

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
SEPTEMBER 15, 2014

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: 7 – Hoch, Grunsten, Praxmarer, Grela, Scott, Sheth, and Trzupek

ABSENT: 1 – Stratis

Also present was Community Development Director Doug Pollock

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Sheth to approve minutes of the August 18, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Sheth, Grunsten, Scott, and Trzupek

NAYS: 0 – None

ABSTAIN: 2 – Praxmarer and Scott

MOTION CARRIED by a vote of 5-0.

3. PUBLIC HEARINGS

Chairman Trzupek asked all persons in attendance who may speak at any of the public hearings to stand and affirm to tell the truth. Chairman Trzupek affirmed all those who stood.

A. V-03-2014: 15W281 91st Street (Sedlacek); Variation and Findings of Fact

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

Mr. Pollock summarized the hearing as follows: This public hearing was continued from July 21 and from August 19, 2014 to allow the petitioner to provide more information in response to questions raised at the July 21 meeting. The petitioner is requesting a side yard setback of 3 feet for a detached garage but has withdrawn the request for a rear yard setback variation. Also, staff has determined that the required setback is 8.3 feet rather than the 10 feet previously reported. This is due to a provision that undersized lots may have reduced side yard setback provided the reduction is not below 5 feet and 10% of the land width. The petitioner has also submitted a copy of the driveway easement indicating perpetual access via the adjacent property, a revised site plan showing the exact location of the septic

tank, and a letter requesting two years to pave the driveway subject to a \$2,500 performance bond.

Chairman Trzupke asked the petitioner for their comments and presentation.

Mr. Wes Zaba said he is an attorney representing the property owner. Mr. Zaba said that a 10 foot setback is required around the perimeter of a septic tank and the garage would be exactly 10 feet from the tank. He said there were two reasons for requesting two years to pave the driveway. He said first they wanted to complete the garage before paving the driveway so that heavy equipment does not damage the driveway and second, they are making the request due to the cost of paving the driveway.

Chairman Trzupke asked for public comments and there were none. He then asked for questions and comments from the Plan Commission.

Commissioner Hoch asked if the petitioner intended to pave the entire driveway. Mr. Zaba said they did intend to pave the entire driveway from the street to the garage.

Commissioner Grunsten said she was satisfied with the revisions that were made to the plans.

Chairman Trzupke asked if a new driveway and garage were being built, what would the deadline for paving the new driveway. Mr. Pollock said the driveway would not have to be paved before the garage is constructed but the performance bond would not be returned until the driveway is paved.

Commissioner Sheth asked if the \$2,500 bond would be in addition to the performance bond required for a building permit. Mr. Pollock said that it would be separate from that bond. He asked the petitioner when he intended to construct the garage. Mr. Sadlacek said he wanted to build the garage before winter.

Commissioner Praxmarer said she applauds the petitioner's efforts and said that she believes a garage is a necessity for a residential property and not just a luxury.

Commissioner Grela said he is glad the information has been provided but he remains concerned about allowing two years to pave the driveway. He suggested a maximum of one year.

Commissioner Scott said he appreciates the new information provided. He asked if the neighbor to the west was satisfied. Mr. Zaba said that neighbor was okay with the variation.

Chairman Trzupke said that he also appreciates the petitioner's efforts to provide the information requested. He said he too feels that one year to pave the driveway is enough time.

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

At 7:44 PM, a **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to close the hearing for V-03-2014.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Scott, Hoch, Grunsten, Praxmarer, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend to the Board of Trustees approval of V-03-2014 subject to the following conditions:

- A. The variation shall be limited to the garage as shown on the submitted site plan.
- B. The driveway shall be paved within one year from the approval of the variation.

ROLL CALL VOTE was as follows:

AYES: 6 – Scott, Grela, Hoch, Grunsten, Praxmarer, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Chairman Trzuppek suggested that the Commission proceed with the public hearing for Z-12-2014 since it appears there is no one present for Z-09-2014. There was no objection.

C. Z-12-2014: 16W030 83rd Street (Next Level Baseball); Special Use

Chairman Trzuppek asked Mr. Pollock for a summary of this petition.

Mr. Pollock summarized the petition as follows: The petitioner requests special use approval to operate a private athletic training facility in an existing building. Private athletic training facilities that are less than 5,000 square feet are permitted and those exceeding 5,000 square feet require special use approval.

The building is occupied and owned by Popcorn Palace who manufactures and processes snack food. The baseball training facility would occupy 9,200 square feet of the 44,000 square foot building. Popcorn Palace would continue to operate in the remainder of the building.

Chairman Trzuppek asked the petitioner for their presentation.

Mr. Pat Hinks said he was an attorney representing the petitioner and he added that he had two sons that participate in this youth baseball organization. He said that Next Level Baseball is a youth baseball organization with teams playing under the name of Team DeMarini. He said this facility would be used primarily for off-season training and practice. He said that most of the players live in the area and this is a convenient location.

Mr. Hinks added that the building is occupied and owned by Popcorn Palace and that the baseball training facility would occupy 9,200 square feet of the 44,000 square foot building.

There being no one else in attendance to speak to this matter, Chairman Trzuppek asked for questions and comments from the petitioner.

Commissioner Scott asked the petitioner to describe the interior of the building that will be used for Team DeMarini. Mr. Hinks said that it is just an empty box that will have netting set up for batting cages, pitching tunnels, and practice areas. He said there will be a small gathering area with astro turf flooring.

Commissioner Scott asked about the hours of operation. Mr. Hinks said the hours of operation would be from about 3:30 to 9 pm Mondays through Fridays and 9 am to 9 pm on Saturdays and Sundays.

Commissioner Grela asked if the facility would be leased to others. Mr. Hinks said it would not be leased to others but that the coaches sometimes will conduct individual private lessons.

Commissioner Praxmarer questioned whether the parking would be sufficient. Mr. Hinks said that the parents usually drop off the players and do not park. He said also that most of the activity will be after hours when there are very few employees from the other business using the parking lot.

Commissioner Sheth said he had no questions and said this is a good use for this location.

Commissioner Grunsten also questioned the parking and said that from her experience some of the parents will stay during practices if they do not live close by.

Commissioner Hoch said this looks like a good set up and said she appreciates that they chose to locate in Burr Ridge.

Chairman Trzupsek asked if there were any other tenants in the building beside Popcorn Palace and the proposed baseball facility. Mr. Hinks said there were none.

Chairman Trzupsek asked the petitioner if he accepted the conditions recommended by staff. Mr. Hinks said that he had read the staff summary and accepts the conditons.

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

At 8:00 PM, a **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to close the hearing for Z-12-2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Grunsten, Hoch, Sheth, Grela, Praxmarer, Scott, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to adopt the petitioner's findings of fact and recommend to the Board of Trustees approval of Z-12-2014 subject to the following conditions:

- A. The special use approval shall be limited to the petitioner and not transferable to another entity.
- B. The special use approval shall be limited to 9,200 square feet of the building with maximum occupancy limited to 30 people.
- C. The Private Athletic Training and Practice Facility shall comply with the submitted business plan.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Hoch, Grunsten, Sheth, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. Z-09-2014: Zoning Ordinance Text Amendment; Accessory Building Setbacks

Chairman Trzupsek asked Mr. Pollock for a summary of this petition.

Mr. Pollock summarized the petition as follows: This petition was continued from two previous meetings. At the first meeting, the Plan Commission asked staff to provide information on how many buildings may become non-conforming if the rear yard setback was increased for larger accessory buildings. Mr. Pollock said he could only find one instance where an accessory building over 1,000 square feet would become non-conforming and that is the one on 81st Street that has been previously discussed.

Chairman Trzupsek asked for questions and comments from the public.

Mr. Mark Tomas, 7515 Drew Avenue, said he thinks increasing the setback by 5 to 10 feet would not make a visual difference. He said the issue is the size of the building. He said the one building that has brought this to everyone's attention is unique because it is on a bluff and is sits higher than the surrounding properties.

Alice Krampits, 7515 Drew Avenue, wondered how the change would impact her subdivision where the homes generally have 10 foot side yard setbacks but the R-2A District requires a 15 foot side yard setback. Mr. Pollock responded that the Bartlett Estates Subdivision has a variation that allows all of the homes to have 10 foot side yards and that was due to the lots being narrower than otherwise required in the R-2A District.

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

Commissioner Scott suggested that the amendment could require that the rear yard setback match the side yard setback for each property so that if there is a variation for side yards, it would also apply to rear yards for accessory buildings.

Commissioner Grela said he was a proponent of allowing larger accessory buildings but he noted that the height is still limited to 15 feet. He said that if a building is located on higher ground than its neighboring properties it is naturally going to look taller.

Commissioner Hoch said that she thinks the accessory building on the 81st Street property will look okay once it is finished.

Chairman Trzupsek said he was concerned about penalizing a property owner who complied with the code and now their building is being made non-conforming.

Commissioner Praxmarer asked if there was any way to base the setback contingent on the neighboring property. Commissioner Grela responded that this was previously discussed and dismissed because it would be unfair to the property owner that built the "second" building.

Commissioner Grela added that he believes the Village should take no action and leave the setback at 10 feet minimum. Commissioners Scott, Sheth, Grunsten and Hoch all stated their agreement.

Chairman Trzupsek said he would definitely had preferred requiring a larger setback at the time that the code was amended to allow larger setbacks but he is concerned with penalizing a property owner by making an existing building non-conforming. He added

that he still would have supported the change in the setback if that was the consensus of the other Commissioners.

Chairman Trzupek asked if there was any further discussion or comments. There being none, he asked for a motion to close the hearing.

At 8:21 PM, a **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to close the hearing for Z-09-2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Hoch, Grunsten, Sheth, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees take no further action to amend the Zoning Ordinance relative to the minimum required rear yard setback for accessory buildings as was proposed by Z-09-2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Hoch, Grunsten, Sheth, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There were no questions or comments regarding the Board Report or the Building Report.

5. OTHER CONSIDERATIONS

A. Z106-2014: 15W320 North Frontage Road (Vanderwerk); Findings of Fact

Chairman Trzupek said the Plan Commission recommended denial of this special use and despite it being withdrawn by the petitioner, the Commission should adopt findings to support its recommendation.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to adopt the findings of fact prepared by staff relative to Z-10-2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Grunsten, Sheth, Praxmarer, Grela, Scott, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that the next scheduled meeting of the Plan Commission is October 6, 2014.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to **ADJOURN** the meeting at 8:33 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:33 p.m.

**Respectfully
Submitted:**



November 17, 2014

J. Douglas Pollock, AICP