

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**OCTOBER 21, 2013**

**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 Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

**ROLL CALL** was noted as follows:

**PRESENT:** 6 – Cronin, Stratis, Hoch, Grunsten, Scott, and Trzupek

**ABSENT:** 2 – Grela and Praxmarer

Also present was Community Development Director Doug Pollock. In the audience were Trustees Franzese, Manieri, and Bolos

**2. APPROVAL OF PRIOR MEETING MINUTES**

Commissioner Scott noted that on page 3 of the draft minutes, regarding the Goldfish Swim School Special Use, the description of retail sales should state that the sales are for items such as towels and goggles for students only rather than re-sell of items.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to approve minutes of the October 7, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 2 –Hoch and Scott

**NAYS:** 0 – None

**ABSTAIN:** 4 – Cronin, Stratis, Grunsten, and Trzupek

**MOTION CARRIED** by a vote of 2-0.

**3. PUBLIC HEARINGS**

Chairman Trzupek affirmed all present wishing to speak at a public hearing.

**A. V-05-2013: 11349 71<sup>st</sup> Street (Tamborski); Variation and Findings of Fact**

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

Mr. Pollock summarized the hearing as follows: The petitioner seeks to replace a detached garage for a single-family home. The existing garage conforms to the Zoning

Ordinance. The proposed garage would be moved closer to the street and would encroach into the required corner side yard setback.

Chairman Trzupsek asked the petitioner if he had anything to add to the staff report.

Mr. Joseph Tamborski introduced himself. He said his goal is to have a larger back yard. He said the property has a small back yard and by moving the garage closer to the street, he will have a larger back yard.

Chairman Trzupsek asked for public comments or questions.

Dolores Cizek, LaGrange, asked if the proposed setback was 17 feet or 20 feet. Mr. Pollock said it was 20 feet.

There being no further public comments, Chairman Trzupsek asked the Plan Commission for questions and comments.

Commissioner Cronin asked how long the petitioner had lived in the home and if there was a septic field in the front yard. Mr. Tamborski said he has lived there for 30 years and that the septic system was abandoned when they connected to the public sewer system. Also in response to Commissioner Cronin, Mr. Tamborski said the existing and the proposed garage are two car garages.

Commissioner Stratis said that he agrees with the petitioner that the property should have a back yard larger than the existing. He said that the property is unique because of its location and the location of the house toward the back of the lot.

Commissioner Hoch said she was stuck on the fact that the garage could be 12 feet closer to the street without a variation.

Commissioner Scott said that he believes the variation should be granted.

Chairman Trzupsek asked about the slope of the corner side lot line to the south. He noted that it slopes away from this property making this property unique.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the hearing for V-05-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Cronin, Grunsten, Stratis, Hoch, Scott, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**A MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of a variation from Sections IV.H.4 and VI.F.7 of the Zoning Ordinance to permit a detached garage to be located 20 feet from the corner side (i.e. west) lot line rather than the requirement that a detached garage be located a minimum of 30 feet from a corner side lot line subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Grunsten, Cronin, Stratis, Hoch, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

Chairman Trzupek said that they would conduct the hearings out of order to accommodate the residents in the audience who are here for two of the public hearings.

**C. V-06-2013: 2 Carriage Place (Werr/Slaga); Patio Setback Variation**

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

Mr. Pollock summarized the hearing as follows: The petitioner proposes to replace and expand an existing patio located within an interior side yard. The existing patio is approximately 3 feet from the interior side lot line; the Zoning Ordinance requires a 10 foot setback. A variation is necessary because the Zoning Ordinance allows a legal non-conforming structure to be repaired but if replaced, it has to be brought into conformance.

Chairman Trzupek asked the petitioner if he had anything to add to the staff report.

Mr. Robert Werr and Ms. Mary Slaga introduced themselves as the petitioners and the residents at 2 Carriage Place. They presented photographs of the existing patio to show that it is in disrepair and needs to be replaced.

Chairman Trzupek asked for public comments or questions.

There was no one present to speak. Ms. Slaga stated that they received approval from the Homeowners Association and submitted a letter from the immediate neighbor indicating their support of the variation. She said that the neighbors were present to support the request.

There being no further public comments or questions, Chairman Trzupek asked for comments and questions from the Plan Commission.

Commissioner Scott asked about the material to be used for the new patio and if the additional patio area was designed to meet the 10 foot setback. Ms. Slaga said the new surface would be paver bricks and confirmed that the additional patio area will meet the 10 foot setback.

Commissioner Grunsten asked if the patio was covered. Ms. Slaga said it is not covered.

Commissioner Hoch asked if the variation would be different if this were the rear yard. Mr. Pollock said it would not be different as patios are permitted in the rear and side yard and with a minimum 10 foot setback from the side and rear lot lines.

Commissioner Stratis noted that the house exceeds the minimum corner side yard setback and if planned better, they would have sufficient area in the side yard for a patio.

Commissioner Cronin noted that technically they could put pavers over the top of the existing patio and it would be considered in compliance with the applicable regulations.

Chairman Trzupek asked if the sub-base of the patio would be kept. Mr. Werr said he did not know. Chairman Trzupek suggested that it is likely the gravel sub-base would be used for the paver patio and noted that it is hard to distinguish between repair and replacement. Therefore, he supports the variation.

Commissioner Grunsten asked if there were any covenants that would impact the patio. Mr. Werr said he was not aware of any covenants and that they have the written approval of the Homeowners Association.

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

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to close the hearing for V-06-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Stratis, Cronin, Grunsten, Scott, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of a variation from Section IV.I.34 of the Zoning Ordinance to permit the replacement and expansion of a patio and patio seat wall located less than 10 feet from the interior side (south) lot line rather than the requirement that patios and patio seat walls be located a minimum of 10 feet from an interior side lot line subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Cronin, Hoch, Grunsten, Scott, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**D. Z-20-2013: 11680 German Church Road (Village of Burr Ridge); Rezoning**

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

Mr. Pollock summarized the hearing as follows: At its September 23, 2013 meeting, the Board of Trustees directed the Plan Commission to conduct a public hearing to consider rezoning the Village owned property at 11680 German Church Road. The Board directed the Plan Commission to consider either the R-2A or the R-2B Single-Family Residence District. The total property consists of 12 acres. Four acres are occupied by the Village's pump station which includes a pump station building and an underground tank. The remaining 8 acres are for sale by the Village.

Chairman Trzupek asked for public comments or questions.

Mr. Zed Francis, 8237 Greystone Court, said he was representing the Bridle Path Homeowners Association. He said the Association supports the rezoning and had previously advocated that the Village rezone the property prior to selling the property.

Chairman Trzupek asked if the homeowners had preference for either the R-2A or the R-2B District. Mr. Francis said they did not have a preference.

Mr. Vlado Lenocho, 8101 Woodside Lane, said that he lives adjacent to the property and would prefer rezoning to the R-2B District.

Ms. Dolores Cizek, LaGrange, noted that the property contains 12 acres yet the Village was only selling 8 acres. She said the Village's pump station property should have separate PIN number and she strongly encourages that the 4 acre pump station property be disconnected from this rezoning.

Mr. Pollock responded that the properties already were subdivided and have separate PIN numbers. He said the rezoning includes both properties so that the 4 acre pump station parcel does not appear as a spot zoning.

Mr. Scott Magnesen, 8265 Steepleside Drive, said he believes it is important that the property be rezoned to the R-2A or the R-2B District consistent with the zoning on Steepleside and the other subdivisions on German Church Road.

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

Commissioner Cronin confirmed that the property is legally divided into two lots and the north 8 acres are for sale. Mr. Pollock confirmed and added that the south 4 acres contains the Village's pump station and underground water storage tank.

Commissioner Stratis asked if it were possible for the 15 acres to the west that front on County Line Road to be rezoned to the R-2B District. Mr. Pollock said based on the Bridle Path and Crosscreek zoning, it is likely it could be rezoned to R-2B.

Commissioner Stratis said he was agnostic on whether the Village property should be rezoned R-2B or R-2A.

Commissioner Hoch asked about the subdivision of the property. Mr. Pollock said it was subdivided but for some reason did not show on the zoning map.

Commissioner Grunsten said she had no questions.

Commissioner Scott said he agrees with the logic of zoning the property to the R-2B District.

Chairman Trzupek said he would error on the side of caution and recommend rezoning to the R-2A District. He said a developer could always propose to rezone the property to the R-2B District in the future. In response to Chairman Trzupek, Mr. Pollock said the difference between the two zoning districts would likely be just a couple of lots.

Commissioner Grunsten said she agrees with Chairman Trzupek.

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to close the hearing for Z-20-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Grunsten, Cronin, Stratis, Hoch, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to direct staff to prepare findings and fact and recommend to the Board of Trustees that the subject property be rezoned to the R-2A District.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grunsten, Hoch, Cronin, Stratis, Scott, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**B. Z-19-2013; Zoning Ordinance Text Amendment – Regulations for Medical Cannabis Cultivation and Distribution Facilities**

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

Mr. Pollock summarized the hearing as follows: After a brief discussion at the October 7, 2013 meeting, the Plan Commission continued this hearing. At that meeting, staff reported that the original staff summary was incorrect in its statement that a medical

cannabis dispensing facility must be 1,000 feet from a residential district. There is no separation requirement from residential districts for a dispensing facility. The continuance was also to allow the full Plan Commission to consider the amendment and to consider allowing medical cannabis dispensing facility as a permitted or special use when accessory to a fully licensed pharmacy in addition to allowing a dispensing facility as a special use in the GI District as recommended by staff.

Mr. Pollock reminded the Commission that the State law requires municipalities to accommodate medical cannabis facilities within the guidelines established by the law. He said that the state law requires a 2,500 foot separation from residential districts for a cultivation facility and that precludes a cultivation facility in Burr Ridge. Mr. Pollock said that a dispensing facility could be located in any non-residential district even if adjacent to a residential district.

Chairman Trzupsek asked if it would be consistent with the state law to only allow medical cannabis dispensing facilities as an accessory to a pharmacy. Mr. Pollock said he was not sure but it is possible that would not be consistent with the state law.

Commissioner Stratis said he does not agree that with the statements made by Commissioner Grela at the last hearing relative to stigmatizing medical cannabis by limiting it to industrial districts. He said that the industrial districts in Burr Ridge are different from other communities. He suggested that the Village should proceed cautiously and limit medical cannabis to a special use in the GI District. Commissioner Stratis concluded that the Commission should continue this hearing again for further discussion since Commissioner Grela was not present at tonight's meeting.

Ms. Mary Bradley, 121 Surrey Lane, said she agrees that the Village should be cautious as this is an issue with unknown consequences.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to continue the hearing for Z-19-2013 to November 4, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Hoch, Cronin, Stratis, Grunsten, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

#### **E. Z-21-2013: Zoning Ordinance Text Amendment – Driveway Widths**

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

Mr. Pollock summarized the hearing as follows: Earlier this year, the Plan Commission recommended and the Board approved an amendment to the Zoning Ordinance relative to the regulations for residential driveway widths. The intent of the amendment was to allow residents with non-conforming driveway widths to replace their driveways without having to narrow the driveway. After approval of that amendment, a resident complained

that they were made to narrow their driveway before this amendment and would like to go back to a wider driveway. The Board of Trustees asked that the Plan Commission review this again.

Mr. Pollock suggested the following options for the Plan Commission: leave the amendment as it currently exists in which case a resident who was made to narrow their driveway would have leave the driveway as is; amend the regulations to allow a resident who was made to narrow their driveway to go back to a wider driveway; or allow all driveways that access front loaded three car garages to be 30 feet wide.

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

Commissioner Scott said he had no comments or questions at this time.

Commissioner Grunsten said she was not sure how to proceed.

Commissioner Hoch said that she feels the Commission is being held hostage by inspectors who do not do their job prior to 1996. She said she understands the unfairness factor but also feels more narrow driveways are a benefit to a residential street.

Chairman Trzupek said that he thinks very few residents would widen their driveways if given the opportunity. He suggested an amendment that would allow any existing residential property with a three car front loaded garage to have a 30 foot wide driveway but that any new home or new garage would continue to be restricted to the maximum width of 22 feet. He also suggested that the combined driveway width remain at 36 feet. He said that additional pavement allowed by more driveway width is not desirable.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Cronin to close the hearing for Z-21-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Cronin, Stratis, Grunsten, Scott, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to direct staff to recommend to the Board of Trustees approval of an amendment to Section IV.Y of the Burr Ridge Zoning Ordinance to permit a maximum 30 foot wide driveway for residential properties with existing three-car front loaded garages but to continue to limit driveways for new garages or new homes to a maximum width of 22 feet.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Grunsten, Cronin, Stratis, Hoch, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.



**4. CORRESPONDENCE**

There was no discussion regarding the Board Report.

**5. OTHER CONSIDERATIONS**

There were no other considerations scheduled.

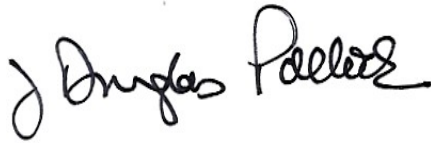
**6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to **ADJOURN** the meeting at 9:05 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:05 p.m.

Respectfully Submitted:



November 4, 2013

---

J. Douglas Pollock, AICP