

**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**VILLAGE OF BURR RIDGE**  
**MINUTES FOR REGULAR MEETING OF**  
**NOVEMBER 21, 2016**

**I. 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 Vice Chairperson Praxmarer.

**ROLL CALL** was noted as follows:

**PRESENT:** 6 – Stratis, Hoch, Broline, Praxmarer, Grela, and Scott

**ABSENT:** 2 – Grunsten and Trzupsek

Also present was Community Development Director Doug Pollock, Acting Village Attorney Michael Marrs, and Trustee Guy Franzese.

In the absence of Chairman Trzupsek, Vice Chairperson Praxmarer was present to chair the meeting.

Mr. Pollock introduced Attorney Michael Marrs from the Village Attorney's office, Klein, Thorpe and Jenkins.

**II. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve the minutes of the October 17, 2016 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Scott, Stratis, Praxmarer, and Broline

**NAYS:** 0 – None

**ABSTAIN:** 2 – Hoch and Grela

**MOTION CARRIED** by a vote of 4-0.

**III. PUBLIC HEARINGS**

Vice Chairperson Praxmarer confirmed all those wishing to speak during the public hearing on the agenda for tonight's meeting.

**Z-12-2016: 7600 and 7630 County Line Road (Med Properties Group); Special Use, Variations, and Findings of Fact**

Mr. Pollock referenced the letter from the petitioner requesting a continuance of this hearing to December 5, 2016.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grela to continue the hearing for Z-12-2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Grela, Scott, Hoch, Praxmarer, and Broline

**NAYS:** 0 – None

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

**Z-14-2016: 7936 Madison Street (Keefer); Special Use and Findings of Fact**

As directed by Vice Chairperson Praxmarer, Mr. Pollock described this request as follows: The petitioner seeks special use approval to permit the outside overnight parking of commercial delivery vehicles on the subject property. The Zoning Ordinance limits outside overnight parking of commercial vehicles in a manufacturing district to two vehicles not exceeding 24,000 pounds each parked behind the building. The petitioner is requesting special use approval to permit five such vehicles parked to the side of the building. The subject vehicles are smaller delivery vans for an industrial laundry service. The laundry service is a permitted use.

Vice Chairperson Praxmarer asked the petitioner to make their presentation.

Mr. Karl Keefer was present and described his business and need to park delivery vans on the property.

Vice Chairperson Praxmarer asked for public comments and questions. There were none.

Vice Chairperson Praxmarer asked for questions and comments from the Plan Commission.

Commissioner Stratis asked if there was room to park the vehicles behind the building. Mr. Keefer said there is room and he has approval from the landlord to park behind the building. Commissioner Stratis added that he should have spaces reserved in his lease so that other vehicles will not take the spaces behind the building.

Commissioner Hoch agreed with Commissioner Stratis.

Commissioner Scott asked if the petitioner anticipated more vehicles in the future. Mr. Keefer said he currently has four and has asked for five to accommodate future growth. He said that if he ever needed more, he would ask for an amendment to the special use.

In response to Commissioner Grela, Mr. Keefer said the vehicles would be smaller vans that comply with the 24,000 pound weight limit.

Commissioner Broline noted that there were no public objections to the special use.

Vice Chairperson Praxmarer asked about the hours of operation. Mr. Keefer said that the hours are generally 7 am to 6 pm.

There being no further discussion, Vice Chairperson Praxmarer asked for a motion to close the hearing.

At 7:44 p.m. a **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Hoch to close the hearing for Z-14-2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Broline, Hoch, Stratis, Praxmarer, Grela, and Scott

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings of fact and recommend that the Board of Trustees approve Z-14-2016 subject to the following conditions:

1. The special use shall be limited to Laundry Services Company and the petitioner and may not be transferred to any other business or land use.
2. There shall be no more than five such vehicles and the vehicles shall be of the type shown on the submitted photograph.
3. The vehicles shall be parked overnight behind (on the west side) of the building during nighttime hours.
4. Prior to occupancy, the petitioner shall provide documentation to staff that there are five or more parking spaces located behind the building and reserved for the exclusive use of overnight parking of the delivery vehicles.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Hoch, Praxmarer, Scott, Broline, and Grela

**NAYS:** 0 – None

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

#### **V-06-2016: 7383 Madison Street (Gofis); Variation and Findings of Fact**

As directed by Vice Chairperson Praxmarer, Mr. Pollock described this request as follows: The petitioner requests variations to accommodate a driveway gate on a single family residential property. The Zoning Ordinance limits driveway gates to properties that are at least 2 acres in area and requires that the gates be at least 30 feet from the front lot line. The subject property is approximately one-quarter of an acre and the gate is proposed to be located 3 feet from the front lot line.

Vice Chairperson Praxmarer asked the petitioner to make their presentation.

Mr. Andrew Gofis stated that he moved into this home in 2012. He said his family needs a gate on the driveway for the safety of his child with autism. He said there is 40 mile per hour traffic on Madison Street, industrial parks, bars and restaurants, and a heliport nearby that are all distractions and potential hazards for his son. He said that cars turn around in his driveway which presents a danger to his son. He said all of these conditions are unique to this property and create a hardship.

Mr. Gofis said that autism was a recognized disability under the Americans with Disabilities Act. He said that children with autism are easily distracted and at greater danger than children without autism.

Vice Chairperson Praxmarer asked for public comments and questions.

Ms. Alice Krampits, 7515 Drew Avenue, asked about the gate next door to this property. Mr. Gofis explained that the gate existed prior to annexation and was grandfathered.

Vice Chairperson Praxmarer asked if there were any other questions or comments from the public. There being none, she asked for comments and questions from the Plan Commission.

Commissioner Stratis asked if there was a fence in the front yard. Mr. Gofis said there is not a fence due to Village regulations and that there will be landscaping to enclose the front yard.

Commissioner Stratis suggested that any child could run into the street and wondered if this is a unique condition as required for a zoning variation. He said that it seems to be more of a legal decision rather than a Plan Commission decision.

Mr. Gofis responded that the issue of his child with autism makes this situation different.

Commissioner Stratis asked if there would be any cost to the Village if the variation is approved. Attorney Marrs responded that there would likely be no costs to the Village such as snow removal or similar costs.

Commissioner Hoch asked about emergency access to the property if there is a gate. Mr. Pollock said that the Village regulations require that the property owner obtain approval from the Fire District prior to erection of a gate and that sometimes the Fire District may require a sensor that allows emergency vehicles to open the gate.

Commissioner Hoch asked about the setback of the gate from the street and said she is worried about the precedent.

Mr. Gofis said the location was chosen because it is the same as the gate on the property to the north; he added that the gate would be have a different design.

Commissioner Hoch asked what would happen to the gate if the residents moved. Mr. Gofis responded that they had no intention of moving.

Commissioner Scott said he was struggling with this issue. He said that the Plan Commission cannot deal with the ADA issue and that is up to the Board of Trustees. He said he sees a lot of openness on the front lot line that would allow a child into the street even with a gate. Mr. Gofis responded that the gate provides an extra layer of protection.

Commissioner Scott asked about the distance between the street and the gate. Mr. Gofis said it was at least 13 feet.

Commissioner Grela said he sympathizes with the petitioner but that the Plan Commission has to look at the issue strictly under the zoning standards and cannot consider the ADA issue. He said that the hardship has to be based on the land and not personal circumstances. He questioned whether a gate would be effective. He said as a Plan Commissioner he cannot vote in favor of the variation but that if he were a Trustee he would consider the ADA issues and would consider the variation. He added that under traditional zoning standards, the property is not unique and granting a variation would set a precedent.

Commissioner Broline asked if the Plan Commission is compelled to approve the variation based on the ADA issue.

Attorney Marrs responded that the Plan Commission should review the variation request based strictly on the standards and findings of fact of the Zoning Ordinance. He said that the ADA should not be considered by the Plan Commission but that testimony and questions regarding the ADA could be put on the record. Mr. Marrs said that the ADA issue can be considered as a legal issue by the Board of Trustees.

Vice Chairperson Praxmarer said she has no other questions. She said the property is somewhat unique due to the industrial parks in the areas but not sure if that is sufficient cause for a variation.

Commissioner Stratis said there were no other unique conditions besides the industrial land uses in the area which he believes are not really unique.

There being no further discussion, Vice Chairperson Praxmarer asked for a motion to close the hearing.

At 8:17 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grela to close the hearing for V-06-2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Grela, Stratis, Praxmarer, Scott, and Broline

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grela to direct staff to prepare findings of fact and to recommend that the Board of Trustees deny the variation.

Commissioner Broline said that the Commission should be clear that the recommendation of the Plan Commission is based on zoning considerations only and that the issues of ADA were not considered by the Plan Commission.

Commissioner Grela agreed and said the Plan Commission must consider without ADA.

Commissioner Hoch said that the gate on the adjacent property should not be considered a factor and is not a hardship under the zoning standards.

Commissioner Stratis asked about the possibility of putting a gate and enclosure at the front of the house. He noted the shape of the house would lend itself to an enclosure in the vicinity of the garage and behind the leading edge of the home.

Mr. Pollock said that area is defined as a court yard and could be enclosed with four foot tall courtyard walls. He said he would have to look at the zoning standards and determine if a gate would be allowed as well as the court yard walls.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Grela, Stratis, Praxmarer, Broline, and Hoch

**NAYS:** 0 – None

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

Commissioner Broline said that he would have liked to vote in favor of the variation, but given the direction provided by legal counsel not to consider the ADA issue, he felt compelled to vote against the variation.

**Z-13-2016: Zoning Ordinance Text Amendment – Front Yard Walls and Monuments**

As directed by Vice Chairperson Praxmarer, Mr. Pollock described this request as follows: At the last meeting, the Plan Commission directed staff to prepare a draft amendment relative to driveway walls and architectural entrance structures. A draft amendment was prepared and included in the staff summary for today's hearing.

Mr. Pollock stated that the regulations for architectural entrance structures have been modified to better define that these structures are to be located on either side of a driveway, cannot exceed a certain size, must be masonry with a foundation, and require a building permit.

In regards to driveway walls, Mr. Pollock said the only change was to allow the walls to encroach into the front yard setback with a minimum setback from the street of 20 feet. He said the walls would continue to be limited to 2 feet in height.

Mr. Pollock added that there are two issues not mentioned in the staff summary that should be considered which are: if a property has more than one driveway, does the Commission want to allow entrance structures at each of the driveways; and the example of driveway walls previously shown at the public hearing included 3 foot piers at the ends of the two walls.

There being no public comments, Vice Chairperson Praxmarer asked for comments and questions from the Plan Commission.

Commissioner Stratis asked if there should be a setback for entrance structures. Mr. Pollock said there has not been a setback but that they have to be on private property and, thus, are typically 10 to 15 feet from the street.

Commissioner Hoch said she did not have any questions at this time.

Commissioner Scott said it makes sense to allow two entrance structures per driveway and Commissioner Grela agreed.

Mr. Pollock suggested that the draft amendment also be amended to permit 3 foot tall piers at the ends of the driveway seat walls.

Commissioner Broline and Vice Chairperson Praxmarer had no further questions.

There being no further discussion, Vice Chairperson Praxmarer asked for a motion to close the hearing.

At 8:40 p.m. a **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to close the hearing for Z-13-2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grela, Scott, Stratis, Praxmarer, Broline, and Hoch

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees amend the Zoning Ordinance as per the draft regulations in the staff summary with the addition that the number of entrance structures be 2 per driveway and that each driveway wall may include a maximum 3 foot tall pier at each end of the wall.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grela, Scott, Stratis, Praxmarer, Hoch, and Broline

**NAYS:** 0 – None

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

#### **IV. CORRESPONDENCE**

There was no discussion regarding the Building Report or the Board Report.

#### **V. OTHER CONSIDERATIONS**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to approve the Plan Commission schedule for 2017.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Broline, Stratis, Praxmarer, Grela, and Scott

**NAYS:** 0 – None

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

#### **VI. FUTURE SCHEDULED MEETINGS**

Mr. Pollock stated that there are no hearings scheduled for December 19, 2016 and the deadline for filing has passed.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to cancel the December 19, 2016 meeting of the Plan Commission.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Broline, Stratis, Praxmarer, Grela, and Scott


**NAYS:** 0 – None

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

#### **VII. ADJOURNMENT**

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to **ADJOURN** the meeting at 8:46 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned.

Respectfully  
Submitted:



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J. Douglas Pollock, AICP

December 5, 2016

