



Village of Bartlett  
Zoning Board of Appeals Minutes  
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.



**Village of Bartlett**  
**Zoning Board of Appeals Minutes**  
**May 3, 2018**

---

**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.



Village of Bartlett  
Zoning Board of Appeals Minutes  
May 3, 2018

---

**Roll Call**

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

**Nays:** 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.



**Village of Bartlett**  
**Zoning Board of Appeals Minutes**  
**May 3, 2018**

---

**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



Village of Bartlett  
Zoning Board of Appeals Minutes  
May 3, 2018

---

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.**



**Village of Bartlett  
Zoning Board of Appeals Minutes  
May 3, 2018**

---

**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.**



**Village of Bartlett**  
**Zoning Board of Appeals Minutes**  
**May 3, 2018**

---

**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.**