



Village of Bartlett
Planning and Zoning Commission Special Meeting
October 13, 2025

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

Roll Call

Present: B. Bucaro, J. Miaso, A. McSwane, M. Werden, C. Deveaux, G. Koziol, M. Sarwas
Absent: J. Kapadoukakis

Also Present: Kristy Stone, Planning & Development Services Director

Public Forum

M. Werden opened the public forum. No one from the public came forward. **M. Werden** closed the public forum.



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(#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

The following exhibits were presented:

Exhibit A – Mail Affidavit

Exhibit B – Email from Ronald & Colleen Watt

M. Werden read Exhibit B, the email into the record. *Good Day - My name is Ron Watt and my wife Colleen and I have lived on the 300 (351 to be exact) block of South Hickory for 25 years. We are writing in support of the homeowners at 391 S. Hickory. We also live in the tree preservation easement, and while we can appreciate that the easement was established, we also believe the homeowner has taken every step available in keeping within the spirit of the agreement. To our knowledge, no trees were damaged or removed during the install of the fence, and by choosing the style of fence they did, small animals can still traverse the area. We support voting yes for the variance and allowing the homeowners to complete the install of the fence. We also understand the village did previously grant the homeowner a permit for this work. We do not support the use of our tax dollars to pay for the removal of the fence. We are not able to attend this public forum, but do wish to have our comments added to the public record. Thank you for your time and attention. Ronald and Colleen Watt, 351 S Hickory Ave.*

Joe Morano, Peerless Fence 2820 Camden Drive, West Chicago, came forward on behalf of the petitioner and was sworn in by **M. Werden**. **J. Morano** stated that he met with the homeowner on June 13, 2025 regarding the fence for the property. The petitioner did mention issues with permitting for a fence and the concerns about that. After we decided what type of fence to install, I did reach out to the Village to make sure that it was okay to move forward. I did receive confirmation from the Village that the location was fine to install, and the height and perimeter were discussed. That was confirmed by phone and by email. We applied for a permit and were issued a permit. We began to install the fence on August 25, 2025. About halfway through that installation, Village officials asked that we stop the installation of the fence. Our installers stopped work at the request of the Village and that is what brings us here today. We were informed that this was a treed lot issue. At no time when I reached out to the Village during the permit application process was there ever any mention of any issues with the fence style or height. Peerless Fence has installed hundreds of fences in the Village of Bartlett. When we do our installs, our installers make it a point to avoid roots. We do hand digs around those areas to make sure that we preserve the trees. First and foremost, obviously to preserve those things, but also to protect our equipment as well. We do not want to drill into any large tree branches either.

M. Werden obviously something went wrong and it was a mistake to issue the permit. How deep do the fence posts go? **J. Morano** they are 36" deep per the Village Code. The petitioner did choose a chain link fence to go along where that easement is. The whole width is much smaller than it would be if this was a vinyl fence. The posts would be much larger for that.



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M. Werden asked, do the neighbors behind the petitioner at 390 S Oak Avenue have the same type of fence? **J. Morano** I believe they have an aluminum fence that goes along the back on the Devon Avenue side. This fence would be chain link. **M. Werden** how long has the fence along Oak Avenue been there? **K. Stone** that fence has been grandfathered in as part of the resolution in 1997. **G. Koziol** are the posts pressed into the ground or is there cement? **J. Morano** these are cement-filled holes for all of the posts. They are hand dug holes around the trees. We do not use an auger in those areas to protect the trees and to protect our equipment. **B. Bucaro** what is the diameter of the post hole? **J. Morano** it is 8" in diameter. **G. Koziol** does that type of install damage the tree roots? **J. Morano** no, it does not. We make it a point to make sure to avoid that. We would not put a fence post right on top of a tree. We will place the post to avoid that as well. **M. Werden** asked, did staff receive any inquiries about this case? **K. Stone** no, we did not. **B. Bucaro** when that development went in 1978 with that covenant, it must have just been a big unknown requiring the Village to make the resolution 1997 to create the process for a variance. **K. Stone** I do not know what triggered the resolution.

Jim Olsta 371 S. Hickory Avenue stated that I would like to address the permitting issue. In 1977, there was a homeowner on Hickory Avenue that wanted to install a fence and a lot of the neighbors were opposed to that. They came to the Zoning Board of Appeals. There was only a deed that you would see when you were closing on your house that showed there was an easement. That is why the resolution was written in 1997. I am disappointed that this permit was issued in error. I want to make sure that if there is not onboard training currently that they establish that and update that to include the 1997 resolution because it does not appear that they were aware of that. I hope that the commission will follow through with the Building Division to make sure that there is corrective action that takes place so that this does not happen again. **M. Werden** this commission does not have jurisdiction over that. Our concern tonight is tree root damage and drainage at this meeting, but yes, I am sure things are going on in the Building Division to make sure that this does not happen again. **Lori Glaser** 350 S. Hickory Avenue said that we closed on our house in 1986 and at the closing we were presented with some paperwork that said that you would not touch the easement that was in your backyard. It was a nature preservation easement. No fences, no tearing down trees deliberately or clearing out of lots. As it pertains to this case, we are only talking about a fence. In the neighborhood, people have done a little bit of clearing of their lots and have gone back into the easement. I do not have a huge problem with that if the bulk of the woods are still there. The whole purpose of the nature preservation is to allow the wildlife to go through and to not damage any of the trees and bushes that are there. I understand that the fence is not extremely invasive, but any kind of work that is done in the easement, in my opinion, is going to affect all of the shrubbery and the trees growing back there. I think the biggest disappointment that I have is, the Village issued a permit when everybody, to my knowledge, if you lived on Oak, Western or Hickory Avenues, has to sign that piece of paper acknowledging that you are not going to go into the easement. If people want to put in a fence in, that is fine, but it can only go to the easement, it is not supposed to go past the easement and leave everything else as is. I know other homeowners on the block that have had a huge dead tree that



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they were worried about and were worried about safety. They went through the process and got permission from the Village to remove the tree. I do not know why everyone should not have to follow the rules and only go to the easement and no further. **Phil Kraff** 390 S Hickory Avenue said we have a fence in the back and it goes through the easement area. We replaced a fence that was already there and that was permitted. **M. Werden** when did you replace the fence? **P. Kraff** a few years ago. **B. Bucaro** is your lot a treed lot? **M. Sarwas** that lot is a treed lot and is grandfathered in as part of the resolution in 1997.

The petitioner, **Jill Waichunas** 391 S. Hickory Avenue stated that we are requesting a variance to complete our fence installation. The fence is not for appearance, but for safety. When we applied for the fence permit earlier this year, it was approved in June and Peerless Fence came to construct the fence in August and we proceeded in good faith, investing our time and our resources. From the beginning, we made our concerns clear to our contractor and we were assured that everything was compliant. We also made sure that no trees or landscapes would be harmed, which is very important to us as well. However, after a neighbor's complaint, we were told to stop work because the Village had made an error in approving the permit. The core of our request comes down to one issue and that is the traffic. When we first moved here, our corner was quite quiet. Today, it is not. We have done a little study about the amount of traffic that is coming through Devon Avenue and from August 29 to September 17, we have counted 29 to 77 cars that come by in a 10-minute period. During the morning, in the afternoon, and during rush hour. This is constant daily traffic and many drivers do not watch their speed as they pass our home. Unlike some of our neighbors who are shielded by trees and neighboring houses, our lot is completely exposed to this. We have no natural buffer between our yard and the road, and a fence is not a luxury for us, but it is protection for our family, our dogs and anyone who visits our home. Bartlett is growing and we do support that growth. We love the town of Bartlett, but as the town changes, homeowners like us must be allowed to adapt for safety. Our request is simple, allow us to finish the fence that was already approved so that we can have the same level of safety and peace that many of our neighbors are already enjoying. **M. Werden** your point is well taken. I think if there was damage to the tree roots, it certainly would have been done when the fence was put up behind you between the two properties. There is a lot of thick growth there. I looked at the property and it looked like they were trying to be very careful. It did not appear that anything had been cut down. I have to respect the fence contractor's word that he does not think they hit any tree roots. At this point, all of the fence posts appear to be in and the damage would already be done if they did hit roots. You are in a very unusual situation. The concern is the tree roots and the drainage flow. With this type of fence and the terrain of the property, I do not think this is going to be a drainage issue. I would be interested in hearing more comments from the Commission. **C. Deveaux** the Village Arborist and Village Engineer did submit statements that the fence is not an issue as far as tree roots or drainage. **B. Bucaro** based on the Village Arborist's and the Village Engineer's report as well as the 1997 resolution, I do not see this as being an issue. **M. Sarwas** added, right or wrong, we did issue the permit and the Village takes accountability for that and we will fix that going forward for sure, but I do not think that this something that we can hold the residents accountable for as long as we have documentation from our Village Arborist



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and Engineers. The spirit of that resolution was that there was no damage to the trees, the root system, or the drainage system. That has been confirmed by outside and inside consultants that that is not the case. All we can do is trust the experts that have gone out there and reviewed this. **M. Werden** your point is well taken, especially with our own people stating that. **G. Koziol** we do have two experts that have voiced their opinion on this issue, the Village Arborist and the Village Engineer. This is a rather unique situation. We have never had anything like this. I believe that we have to place a lot of trust in what these experts are telling us, that there should be no effect on the trees or to the drainage. It seems like a reasonable request.

B. Bucaro made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#23-10) 391 S. Hickory Avenue** for a tree variance to allow a fence and a shed within a tree preservation easement subject to the conditions and findings of fact outlined in the staff report.

Motioned by: B. Bucaro
Seconded by: C. Deveaux

Roll Call

Ayes: B. Bucaro, J. Miaso, A. McSwane, M. Werden, C. Deveaux, G. Koziol, M. Sarwas
Nays: None

The motion carried.



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Old Business/ New Business

K. Stone we will have 2 public hearings next month at our regular meeting. One is for Bartlett Mart to sell packaged liquor, and the other case is for a variation for impervious coverage.

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

Motioned by: M. Sarwas

Seconded by: A. McSwane

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:33 pm.