



VILLAGE OF BARTLETT
PLANNING & ZONING COMMISSION SPECIAL MEETING
AGENDA

BARTLETT MUNICIPAL CENTER
228 S. MAIN STREET
Monday, October 13, 2025
7:00 P.M.

- I. Call to Order
- II. Roll Call
- III. Public Forum (comments may be emailed in advance to planningdivision@bartlett.il.gov)
- IV. **(#25-10) 391 S Hickory Ave**
Tree Variance to allow a fence and shed within a tree preservation easement in the Heritage Oaks Subdivision
PUBLIC HEARING
- V. New Business/Old Business
- VI. Adjournment

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM

25-64

DATE: October 2, 2025

TO: The Chairman and Members of the Planning & Zoning Commission

FROM: Kristy Stone, PDS Director 

RE: **(#25-10) 391 S. Hickory Ave**

PETITIONER

Joe Moreno of Peerless Fence on behalf of Mike Waichunas

SUBJECT SITE

391 S. Hickory Avenue (Heritage Oaks Subdivision)

REQUEST

Variation – Fence and Shed on a “Treed Lot”

BACKGROUND

1. The Heritage Oaks Subdivision, recorded March 20, 1979 depicts a Tree Preservation and Drainage Easement over the rear 50 feet of each lot. This easement was established to protect trees and drainage within the Subdivision.
2. A dispute arose over whether the Tree Easement was intended to preclude owners in the Subdivision from erecting fences, sheds or other structures in the Easement Area. Numerous fences, sheds and other structures have been erected in the Easement Area after obtaining a building permit and after it was determined that the fences, sheds and other structures were to be located so as to not cause damage to the trees in the Easement Area.
3. As a result, the Village passed Resolution 97-72-R on September 2, 1997 that identified the lots within this subdivision as “Treed” or “Untreed”. The owners of lots containing no trees, “Untreed Lots” would be allowed to remove shrubbery, leaves, vegetation, erect a fence, shed or other structure without the need for any other Resolution or Variation from the Village Board provided the Village’s Building Code and Zoning Ordinance and all other laws had been complied with. The owners of “Treed” lots, however, who wished to install, erect or place any structure within the Easement Area would have to apply for a variation.

4. This lot was identified as a "Treed Lot" and Resolution 97-72-R states that all "Treed Lots" will require a variation request for any structures placed within this easement area.

DISCUSSION

1. The subject property is zoned SR-3 (Suburban Residential).
2. The petitioner is requesting a tree variance for the existing shed and to allow the construction of a 4-ft tall fence in a 50-ft. Tree Preservation and Drainage Easement to enclose a portion of the backyard.
3. Peerless Fence applied for a permit to build the fence within the easement and the permit was issued on August 21, 2025. A message was left at Public Works concerning the construction of the fence within the easement on August 25th and, after review, it was determined the permit was issued in error and a Stop Work Order was issued. At the time the order was placed, the fencing south of the house (along Devon Avenue) had been installed (the gates were not) and the posts were installed for the northern side of the fence.
4. The south fence is black aluminum, the north fence is proposed to be black chain link for 15 feet and then galvanized chain link for the remaining 65 feet.
5. Upon site inspection, a shed was determined to be located within the easement. Due to tree coverage on aerial images, staff cannot determine when the shed was installed. A permit was never issued for the existing shed.
6. The homeowner submitted a report from a certified arborist at BrightView Landscaping stating "the posts are far enough from tree roots that very little damage would occur to the tree and no damage to any of the truck once the fence is fully installed."
7. Village Engineer and Village Forester went to the site to determine if the construction of the fence and existing shed have a negative impact on drainage or trees. Their findings are attached for your reference.

RECOMMENDATION

According to the provisions of Resolution 97-72-R, the Planning & Zoning Commission should render a decision based upon the following:

- *Whether or not the proposed improvement is likely to damage any of the existing trees in the Tree Area on the lot that is subject of the Tree Variation application and the adjoining lots, taking into account potential damage to the root system of*

said trees and the proposed steps to avoid damage to the existing trees in said Tree Area

- *Whether or not the proposed improvement is likely to have a negative impact on drainage on the lot in question and any other lot in the Subdivision.*

A copy of Resolution 97-72-R, cover letter, application, and background information are attached for your review.

MAIL TO:
Linda Gallien
Village Clerk
Village of Bartlett
228 South Main Street
Bartlett, IL, 60103

RESOLUTION 97 - 72 - R

**A RESOLUTION RATIFYING CERTAIN ACTIVITIES AND
STRUCTURES AND REQUIRING TREE VARIATIONS WITH
RESPECT TO TREE PRESERVATION AND DRAINAGE EASEMENTS
IN THE HERITAGE OAKS SUBDIVISION**

RECITALS

WHEREAS, in 1978 the Village of Bartlett and Town & Country Builders ("Developer") entered into a certain Agreement in connection with the development of a certain subdivision known as Heritage Oaks, Bartlett, Illinois, Units 1, 2 and 3, being a resubdivision of part of Blocks 20, 21 and 22 of H. O. Stone and Company's Town Addition to Bartlett, being a subdivision in the Southwest quarter of Section 35, and part of the Southeast quarter of Section 34, Township 41 North, Range 9, East of the Third Principal Meridian, in Cook County, Illinois, as recorded in Document 10435526 dated July 23, 1929; and

WHEREAS, in connection with said Agreement, the owners of the property Adeline Getzelmann and Harris Trust and Savings Bank as Trustee under Trust Agreement dated April 27, 1978 and known as Trust No. 38491 (collectively the "Owners") agreed to record certain tree preservation and related drainage easements that would be covenants running with the land; and

WHEREAS, a certain Reservation and Grant of Preservation Easements, dated November 3, 1978, signed by the Owners was recorded on January 9, 1979 as Document No. 24794426 (the "Tree Easement"); and

WHEREAS, a certain Reservation and Grant of Detention and Drainage Easement dated November 3, 1978, signed by the Owners was recorded on January 9, 1979 as Document No. 24794425 (the "Drainage Easement"); and

WHEREAS, the Tree Easement provides in part as follows:

"3. The Owners hereby reserve a non-exclusive perpetual preservation easement over, upon, across and under the rear 50 feet of each lot in Units 1, 2 and 3 of Heritage Oaks of Bartlett ("the servient estate"), being subdivisions in the Southwest quarter of Section 35 and the Southeast quarter of Section 34, Township 41 North, Range 9, East of the Third Principal Meridian in Cook County, Illinois ("Heritage Oaks"), for the preservation of the servient estate in its natural condition. No trees, shrubbery, bushes or other vegetation shall be removed from the servient estate, nor shall the existing ground cover, including rocks, roots, leaves, vines and other vegetation, living or dead, be disturbed or changed from its present condition within the limits of the servient estate, without the express written consent of the Owners and the Village of Bartlett, as evidenced by a Resolution adopted by its President and Board of Trustees. The servient estate shall not be mowed or cultivated but shall be maintained in its present condition in order to prevent erosion of the surface soil which will in turn cause the storm water detention area within said Units 1, 2 and 3 to become filled with silt so that it can no longer perform its storm water detention functions. Nothing herein contained shall be construed as a restriction upon the right of the Owners or their contractors to regrade and maintain portions of the servient estate in accordance with the drainage plan incorporated in the engineering plans for Heritage Oaks heretofore approved by the Board of Trustees of the Village of Bartlett."

WHEREAS, Units 1, 2 and 3 were combined into a single subdivision, being Heritage Oaks, a Subdivision of part of the Southeast quarter of Section 34, Township 41 North, Range 9, East of the Third Principal Meridian, in Cook County, Illinois, recorded on March 20, 1979 as Document No. 24884597 and on April 18, 1979 as Document No. 24923578 (the "Subdivision"), the final plat for which depicts a Preservation and Drainage Easement over the rear 50 feet of each of the lots in the Subdivision (the "Easement Area"); and

WHEREAS, a dispute has arisen over whether the Tree Easement was intended to preclude owners in the Subdivision from erecting fences, sheds or other structures in the Easement Area, and in fact numerous fences, sheds, trees and other structures have been erected in the Easement Area, but in most cases after procuring a building permit from the Village after the Bartlett Building Department determined that the proposed fences, sheds or structures were to be located so as not to cause damage to the trees in the Easement Area; and

WHEREAS, 19 lots in the 65 lot Subdivision never contained any trees in the 50 foot Easement Area (the "Untreed Lots") listed on Exhibit A, yet if the Tree Easement is strictly interpreted, the owners of those lots are not authorized to cut their grass or otherwise perform any other activities in the 50 foot Easement Area without a Resolution from the Village Board authorizing the owners to do so; and

WHEREAS, the Village desires to state its position with respect to the Untreed Lots, the existing structures in the Easement Area and to put in place the Village's procedures to handle future requests to erect or place structures that require a building permit in the Easement Area on each of the 46 lots in the Subdivision that have trees in the Easement Area (the "Treed

Lots"), which lots are listed on Exhibit B, and to put owners and future owners in the Subdivision on notice as to the Village's position with respect to the Tree Easement;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, as follows:

SECTION ONE: The corporate authorities hereby find and determine that the lots listed on Exhibit A entitled "Untreed Lots" did not contain any trees in the Easement Area on November 3, 1978 (the date of Tree Easement was executed) and the President and Board of Trustees do hereby expressly consent to and ratify the following activities upon the rear fifty (50) feet of the lots listed on Exhibit A (the "Untreed Lots"): The removal of trees, shrubbery, bushes or other vegetation and the disturbance or changing of ground cover, including, rocks, roots, leaves, vines and other vegetation, and the mowing and cutting of grass and the installation, erection and placement of fences, sheds and other structures in the Easement Area on said Untreed Lots, without the need for any other Resolution or Tree Variation from the President and Board of Trustees of the Village of Bartlett provided the Village's Building Code, Zoning Ordinance and all other laws, ordinances, rules and regulations have been complied with, and, if required under the Building Code, and a building permit has been issued therefor.

SECTION TWO: That the structures identified to be on the lots in the Subdivision listed on Exhibit C (the "Grandfathered Structures"), shall be allowed to remain in place as long as they do not obstruct drainage in the Subdivision and any consent thereto heretofore required of the Village Board or any prior Village Board by resolution is hereby granted and ratified with respect to each such structure. Notwithstanding the foregoing, however, in the event an owner of any of the Treed Lots desires to erect any additional fence, shed or other structure on a Treed Lot, the owner shall be required to go through the Tree Variation procedures set forth in Section Four of this Resolution.

SECTION THREE: No fence, shed, detached garage, swimming pool, deck, gazebo, dog run or other structure (collectively, "Structure") for which a building permit is required under the Bartlett Building Code shall be installed, erected, placed or allowed on any Treed Lot listed on Exhibit B unless and until the owner(s) of said lot has applied for and been granted a Tree Variation as evidenced by a Resolution passed by the President and Board of Trustees of the Village of Bartlett in accordance with the procedures set forth in Section Four of this Resolution.

SECTION FOUR: Tree Variations. Owners of any of the Treed Lots in the Subdivision listed on Exhibit B who desire to install, erect, place or allow any structures in the Easement Area of any Treed Lot shall have applied for a Tree Variation and shall pay therewith a non-refundable \$300.00 Tree Variation application fee, and shall submit with said application (1) building plans indicating the proposed Structure, (2) a plat of survey depicting (a) the location of existing trees in the Tree Area, (b) improvements on the lot, and (c) the location of the proposed Structure, and (3) such other evidence as may be necessary to demonstrate that the proposed Structure will not negatively impact any trees in the Easement Area of any Treed Lot and that drainage will not be negatively impacted on the lot or any other lot in the Subdivision.

Any such application shall be heard before the Zoning Board of Appeals (the "ZBA"), which shall consider whether or not the proposed improvement is likely to damage any of the existing trees in the Tree Area on the lot that is the subject of the Tree Variation application and the adjoining lots, taking into account potential damage to the root system of said trees and the proposed steps to avoid damage to the existing trees in said Tree Area, and whether or not said proposed improvement is likely to have a negative impact on drainage on the lot in question and any other lot in the Subdivision, and the ZBA shall make findings of fact as to those issues and forward said findings to the Village Board along with its recommendation whether to grant or deny the request for a Tree Variation. The ZBA shall make its recommendation only after a public hearing, of which the applicant shall have given notice indicating the time and place of such hearing to all of the owners in the Subdivision located within 250 feet of the applicant's property, as listed on Cook County's most recent real estate tax bill information for each said lot, by certified mail, return receipt requested. The Village Board shall review the findings of fact and recommendation of the ZBA and shall either grant or deny the requested Tree Variation as evidenced by its written Resolution.

A Tree Variation shall not be required for any type structure proposed to be placed in the Easement Area of any Treed Lot which does not require a building permit or other permit under the Bartlett Building Code, as amended (for example, swing sets which are not anchored in the ground) provided no trees in the Easement Area are removed or trimmed and drainage is not obstructed.

SECTION FIVE: The intent of this Resolution is to set forth the Village's position and future procedures with respect to the Tree Easement and the Drainage Easement, and does not purport to bind or affect the private rights or private causes of action that any of the owners in the Subdivision may have against the other owners of the Subdivision under the Tree Easement or Drainage Easement, and/or against any of said owner's successors, assigns, subsequent grantees, heirs, executors or administrators, or preclude any of them from enforcing the Tree Easement or the Drainage Easement as private covenants that run with the land, but which private rights or causes of action may now be barred or waived by operation of law due to any applicable statute of limitations, legal acquiescence, estoppel, waiver, release or laches.

SECTION SIX: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION SEVEN: REPEAL OF PRIOR RESOLUTIONS. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION EIGHT: EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage and approval.

ROLL CALL VOTE:

AYES: Arends, Floyd, Fostiak, Hodge, Miller and Nolan
NAYS: None
ABSENT: None
PASSED: September 2, 1997
APPROVED: September 2, 1997

Catherine J. Melchert
Catherine J. Melchert, Village President

ATTEST:
Linda Gallien
Linda Gallien, Village Clerk



CERTIFICATION

I, the undersigned, do hereby certify that I am the Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 97 - 72 - R, enacted on September 2, 1997, approved on September 2, 1997, as the same appears from the official records of the Village of Bartlett.

Linda Gallien
Linda Gallien, Village Clerk



EXHIBIT A
"UNTREED LOTS"

The lots in Heritage Oaks, being a subdivision of part of the Southeast 1/4 of Section 34, Township 41 North, Range 9 East of the Third Principal Meridian, in Cook County, Illinois, listed hereinbelow on this Exhibit A are "Untreed Lots" as that term is defined in the attached Resolution:

<u>Lot</u>	<u>Street Address</u>	<u>PIN</u>
9	311 S. Oak, Bartlett, Illinois, 60103	06-09-414-061
10	301 S. Oak, Bartlett, Illinois, 60103	06-09-414-062
12	281 S. Oak, Bartlett, Illinois, 60103	06-09-414-064
13	271 S. Oak, Bartlett, Illinois, 60103	06-09-414-065
14	270 S. Oak, Bartlett, Illinois, 60103	06-09-413-041
15	280 S. Oak, Bartlett, Illinois, 60103	06-09-413-042
→ 16	290 S. Oak, Bartlett, Illinois, 60103	06-09-413-043
17	300 S. Oak, Bartlett, Illinois, 60103	06-09-413-044
36	301 S. Hickory, Bartlett, Illinois, 60103	06-09-413-063
37	291 S. Hickory, Bartlett, Illinois, 60103	06-09-413-064
38	281 S. Hickory, Bartlett, Illinois, 60103	06-09-413-065
39	271 S. Hickory, Bartlett, Illinois, 60103	06-09-413-066
40	270 S. Hickory, Bartlett, Illinois, 60103	06-09-412-040
41	280 S. Hickory, Bartlett, Illinois, 60103	06-09-413-042
42	290 S. Hickory, Bartlett, Illinois, 60103	06-09-413-043
43	300 S. Hickory, Bartlett, Illinois, 60103	06-09-413-044
63	291 S. Western, Bartlett, Illinois, 60103	06-09-412-063
64	281 S. Western, Bartlett, Illinois, 60103	06-09-412-064
65	271 S. Western, Bartlett, Illinois, 60103	06-09-412-065

EXHIBIT B

"Treed Lots"

The lots in Heritage Oaks, being a subdivision of part of the Southeast 1/4 of Section 34, Township 41 North, Range 9 East of the Third Principal Meridian, in Cook County, Illinois, listed hereinbelow on this Exhibit B are found to be "Treed Lots" as that term is defined in the attached Resolution:

<u>Lot</u>	<u>Street Address</u>	<u>PIN</u>
1	391 S. Oak, Bartlett, Illinois, 60103	06-09-414-053
2	381 S. Oak, Bartlett, Illinois, 60103	06-09-414-054
3	371 S. Oak, Bartlett, Illinois, 60103	06-09-414-055
4	361 S. Oak, Bartlett, Illinois, 60103	06-09-414-056
5	351 S. Oak, Bartlett, Illinois, 60103	06-09-414-057
6	341 S. Oak, Bartlett, Illinois, 60103	06-09-414-058
7	331 S. Oak, Bartlett, Illinois, 60103	06-09-414-059
8	321 S. Oak, Bartlett, Illinois, 60103	06-09-414-060
11	291 S. Oak, Bartlett, Illinois, 60103	06-09-414-063
18	310 S. Oak, Bartlett, Illinois, 60103	06-09-413-045
19	320 S. Oak, Bartlett, Illinois, 60103	06-09-413-046
20	330 S. Oak, Bartlett, Illinois, 60103	06-09-413-047
21	340 S. Oak, Bartlett, Illinois, 60103	06-09-413-048
22	350 S. Oak, Bartlett, Illinois, 60103	06-09-413-049
23	360 S. Oak, Bartlett, Illinois, 60103	06-09-413-050
24	370 S. Oak, Bartlett, Illinois, 60103	06-09-413-051
25	380 S. Oak, Bartlett, Illinois, 60103	06-09-413-052
26	390 S. Oak, Bartlett, Illinois, 60103	06-09-413-053
27	391 S. Hickory, Bartlett, Illinois, 60103	06-09-413-054
28	381 S. Hickory, Bartlett, Illinois, 60103	06-09-413-055
29	371 S. Hickory, Bartlett, Illinois, 60103	06-09-413-056
30	361 S. Hickory, Bartlett, Illinois, 60103	06-09-413-057
31	351 S. Hickory, Bartlett, Illinois, 60103	06-09-413-058
32	341 S. Hickory, Bartlett, Illinois, 60103	06-09-413-059
33	331 S. Hickory, Bartlett, Illinois, 60103	06-09-413-060
34	321 S. Hickory, Bartlett, Illinois, 60103	06-09-413-061
35	311 S. Hickory, Bartlett, Illinois, 60103	06-09-413-062
44	310 S. Hickory, Bartlett, Illinois, 60103	06-09-412-044
45	320 S. Hickory, Bartlett, Illinois, 60103	06-09-412-045
→46	330 S. Hickory, Bartlett, Illinois, 60103	06-09-412-046
47	340 S. Hickory, Bartlett, Illinois, 60103	06-09-412-047
48	350 S. Hickory, Bartlett, Illinois, 60103	06-09-412-048
49	360 S. Hickory, Bartlett, Illinois, 60103	06-09-412-049

EXHIBIT C

"GRANDFATHERED STRUCTURES"

The fences, sheds and other structures identified hereinbelow as located on the Easement Area of lots in Heritage Oaks, being a subdivision of part of the Southeast 1/4 of Section 34, Township 41 North, Range 9 East of the Third Principal Meridian, in Cook County, Illinois, listed on this Exhibit C have been approved and consented to by the President and Board of Trustees of the Village of Bartlett and may remain in place provided they do not obstruct drainage in the said subdivision.

<u>Lot</u>	<u>Street Address</u>	<u>Structure</u>	<u>PIN</u>
1	391 S. Oak, Bartlett, Illinois, 60103	Swingset	06-09-414-053
4	361 S. Oak, Bartlett, Illinois, 60103	Fence	06-09-414-056
6	341 S. Oak, Bartlett, Illinois, 60103	Shed	06-09-414-058
7	331 S. Oak, Bartlett, Illinois, 60103	Shed	06-09-414-059
8	321 S. Oak, Bartlett, Illinois, 60103	Fence	06-09-414-060
9	311 S. Oak, Bartlett, Illinois, 60103	Pool/Fence	06-09-414-061
10	301 S. Oak, Bartlett, Illinois, 60103	Pool/Fence	06-09-414-062
13	271 S. Oak, Bartlett, Illinois, 60103	Fence	06-09-414-065
14	270 S. Oak, Bartlett, Illinois, 60103	Fence/Shed/Jungle Gym	06-09-413-041
15	280 S. Oak, Bartlett, Illinois, 60103	Pool	06-09-413-042
16	290 S. Oak, Bartlett, Illinois, 60103	Fence/Shed/Swingset	06-09-413-043
17	300 S. Oak, Bartlett, Illinois, 60103	Shed	06-09-413-044
20	330 S. Oak, Bartlett, Illinois, 60103	Fence	06-09-413-047
21	340 S. Oak, Bartlett, Illinois, 60103	Jungle Gym	06-09-413-048
23	360 S. Oak, Bartlett, Illinois, 60103	Shed	06-09-413-050
24	370 S. Oak, Bartlett, Illinois, 60103	Shed/Jungle/Gym	06-09-413-051
26	390 S. Oak, Bartlett, Illinois, 60103	Fence/Shed	06-09-413-053
31	351 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-413-058
32	341 S. Hickory, Bartlett, Illinois, 60103	Jungle Gym/Shed	06-09-413-059
34	321 S. Hickory, Bartlett, Illinois, 60103	Pool/Jungle Gym	06-09-413-061
35	311 S. Hickory, Bartlett, Illinois, 60103	Jungle Gym/Shed	06-09-413-062
36	301 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-413-063
37	291 S. Hickory, Bartlett, Illinois, 60103	Shed	06-09-413-064
38	281 S. Hickory, Bartlett, Illinois, 60103	Shed/Fence	06-09-413-065
39	271 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-413-066
40	270 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-412-040
41	280 S. Hickory, Bartlett, Illinois, 60103	Fence/Jungle Gym	06-09-412-041
42	290 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-412-042
44	310 S. Hickory, Bartlett, Illinois, 60103	Pool/Sandbox	06-09-412-044
47	340 S. Hickory, Bartlett, Illinois, 60103	Jungle Gym	06-09-412-047
48	350 S. Hickory, Bartlett, Illinois, 60103	Jungle Gym	06-09-412-048
50	370 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-412-050
51	380 S. Hickory, Bartlett, Illinois, 60103	Fence	06-09-412-051
52	390 S. Hickory, Bartlett, Illinois, 60103	Fence/Shed	06-09-412-052
54	381 S. Western, Bartlett, Illinois, 60103	Dog Run	06-09-412-054

EXHIBIT C (CONTINUED)

"GRANDFATHERED STRUCTURES"

<u>Lot</u>	<u>Street Address</u>	<u>Structure</u>	<u>PIN</u>
57	351 S. Western, Bartlett, Illinois, 60103	Playground/Jungle Gym	06-09-412-057
63	291 S. Western, Bartlett, Illinois, 60103	Fence	06-09-412-063
64	281 S. Western, Bartlett, Illinois, 60103	Fence	06-09-412-064
65	271 S. Western, Bartlett, Illinois, 60103	Fence	06-09-412-065

No other structure shall be allowed in the Easement Area of any such Treed Lot without a Tree Variance.

Village President, Board of Trustees

We are requesting a variance for a fence to be built at 391 S Hickory Ave Bartlett, Illinois 60103. As you may know the posts have already been put in place due to the City of Bartlett issuing a permit for the work to be conducted. Our team strategically places the posts as far from trees as possible, and because of this no roots were hit while digging the post holes. We do this to preserve the trees and other natural growth along with avoiding any damage to our own equipment. The fence that is being installed is a chain link fence which will allow for water flow throughout the area in question. Please let me know if you have any questions or concerns. Thank you.

Best Regards,

Joe Morano

Peerless Fence



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only

Case # 2025-10

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: _____

Street Address: _____

City, State: _____

Zip Code: _____

Email Address: _____

Phone Number: _____

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: _____

Street Address: _____

City, State: _____

Zip Code: _____

Phone Number: _____

OWNER'S SIGNATURE: Mike Waichunas Date: 8/30/2025

(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.)

No trees will be altered or removed as part of this fence installation.

PROPERTY INFORMATION

Common Address/General Location of Property: 391 S. Hickory Ave.

Property Index Number ("Tax PIN"/"Parcel ID"): 06-34-413-054-0000

Acreage: 0.33

Zoning: See Dropdown (Refer to Official Zoning Map)

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

Attorney _____

Surveyor _____

Other Joe Moreno - Peerless Fence - 6307973636 - joe@peerlessfence.com

No page 2 or 3 as part of this Variation Application MW

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: Mike Waichunas

N/A, Village of Bartlett has caused every delay with this project. MW

PRINT NAME: Mike Waichunas

DATE: 8/30/2025

~~**REIMBURSEMENT OF CONSULTANT FEES AGREEMENT**~~ MW

~~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.~~

MW

NAME OF PERSON TO BE BILLED: N/A per Kristy Stone - Village of Bartlett

ADDRESS: _____

N/A, Village of Bartlett has caused this issue. A valid permit was received from village. MW

PHONE NUMBER: _____

EMAIL: _____

SIGNATURE: Mike Waichunas

DATE: 8/30/2025

AVE.

S. HICKORY

95.00

95.00

157.76

157.76

W. DEVON

AVE.

Set Iron Rod at Prop. Corner

Set Iron Rod at Prop. Corner

Found Iron Pipe is 0.205 # on Line

Found Iron Pipe is 0.205 # on Line

Fence is 0.03W.

Fence Post is 1 3/8" on

Walk

Conc. Curb

Conc.

Conc. Curb

Walk

Easement

Utility

LOT

2 STORY FRAME W/B # 391

Bldg.

Bldg.

Easement and Observation for Drainage

Black Chain Link

Galvanized Chain Link

Large tree 51' from the back lot line and 3' from a post

Large tree 39' from the back lot line 4.5' from a post

Large tree 32' from the back lot line and 2.5' from a post

Tree 24' from the back lot line and 14' from a post

Tree 22.5' off the back lot line 2.5' from a post

Residential Fence installation: 4' Granite Harbor Black 108', 2 -8' Double gates / 4' Chain Link Black 16', 4' Gate / 4' Chain Link Galv 65'

Aluminum

8 ft Double gate

8 ft Double Gate

4 ft Gate

13 ft

14 ft

69 ft

12 ft

35.55

11.63

11.65

35.99

28.44

35.00 ft

39.60

29.16

15.00 ft

35.08

88° 50' 00"

Conc.

ASPH DRIVE

Bldg.

Conc. 2 2.12 4.76

2 ft

Wood Deck

Shed

11.08 overhang

27







To whom it may concern,

Mike Waichunas, homeowner of 391 S Hickory Ave., Bartlett, IL 60103, asked me to come out and look at the North line of his property where he is installing a fence for his backyard. The fence runs along his property line and in my professional opinion, the posts are far enough away from the tree roots that very little damage would occur to the tree and no damage to any of the trunks once the fence is fully installed. I have included pictures below of the posts showing their vicinity to the trees and the small diameter hole size.



Sincerely,

Scott Goss – Certified Arborist – IL 9020A

BrightView Landscaping – Tree Care Manager

Scott.Goss@brightview.com

C: 847-980-0848

Kim Jembrzycki

From: Sarah Christensen
Sent: Friday, October 3, 2025 2:55 PM
To: Kim Jembrzycki
Cc: Kristy Stone
Subject: RE: 391 S Hickory

Hi Kim,

I'm glad you encouraged me to go out on site. I did look at the posts, and I still agree with my initial statement. As installed, the posts will not harm the health of the trees in the area. The isolated holes for the post installation are much less invasive on a tree's roots system than trenching or other construction activities and will do minimal damage, if any, to the roots. The location of the fence itself also appears to be appropriate distance from the trees in the area.

However, the posts I saw are not installed according to the plans that I was sent. The proposed fence on the plat of survey shows the fence going diagonally across the property. The posts on site follow the lot line on the north side of the property.

Sarah Christensen

Village Forester



Public Works Department
1150 Bittersweet Dr
Bartlett, IL 60103
(630) 837-0811

Kim Jembrzycki

From: Nicholas Talarico
Sent: Friday, October 3, 2025 3:23 PM
To: Kim Jembrzycki
Subject: Re: 391 S Hickory

Hi Kim,

Please see below for my inspection notes.

The shed, the fence installed along the south side of the property, and the fence posts installed along then north side of the property were all inspected for potential impacts on existing drainage patterns. Given the type of fences and their proposed locations, no negative drainage impacts for the lot in question, or the surrounding area are expected. In regard to the shed, the current location also appears not have any adverse effects on drainage patters in the area.

As we discussed over the phone, the proposed fence posts on then north side of the property are not installed per the plan. All the attachments in the portal, except the hand drawn sketch uploaded 10/2, show the proposed chain link fence on a diagonal. The fence posts installed are along the north property line.

[Nick Talarico, P.E. | Village Engineer](#)

[Village of Bartlett | 1150 Bittersweet Dr. | Bartlett, IL 60103](#)

PW Main: [630.837.0811](tel:630.837.0811) | PW Office: [630.540.5414](tel:630.540.5414)

