

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**OCTOBER 15, 2012**

**1. ROLL CALL**

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Police Station, 7700 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 5 – Cronin, Bolos, Stratis, Grunsten, and Trzupek

ABSENT: 1 – Franzese

Also present was Community Development Director Doug Pollock.

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to approve minutes of the October 1, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Bolos, Cronin, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

**3. PUBLIC HEARINGS**

Chairman Trzupek confirmed all present who wished to give testimony at the public hearing and introduced the public hearing as follows.

**A. Z-19-2012: Zoning Ordinance Text Amendment – Backyard Chickens**

Chairman Trzupek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described the public hearing as follows: The Plan Commission opened the public hearing for this text amendment on October 1, 2012 and continued the hearing to allow staff to prepare a draft amendment based on the discussion at that meeting. The draft amendment would allow up to 4 chickens in the back yard of a one acre residential property subject to several conditions as outlined in the written staff report. Mr. Pollock said that he believes the only outstanding issue was related to where the chicken coop could be located. He showed a graphic on the screen indicating three different sets of location regulations. All restricted chicken coops to the rear yard but with different

setbacks. One of the options was based on the Plan Commission discussion at the last meeting and would require a 50 foot rear yard setback and a 30 foot side yard setback. The second option shown would restrict the chicken coop to the area directly behind the house but with a 10 to 30 foot rear yard setback. The third option showed the location of the chicken coop with a 10 foot rear yard setback and a 10 to 20 foot side yard setback as is required for most other accessory structures and buildings.

Chairman Trzupsek asked for comments from the public.

Mr. Chris Herringshaw, 8150 Steepleside Drive, said that the regulations would be appropriate to what he wants to do although he said he was somewhat concerned with the location requirements as discussed at the last Plan Commission meeting. He said with a 50 foot rear yard setback and 30 foot side yard setback, his property could only accommodate a chicken coop in a narrow strip that is in the rear yard but not directly behind the house.

Chairman Trzupsek asked for questions and comments from the Plan Commission.

Chairman Trzupsek asked the Commissioners about their intent in suggesting the 50' rear and 30' side yard setback. He asked if the preference would be to keep it behind the house. Commissioners Bolos, Cronin and Stratis said that they would prefer to keep it directly behind the house.

Commissioner Bolos asked about the option that would keep the chicken coop behind the house. Mr. Pollock said the only problem with that option is that if combined with a 50 foot rear yard setback, it may put chicken coops right next to a home and interfere with patios and other accessory buildings. He added that staff would not object to reducing the rear yard setback to 10 feet as this is the required setback for other accessory buildings and for accessory structures such as pools and sport courts. Mr. Pollock added that since the rear yard setback for a principal building is a minimum of 50 feet, the 10 foot rear yard setback would result in a separation of at least 60 feet from a neighbor's house.

Mr. Pollock added that under any circumstances if a resident with a chicken coop failed to properly maintain the coop, it would be a violation of the property maintenance code and the nuisance codes and staff would require removal or maintenance even if the coop otherwise complied with the Zoning Ordinance.

Commissioners Stratis asked if the hardware cloth would rust where it is required to be buried in the ground. Mr. Herringshaw said that it would rust over time and would have to be replaced.

There being no further questions or comments, Chairman Trzupsek asked for a motion to close the public hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the public hearing for Z-19-2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Grunsten, Bolos, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Stratis to recommend approval of an amendment to Section IV.H of the Burr Ridge Zoning Ordinance to modify the regulations for the keeping of livestock on residential properties and specifically to allow the keeping of chickens on residential properties less than 5 acres in area as follows:

### 3. Keeping of Livestock as an Accessory Use

Except as otherwise expressly provided herein, accessory buildings or structures shall not be used for the keeping of livestock, poultry or rabbits, whether for profit or not, unless said buildings or structures meet the following requirements:

- a. All livestock, poultry, and rabbits (except up to a maximum of two rabbits kept as household pets *and except for chickens as regulated herein*) shall be kept only on lots or parcels of at least five acres in size.
- b. There shall be no more than one horse or other livestock, poultry, and rabbits for each 20,000 square feet of lot area *except for chickens and rabbits as regulated herein*.
- c. Such **Accessory** buildings or structures *for livestock* shall be located at least 50 feet from the side or rear lot lines.
- d. *Chickens, also referred to herein as domestic hens or hens, are permitted on properties of one acre or more and zoned for single-family residential use subject to the following terms and conditions:*
  - (1) *A maximum of four domestic hens are permitted;*
  - (2) *The keeping of roosters and the slaughtering of any chickens is prohibited;*
  - (3) *Hens shall be kept in an enclosure at all times and the enclosure shall comply with the following:*
    - (i) *The area of the enclosure shall not exceed 150 square feet.*
    - (ii) *The enclosure shall be designed for the specific purpose of keeping chickens, to prevent access by wild animals, and to prevent attraction of rodents.*
    - (iii) *The enclosure shall include an open area enclosed with hardware cloth that is buried at the perimeter at least six inches in the ground.*

*(iv) The enclosure shall be considered an accessory building for purposes of zoning, shall comply with all zoning regulations for accessory buildings not specifically modified herein, and shall be subject to the issuance of permit.*

*(4) The enclosure shall be located in the rear buildable area of the property with a minimum setback from the interior side and corner side lot lines equal to the setback of the principal building and may encroach into the required rear yard setback subject to a minimum setback from the rear lot line of 10 feet.*

ROLL CALL VOTE was as follows:

AYES: 5 – Bolos, Stratis, Cronin, Grunsten, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

**B. Z-16-2012: 150 Burr Ridge Parkway (Chase); Special Use, Variation and Findings of Fact**

Mr. Pollock said that Chase Bank has asked for a continuance to the November 19, 2012 meeting. He said they are considering changes to the building and do not yet have final plans.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the public hearing for Z-16-2012 to November 19, 2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Grunsten, Cronin, Bolos, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

**C. Z-20-2012: 15W580 North Frontage Road (Compass); Rezoning Upon Annexation, Variation, and Findings of Fact**

Chairman Trzupsek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described the public hearing as follows: The petitioner owns and operates a truck sales business at 15W580 North Frontage Road. The property is currently unincorporated but is surrounded on all sides by the Village of Burr Ridge. The petitioner is seeking rezoning upon annexation and a zoning variation.

Mr. Pollock also reported the following: Village staff received a notice from Du Page County in August of 2012 that the petitioner was seeking special use approval for a truck driving school. The Village Board immediately directed staff to prepare an Ordinance force annexing the property (with the intent of circumventing any County zoning approvals). The property owner withdrew the County zoning request and asked the Village to enter into an Annexation Agreement instead of force annexing the property.

The Village Board has agreed to proceed with an annexation agreement with the understanding that the truck driving school would be eliminated from the property (staff has received complaints about noise and traffic from the truck driving school). As a result, the truck driving school is not part of this zoning request.

Mr. Pollock said that the proposed GI zoning is the same as the zoning to the south and west of the subject property and that truck sales is consistent with the use of the property to the east which is a truck terminal. He said the primary issue with this petition is the residential area to the north and the need to provide an adequate buffer between this industrial property and the residential area. He said that the petitioner has stated that they intend to construct a 16 foot tall wall along the north property line to provide a screen between the subject property and the residences to the north and that they have agreed to clean up the landscaping in the right of way between the property and 75th Street.

Chairman Trzupsek asked what the Zoning Ordinance requires for the height of the landscaping in the 30 foot buffer. Mr. Pollock said he was not sure and would have to check the Zoning Ordinance.

Chairman Trzupsek asked the petitioner for comments.

Mr. Tim Dwyer, attorney for the property owner, described how the property owner began talking to the Village staff some time ago about annexation. He said there were really no problems with the property until the driving school began and neighbors began complaining about noise. He said they initially talked with staff about landscaping the buffer yard but that the neighbors would prefer a wall similar to the wall that was constructed by the SAIA on the adjoining property. Mr. Dwyer said that the property owner has always worked closely with the neighbors to resolve problems and is agreeable to constructing the wall as requested.

Chairman Trzupsek asked for comments and questions from the audience.

Mr. Ed Tameling said that the neighbors met with the property owner and discussed a wall similar to the SAIA wall. He said some of the residents were concerned about the color of the wood and would prefer a different color. Mr. Tameling said those residents were not at the hearing.

Mr. Mario Magliano of Compass Trucks said that it would be too expensive to change the wood and that he did not want to stain or paint the wood as that would create maintenance expenses. Mr. Dwyer added that the bids for the fence were all in the range of \$83,000. Mr. Magliano said that they would add additional landscaping on the residents side of the fence.

Chairman Trzupsek said that he was concerned about the depth of the landscaping area between the fence and 75th Street. He said his concern was whether anything would grow in that area. Mr. Magliano stated that the area between the SAIA wall and 75th Street is shorter and that plants grow very well in that area.

Chairman Trzuppek asked Mr. Tameling if the neighbors were satisfied with the proposal for the wall. Mr. Tameling said that they are satisfied.

In response to Commissioner Cronin, Mr. Magliano said that the wall would extend across the entire north lot line.

Commissioner Bolos wanted to know when the wall would be constructed. Mr. Dwyer said that they would like to begin immediately but that they would have to get a permit from DuPage County and he does not know if Du Page County would issue a permit. He said that they may have to wait until the property is annexed. He added that the other concern would be getting the footings constructed before the ground freezes.

Commissioner Bolos asked about the neighbor's preference for the color of the fence. Mr. Tameling said that some of the neighbors expressed interest in a green fence but they are not at the hearing. Mr. Magliano reiterated that it would be cost prohibitive to use a different wood and he did not want to create maintenance problems by staining or painting the wood but that he would work with the lumber provider to make sure they get the best wood possible for the fence.

Commissioner Stratis asked about planting in the right-of-way. Mr. Pollock said that evergreens are not normally allowed in the right-of-way but that since this backs up to the truck property, Village staff would allow evergreens to be planted as a buffer.

Commissioner Grunsten said that she wanted to make sure all the neighbors and the petitioner were in agreement. All parties present indicated their agreement. Commissioner Grunsten added that she thought it was very kind of the petitioner to cooperate with the neighbors and offer to construct the wall.

Chairman Trzuppek asked if the petitioner would be required to submit a plan for the wall and the landscaping. Mr. Pollock said that they would be required to submit a plan before proceeding.

A MOTION was made by Commissioner Cronin and SECONDED by Commissioner Stratis to close the public hearing for Z-20-2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Stratis, Grunsten, Bolos, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A MOTION was made by Commissioner Bolos and SECONDED by Commissioner Stratis to direct staff to prepare findings of fact and to recommend approval of Z-20-2012 subject to the construction of a 16 foot wall on the north lot line comparable to the wall on the adjoining SAIA property with landscaping on the outside of the wall.

ROLL CALL VOTE was as follows:

AYES: 5 – Bolos, Stratis, Cronin, Grunsten, and Trzuppek

NAYS: 0 – None  
MOTION CARRIED by a vote of 5-0.

**4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

**5. OTHER CONSIDERATIONS**

There were no other considerations scheduled.

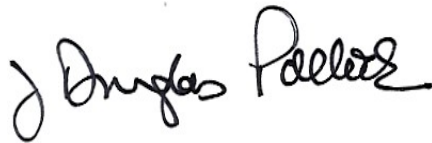
**6. FUTURE SCHEDULED MEETINGS**

Chairman Trzupek noted that the next meeting is scheduled for November 19, 2012.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to **ADJOURN** the meeting at 8:32 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:32 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

November 19, 2012