



## Village of Gilberts

Village Hall: 87 Galligan Road, Gilberts, Illinois 60136

Ph. 847-428-2861 Fax: 847-428-2955

[www.villageofgilberts.com](http://www.villageofgilberts.com)

### Village Plan Commission / ZBA Meeting Agenda

**Wednesday, July 14, 2021 – 7:00 p.m. - Village Hall Board Room**

In accordance with recent amendments to the Open Meetings Act that authorize remote meeting attendance during the COVID-19 pandemic, the Chair of the Plan Commission has determined that it is not prudent or practical to conduct an in-person meeting for all members of the Plan Commission and the public due to the pandemic. Therefore, some or all of the Plan Commission members may attend this meeting by electronic means, in compliance with the amended OMA.

In order to comply with the Governor's executive orders regarding limitations on gatherings and to ensure social distancing, members of the public are encouraged to attend and participate in the meeting remotely via video or audio as follows:

Zoom (video and/or audio): <https://zoom.us/j/91724915570>

Meeting ID: 917 2491 5570

Dial-In (audio): (312) 626-6799

Members of the public can also submit written comments via email at [info@villageofgilberts.com](mailto:info@villageofgilberts.com). Any comments received by 5:00 p.m. on July 14, 2021 will be submitted into the record of the meeting.

#### ORDER OF BUSINESS

1. CALL TO ORDER
2. ROLL CALL / ESTABLISH QUORUM
3. PUBLIC COMMENT \*
4. ITEMS FOR APPROVAL
  - A. A Motion to Approve Minutes from the May 12, 2021 Plan Commission Meeting
5. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 172 TYLER CREEK REGARDING DECREASING THE REQUIRED REAR YARD SET BACK IN ORDER TO INSTALL A DECK
6. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 104 SUMMIT DRIVE REGARDING DECREASING THE REQUIRED REAR SET BACK IN ORDER TO INSTALL A POOL
7. PUBLIC HEARING AND RECOMMENDATION AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 195 LOVELAND COURT REGARDING DECREASING THE REQUIRED REAR SET BACK IN ORDER TO INSTALL A POOL
8. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON TEXT AMENDMENTS TO CHAPTER 13 OF THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE REGARDING THE DEFINITION OF LOT COVERAGE
9. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON TEXT AMENDMENTS TO CHAPTER 4 OF THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE

**REGARDING OUTDOOR SEATING AREAS ACCESSORY TO BARS, TAVERNS, AND RESTAURANTS IN THE C-1 COMMERCIAL DISTRICT**

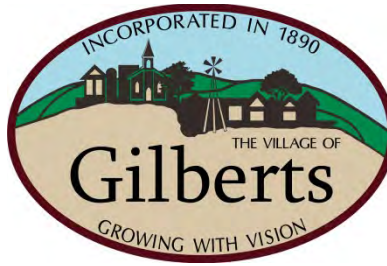
**10. NEW BUSINESS**

**11. OTHER BUSINESS**

**12. ADJOURNMENT**

The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861. Assistive services will be provided upon request.

\* Intended for public comment on issues not otherwise on the agenda.



**MINUTES FOR VILLAGE OF GILBERTS  
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING  
Village Hall: 87 Galligan Road, Gilberts, IL 60136  
Meeting Minutes  
Wednesday, May 12, 2021**

**1. CALL TO ORDER**

Chairman Mills called the meeting to order at 7:00 p.m.

**2. ROLL CALL / ESTABLISH QUORUM**

Village Administrator Brian Bourdeau called the roll. Roll call: Members present: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills. Commissioners Borgardt, McHone, and Sullivan were absent. Others present: Village Attorney Kurt Asprooth.

**3. PUBLIC COMMENT**

There were no public comments at this time.

**4. ITEMS FOR APPROVAL**

A. A Motion to Approve Minutes from the April 14, 2021 Plan Commission Meeting

**A Motion was made by Commissioner Page and seconded by Chairman Mills to Approve the Minutes from the April 14, 2021 Plan Commission Meeting.** Roll call vote: Commissioners Page, Lateer, and Chairman Mills voted Aye. 0-nays. Commissioner Del Vecchio Abstained. Motion carried.

**5. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON TEXT AMENDMENTS TO CHAPTERS 8 OF THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE REGARDING THE PERMITTED AGRICULTURAL USES IN ZONING DISTRICTS EXCEPT THE A-1 DISTRICT**

**A Motion was made by Commissioner Page and seconded by Chairman Mills to Open the Public Hearing.** Roll call vote: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Village Intern Lynch advised the Commission that This text amendment will clarify that livestock, poultry, and other farm animals may only be kept in the A-1 District on lots of 5 acres or more, and only upon the issuance of a special use permit. Specifically, the proposed text amendment eliminates the breeding, keeping, and grazing of livestock, poultry, and other farm animals as a special use in zoning districts outside of the A-1 District. The proposed text amendment also clarifies that all new

agricultural uses (excluding the keeping of livestock) in any zoning district outside of the A-1 District are allowed only upon the issuance of a special use permit.

**A Motion was made by Commissioner Page and seconded by Chairman Del Vecchio to Close the Public Hearing.** Roll call vote: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

**A Motion was made by Commissioner Del Vecchio and seconded by Chairman Lateer to Advance to the Village Board a Positive Recommendation on the Proposed Text Amendment to the UDO.** Roll call vote: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

**6. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 251 VALENCIA PARKWAY REGARDING DECREASING THE REQUIRED REAR SET BACK IN ORDER TO INSTALL A POOL**

Chairman Mills recused himself from any vote or deliberation of this item as he resides right beside the property in question. Chairman Mills advised that he would allow Commissioner Page to conduct the public hearing.

**A Motion was made by Commissioner Lateer and seconded by Commissioner Del Vecchio to Open the Public Hearing.** Roll call vote: Commissioners Page, Lateer, and Del Vecchio voted Aye. 0-nays. 0-abstained. Motion carried.

Administrator Bourdeau provided an overview of the proposed variance to the Commission. Administrator Bourdeau advised that the applicant has requested a variance from the rear yard setback requirement for purposes of constructing an in-ground pool. The property is located in the R-3 Residential zoning district. The property is bounded by other single-family homes on all sides which are located in the same zoning district and within the same PUD. Within the R-3 Residential zoning district, the minimum rear yard setback is 40 feet for residential served by septic and 30 feet for residential served by sewer. The Applicant's residence is serviced with a sewer requiring a minimum 30-foot rear yard setback. Commissioner Page asked for clarification on if the pool installation would affect the sewer or utilities. The applicant stated that it would not affect these items.

Gilberts residents, Nick and Hilary Teague, addressed the Commission and stated that they also have a pool and were never asked about set backs.

Gilberts resident, Mike Arnoldi, addressed the Commission and stated that they live next to the applicant and that they support the applicant's request for the variance.

**A Motion was made by Commissioner Del Vecchio and seconded by Commissioner Lateer to Provide a Positive Recommendation to the Village Board Regarding a Variance to the UDO Concerning the Property Commonly Known as 251 Valencia Parkway Regarding Decreasing the Required Rear Set Back in Order to Install a Pool.** Roll call vote: Commissioners Page, Lateer, and Del Vecchio voted Aye. 0-nays. Chairman Mills abstained. Motion carried.

**7. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON AN VARIANCE TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE CONCERNING THE PROPERTY COMMONLY KNOWN AS 315 PIERCE STREET REGARDING DECREASING THE REQUIRED FRONT SET BACK IN ORDER TO INSTALL AN EXPANDED ATTACHED GARAGE**

**A Motion was made by Commissioner Page and seconded by Commissioner Del Vecchio to Open the Public Hearing.** Roll call vote: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

Administrator Bourdeau advised the Commission that the applicant has filed an application and requests approval of a variance at 315 Pierce Street to decrease the required front yard setback in order to install an expanded attached garage on the property. The Property is located in the R-2 Residential Zoning District and within the Dunhill Estates subdivision. The R-2 District bulk standards establish a front yard setback of 40 feet; however, there are certain special subdivision standards outlined in the UDO for Dunhill Estates. The UDO requires a minimum front yard setback of 50 feet in the Dunhill Estates subdivision. The Applicant desires to construct an attached expanded garage with two bays in which to store their commercial work vehicle. The expanded garage is proposed to extend approximately 11 feet into the required front yard setback. The Village's current UDO requires the 50-foot setback; however, it should be noted that there are existing structures within Dunhill Estates subdivision that are within the 50-foot setback, but these are existing legal non-conforming structures.

A neighbor of the applicant approached the Commission and stated that they support the applicant's request.

**A Motion was made by Commissioner Del Vecchio and seconded by Commissioner Lateer to Close the Public Hearing.** Roll call vote: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

**A Motion was made by Commissioner Page and seconded by Commissioner Del Vecchio to Provide a Positive Recommendation to the Village Board Regarding a Variance to the UDO Concerning the Property Commonly Known as 315 Pierce Street Regarding Decreasing the Required Front Set Back in Order to Install an Expanded Attached Garage.** Roll call vote: Commissioners Page, Lateer, Del Vecchio, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

**6. NEW BUSINESS**

There were no items to discuss at this time.

**7. OTHER BUSINESS**

There were no items to discuss at this time.

**8. ADJOURNMENT**

There being no further public business to discuss, **a Motion was made by Commissioner Page and seconded by Chairman Mills to adjourn from the public meeting at 7:35 p.m.** Voice vote of Aye carried unanimously. Motion carried.

Respectfully submitted,

*Courtney Baker*

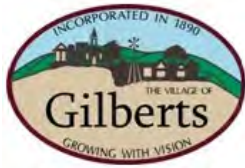
Courtney Baker  
Village Clerk

**VILLAGE OF GILBERTS**  
**PUBLIC NOTICE REGARDING A HEARING ON A VARIANCE APPLICATION**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Gilberts Plan Commission will conduct a public hearing on Wednesday, July 14, 2021, at 7:00 p.m., at the Gilberts Village Hall, 87 Galligan Road, Gilberts, Illinois, to consider an application from Adam and Christina Kasprowicz (“Applicant”) concerning the property commonly known as 172 Tyler Creek, Gilberts, Illinois, 60136, and identified by PIN: 02-23-251-101 (“Property”). The Property is zoned in the R-3 Urban Residence District. The Applicant requests approval of a variance for the Property to decrease the required rear yard setback in order to install a deck, and for such other and further zoning relief as may be required.

All persons interested in the variance application may attend and will be given an opportunity to provide written and oral testimony. Members of the public can also submit written comments via email at [info@villageofgilberts.com](mailto:info@villageofgilberts.com). Any comments received by 5:00 p.m. on July 14, 2021 will be submitted into the record of the meeting. Additional information about the variance application and the public hearing are available from the Village of Gilberts at (847) 428-2861. The public hearing may be continued from time to time without further public notice.

Gilberts Plan Commission  
Village of Gilberts



## Village of Gilberts

Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
Ph. 847-428-2861 Fax: 847-428-2955  
www.villageofgilberts.com

**To:** Plan Commissioners  
**From:** Riley Lynch, Administrative Intern  
Brian Bourdeau, Village Administrator  
**Date:** July 14<sup>th</sup>, 2021 Plan Commission Meeting  
**Re:** Request for a Rear Yard Setback Variance at 172 Tyler Creek Street.

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### Background

Mr. and Mrs. Adam and Christina Kasprowicz (“*Applicants*”) have requested a variance from the rear yard building setback requirement for the purposes of constructing a wooden deck attached to their home. The property, located at 172 Tyler Creek Street (PIN: 02-23-251-010) is located within the R3-A zoning district in Windmill Meadows. The property borders single family homes to the East, South and West, and the Kane County Forest Preserve to the North.



Within the R-3 Residential zoning district, the minimum rear yard setback is 40 feet for residential served by septic and 30 feet for residential served by sewer (UDO 10-3-6). The Applicants’ residence is serviced with a septic system requiring a minimum 40foot rear yard setback.

### Variance Request

The Applicants’ property itself is legally nonconforming, as the house already encroaches on the 40ft required setback by 6.34 feet. Any accessory structures built behind the house, including a deck, would also have to encroach into the rear setback.

The Applicants wish to construct a 14ft by 35ft raised wooden deck and staircase to connect to the backdoor of their house. The end of the deck’s staircase would be 14.64 feet away from the rear property line, meaning that this and existing structures would encroach 25.36 feet into the required 40-foot setback.

The deck is designed to provide access from the backdoor of the Applicants’ house to the rest of the backyard. There was smaller raised deck that was previously nonconforming, however that deck has since been removed.

### Primary Points for Discussion:

In considering the Applicant’s request, the Plan Commission should review the standards for variations as outlined in Section 10-11-10(F) of the UDO:





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Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
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### *Standards for Variations.*

1. *General Standard. No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty.*
2. *Supplemental Standards. In considering proposed variations to this code, the Board of Appeals will consider whether the proposed variation will:*
  - a. *Impair an adequate supply of light and air to adjacent property.*
  - b. *Unreasonable increase the congestion in public streets.*
  - c. *Increase the danger of fire or endanger the public safety.*
  - d. *Unreasonably diminish or impair established property values within the surrounding area.*
  - e. *In any other respects impair the public health, safety, or welfare of the inhabitants of the village.*
3. *Findings of Fact. Upon review of the application and information presented at the public hearing, the Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria which are consistent with the rules provided to govern determinations of the Board of Appeals as referenced by state statute.*
  - a. *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.*
  - b. *The extraordinary or exceptional conditions of the property requiring the request for the variance were not caused by the applicant.*
  - c. *The proposed variance will alleviate a peculiar, exceptional or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.*
  - d. *The denial of the proposed variance will deprive the applicant the use permitted to be made by the owners of property in the immediate area.*
  - e. *The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.*
  - f. *There is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.*

### **Attachments:**

- A. Variance Application and Site Plan
- B. Aerial Snapshot of Applicant's Parcel

**VILLAGE OF GILBERTS**

87 Galligan Road

Gilberts, IL. 60136

Telephone: 847-428-2861

Fax: 847-428-2955

APPLICATION FOR A VARIANCE

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For Office Use Only

Case. No. \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Date Published: \_\_\_\_\_

Newspaper: \_\_\_\_\_

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**NOTICE TO APPLICANT:** A variation is a zoning adjustment which permits minor changes in requirements where an individual property is both harshly and uniquely burdened by the strict application of the law. No variation may be granted which would adversely affect surrounding or the general neighborhood.

....A plat of survey of property and a drawing or plan of proposed change drawn to scale must accompany this request along with the application fee (see fee scheduled attached). Deposits for professional fees are required in an amount to be determined by the Village.

**Please Print**

Name and address of the owner of the property

ADAM & CHRISTINA KASPROWICZ  
172 TYLER CREEK ST  
GILBERTS, IL 60136

Applicant's Telephone Number: 815-790-9933 CHRISTINA

Applicant's Cell Phone Number: 778-332-9727 ADAM

Applicant's email address: KASPROWICZ2930@gmail.com

Applicant's Fax Number: \_\_\_\_\_

Address of variance: 172 TYLER CREEK ST

Legal Description (attached to application)

Zoning District: R-3

Present Use: Single Family Home

**Request**

Owner/Applicant request a change in (please circle one) Yard, Parking, Height, Lot  
If other, please explain:

minimum rear yard setback  
\_\_\_\_\_  
\_\_\_\_\_

Requirements of Article 10 Section 3 Page 6

The following facts are pertinent to the request change:

Resident would like to build a composite deck structure attached to the house. Considering the home itself is violating the setback line ordinance, it is impossible to build any type of deck, patio, etc within the existing ordinance

Conditions and/or hardship which justify changing requirements of Zoning Code  
(Description in detail)

The previous (original deck) which was approved at one point, was deemed unsafe and had to be torn down, only to expose unknown conditions that are also a hazard. Currently, the backyard is not accessible from the home.

To the best of my knowledge, the preceding facts are accurate and complete.

(Owner must sign this application)

Signature of Owner(s) [Signature]  
Date: 5/24/2021

Attest: \_\_\_\_\_

Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

The current condition is not only dangerous to the children, including a 16 month old, and pets but also an eyesore to the next door neighbors. This proposal will not negatively impact anyone and will be visually pleasing to the neighbors. Most importantly, safe for the children and pets. Documentation and photos attached

UNSUBDIVIDED LAND  
(PER DEED DOCUMENT NO. 2002K065229)

N 90°00'00" E 110.06' (110.00')

10' P.U.E.

110.06'

FOUND 1/2" IRON PIPE 0.21' W'LY & ON LINE

FOUND 1/2" IRON PIPE 0.25' W'LY & ON LINE

N 03°32'01" E 128.02' (128.43')

172 TYLER CREEK STREET  
2-STORY FRAME RESIDENCE

RAISED WOOD DECK W/STEPS

CONC. STOOP

SCREEN PORCH W/WOOD STEPS

S 01°56'59" W 130.94'

5' P.U.E.

(131.26')

FOUND 1/2" IRON PIPE 0.46' N'LY & 0.44' W'LY

FOUND 1/2" IRON PIPE AT CORNER

N 83°21'19" W 45.05'

R=247.65' I=69.00'

S 83°21'19" E

LOT 6

LOT 6

30' B.S.L.

*Removed Deck*  
*3/10/02*  
*3/10/02*

*3/10/02*

*15.33'*

*34.32'*

*21.37'*

*61.50'*

*15.05'*

*21.15'*

*73.20'*

*30.43'*

*14.30'*

*26.07'*

*9.30'*

*60.38'*

*60.50'*

*34.01'*

*35.26'*



MacDonald Property Inspections  
MacDonaldInspections.com  
info@macdonaldpropertyinspections.com  
847.431.8800 Office  
Inspected By: Andrew MacDonald

Inspection Date: 1/3/2018  
Report ID: 7533

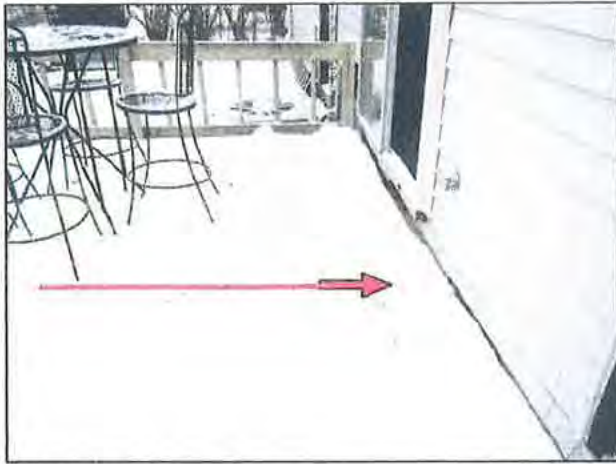
Customer Info:	Inspection Property:
Christina Kasprowicz 245 Evergreen Circle Gilberts IL 60136  <b>Customer's Real Estate Professional:</b> Jenny Jones Baird & Warner	172 Tyler Creek St Gilberts IL 60136

**Inspection Fee:**

Service	Price	Amount	Sub-Total
Property Inspection with Infrared Thermal Imaging	479.00	1	479.00
			<b>Tax \$0.00</b>
			<b>Total Price \$479.00</b>

**Payment Method:** Credit Card  
**Payment Status:** Paid Online  
**Note:** Thank You For Your Prompt Payment

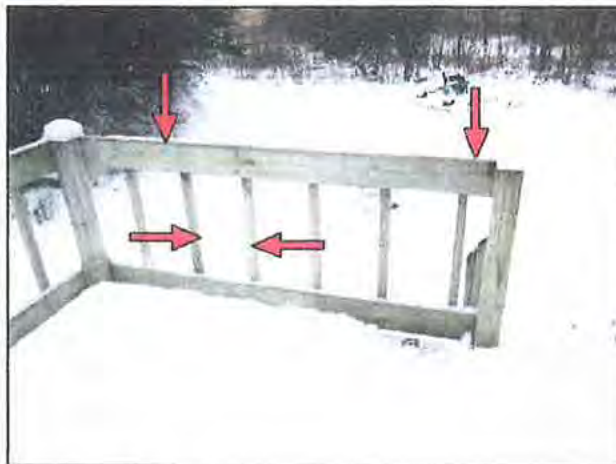




1.5 Deck has negative pitch



(2) The deck guardrail does not conform to current safety standards. Modern safety standards require them to be a minimum of thirty-six inches high when the standing surface is thirty inches or more above grade. Also, guardrail balusters should be no more than four inches apart for child safety. We recommend repair by a qualified contractor.



1.5 Non conforming guardrail



(3) The miscellaneous debris should be removed from beneath the deck.

























5-5-2021

Date of Application

# VILLAGE OF GILBERTS

73 INDUSTRIAL DRIVE · GILBERTS, IL 60136  
TEL: (847) 428-4167 · FAX (847) 551-3382

MAY 11 2021

## APPLICATION & PERMIT

### OWNER

Job Address 172 TYLER CREEK ST  
 Name ADAM & CHRISTINA KASPROWICZ  
 Address 172 TYLER CREEK ST  
 City/Zip GILBERTS 60136  
 Telephone 773-332-9727 Fax Number CHRISTINA 815-790-9033

Lot 65  
 Block \_\_\_\_\_ Unit \_\_\_\_\_  
 Sub'd. WINDMILL MEADOWS  
 Tax No. 02-23-251-010  
 Zoning \_\_\_\_\_

### CONTRACTOR

Name SELF  
 Address \_\_\_\_\_  
 City/Zip \_\_\_\_\_ VOG Reg# \_\_\_\_\_  
 Telephone \_\_\_\_\_ Fax Number \_\_\_\_\_

### NOTICE


A certificate of occupancy and compliance must be issued prior to occupancy of all new structures, additions and for change of use.

Description of Work		Fees		(Valuation) \$
<u>DECK</u>				<u>7500.00</u>
Plan Check Fee			Fire Department Fee	
VOG Permit Fee		<u>106.00</u>	Miscellaneous Fees	
Building/Demolition/Inspections			Water Service Connections	
Political Sign Deposit			Sanitary Sewer Connection	
Plumbing			Water Meters/Remotes	
Electrical			Other	
Heating/Air Conditioning			(Refundable Bond)	<u>58.00</u>
Administration Fee			<b>TOTAL FEE:</b>	
Planner			<b>(minus) PLAN CHECK FEE:</b>	
Engineering			<b>BALANCE DUE:</b>	

### CONDITIONS OF PERMIT

In consideration of this application and attached forms being made a part thereof and the issuance of permit, I will conform to the regulations set forth in the Village of Gilberts codes and ordinances.

I also agree that all work performed under said permit will be in accordance with the plans and specifications which accompany this application, except for such changes as may be authorized or required by the Building Official.

Owner or Authorized Agent:   
 Printed Name: ADAM KASPROWICZ  
 Email Address: KASPROWICZ2930@gmail.com

Application Fees	\$ <u>48.00</u>	Checks Required ( 2 )
Bond Fees	\$ <u>58.00</u>	
Permit Fees	\$ <u>58.00</u>	
Water	\$ _____	
Bond Rec'd	<u>SELF</u>	Ck# <u>1046</u>
Fees Rec'd	<u>SELF</u>	Ck# <u>1047</u>

A permit for the above work is hereby authorized

Date \_\_\_\_\_ Building Official \_\_\_\_\_ Permit No. 21-137

## CHECKLIST FOR CONSTRUCTION OF A DECK

### FEES

BASIC FEE .....	\$48.00
(3) INSPECTIONS (29.00 ea.).....	\$58.00
(1)-POST HOLE; (1)-FINAL	
TOTAL FEE .....	\$106.00
RE-INSPECTIONS .....	\$29.00 (each)
REFUNDABLE CASH BOND FEE.....	\$58.00
(2-checks required: 1-cash bond and 1-permit fee)	

### DECK CHECKLIST

HOMEOWNER'S NAME: ADAM & CHRISTINA KASPROWICZ

ADDRESS: 172 TYLER CREEK ST

TELEPHONE: ADAM - 773-332-9727

CHRISTINA - 815-790-9933

**INFORMATION TO BE SUBMITTED WHEN APPLYING:**

**PERMIT APPLICATION**

- 1. A plat of survey showing the proposed deck, and all other construction including patios, sun rooms, etc. drawn to scale.
- 2. The proposed location shown on the plat showing distance to the lot lines and other structures.
- 3. It shall comply with all side yard requirements.
- 4. Provide drawings or plans indicating construction details including type and size of all lumber.
- 5. Decks more than 18 inches above the surrounding grade must have a guardrail. Guardrails shall have an intermediate rail that does not create a ladder like effect which will not allow the passage of a four inch sphere.
- 6. Stairs-Minimum width 36 inches, minimum tread 10 inches (nose to nose), maximum riser 7-3/4 inches, grippable hand rail required when more than 4 risers. Deck stairs shall have a minimum of a concrete landing with three feet (3') of travel and width of entire stairs. Pavers may be used in lieu of concrete.
- 7. Holes for the pier footings shall have a minimum diameter of 8 inches and shall be dug a minimum of 42 inches below finished grade.
- 8. Holes for footing shall be inspected before placing concrete.
- 9. All submitted information shall be available on site during the inspection.
- 10. Provide height of finished deck above final grade.
- 11. 60 PSF (#'s per sq. ft.) Live Load Required
- 12. Other pertinent information \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: Adam Kasprowicz

Date: 5/4/2021

Note: The above information becomes part of the permit application and compliance is required.

\*\*\*Call JULIE 1-800-892-0123 or 811 to locate all underground utilities.

Note: Many subdivisions in the Village have covenants and restrictions which are binding on your property. These covenants and restrictions may require permission from the homeowners association or the developer before you begin construction. In some cases, they may prohibit construction of a building which is permitted by the Village of Gilberts. It is the responsibility of each applicant and homeowner to check the covenants and restrictions which apply to your property.





BLUEPRINT

Customer: **christina Kasprowicz**

---

Address: **172 tyler creek st gilberts Illinois 60136**









# Brackets, Ties, and Connectors



**6" x 6" x 8' #2/BTR Ground Contact**



**2" x 10" x 16' #2/BTR Ground Contact Pressure Treated SYP**



**LUS210Z Joist Hangers**

Used to connect joists to rim joist



**H2.5AZ Galvanized Hurricane Tie**

Used to connect beams to joists



**LUC210Z Closed Flange Joist Hanger**

Used to connect joists to ends of rim plate

# Brackets, Ties, and Connectors



**Cement**



**3.5 Inch Nails, 8 gauge, 5Lb Box**  
235 nails per box



**Deckmate 3" Exterior Wood Framing Screw**  
365 Screws per box



**Structural Bracing**  
Required as per code

The Program is created to only give you a visual representation, irrespective of site variables and other parameters, of a standardized free-standing deck design.

Trex assumes no responsibility for any damages, including direct or consequential, personal injuries suffered, or property or economic losses incurred as a result of the information published on the Trex website, the Program or in the design, shopping list or blueprint. We cannot anticipate all of your working conditions or the characteristics of your materials and tools. For your safety, you should consider your own skill level, capabilities and use caution, care and good judgement when following the designs. If you have doubts, concerns, or questions, consult local experts, architects, soil engineers or building authorities. Because local zoning and building codes and regulations vary greatly, you should ALWAYS CHECK YOUR LOCAL CODE AUTHORITY TO ENSURE THAT YOUR PROJECT COMPLIES WITH ALL APPLICABLE CODES AND REGULATIONS. Always read and observe instructions and safety precautions provided by any tool or equipment manufacturer, and follow all accepted safety procedures.

You are responsible for ensuring that all measurements are correct. Due to the size, shape, location or other considerations, your design may require supporting structures, such as knee braces and bridging between joists and posts that are not included on design, shopping list, blueprint, and other information provided. YOU ARE RESPONSIBLE FOR ENSURING THAT YOUR DESIGN IS SAFE AND STRUCTURALLY SOUND FOR ITS SIZE, LOCATION, AND ANTICIPATED USE. You are also responsible for verifying that the design and any substitutions or modifications you make meet all local building codes and regulations.

Trex assumes no liability or responsibility for your design, construction, or use of any product. By accepting this Agreement, you agree to defend, indemnify and hold harmless Trex, its officers, employees, agents, subsidiaries and affiliates from any direct, indirect, incidental, special, consequential or exemplary damages arising out of, relating to, or resulting from your breach of this Agreement, use of the Program or any act or omission by you.

You may not: (1) modify, translate, reverse engineer, decompile, disassemble, or create any derivative works based on the Program, or any part thereof, or determine or attempt to determine any source code, algorithms, methods or techniques embodied in the Program or any part thereof; (2) market, rent or lease the Program for a fee or charge; (3) represent that the Program, or any part thereof, is owned by any party other than Trex Company; (4) remove or alter any proprietary notices, labels, marks or identifying information any kind on the Program; (5) incorporate the Program or any part thereof into any other application or product; or (6) use the Program for any purpose other than in accordance with the terms and conditions of this Agreement.

Trex retains all right, title and interest in and to the Program including, without limitation, all patent rights, copyrights, trademarks and trade secrets, in and to the Program, any part or copy thereof, and any derivative work, regardless of the form or media in or on which the original or other copies may subsequently exist. You agree to take any action reasonably requested by Trex to evidence, maintain, enforce or defend any of the foregoing rights. You shall not take any action to jeopardize, limit or interfere in any manner with Trex's ownership of and rights with respect to the Program, or any derivative work. Unauthorized copying or use of the Program or any part thereof or failure to comply with the above restrictions will result in automatic termination of this license and will make available to Trex other legal remedies.

**ADAM AND CHRISTINA KASPROWICZ**  
172 TYLER CREEK STREET  
GILBERTS, IL 60136

2-1/710 **1046**

DATE 5-5-2021

PAY TO THE ORDER OF Village of GILBERTS \$ 58.00

Fifty Eight & 00/100 DOLLARS

**CHASE**  
JPMorgan Chase Bank, N.A.  
www.Chase.com

MEMO BOND FEE C. Kasprowicz MP

⑆071000013⑆

**ADAM AND CHRISTINA KASPROWICZ**  
172 TYLER CREEK STREET  
GILBERTS, IL 60136

2-1/710 **1047**

DATE 5-5-2021

PAY TO THE ORDER OF Village of Gilberts \$ 106.00

One hundred and six & 00/100 DOLLARS

**CHASE**  
JPMorgan Chase Bank, N.A.  
www.Chase.com

MEMO Permit Fees C. Kasprowicz MP

⑆071000013⑆

180

172

160

Tyler Creek St

Tyler Creek St

er Creek St

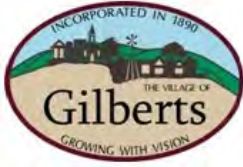


**VILLAGE OF GILBERTS**  
**PUBLIC NOTICE REGARDING A HEARING ON A VARIANCE APPLICATION**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Gilberts Plan Commission will conduct a public hearing on Wednesday, July 14, 2021, at 7:00 p.m., at the Gilberts Village Hall, 87 Galligan Road, Gilberts, Illinois, to consider an application from Salvatore Marino (“Applicant”) concerning the property commonly known as 104 Summit Drive, Gilberts, Illinois, 60136, and identified by PIN:02-36-103-019 (“Property”). The Property is zoned in the R-3 Urban Residence District. The Applicant requests approval of a variance to decrease the required rear yard setback in order to install an in-ground pool, and for such other and further zoning relief as may be required.

All persons interested in the variance application may attend and will be given an opportunity to provide written and oral testimony. Members of the public can also submit written comments via email at [info@villageofgilberts.com](mailto:info@villageofgilberts.com). Any comments received by 5:00 p.m. on July 14, 2021 will be submitted into the record of the meeting. Additional information about the variance application and the public hearing are available from the Village of Gilberts at (847) 428-2861. The public hearing may be continued from time to time without further public notice.

Gilberts Plan Commission  
Village of Gilberts



Village of Gilberts  
Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
Ph. 847-428-2861 Fax: 847-428-2955  
www.villageofgilberts.com

**To:** Plan Commissioners  
**From:** Riley Lynch, Administrative Intern  
Brian Bourdeau, Village Administrator  
**Date:** July 14<sup>th</sup>, 2021 Plan Commission Meeting  
**Re:** Request for a Rear Yard Setback Variance at 104 Summit Drive.

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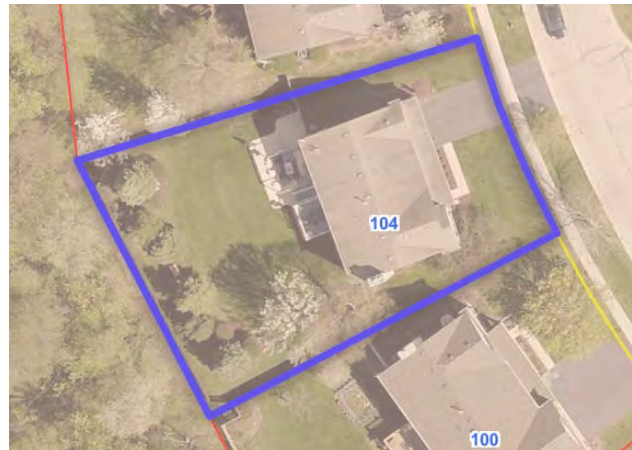
**Background:**

Mr. Salvatore Marino (“*Applicant*”) has requested a variance from the rear yard setback requirements for the purposes of constructing an in-ground pool. The property, located at 104 Summit Drive (PIN 02-36-102-010) is located within the R-3 Residential zoning district, within POD 3 of a Planned Unit Development (PUD). The property borders single-family homes to either side of the parcel and Village owned wetlands and woods to the rear of the property.

Under the PUD for this area, the minimum rear yard setback is 30 feet.

**Variance Request:**

The Applicant wishes to construct an 18ft by 36ft inground pool and concrete decking to be located 21ft from the rear property line. Furthermore, Section 10-8-1(E)(1b) of the UDO states “*no private swimming pool or any accessory apron, walk or equipment room may protrude into any required rear yard.*” As a result of the proposed pool size and location in the yard, the Applicant is seeking a variance to protrude 9 feet into the required rear yard. The available location of the pool is constrained, in part, by an existing patio protruding from the rear of the Applicant’s house.



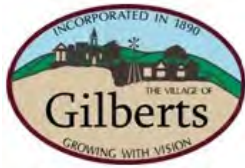
**Primary Points for Discussion:**

In considering the Applicant’s request, the Plan Commission should review the standards for variations as outlined in Section 10-11-10(F) of the UDO:

*Standards for Variations.*

1. *General Standard. No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty.*
2. *Supplemental Standards. In considering proposed variations to this code, the Board of Appeals will consider whether the proposed variation will:*





## Village of Gilberts

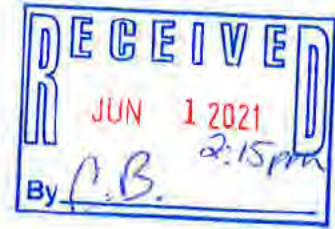
Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
Ph. 847-428-2861 Fax: 847-428-2955  
www.villageofgilberts.com

- a. *Impair an adequate supply of light and air to adjacent property.*
  - b. *Unreasonable increase the congestion in public streets.*
  - c. *Increase the danger of fire or endanger the public safety.*
  - d. *Unreasonably diminish or impair established property values within the surrounding area.*
  - e. *In any other respects impair the public health, safety, or welfare of the inhabitants of the village.*
3. *Findings of Fact. Upon review of the application and information presented at the public hearing, the Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria which are consistent with the rules provided to govern determinations of the Board of Appeals as referenced by state statute.*
- a. *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.*
  - b. *The extraordinary or exceptional conditions of the property requiring the request for the variance were not caused by the applicant.*
  - c. *The proposed variance will alleviate a peculiar, exceptional or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.*
  - d. *The denial of the proposed variance will deprive the applicant the use permitted to be made by the owners of property in the immediate area.*
  - e. *The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.*
  - f. *There is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.*

### **Attachments:**

- A. Variance Application
- B. Site Plan – With Location of Pool
- C. Aerial Snapshot of Applicant's Parcel
- D. Section I of the Timber Trails PUD – District Standards

ESC - E... #500  
ZBA - App Fee #500



VILLAGE OF GILBERTS  
87 Galligan Road  
Gilberts, IL. 60136  
Telephone: 847-428-2861  
Fax: 847-428-2955

APPLICATION FOR A VARIANCE

For Office Use Only

Case No. \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Date Published: \_\_\_\_\_ Newspaper: \_\_\_\_\_

.....

**NOTICE TO APPLICANT:** A variation is a zoning adjustment which permits minor changes in requirements where an individual property is both harshly and uniquely burdened by the strict application of the law. No variation may be granted which would adversely affect surrounding or the general neighborhood.

**....A plat of survey of property and a drawing or plan of proposed change drawn to scale must accompany this request along with the application fee (see fee scheduled attached). Deposits for professional fees are required in an amount to be determined by the Village.**

**Please Print**

Name and address of the owner of the property

Salvatore A. Marino  
104 Summit Drive  
Gilberts, IL 60136

Applicant's Telephone Number: 847-833-1334

Applicant's Cell Phone Number: 847-833-1334

Applicant's email address: marino.sam@gmail.com

Applicant's Fax Number: n/a

Address of variance: 104 Summit Dr, Gilberts, IL 60136

Legal Description (attached to application)

Zoning District: R-3

Present Use: Residential

**Request**

Owner/Applicant request a change in (please circle one) Yard, Parking, Height, Lot  
If other, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requirements of Article 3 Section 6 Page \_\_\_\_\_

The following facts are pertinent to the request change:

Rear yard setback is 30ft  
Rear utility easement is 10ft  
Side yard setback is 7ft  
Side utility easement is 5ft

Conditions and/or hardship which justify changing requirements of Zoning Code  
(Description in detail).

The angle at which the rear lot line was drawn and the placement of the home in relation to  
the contour of Summit Dr.

To the best of my knowledge, the preceding facts are accurate and complete.

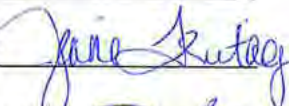
(Owner must sign this application)

Signature of  
Owner(s)



Date: 5/30/21

Attest:

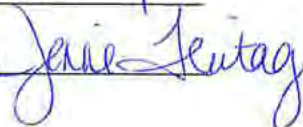


Applicant:



Date: 5/30/21

Attest:







Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136

June 1, 2021

To Whom It May Concern:

I am requesting a variance on the rear setback for established in article 3 section 6 of the unified development ordinance for the installation of a swimming pool. The hardship that I am facing is the rear lot line was drawn at angle that diminishes the size of my yard as you progress North to South. In addition to that, the home is located on Summit drive which is a winding street. When the developer set the home on the lot, they did not match the contour of the street leaving my yard asymmetrical. Due to this asymmetry, it is not possible to relocate the pool in any other area of the lot. My lot backs up to conserved land and therefore I will not impede on any rear neighbors. Currently, I meet all other Village code requirements for a permissible swimming pool and will not encroach on any of the utility easements, yards, or neighboring lots.

The follow statements are to be true regarding the supplemental standards as it relates to this variance request:

- A. The swimming pool will not impair the light and air to adjacent properties.
- B. There will not be any additional street congestion with the installation of the swimming pool.
- C. There is not an increased danger of fire or endangerment of public safety.
- D. Swimming pool will add additional value to the existing property.
- E. Swimming pool will not impair the health, safety, or welfare of village residents.

The construction of the swimming pool will be consistent with similar pools located in my neighborhood and the Village. I currently have a cedar fence that encloses my rear yard. We plan on installing locks and self-closing springs to all gates as required by Village code. We are also purchasing a safety mesh cover that anchors into the concrete decking to prevent people from falling into the pool when not in use. Chesapeake Pools is a local contractor that specializes in constructing our style pool. They have been in business for 20+ years and have constructed numerous pools in the Village of Gilberts and neighboring towns.

Over the last year and half the pandemic has presented everyone with challenges that we were unprepared for. The installation of this swimming pool will allow my 3 children the ability of enjoying recreational activity within the safety of their home. This will also provide a more controlled environment for their peers and neighbors which will help lift spirits and continue to bring our local community closer.

Sincerely,

Salvatore A. Marino



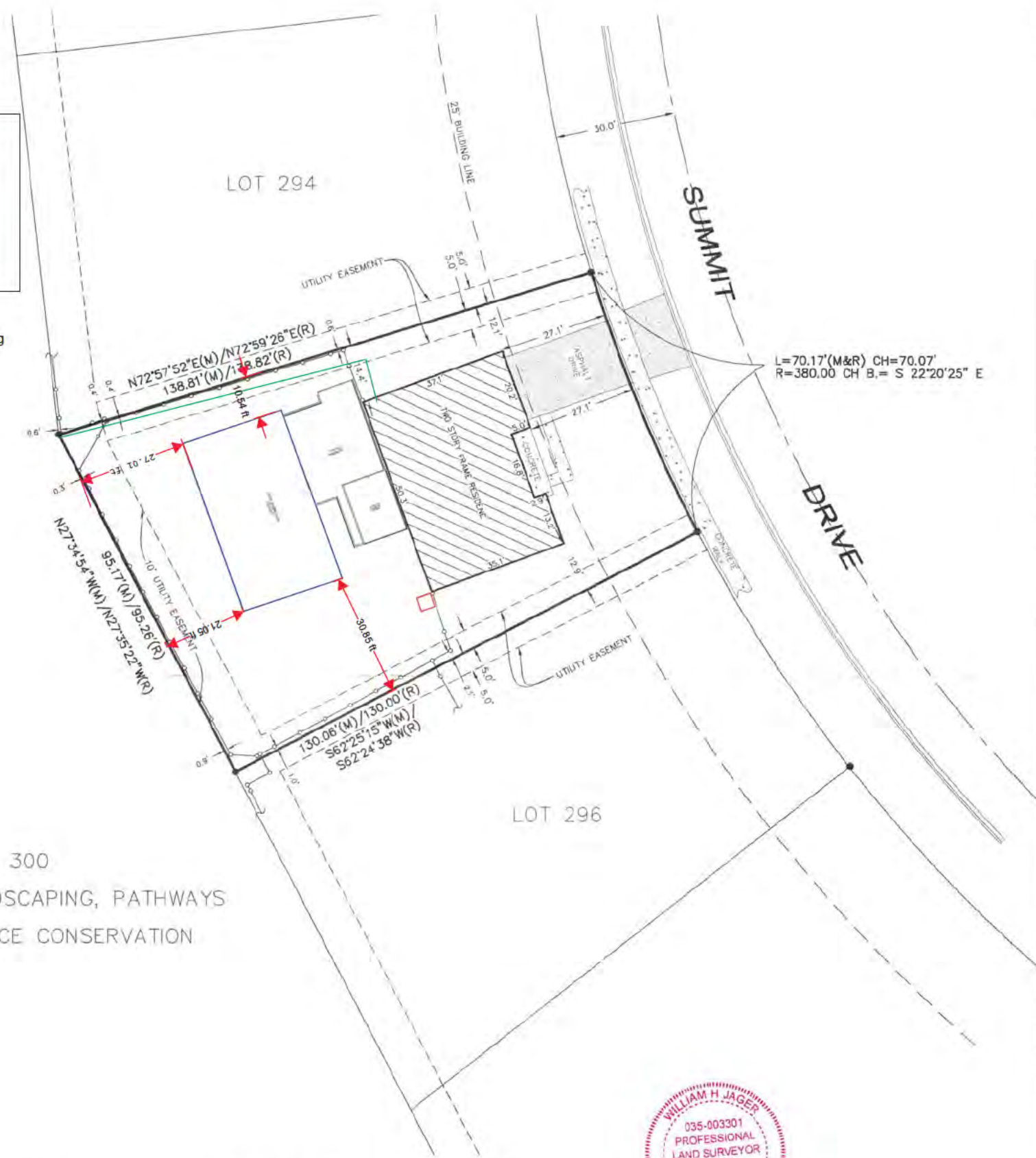


# PLAT OF SURVEY OF

LOT 295 IN TIMBER TRAILS UNIT 3, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 36, AND PART OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 23, 2001 AS DOCUMENT 2001K048423, IN KANE COUNTY, ILLINOIS.

**Total Lot Square Footage 10,956**  
**House 1705 sqft (15.6%)**  
**Driveway 438 sqft (3.9%)**  
**Front Walkway 60 (.5%)**  
**Front Porch 77 sqft (.7%)**  
**Patio 665 sqft (6%)**  
**Pool w/ concrete decking 1125 sqft (10.2%)**  
**Equipment Pad 15sqft (.1%)**  
**Total lot coverage 4,085 (37.3%)**

- Com Ed
- 18x36 Pool w/ concrete decking
- Pool equipment pad



LOT 300  
 RESERVED FOR LANDSCAPING, PATHWAYS  
 AND OPEN SPACE CONSERVATION

- NOTES**
- 1.) COMPARE ALL DIMENSIONS SHOWN HEREON PRIOR TO ANY CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE SURVEYOR AT ONCE.
  - 2.) NO UTILITIES ARE SHOWN HEREON. THERE MAY BE SUBSURFACE UTILITIES ON THIS PROPERTY. CALL THE APPROPRIATE UTILITY LOCATING SERVICE PRIOR TO ANY CONSTRUCTION.
  - 3.) ONLY THOSE EASEMENTS WHICH THE SURVEYOR HAS KNOWLEDGE OF ARE SHOWN HEREON. THERE MAY BE OTHER EASEMENTS WHICH AFFECT THIS PROPERTY. REFER TO YOUR TITLE COMMITMENT FOR THE LOCATION AND PURPOSE OF ANY EASEMENTS.
  - 4.) MEASURED DIMENSIONS ARE SHOWN HEREON UNLESS OTHERWISE NOTED.

- LEGEND**
- SET 1/2" IRON ROD
  - △ SET MAG NAIL
  - FOUND 3/4" IRON PIPE
  - FOUND 1/2" IRON ROD
  - ▲ FOUND PK NAIL
- BOUNDARY LINE
  - - - EASEMENT LINE
  - · - · - BUILDING SETBACK LINE
  - · - · - EXISTING LOT LINE
  - - - CENTER LINE
  - · - · - FENCE LINE

- ABBREVIATIONS**
- N = NORTH
  - S = SOUTH
  - E = EAST
  - W = WEST
  - ATT. = ATTACHED
  - CONC. = CONCRETE
  - BIT. = BITUMINOUS CONCRETE
  - M = MEASURED DIMENSION
  - R = RECORDED OR PLATTED DIMENSION
  - D = DIMENSION PER DEED
  - S.F. = SQUARE FEET

**CERTIFICATION**  
 STATE OF ILLINOIS }  
 COUNTY OF KENDALL }SS



I, WILLIAM H. JAGER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR BY PERSONS UNDER MY DIRECT SUPERVISION, THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL AT NEWARK, ILLINOIS THIS 3<sup>rd</sup> DAY OF MARCH, 2015.

*William H. Jager*  
 WILLIAM H. JAGER  
 ILLINOIS PROFESSIONAL LAND SURVEYOR #035-003301  
 MY LICENSE EXPIRES NOVEMBER 30, 2016

<b>PLAT OF SURVEY FOR WYETH LAW</b>		<b>Range 9 LAND SURVEYING LLC</b>		<b>REVISIONS</b>	
LOCAL ADDRESS 104 SUMMIT DRIVE GILBERTS, ILLINOIS		154 SOUTH CANAL STREET NEWARK, ILLINOIS 60541 PHONE 815.916.9099 WWW.RANGE9.COM PROFESSIONAL DESIGN FIRM LICENSE #184.006086		DATE	DESCRIPTION
JOB NO. 115052	SCALE: 1" = 20'			F.B./Pg.	DRAWN BY
				26/44	WHJ
				DATE COMPLETE	CHECKED BY
				03/03/15	WHJ
				FIELD CREW	SHEET
				03/02/15	1 OF 1



An aerial photograph of a residential property. A blue rectangular outline highlights the main house and its surrounding lawn. The house has a grey roof and a chimney. To the right, a paved road is visible with a yellow curb. Other houses are partially visible at the top and bottom of the frame. A red line is visible on the left side of the image.

104

100

EXHIBIT F  
ZONING ORDINANCE VARIATIONS  
TIMBER TRAILS

I. DESIGN STANDARDS

A. Single-Family

PER ANNEXATION AGREEMENT

	PODs 5&6	POD 2	POD 8	PODs 3&7
1. Min. Lot Size	7200 Sq. Ft.	7200 Sq. Ft.	8400 Sq. Ft.	8400 Sq. Ft.
2. Min lot Width	55 Ft.	60 Ft.	60 Ft.	65 Ft.
3. Yards: Front-Min.	25 Ft.	25 Ft.	25 Ft.	25 Ft.
- Average	27.5 Ft.	27.5 Ft.	27.5 Ft.	27.5 Ft.
- Maximum	30 Ft.	30 Ft.	30 Ft.	30 Ft.
Side Corner	15 Ft.	15 Ft.	15 Ft.	15 Ft.
Side Reverse Corner	25 Ft.	25 Ft.	25 Ft.	25 Ft.
Side Interior	6 Ft. ea.	6.5 Ft. ea.	6.5 Ft. ea.	7 Ft. ea.
Rear	25 Ft.	20 Ft.	30 Ft.	30 Ft.
4. Max. Building Height				
- Principal	35 Ft.	35 Ft.	35 Ft.	35 Ft.
- Accessory	20 Ft.	20 Ft.	20 Ft.	20 Ft.
5. Max. Lot Coverage (Principal & Accessory Bldgs.)	40%			
6. Min. Dwelling Size:				
POD 3:	1600 Sq. Ft			
All other PODs:	1350 Sq. Ft			
7. Garages All with minimum 2-car garages				



**VILLAGE OF GILBERTS**  
**PUBLIC NOTICE REGARDING A HEARING ON A VARIANCE APPLICATION**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Gilberts Plan Commission will conduct a public hearing on Wednesday, July 14, 2021, at 7:00 p.m., at the Gilberts Village Hall, 87 Galligan Road, Gilberts, Illinois, to consider an application from Joe Peralez (“Applicant”) concerning the property commonly known as 195 Loveland Court, Gilberts, Illinois, 60136, and identified by PIN: 02-36-103-019 (“Property”). The Property is zoned in the R-3 Urban Residence District. The Applicant requests approval of a variance for the Property to decrease the required rear yard setback in order to install an in-ground pool, and for such other and further zoning relief as may be required.

All persons interested in the variance application may attend and will be given an opportunity to provide written and oral testimony. Members of the public can also submit written comments via email at [info@villageofgilberts.com](mailto:info@villageofgilberts.com). Any comments received by 5:00 p.m. on July 14, 2021 will be submitted into the record of the meeting. Additional information about the variance application and the public hearing are available from the Village of Gilberts at (847) 428-2861. The public hearing may be continued from time to time without further public notice.

Gilberts Plan Commission  
Village of Gilberts



Village of Gilberts  
Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
Ph. 847-428-2861 Fax: 847-428-2955  
www.villageofgilberts.com

**To:** Plan Commissioners  
**From:** Riley Lynch, Administrative Intern  
Brian Bourdeau, Village Administrator  
**Date:** July 14<sup>th</sup>, 2021 Plan Commission Meeting  
**Re:** Request for a Rear Yard Setback Variance at 195 Loveland Court.

---

**Background:**

Mr. Joe Peralez (“*Applicant*”) has requested a variance from the rear yard setback requirements for the purposes of constructing an in-ground pool. The property, located at 195 Loveland (PIN 02-36-103-019), is located within the R-3 Residential zoning district, within POD 3 of a Planned Unit Development (PUD). The property borders single-family homes on all sides.

Under the PUD for this area, the minimum rear yard setback is 30 feet.

**Variance Request:**

The Applicant wishes to construct an 18ft by 36ft inground pool with a 4ft deep concrete skirt to be located about 11ft from the rear property line. Furthermore, Section 10-8-1(E)(1b) of the UDO states “*no private swimming pool or any accessory apron, walk or equipment room may protrude into any required rear yard.*” As a result of the proposed pool size and location in the yard, the Applicant is seeking a variance to protrude 19 feet into the required rear yard. The available location of the pool is constrained, in part, by the existing wooden deck and Com-Ed utilities running through the Eastern portion of the Applicant’s backyard.

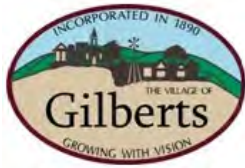


**Primary Points for Discussion:**

In considering the Applicant’s request, the Plan Commission should review the standards for variations as outlined in Section 10-11-10(F) of the UDO:

*Standards for Variations.*

1. *General Standard. No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty.*



## Village of Gilberts

Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
Ph. 847-428-2861 Fax: 847-428-2955  
www.villageofgilberts.com

2. *Supplemental Standards. In considering proposed variations to this code, the Board of Appeals will consider whether the proposed variation will:*
  - a. *Impair an adequate supply of light and air to adjacent property.*
  - b. *Unreasonable increase the congestion in public streets.*
  - c. *Increase the danger of fire or endanger the public safety.*
  - d. *Unreasonably diminish or impair established property values within the surrounding area.*
  - e. *In any other respects impair the public health, safety, or welfare of the inhabitants of the village.*
  
3. *Findings of Fact. Upon review of the application and information presented at the public hearing, the Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria which are consistent with the rules provided to govern determinations of the Board of Appeals as referenced by state statute.*
  - a. *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.*
  - b. *The extraordinary or exceptional conditions of the property requiring the request for the variance were not caused by the applicant.*
  - c. *The proposed variance will alleviate a peculiar, exceptional or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.*
  - d. *The denial of the proposed variance will deprive the applicant the use permitted to be made by the owners of property in the immediate area.*
  - e. *The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.*
  - f. *There is no other means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.*

### **Attachments:**

- A. Variance Application
- B. Site Plan – With Location of the Pool
- C. Aerial Snapshot of Applicant's Parcel
- D. Section I of the Timber Trails PUD – District Standards

**VILLAGE OF GILBERTS**

87 Galligan Road  
Gilberts, IL. 60136  
Telephone: 847-428-2861  
Fax: 847-428-2955

APPLICATION FOR A VARIANCE

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For Office Use Only

Case No. \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Date Published: \_\_\_\_\_ Newspaper: \_\_\_\_\_

.....

**NOTICE TO APPLICANT:** A variation is a zoning adjustment which permits minor changes in requirements where an individual property is both harshly and uniquely burdened by the strict application of the law. No variation may be granted which would adversely affect surrounding or the general neighborhood.

**....A plat of survey of property and a drawing or plan of proposed change drawn to scale must accompany this request along with the application fee (see fee scheduled attached). Deposits for professional fees are required in an amount to be determined by the Village.**

**Please Print**

Name and address of the owner of the property

Joe Peralez  
195 Loveland Ct  
Gilberts, Illinois 60136

Applicant's Telephone Number: \_\_\_\_\_

Applicant's Cell Phone Number: 224-508-3313

Applicant's email address: jp2071@hotmail.com

Applicant's Fax Number: \_\_\_\_\_

Address of variance: 195 Loveland Ct Gilberts, Illinois 60136

Legal Description (attached to application)

Zoning District: R-3

Present Use: Residential

**Request**

Owner/Applicant request a change in (please circle one) Yard, Parking, Height, Lot

If other, please explain:

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Requirements of Article 3 Section 6 Page \_\_\_\_\_

The following facts are pertinent to the request change:

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The designated rear yard setback is 30'. There is a 10' utility easement off the rear property line and a minimum requirement of building of 10' off of the primary structure.

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---

Conditions and/or hardship which justify changing requirements of Zoning Code (Description in detail).

---

The distance between the setback, primary structure and utility easement does not allow enough space for the pool. The requested change would allow for construction of a pool consistent with other pools currently in the immediate neighborhood.

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To the best of my knowledge, the preceding facts are accurate and complete.

(Owner must sign this application)

Signature of  
Owner(s) Joe A. Parley

Date: 6-1-2021

Attest: \_\_\_\_\_

Applicant: Joe A. Parley

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Joe A. Peralez  
195 Loveland Ct  
Gilberts, IL 60136

June 2, 2021

Village Administrator  
Village of Gilberts  
87 Galligan Rd  
Gilberts, IL 60136

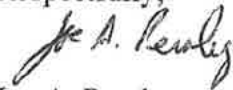
To Whom it may concern,

The variance is being requested to locate a swimming pool in our backyard. No other location on the property will allow for the pool to be installed. A hardship exists because of the particular shape of my lot property and the location of the main dwelling. An additional hardship exists because following the 30' rear lot setback will not allow for enough room for the pool installation. I did not cause or create any of these hardships. I have 3 young children 10, 8 and 3 years old with the changing times, Covid-19 has created a situation where it is safer for my family to stay home. A pool will allow for greater morale, welfare and recreation. We meet all the lot usage requirements to have a Gilberts permittable pool installed in our R3 zoning district.

Our proposed pool will meet all other requirements. The pool will not be located closer than 10' from the main dwelling. The pool and or any equipment will not protrude into any required rear easements. The pool will not impair any amount of light or air to any adjacent properties. The pool will not increase congestion on public roads nor endanger public safety. The pool will not increase the danger of fire. The pool will allow for increased property value for our property and the adjacent properties as well.

Chesapeake Pools is the selected contractor to perform the potential install, they have 20 plus years of experience installing pools. The design and engineering of our pool was driven by improving the neighborhood aesthetics, not just my backyard. The pool will allow me to improve the value of my property as well as the surrounding properties. Our pool will have the required fence needed. Our pool will be consistent with other properties in the immediate area.

Respectfully,

  
Joe A. Peralez

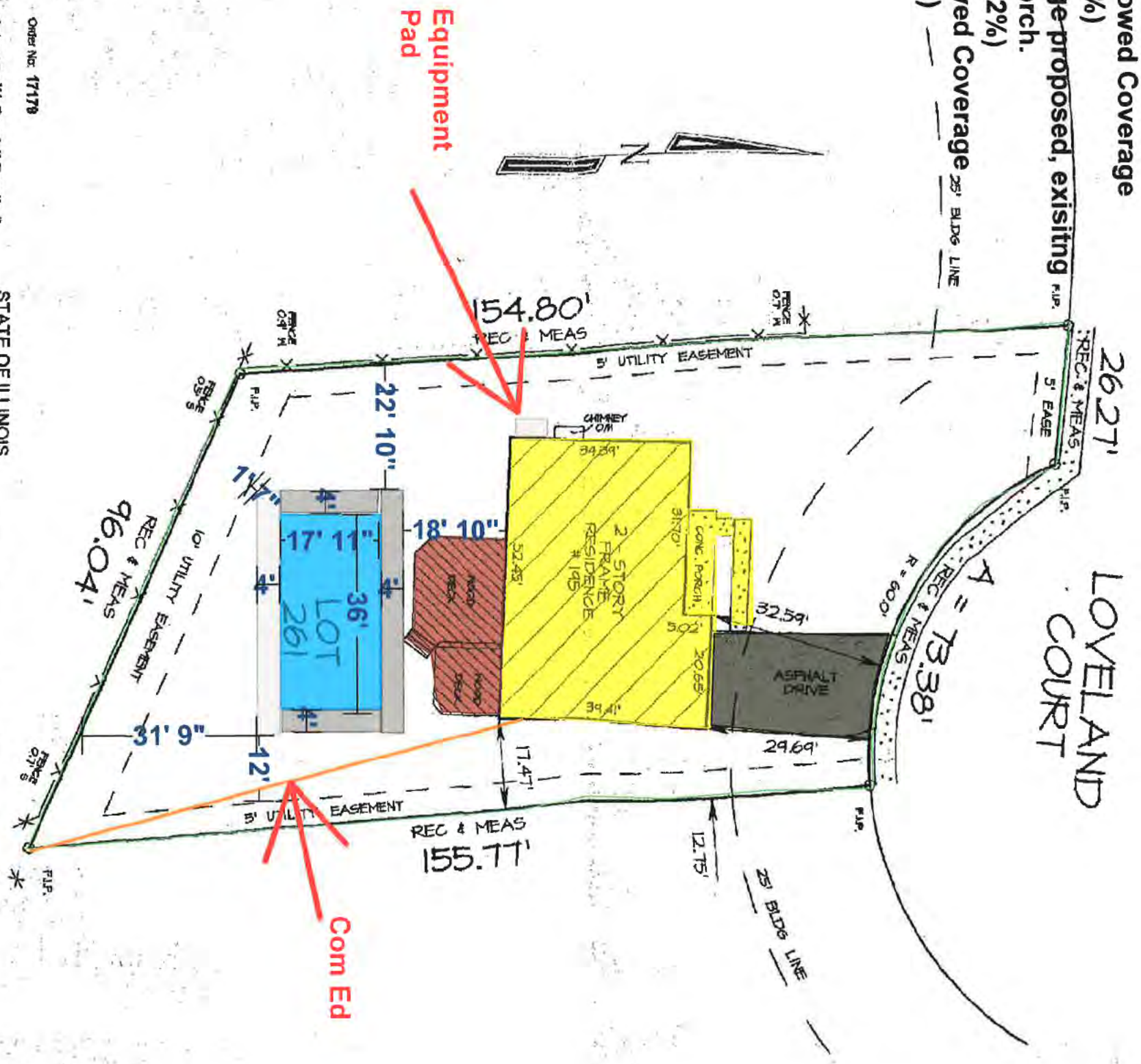


# at of Survey

- 1 - EXISTING HOUSE AND PORCH 15.1% - 1,967 SF
- 2 - EXISTING DRIVEWAY 4.3% - 534 SF
- 3 - WOOD DECK 3.7% - 460 SF
- 4 - PROPOSED CONCRETE SKIRT 3.9% - 319 SF
- 5 - PROPOSED POOL 18X36 5.2% - 635 SF
- 6 - EXISTING LOT - 12,458 SF
- 7 - PROPOSED POOL EQUIPMENT PAD .15% - 195 SF
- 8 - Com Ed line - 93 LF

3 UNIT 3, BEING A PART OF THE NORTHWEST QUARTER OF SECTION 28 AND PART  
 42 NORTH RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO  
 NT 2001K049423, IN KANE COUNTY, ILLINOIS.

**Maximum Allowed Coverage**  
 4,976sqft (40%)  
**Total Coverage proposed, existing**  
 house and porch.  
 4,010sqft (32.2%)  
**Unused Allowed Coverage**  
 966sqft (7.7%)



Equipment Pad

Com Ed

Order No: 17178  
 Ordered By: W. Randall Baudin II  
 Attorney at Law  
 Property Address: 185 Loveland Court  
 Gilberts, IL

STATE OF ILLINOIS  
 COUNTY OF KANE  
 SS JUNE 21, 2017  
 This is to certify that this plat and the survey on which it is based was made under my direction.  
 This professional service conforms to the current Illinois minimum standards for a boundary survey.

Loveland Ct

195





EXHIBIT F  
ZONING ORDINANCE VARIATIONS  
TIMBER TRAILS

I. DESIGN STANDARDS

A. Single-Family

PER ANNEXATION AGREEMENT

	PODs 5&6	POD 2	POD 8	PODs 3&7
1. Min. Lot Size	7200 Sq. Ft.	7200 Sq. Ft.	8400 Sq. Ft.	8400 Sq. Ft.
2. Min lot Width	55 Ft.	60 Ft.	60 Ft.	65 Ft.
3. Yards: Front-Min.	25 Ft.	25 Ft.	25 Ft.	25 Ft.
- Average	27.5 Ft.	27.5 Ft.	27.5 Ft.	27.5 Ft.
- Maximum	30 Ft.	30 Ft.	30 Ft.	30 Ft.
Side Corner	15 Ft.	15 Ft.	15 Ft.	15 Ft.
Side Reverse Corner	25 Ft.	25 Ft.	25 Ft.	25 Ft.
Side Interior	6 Ft. ea.	6.5 Ft. ea.	6.5 Ft. ea.	7 Ft. ea.
Rear	25 Ft.	20 Ft.	30 Ft.	30 Ft.
4. Max. Building Height				
- Principal	35 Ft.	35 Ft.	35 Ft.	35 Ft.
- Accessory	20 Ft.	20 Ft.	20 Ft.	20 Ft.
5. Max. Lot Coverage (Principal & Accessory Bldgs.)	40%			
6. Min. Dwelling Size:				
POD 3:	1600 Sq. Ft			
All other PODs:	1350 Sq. Ft			
7. Garages All with minimum 2-car garages				



**VILLAGE OF GILBERTS  
PUBLIC NOTICE REGARDING A HEARING ON PROPOSED AMENDMENTS  
TO THE GILBERTS UNIFIED DEVELOPMENT ORDINANCE**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Village of Gilberts Plan Commission will conduct a public hearing on July 14, 2021, at 7:00 p.m., at Gilberts Village Hall, 87 Galligan Road, Gilberts, Illinois, to consider the following text amendments to the Gilberts Unified Development Ordinance (“UDO”): (1) an amendment to Chapter 13 of the UDO regarding the definition of lot coverage; (2) an amendment to Chapter 4 regarding outdoor seating areas accessory to bars, taverns, and restaurants in the C-1 Commercial District.

All persons interested in the proposed amendments may attend and will be given an opportunity to provide written and oral testimony. Members of the public can also submit written comments via email at [info@villageofgilberts.com](mailto:info@villageofgilberts.com). Any comments received by 5:00 p.m. on July 14, 2021 will be submitted into the record of the meeting. Additional information about the proposed amendments and the public hearing are available from the Village of Gilberts at (847) 428-2861. The public hearing may be continued from time to time without further public notice.

Gilberts Plan Commission  
Village of Gilberts



## Village of Gilberts

Village Hall  
87 Galligan Road, Gilberts, Illinois 60136  
Ph. 847-428-2861 Fax: 847-428-2955  
www.villageofgilberts.com

**To:** Plan Commission  
**From:** Brian Bourdeau, Village Administrator  
**Date:** July 14, 2021 Plan Commission Meeting  
**Re:** Item 8: A Text Amendment to Section 10-13-13 of the Village's Unified Development Ordinance

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### **Background:**

The Village's Unified Development Ordinance ("UDO") currently defines lot coverage as "that area or portion of a lot occupied by building" (Section 10-13-13). The broad nature of the definition has recently led to questions of whether the definition applies only to buildings or other accessory structures and paved/covered surfaces. Historically, the Village has interpreted lot coverage to be any portion of the lot covered by an impervious structure. Examples of impervious structures would be primary buildings, accessory structures, asphalt, concrete, and brick pavers.

This text amendment seeks to update the definition of lot coverage to provide clarity regarding what structures and surfaces are included in the lot coverage calculation. The proposed definition would read as follows:

*Lot Coverage means the proportion of the gross area of a lot occupied by any hard surfaces including, but not limited to, buildings, principal structures, accessory structures, decks, sidewalks, walkways, paved parking lots, paved driveways, compacted graveled areas, and permeable pavers and pavements*

### **Items for Plan Commission Consideration:**

Under the UDO, there are no specific standards for text amendments that must be satisfied. Instead, the Plan Commission is directed to evaluate the proposed text amendment against the intent of the UDO, the recommendations of the Comprehensive Plan, and the public health, safety, and general welfare. This text amendment was drafted in an effort to provide greater clarity in the definition of lot coverage in a manner that is consistent with the Village's historical application of the definition.



## Village of Gilberts

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87 Galligan Road, Gilberts, Illinois 60136  
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**To:** Plan Commission  
**From:** Brian Bourdeau, Village Administrator  
**Date:** July 14, 2021 Plan Commission Meeting  
**Re:** Item 9: A Text Amendment to Chapter 4 of the Village's Unified Development Ordinance Regarding Outdoor Seating Areas Accessory to Bars, Taverns and Restaurants in the C-1 Commercial District

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### **Background:**

The Village's Unified Development Ordinance ("UDO") currently contains an inconsistency with respect to outdoor dining within the C-1 Commercial District. Section 10-4-1(v) allows as a permitted use "permanent outdoor seating areas accessory to bars, restaurants and taverns." However, Section 10-4-4(B)(6), when addressing exceptions to the requirement that all operations shall take place within an enclosed structure states "temporary outdoor seating areas accessory to bars, restaurants, and taverns, subject to a temporary use permit, and **permanent outdoor seating areas accessory to bars, restaurants, and taverns pursuant to a special use permit**" [Emphasis added]. Additionally, Section 10-4-5(B) regarding C-1 district regulations states that "temporary uses are subject to the provisions of Section 8-3 of this code [UDO]." While temporary outdoor seating is addressed in Section 10-4-4(B)(6) and Section 10-4-5(B) directs that such temporary uses are in accordance with Section 10-8-3, temporary dining is not addressed in Section 10-8-3.

This text amendment seeks to clarify these inconsistencies by:

- A) Removing permanent outdoor seating areas accessory to bars, restaurants and taverns from the permitted uses in Section 10-4-1 and placing it under Section 10-4-3 Special Uses. This will make the language regarding permanent outdoor seating consistent with Section 10-4-4(B)(6). The Village has always required an establishment which sought permanent outdoor seating to obtain a Special Use, making this change consistent with past interpretation of the UDO.
- B) With respect to temporary outdoor seating, adding language to Section 10-8-3(D)(2) clarifying that temporary outdoor seating in non-residential districts is a permitted temporary use. During the COVID-19 pandemic and in response to various State of Illinois proclamations, many restaurants and bars utilized temporary outdoor dining to continue serving customers in a safe manner. The outdoor dining experience has generally been well received, and the Village desires to allow temporary outdoor dining to continue beyond the end of the Pandemic. This text amendment to the UDO will provide clarity on how these establishments will be able to continue temporary outdoor dining operations (e.g., tents with tables set up during warm weather months), subject to obtaining a temporary use permit. Such a permit can be approved by the Zoning Administrator subject to conditions and guidelines established by Section 10-8-3. Please note, permanent outdoor dining areas



would still require a Special Use permit. Moreover, an establishment that desires to serve alcohol in any outdoor seating area will still be required to obtain a Class OS Liquor License. The Class OS Liquor License imposes additional regulations on the service of alcohol in any outdoor seating area.

**Items for Plan Commission Consideration:**

Under the UDO, there are no specific standards for text amendments that must be satisfied. Instead, the Plan Commission is directed to evaluate the proposed text amendment against the intent of the UDO, the recommendations of the Comprehensive Plan, and the public health, safety, and general welfare. This text amendment was drafted in an effort to provide greater clarity to how outdoor seating areas are treated under the UDO, and to ensure the UDO is consistent with the Village's past practices and interpretations.