porch. Additionally we are requesting a variance for our home which we purchased in May of 2016. Since moving to Bartlett almost 2 years ago, we have expanded our family, made a lot of new friends, and invested into our new home. We had always wanted a good neighborhood to raise our family and grow old in. We also lucked out being able to find a nice cul de sac. Shortly after moving in, two other homes on our court had new families move in. Since then we have all become "family". We all have kids right around the same age and we all watch our kids play outside on our cul de sac. We are asking you to consider our request so that we can continue to turn this house into our dream home. And so that we may watch our kids grow up on our quiet cul de sac from our new front porch.

Thank you for your consideration.

Sincerely,

**The Wickey Family
Kevin, April, Cali (4), and Sofi (5 months)**



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # 2018-12
RECEIVED
COMMUNITY DEVELOPMENT
MAY 08 2018
VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Kevin Wickey

Street Address: 220 Aron Ct.

City, State: Bartlett, IL

Zip Code: 60103

Email Address: _____

Phone Number: _____

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: Kevin Wickey & April Wickey

Street Address: 220 Aron Ct.

City, State: Bartlett IL

Zip Code: 60103

Phone Number: _____

OWNER'S SIGNATURE: [Signature] Date: 5/2/18

(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.)

Building line setback by 25' to be able to build a covered front porch.
Front yard setback 35' to bring existing house into compliance.

PROPERTY INFORMATION

Common Address/General Location of Property: 220 Aron Ct, Bartlett, IL

Property Index Number ("Tax PIN"/"Parcel ID"): 01-02-314-018-0000

Acreage: ~.222 acres

Zoning: See Dropdown (Refer to Official Zoning Map)

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney _____

Surveyor _____

Other _____

1. Tax Lot 177 is irregularly-shaped lot. The building line is 35 feet. In order to construct a reasonable front porch on this particular piece of property and meet the minimum 35-foot setback along the entire frontage, we would not have enough depth to use the addition for the intended purpose. In order to create a useable space, we are requesting to site the porch with a 1.72' set back on the right side of the porch and 4.19' on the left side of the porch.

Upon applying for our variance for our front porch, we have been informed that we also need to request a variance for our home. Per the village regulations, we do not meet the minimum setback requirements from the rear of our property.

2. The property is irregularly shaped, as recorded on the subdivision plat in 1989. The shape of the lot requires a very large front yard if the full setback is to be followed according to code, much larger than on a lot with side lot lines perpendicular to the street frontage. The shape of the lot is beyond my control, as it was platted more than 28 years ago. Because of the building line on our property and the layout of our lot, we are unable to add a porch to our home without requesting a variance. Other homes within the subdivision that have a front porch would not be able to if they were built on our property.

As for the request for our home, we are requesting to have this approved as the house was already preexisting on the property prior to us purchasing the house in May of 2016.

3. The request for the building variation is not for the sole intent to make money. Rather being able to watch our children and the children of the neighborhood from our front porch, grow up and play in the cul de sac we live on.
4. The hardship we incur is shown in our plat of survey for tax lot 177. We have no plans on selling and are not requesting based on outside interest on our property.
5. The proposed variance will not be detrimental to the public welfare or injurious to other property.
6. The proposed variance will not impair lighting or air to adjacent property. It will not increase congestion in public areas or increase the danger of fire or public safety. The proposed variance will not impair the property values with the adjacent neighborhood.
7. We are not requesting any special privileges that we would not expect others within the neighborhood to be able to request and receive approval by applying through a similar process to the President and the Board of Trustees.

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

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.

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.

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.

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.

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: Kevin Wickey

DATE: 5/2/18

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: Kevin Wickey

ADDRESS: 220 Aron Ct. Bartlett IL 60103

PHONE NUMBER: [REDACTED]

EMAIL: [REDACTED]

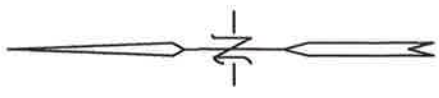
SIGNATURE: 

DATE: 5/8/18

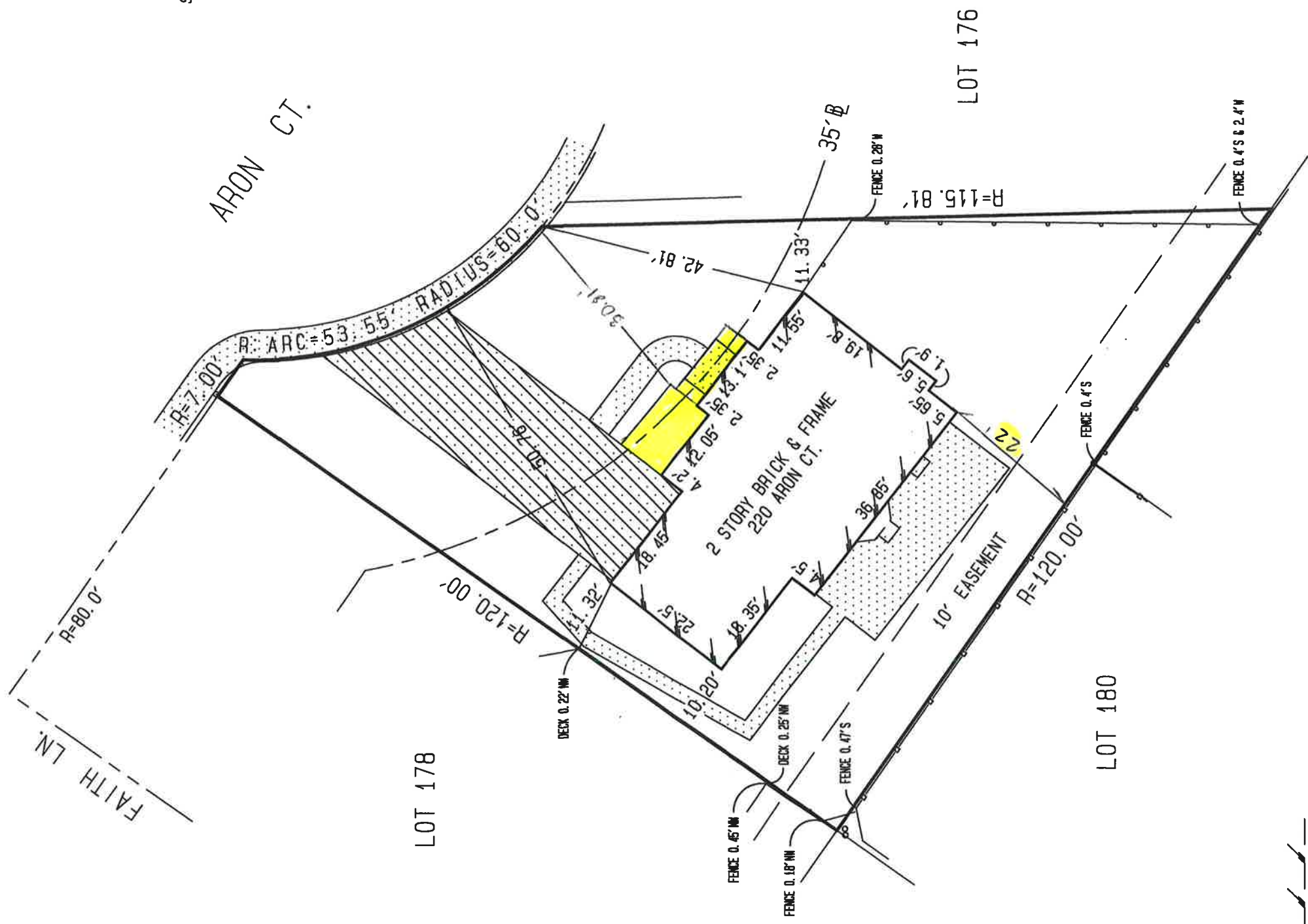
PLAT OF SURVEY

Order No. 1613086

LOT 177 IN GINGER BROOK UNIT NUMBER 3, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED FEBRUARY 25, 1987 AS DOCUMENT R87-25967 AND CERTIFICATE OF CORRECTION RECORDED AS DOCUMENTS R87-55657 AND R87-85040, IN DUPAGE COUNTY, ILLINOIS.



SCALE 1" = 20'



- LEGEND**
- LIMITS of BUILDING -
 - R - RECORD
 - M - MEASURED
 - D - DEED
 - - FOUND IRON PIPE
 - - SET IRON PIPE
 - ⊗ - HYDRANT
 - ⊙ - LIGHT
 - CONCRETE -
 - PAVERS -
 - ASPHALT -

LOT 181

STATE of ILLINOIS S. S.
COUNTY of KANE



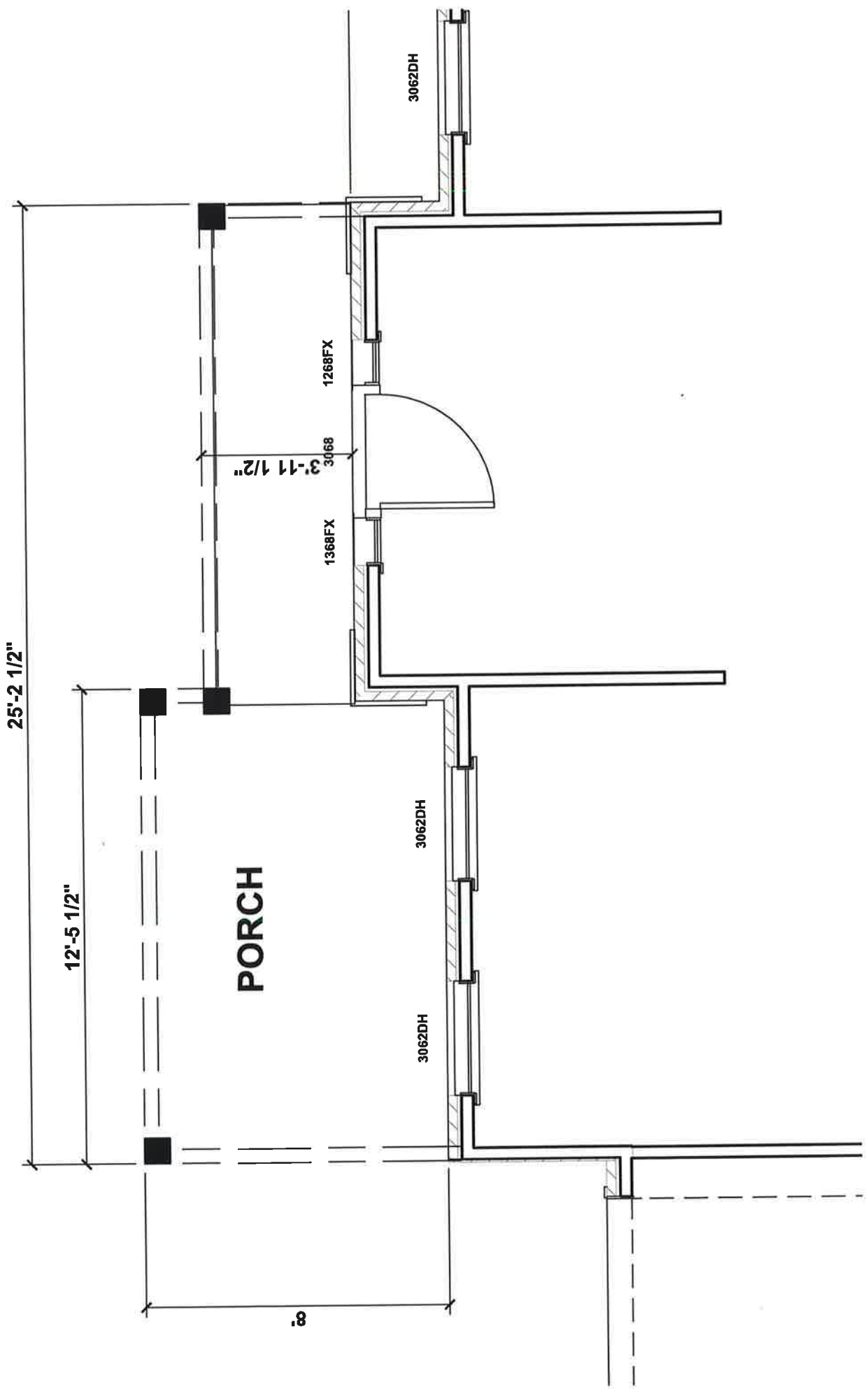
WE, LAND DIVISIONS INC., CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY AND THAT THIS PROFESSIONAL SERVICE REPRESENTS A TESTED OPINION OF THE BOUNDARY OF THE ABOVE CAPTIONED PROPERTY.
DATE OF SURVEY: MAY 23, 2016.

Courtney M. Shropshire, IV

LICENSE NO. 2783 EXPIRES ON NOVEMBER 30, 2016.

THIS PLAT CONFORMS WITH THE CURRENT ILLINOIS PROFESSIONAL LAND SURVEYORS ASSOCIATION MINIMUM STANDARDS FOR A BOUNDARY SURVEY. BUILDING LINE RESTRICTIONS AND EASEMENTS SHOWN ON THESE IDENTIFIED ON THE RECORD SUBDIVISION PLAT, UNLESS OTHERWISE NOTED, REFER TO TITLE INSURANCE POLICY AND LOCAL ZONING ORDINANCES FOR RESTRICTIONS NOT SHOWN. COMPARE DEED ON THIS DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT. IMMEDIATELY REPORT ANY DISCREPANCIES FOUND. ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF. THIS PLAT HAS BEEN PREPARED FOR ALVAREZ AND WICKY.

LDI
LAND DIVISIONS, INC.
 Professional Surveying Services
 P. O. Box 835
 West Dundee, Illinois 60118
 (847) 841-8305 (847) 551-9171
 fax (841) 551-9193



25'-2 1/2"

12'-5 1/2"

PORCH

3'-11 1/2"

80

1368FX

1268FX

3062DH

3062DH

3062DH



