

**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**VILLAGE OF BURR RIDGE**  
**MINUTES FOR REGULAR MEETING OF JANUARY 7, 2019**

**I. ROLL CALL**

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 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 – Broline, Farrell, Hoch, Praxmarer, Petrich, Stratis, and Trzupek

**ABSENT:** 1 – Irwin

Village Administrator Doug Pollock and Assistant to the Village Administrator Evan Walter were also present.

**II. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to approve the minutes of the November 19, 2018 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Hoch, Petrich, Praxmarer, Farrell, Broline, Stratis, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**III. PUBLIC HEARINGS**

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearing on the agenda for the meeting.

**Z-25-2018: 16W020 79<sup>th</sup> Street (Dodevski); Special Use and Findings of Fact**

Mr. Walter requested that this petition be continued to January 21, 2019 at the request of the petitioner. Chairman Trzupek said that the recurrence of absences by the petitioner was highly irregular and requested that the petitioner make every effort to attend at the next possible meeting.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to continue the petition Z-25-2018 to the January 21, 2019 public meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Stratis, Broline, Hoch, Farrell, Petrich, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**V-01-2019: 8300 Madison Street (MB Financial); Variations and Findings of Fact**

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the petitioner is Robert Kenny on behalf of MB Financial Bank, property owner and primary tenant of a

commercial building at 8300 Madison Street. The petitioner requests variations from the Burr Ridge Zoning Ordinance, including from Section XI.C.8.b to permit parking areas in the corner side and front yards and from Section XI.C.11 to reduce the width of required landscape areas between the parking lot and the front and corner lot lines from 15 feet to zero feet and to eliminate the requirement for landscaping adjacent to parking spaces; said variations to accommodate the construction of parking spaces between the building and Madison Street and the building and 83rd Street. The petitioner is attempting to expand the on-site parking capacity to accommodate additional employees that will be working at the property in the future. MB Financial Bank has been purchased by Fifth Third Bank and additional operations are being relocated to the property as part of the company restructuring. The variations are required in that parking in the front and side yards of properties in Manufacturing Districts is not permitted, while the width of the available space in the front and side yards does not permit the necessary 15-foot wide landscape areas between the edge of the proposed parking lot expansion and the property lines. Mr. Walter described several administrative issues that had been identified by staff and showed several revised site plans alleviating said issues. Mr. Walter noted that several nearby residents had submitted written and verbal objections to the petition.

Robert Kenny, representative for the petitioner, made a brief summary of the petitioner.

Stacy Koty, senior vice president for facilities at MB Financial Bank, stated that the facility was targeted for operational expansion due to its location and current site plan. The bank's operations were planned to be expanded to include cash management and occasional logistical uses.

Stephen Dillon, Wight and Company, showed two separate options for parking expansion on the property, one showing counterclockwise traffic flow and another showing clockwise traffic flow.

Chairman Trzupsek asked the petitioner what they felt the hardship for granting a variation was for the subject property. Mr. Kenny said that the constrained nature of the site plan dictated the need for a variation.

Elena Galinski, 8413 Charleston, objected to the petition on the grounds that the additional traffic that the expansion would bring would not be appropriate for the area.

Dick Bacca, resident of Cambridge Subdivision, objected to the petition, but acknowledged that the bank had been a model tenant for the Village and treated the nearby properties with respect.

Thomas Kluber, 780 Cambridge Drive, objected to the petition on the basis that it would depress property values around the subject property, and would mitigate the investments made by the Cambridge Subdivision HOA on their entrance.

Mary Hemsworth, 750 Cambridge Drive, said that she banks with MB Financial due to its walkability, but felt that the additional traffic would be overwhelming and objected to the petition.

Kathy Wells, Kimberly Court, objected to the petition on the grounds that the additional traffic was not desired.

John Variakojis, 8372 Carlyle Court, said that he agreed with the sentiments of the previous comments and objected to the petition.

Bob Haley, 8461 Carlyle Court, said that the use was necessarily changing and objected to the petition on the grounds that it would expand the petitioner's scope beyond what was originally approved.

Willard Hemsworth, 750 Cambridge Drive, asked the Plan Commission what the upside for the Village was if the petition was approved. Chairman Trzupke said that particular question would be addressed by the Plan Commission.

Commissioner Stratis asked how the property owner would address detention if the green space were paved over. Mr. Kenny said that it would be addressed if the variations were approved. Commissioner Stratis asked if the original use of the building was industrial. Mr. Walter said that the building had been built as and used solely as a bank. Commissioner Stratis asked if there was going to be co-tenants. Mr. Walter said that the only co-tenant was scheduled to remain. Commissioner Stratis said that the plan appeared force and did not support the request.

Commissioner Farrell asked if neighboring parking could be leased. Mr. Kenny said that the bank did not want to invest additional resources into a facility if the on-site parking were not guaranteed. Commissioner Farrell said that she did not see a hardship presented and did not support the request.

Commissioner Praxmarer said that the question of visibility from traffic being impaired was a legitimate concern. Commissioner Praxmarer said that the additional trips would impact the intersection and did not support the request.

Commissioner Broline stated that the request did not meet the standards for granting a variation through the Findings of Fact, explaining that the impact on neighbors to the east would be observable. Commissioner Broline said that there were clear challenges with the parking lot being proposed so close to the lot line, thus not allowing for additional buffers being added.

Commissioner Petrich said that while MB Financial had been a great neighbor to the surrounding properties, the changes would be drastic and not appropriate, and did not support the petition.

Commissioner Hoch said that the current property was a terrific buffer as presently constituted, but did not feel that the request was appropriate and did not support the request.

Chairman Trzupke said that while he appreciated that changes in banking had occurred since the building was constructed, but felt that the request did not meet the standards for the Findings of Fact and thus did not support the request.

At 8:13 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to close the public hearing.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Praxmarer, Farrell, Broline, Stratis, and Trzupke

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board of Trustees deny a request for variations for MB Financial Bank at 8300 Madison Street pursuant to Section XI.C.8.b to permit parking areas in the corner side and front yards and from Section XI.C.11 to reduce the width of required landscape areas between the parking lot and the front and corner lot lines from 15 feet to zero feet and to eliminate the requirement for landscaping adjacent to parking spaces.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Broline, Hoch, Praxmarer, Farrell, and Trzupek

**NAYS:** 0 – None

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

**V-02-2019: 11905, 11933, and 11957 Heritage Drive (Karunaratne); Variation and Findings of Fact**

As directed by Chairman Trzupek, Mr. Walter described the request as follows: the petitioner is Samadhi Karunaratne, representative of three property owners at 11905, 11933, and 11957 Heritage Drive. The petitioner requests a variation pursuant to Section VI.D of the Burr Ridge Zoning Ordinance to reduce the required front yard setback from 50 feet to 35 feet on each of the three lots. The request for variation is motivated by the presence of a sanitary sewer easement and pipe bisecting the subject properties, thus reducing the size of the buildable area on each lot. The sewer was installed in 2001, before the subdivision was created and before any current owner had an interest in the subject properties. The pipe is also located very close to the northern boundary line of the easement where homes may be built. Under the current site plan, the foundation of homes could legally be less than two feet from a major sanitary sewer line, and future work on either a foundation or the sewer could endanger the structural integrity of the other built object. No permanent structures may be built in the easement. The petitioner requests that the front-yard setback be reduced from 50 feet to 35 feet to allow for the proposed building pads to be shifted away from the pipe. To compensate for the reduction in front-yard easement, the petitioner proposes creating a permanent 10' buffer abutting the northern boundary of the easement in which no structures could be built. This buffer would ensure that neither the foundations of future buildings nor the pipe would be endangered if work were required on either the home or the pipe. The petitioners have explored two solutions to avoiding a variation, with both petitioners and staff concurring that neither is practical. First, the petitioners attempted to move the pipe from the rear yards to the front yards in the public right-of-way; this was found to be cost prohibitive, with bids between \$160,000 and \$400,000 returned, and the concept was abandoned. Second, the petitioners explored constructing extra-deep foundations at their homes, with the footings located below the depth of the pipe. Cost estimates were not provided for this option, but this would likely add significant cost and complexity that are not recommended by staff due to structural uncertainties. Mr. Walter reported that several neighbors had objected to the petition, as well the Highland Fields HOA. The HOA states that their Design Review Manual, established in the subdivision's Covenants, Conditions and Restrictions, mandates that all homes in Highland Fields (of which these lots are within) have a 50' front yard setback. The HOA has stated that it will decline to grant the subject properties the necessary variations from their Design Review Manual to reduce the HOA required front yard setback from 50' to 35'. The lots would still be required to observe a 50' front yard setback even if such a variation were granted from Village regulations.

Chairman Trzupek asked if moving the pipe within the easement was considered. Mr. Walter said that option had not been seriously considered nor cost-estimated. Chairman Trzupek said that while he appreciated the HOA's position, it is still up to the Village to consider the request on its own merits.

Commissioner Stratis asked if the petition was ripe, and expressed concern that the Village could be viewed as being prejudicial as acting against the wishes of the HOA. Commissioner Stratis said that the Village should consider remaining neutral until other considerations were brought forward by the HOA. Commissioner Stratis said that the Village and HOA were not equal parties, in that the Village has the legal right to consider an application, but the HOA has the right to deny the request forthwith.

Samadhi Karunaratne, representative of the petitioner, said that the request for the variation was due to the fact that the sanitary sewer was located very close to the north boundary of the easement, and that the variation was brought forward as an opportunity to solve an issue of legal building between two parties.

Chairman Trzupsek asked if a home could be built up to the boundary line of the easement. Mr. Walter confirmed that the property owners could build a house anywhere inside the setbacks and easements located on the property. Mr. Karunaratne said that the variation was a method to legally create buffers between any potential home and the pipe while not removing additional buildable area from the properties.

Chairman Trzupsek asked if the Village had the right to excavate beyond the boundaries of the easement. Mr. Walter said that they did not, and any encroachment would require permission from the property owner(s). Chairman Trzupsek asked if there would be any basis for a variation if the pipe was properly centered within the easement. Mr. Walter said that it was unlikely that the request would have been made if that were the case. Mr. Walter said that under Village zoning, the petitioner may build principal and accessory structures up to the boundary of the easement.

Chairman Trzupsek said that he was unsure that the pipe was a part of the land that would necessitate granting a variation. Chairman Trzupsek said that he felt that the variation was not necessary to allow for development on lot 74, where the pipe was not located near the border of the easement, and suggested that the variation could be more limited.

Rick Erickson, attorney for the Highland Fields HOA, said that the HOA should be given an opportunity to consider the petitioner's request, as they still had to grant a variation to allow for development to occur even if the Village approved the petitioner's request.

Mr. Walter recommended that the Plan Commission continue the hearing to a later date to allow for staff and the petitioner to gather additional information and discuss with the Highland Fields HOA.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to continue the public hearing to February 18, 2019.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Stratis, Farrell, Petrich, Broline, Praxmarer, and Trzupsek

**NAYS:** 0 – None

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

**IV. CORRESPONDENCE**

**V. OTHER CONSIDERATIONS**

**S-01-2019: 7700 County Line Road (MB Financial); Variation and Findings of Fact**

As directed by Chairman Trzupsek, Mr. Walter described this request as follows: the petitioner is MB Financial Bank located at 7000 County Line Road. MB Financial Bank has been purchased by Fifth Third Bank and is in the process of re-branding locations throughout the region. The petitioner requests an amendment to a previous variation to change the copy on three existing ground signs located on a lot of record at 7000-7020 County Line, a subdivision known as Oak Grove. No additional signage is being added to the subject property; this variation is solely related to design elements of three specific and existing ground signs. As the existing signs were permitted by a variation that was made subject to the design of the existing signs, the petitioner requires a variation to change the copy on the existing monuments. The building at 7000 County Line Road is part of the same lot of record as two other parcels with free-standing buildings: Cadence Preschool (7010 County Line Road) and Busey Bank (7020 County Line Road). These three parcels comprise the Oak Grove subdivision, which was built in 1993. Under the Sign Ordinance, each lot of record in the Village is permitted to have 100 square feet of signage. The amount of signage on this lot is unusual due to there being three principal, separately-owned buildings on separate parcels on one lot of record. There are four existing ground signs and a wall sign in Oak Grove totaling 428 total square feet in size. The existing signs include one ground sign for MB Financial Bank, two ground signs at Busey Bank, and one existing ground sign at Cadence, which is proposed for re-use.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend that an amendment to a previous variation to change the copy on three previously permitted ground signs on the lot of record at 7000-7020 County Line Road.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Stratis, Hoch, Broline, Farrell, Petrich, Praxmarer, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**VI. FUTURE SCHEDULED MEETINGS**

**January 21, 2019**

**A. Z-01-2019: 60 Shore Drive (Naddaf); Special Use and Findings of Fact**

Requests special use approval as per Section X.F.2.a of the Burr Ridge Zoning Ordinance to permit an automobile sales use at an existing building.

**B. Z-26-2018: Zoning Ordinance Amendments; Text Amendments and Findings of Fact**

Requests amendments to Section IV.H of the Burr Ridge Zoning Ordinance related to regulations regarding the size of accessory buildings.

**C. Z-25-2018: 16W020 79<sup>th</sup> Street (Dodevski); Special Use and Findings of Fact**

Requests a special use pursuant to Section XII.F.3 of the Burr Ridge Zoning Ordinance to permit an illegal, non-conforming chain link fence and barbed wire on the subject property.

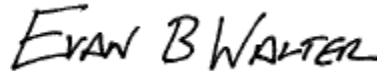
**February 4, 2019**

- There are no meetings currently scheduled for this hearing. If there is no business scheduled prior to January 21, 2019, staff recommends that this hearing be cancelled.

**VII. ADJOURNMENT**

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 9:20 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:20 p.m.

**Respectfully  
Submitted:**



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Evan Walter, Assistant to the Village Administrator