

**VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**MINUTES FOR REGULAR MEETING OF JULY 17, 2023**

**I. ROLL CALL**

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 p.m. at the Burr Ridge Village Hall Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

**ROLL CALL** was noted as follows:

**PRESENT:** 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek

**ABSENT:** 2 – McCollian and Stratis

Village Attorney Michael Durkin and Community Development Director Janine Farrell were also present.

**II. APPROVAL OF PRIOR MEETING MINUTES – JUNE 19, 2023**

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to approve the minutes of the June 19, 2023, meeting as presented.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Morton, Broline, Irwin, Petrich, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Parrella

**MOTION CARRIED** by a vote of 5-0 with 1 abstention.

**III. PUBLIC HEARINGS**

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

**A. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact [REMANDED FROM BOARD OF TRUSTEES MAY 22, 2023 & CONTINUED JUNE 5, 2023]**

Director Farrell noted that the petitioner sent a request via email on July 14, 2023 requesting that the case be continued until September 18, 2023.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue Z-02-2023 to September 18, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Morton, Parrella, Petrich, Broline, and Trzupek  
**NAYS:** 0 – None

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

**B. Z-05-2023: 1400 Burr Ridge Parkway/Portions of Outlots A, C, and D of Lakeside Pointe Subdivision/PINs 18-30-303-016-0000, 18-30-101-048-0000, 18-30-101-045-0000, and 18-30-101-047-0000 (McNaughton Development LLC); PUD Amendment, Special Use, Variations, Preliminary Plan approval, and Findings of Fact [CONTINUED FROM APRIL 17, MAY 1, MAY 15 & JUNE 5, 2023]**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated the case was first heard and discussed before the Commission on May 15<sup>th</sup> and has been continued for a couple meetings. Points of concern included the density, backyards facing Burr Ridge Parkway and amending the Lakeside Pointe Declaration. Since the May 15<sup>th</sup> meeting, the Petitioner provided a revised landscape plan adding five evergreens and two deciduous shrubs in the far west area. Two letters have been received; one from Village Attorney, Mike Durkin, regarding amending the Lakeside Pointe Declaration and the second from the Burr Ridge Corporate Park Owner's Association Property Manager, Kristy Tramontana regarding covenants for the Association. Burr Ridge Corporate Park stated that although the Bridewell Drive 60 ft. setback and 3-acre minimum lot area requirements are in the Declaration, they are up to the Village to enforce. The Petition includes findings of fact and recommended conditions should the Commission approve. Two new recommended conditions for Commission approval have been added since May 15<sup>th</sup>. Condition #7 was suggested by the Petitioner and recommended for adoption by the Village Attorney. This condition protects the Village against legal action from Lakeside Pointe residents for amending the Declaration. Condition #8 requires a draft of the Villas Declaration to be included with the submission of the final plan.

Chairman Trzupek asked if the petitioner was present and wished to speak.

John Barry with McNaughton Development stated he had nothing further to add to Director Farrell's summary. The petitioner believes that the 15 units presented back in May is the best possible plan it can offer the Village. The petitioner stated that this is a difficult development site and believes McNaughton Development has come up with a solid plan for the site's use with a high quality, highly demanded, under-represented product within the Village.

Chairman Trzupek summarized from the Plan Commission point of view stating that back on May 15<sup>th</sup> there were numerous comments and concerns about the plan including density issues that ultimately necessitate a number of variations relating to acceptable number of overall units, setbacks, roadway width, capacity of guest parking and monotony of architecture. Chairman Trzupek asked the petitioner to clarify that, with the exception of

adding some landscaping to the west side, the development plan as discussed on May 15<sup>th</sup> remained unchanged. The petitioner acknowledged that this was the case.

Chairman Trzupsek then asked for public comment. He reminded those present that the issue of conveyance of the additional acreage is not a Plan Commission issue. If it became an issue for approval, the conveyance of that property would need to be completed first. Additionally, although the 60 ft. setback on Bridewell is not presently enforced by the Corporate Park, the Plan Commission cannot overlook this setback so a variation would have to be approved to move forward with the 30 ft. setback in the plan presented.

Commissioner Irwin asked the public that when they provide comment, if they would state what type of development they would prefer to see there.

George Spindler, a resident of Lakeside Pointe, stated that a summary of recommendations of the Village Attorney contained a provision reflecting that the declarations and covenants covering the Lakeside Pointe PUD would have to be amended and such amendment would require signature of 22 owners of 44 sold lots. He noted that he did not hear any reference to this requirement tonight. Mr. Spindler expressed concern that Petitioner is asserting that because one prior transfer was not a sale, it possesses the right to unilaterally amend the declarations and covenants.

Director Janine Farrell clarified that conditions #5 and #6 from the May 15<sup>th</sup> meeting require the amendment of the Declaration.

Chairman Trzupsek further clarified that the issue of whether the amendment of the Declaration may be completed with or without present homeowner agreement will not be determined at this juncture. The conditions specify issues that must be addressed before any recommendation for approval may proceed.

Mike Durkin, Village Attorney, stated the Declaration currently provides that outlots are to be conveyed in entirety to the Homeowners Association and if the petitioner desires to reserve a portion of such outlots for conveyance to the Villas, the Declaration requires amendment. The petitioner asserts that 50% of the owners' consent is not required. Village Attorney suggests Homeowners may wish to seek Declaratory Action or Injunctive Relief if they believe differently. Ultimately, the issue is not a Plan Commission issue. The issue for the Plan Commission is that amendment of the Declaration must take place within a certain timeline.

George Spindler, resident, expressed disappointment that a lawsuit is required to resolve the question of what is required to amend the Declaration. He suggested that issue cannot be resolved absent the Plan Commission denying the Petition to proceed with the project.

Commissioner Irwin asked how the Plan Commission will know if condition #6 requiring amendment of the Declaration is satisfied unless the Plan Commission understands whether or not Petitioner has the exclusive right to amend the Declaration.

Mike Durkin, Village Attorney, suggested that proof would come from minutes of the Homeowner's Association proceedings. He reiterated that the Plan Commission has no ability to make a legal determination regarding the ability of the Petitioner to unilaterally amend the Declaration. He further stated that someone will need to take legal action to determine the issue within the 60-day timeframe specified in the conditions.

Director Janine Farrell clarified that the 60 days is the time period for the preliminary to the final plat approval before the Board.

George Spindler predicted that Petitioner will amend the Declaration based upon its own interpretation of its rights to do so. He expressed further concerns about the project density, the potential bad precedent of approval, and engineering and water drainage issues.

Mary Ryan, 7318 Lakeside Circle, shared five points. Firstly, she spoke about the fact that after two continuances, the only revision offered today to address the concerns of the Homeowners and the Plan Commission was the addition of five trees to the landscape plan. Concerns about road width, emergency vehicle access, density, storm water, and guest parking spaces remain unaddressed. Secondly, she spoke about recent rainfalls and the difficulty of the existing subdivision to adequately drain water from storms and worried that the proposed development would only exacerbate this issue. Thirdly, she expressed dismay about the suggestion that the proposed development plan has been referred to by Petitioner as "Phase 2", a phasing concept that she said had never been suggested at the time of the initial home sales. Fourth, she reiterated George Spindler's concerns about Petitioner's definition of sales within the community and the suggestion that the 50% sale threshold to require homeowner consent to the Declaration amendment had not been met. Finally, she felt the Petitioner aimed to satisfy zoning code floor area ratio requirements by piece-mealing parcels together thus subverting the intention behind the zoning ordinance.

Michael Glynn, 7343 Lakeside Circle, questioned what this project brings to the community and why it warrants so many variances. He distributed images of stormwater drainage issues in the development. Pictures distributed depicted water flow after the recent rainstorm last week. He expressed concern that the basin size is not sufficient to hold the run-off of water generated during rainstorms.

Chairman Trzupek stated that while the concern is noted, the engineering plan for the development must satisfy certain requirements considered outside of the Plan Commission approval process.

Michael Glynn proceeded to bring up the issue of density. He noted that the lack of grassy areas within the development will only further contribute to water drainage issues. He suggested that the property be donated to the Village and turned into a park. He questioned why the property needed to be developed and turned into homes.

Roy Pikus, 7296 Lakeside Circle, read an email he received from Tony DiTommaso who lives at 7282 Lakeside Circle and was unable to attend the meeting. The email shared Mr. DiTommaso's experience with McNaughton Builders regarding accounting of Homeowner Association dues. According to the Declaration, accounts should be available for inspection by owners. DiTommaso requested financial information from McNaughton and received very sparse account details in reply. After six requests, DiTommaso states he received no further information. DiTommaso questions the transparency and credibility of McNaughton Builders. Pikus questions whether McNaughton is the type of organization that the Village of Burr Ridge wants to continue to be in a relationship with.

Brendan Penny, Attorney for the owner of the property from the law firm of Meltzer, Purill & Stelle, LLC, made a brief statement. He stated that the property has been challenging to sell and this is not the first time development of this property has been before the Plan Commission. The property owner believes they have found a buyer in McNaughton that is a quality developer with a plan to develop the property in a creative fashion in an appropriate transitional area that will be beneficial to surrounding property owners and the Village as a whole. The property owner requests that the Plan Commission support the proposal.

There was no additional public comment. Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton stated that none of the concerns he or other Commissioners raised at the first meeting have been addressed. These concerns include density, parking, emergency service access, and setback issues. He stated that the 3-acre lot size minimum issue remains unclear and he would like some clarification on that matter.

Chairman Trzupek addressed Commissioner Morton's inquiry about the 3-acre minimum requirement. He stated that what was presented appears to meet the 3-acre minimum requirement if additional outparcels are included. He felt density remains a question for consideration however when looking at the project from a units per acre standpoint for the entire property it may satisfy density requirements without variation but the layout and "crowdedness" of the plan may still present concerns.

Commissioner Morton clarified his understanding that the density issue is out of the hands of the Plan Commission in terms of definitively knowing whether the 3 acre minimum size issue threshold is achieved through future acquisition of additional outparcels. Chairman Trzupek stated that density, in terms of the numbers, work if Petitioner is able to combine the outlots. Density of the overall plan may still be considered. Commissioner Morton stated that proposed setbacks that are driven by density remain a valid concern. Chairman Trzupek agreed.

Commissioner Broline stated that he agreed with the points made by Commissioner Morton and felt no need to restate those points as they are already part of the record. He stated that twenty acres is the lot size required for a PUD of this nature and at this point, the Plan

Commission is considering somewhere around three acres as a Burr Ridge Corporate Park covenant. Regarding the outlot D which would raise total acreage to 3.5 acres, Commissioner Broline read the PUD definition and questioned how outlot D which is unique and narrow was capable of “creating its own environment” per requirements specified in the PUD definition. Commissioner Broline struggled with calling outlot D a property that can be considered as part of the PUD. He stated that the vast number of variance requests is indicative that too much is trying to be done with this property. The 28 ft. driveway entrance where 60 ft. is required per code creates a bottleneck and is dangerous. He further highlighted the fact that David Preissig, Village Engineer, asked 28 questions regarding engineering which remain unanswered by the petitioner.

Chairman Tzrupek stated that in fairness to the development, when the Plan Commission first reviewed the entire Weekly Homes proposal, it was well beyond 20 acres and the Plan Commission had recommended the approval of a plan that included the parcel now in question. For whatever reason, that development did not happen in its entirety and this parcel was left. The only thing left is approximately three acres and the only vehicle is a PUD. The PUD requirement of the Village may be dealt with but Chairman Tzrupek questions whether the Plan Commission has the ability to override the 3-acre covenant.

Commissioner Broline stated that the new development which includes a portion of the originally considered 20 acre project is not the same nature as the original Lakeside Pointe development and therefore does not fall within that covenant as he sees it.

Commissioner Petrich agreed generally with everything that has been said and also agrees with concerns the residents have raised. He noted that nothing has changed since early consideration and concerns have not been addressed. He believed some reduction in the number of units on the property would have gone a long way. He further expressed concern that significant questions about storm water drainage raised by the engineer have not been addressed after three months’ time.

Commissioner Parrella echoed the sentiments of the prior speakers and the original concerns she raised regarding the number of units included in the plan. She stated 10-12 units may have been more appropriate than the presently proposed 15 units. Emergency vehicle and safety issues still remain a concern of hers. She again raised concern that the proposed architecture was too monotonous in nature so that it better integrates with the adjoining subdivision. She stated that she was disappointed that the only modification to the proposal presented after a couple months’ time was the addition of the trees to the landscape plan. She felt that without additional modifications, making a decision at this point is very difficult to do.

Commissioner Irwin stated that he shares the views that have already been expressed. He did note that original plan considered proposed 52 overall homes. 44 were built when the land was developed which leaves at most 8 for this lot. He stated that he believed 8 units would probably be more appropriate than the number presently proposed. He referred to a depiction on the screen and noted that the proposed units are much smaller than the

existing units and thus they do not look consistent with the development that they are allegedly “Phase 2” of. He further pointed out that the indemnity provisions are not a cure all. He shared that recent costly litigation has highlighted that indemnity provisions are only as good as the party agreeing to indemnify. He admonished that when considering an indemnity, testimony should be considered about whether the developer fulfills its promises.

Chairman Trzupek stated that sincere concerns about this plan remain largely unaddressed, and the Plan Commission needs to consider the plan before it in light of the Petitioner’s response to the original comments. He stated that he has hard time supporting this particular plan as he did two months ago and nothing has changed to alleviate his concerns about the density driving a number of requested variations. He also stated he appreciates the concerns raised about the indemnification. He was blunt that he did not like the potential situation where if the plan is conditionally recommended, the Petitioner will be in the position where it may leverage the Plan Commission conditional approval to force a conveyance of outlots. He finally reiterated that he had the same concerns about the plan that he did two months ago.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing for Z-05-2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek  
**NAYS:** 0 – None

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

Commissioner Petrich sought to clarify the recommended number of units as prior comments had referenced anywhere from 8 to 12 units, but could not be determined until a plan was received. He wanted this issue to be clear in the minutes for the Board.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to **DENY** zoning case Z-05-2023, requests to (1) amend Planned Unit Development Ordinances A-834-21-17 and A-834-20-16, (2) for variations to permit a planned unit development on less than 20 acres and less than 800 ft. of lot width per Zoning Ordinance sections VI.H and XIII.H, (3) a special use for a Planned Unit Development pursuant to Zoning Ordinance sections VI.H and XIII.L, (4) preliminary plan approval of the PUD in accordance with Zoning Ordinance section XIII.L.2, and (5) variations from Subdivision Ordinance sections VII.D and (6) VIII.I for minimum street right-of-way width from 60 ft. to 28 ft. and to permit sidewalks on one side of the street instead of both, pursuant to Subdivision Ordinance section III.C, with Findings of Fact as revised by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek  
**NAYS:** 0 – None

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

**C. Z-09-2023: 6880 N. Frontage Rd. (Premier IL Burr Ridge LLC); Special Use Amendment and Findings of Fact**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated Petitioner was before the Plan Commission around this time last year requesting to take over the special use for a childcare center from Grand Avenue. The Petitioner now looks to expand the special use from 5,000 sq. ft. to 10,107 sq. ft. and to increase the number of children from 80 to 156. They are also seeking to expand the outdoor play area. Director Farrell referenced a property outlined in yellow to refresh the Commissioners regarding the property location and identified that to the west was the Loyola University Medical Center. Conditions 2 and 4 of their approved special use limited it to 5,000 sq. ft. and 80 children maximum. The Petitioner is now looking to expand that use. The Petitioner seeks to expand the outdoor playground by an additional 1,500 square feet which will result in the removal of about 4 parking spaces located on the adjacent parcel at 6860 North Frontage Rd. The two buildings do share parking and access to Frontage Rd. In connection with looking to add 76 children, the number of employees will also increase from about 15-20 to 35-40. She referred to drawings denoting the location and scope of the expansion. She noted that business in terms of hours of operation and scheduling for children arrival for full day and half day students will otherwise remain unchanged. Based upon parking calculations provided by the staff, there appears to be sufficient parking on the property to accommodate the expansion of the use. Petitioner provided findings of fact which the Commission may adopt in their recommendation. If the Plan Commission chooses to recommend the special use amendment for the child care center, Staff has the same four recommended conditions as last year with the exception of #2 and #4 which increase the use for the square footage and the number of children.

Chairman Trzupek noted that the business name was different and noted that the special use goes with the owner when the business changed hands.

Director Farrell acknowledged this point and stated that from 2020 the business owner was Grand Avenue and in 2022 Premier took over ownership. In 2023 the business owner remains Premier.

Chairman Trzupek asked if the petitioner was present and wished to speak.

Janae Kleifges, Regional Director with Premier Burr Ridge LLC, recognized that there was some concern about the drop off and pick up line previously. She advised the Commission that Premier has eliminated this procedure so now parents park and walk their children into the building.



Chairman Trzupek asked for public comment.

Haley Zaffar who has two children who attend Grand Avenue stated she feels there are a number of benefits to approving this special use amendment. She believed pick up and drop off are not a problem. She noted that the facility currently accepts children 2 years old and above. The expansion will allow the facility to accept infants as young as 6 weeks. She stated that childcare for this young age is very difficult to find and is important for families in the area. She further highlighted that the present outside play area is small and in need of expansion. Additionally, she stated that new indoor recreation space will allow students to be physically active in inclement weather. She strongly supports approval of the expanded special use.

There was no additional public comment. Chairman Trzupek asked for Commissioner discussion.

Commissioners Irwin and Parrella had no comments.

Commissioner Petrich asked what use was vacated from the building. The petitioner responded that she was unsure and it has been vacant for some time.

Commissioner Petrich recommended adding a condition of a Staff review of parking management plan in light of the special use increase in student number.

Commissioner Broline had no comments.

Commissioner Morton sought clarification from Director Farrell regarding Staff comment about inadequate parking.

Director Farrell corrected the misunderstanding and stated that Staff found that there is adequate parking and should not be an issue.

Commission Morton also sought clarification regarding Staff's findings pertaining to traffic flow and potential bottle-neck issues. Director Farrell noted several other childcare facilities also operating in proximity to Grand Avenue and stated that she has not received any concerns or complaints about conflicts with pick-ups and drop offs. Commissioner Morton did not object to the expansion.

Chairman Trzupek had no comments.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to close the public hearing for Z-09-2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to **APPROVE** zoning case Z-09-2023, requests to amend special use Ordinance #A-834-09-22, a special use for a child care center pursuant to Zoning Ordinance section X.E.2, to expand the use from 5,000 sq. ft. to 10,107 sq. ft., increase the amount of children from 80 to 156, and to expand the outdoor playground area, with Findings of Fact, and with the following five (5) conditions:

1. The special use shall be limited to Premier IL Burr Ridge LLC in a manner consistent with the submitted business plan included as Exhibit A.
2. The special use shall be limited to the 10,107 square feet of floor area shown within the business plan at 6880 North Frontage Road included as Exhibit A.
3. The special use shall be limited to Tom Allor and his business partners and shall expire at such time that Mr. Allor and his business partners no longer occupy the space at 6880 North Frontage Road or at which time there is an assignment or termination of the lease for the space at 6880 North Frontage Road.
4. The capacity of the special use shall be limited to 156 children on the premises.
5. A parking management plan shall be submitted for staff review and approval.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek

**NAYS:** 0 – None

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

**D. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that this matter includes five variations. She referenced an image on the screen and noted it is a corner lot with a single-family home off Longwood Drive and South County Line Road. The main entrance of the house faces County Line Road however, under Zoning Ordinance definition, County Line Road is the corner side. The front of the property is technically along Longwood Drive as per the Zoning Ordinance, the shortest property line that borders a street is the front. The five variation requests include to permit a deck in the front yard. There are three requests related to a driveway gate and one request relating to a fence. The petitioner is requesting to build a deck on the south side of the home along Longwood Drive, technically considered the front of the home, to install a gate at the driveway entrance along County Line Road and erect a fence along the corner side yard property line. The deck is being requested as it is technically in the front yard and not permitted. Petitioner did not have a plan for the deck but submitted photos to give an indication of what they were looking to build. Driveway gates are permitted on properties

that are a minimum of two acres in area. The subject property is only 1.2 acres in area. Driveway gates are required to be set back at minimum 30 feet depending on the frontage. In this instance, the petitioner is requesting the driveway gate just inside of the property line. The petitioner also seeks to install a driveway gate that is 7 ft. in height while the permissible height for driveway gates is 6 ft. The picture of the gate provided also reflects some sort of spiked top or potentially impaling member. Director Farrell was uncertain regarding the feature. She noted that she sent the Petitioner two emails seeking clarification of the plan in this regard and did not receive a response. In regard to the fence request, the fence is being requested within the corner side setback just inside the County Line Road property line. The fence is allowed in a corner side area but must meet the minimum setback for the applicable zoning district. In this instance, Plat of Subdivision requirement is a 100 yard setback and there is an 80 foot setback for the County Line Road overlay. Since fence style clarification from the petitioner was not received, the only variation request put forward is not meeting the minimum setback for the corner side area. The petitioner provided findings of fact which the Plan Commission may adopt if they are in agreement with those findings. The recommendation has one condition which is that the gate, fence and deck shall substantially comply with the plans submitted except if the gate does in fact include any impaling members at its top, such feature shall be prohibited. The Commission may vote on the gate, fence and deck individually if it sees fit.

Chairman Trzupek asked if the petitioner was present and wished to speak.

William Ryan, Attorney for the petitioner, stated that he did not receive any emails asking for additional information, nor does he believe petitioner received any or they would have provided the requested information. He noted that attached to the petition is a survey reflecting that the deck requested is 10-12 ft south of the building and 30-32 ft east and west, so the request is fairly specific for a small deck off the south side of the building

Haley Zaffar, property owner, mentioned that she has two young children. Safety and security is of paramount concern and their yard abuts County Line Road where cars speed along quickly. They are the only house in the area that does not have a fence or a gate. While their lot size does not match the requirements, their needs are the same as neighboring properties. The location of the gate would be comparable to their neighbors and they are amenable to ensuring it does not have any impaling features. The house has an existing door on its side that is elevated about 2- 2.5 ft off the ground that presently leads to nowhere. The deck would provide an area outside of the egress point for them to watch their children play in the yard. The addition of the deck also resolves the current unaesthetically appealing appearance of having a door that leads to nowhere.

Rey Zaffar, property owner, noted that he grew up in this area and decided to raise his family here. He stated their driveway gate plan is setback further than the adjacent property's gate. In regard to the fence, he felt it should not be a visual obstruction. In terms of the driveway gate height, they looked for an attractive gate that would bridge the gap between the fence and did not focus on its height. He acknowledged that if the height

was an issue, they could likely get a shorter one. They do have a preference to proceed with the 7 ft. high gate as they feel it is very attractive. In regard to the deck, they are looking for a small area to step outside an existing door and watch their children. That portion of the yard is the most usable space on the property to play. They intend to stay in the area and have family in the area as well.

Haley Zaffar further mentioned that she and her husband talked to their neighbors. She specifically mentioned Jackie Perillo who she indicated wrote a letter in support of their petition. She also stated that several neighbors along Longwood have also verbalized their support of the petition being considered. She further indicated that the style, size and shape of the fence has not decided and welcomed being advised of any required conditions in this regard.

Rey Zaffar further added that the speed limit along County Line Road changes along their property from 45 mph to 35 mph. He stated the fence was a much to keep his children contained in the yard as it was to keep people out.

Chairman Trzupek asked for public comment. There was none. He went on to look at a slide of the proposed plan and to state that the location of the deck, although technically in the front yard, makes sense on this property. He also expressed his opinion that the driveway gate made sense despite this property being under 2 acres as it located along County Line Rd. and it does have the frontage. He did not feel a variation was necessary in regard to the gate height. Additionally, he did not think a variation in regard to the gate setback was necessary. From his perspective, a variation for the fence being located along County Line Road was also appropriate. He acknowledged that the proposal makes sense to a degree but he did not conclusively know how to rationalize all the variations given the size of the property.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton agreed that the deck seems acceptable. He expressed the view that labeling the front of the house as being located along Longwood did not make sense. He stated that the driveway gate height of 6 ft. is a requirement and he is concerned about a driveway gate being permitted on parcels under 2 acres. He asked Director Farrell regarding a prior approval of a gate for a home located east of County Line Rd., on the north side of Plainfield Rd in a cluster of homes owned among family members. He did not believe the matter came before the Plan Commission, but felt that more information regarding that case might help him in consideration of the less than 2 acre issue.

Director Farrell stated that particular matter involved a cluster of homes owned by related parties located on a private road in a subdivision. Subdivision gates go to the Board for approval. Individual parcels are governed by the Zoning Ordinance requirements.

Commission Morton also questioned information regarding other neighboring homes

which currently have driveway gates and asked for clarification regarding why driveway gates were permissible in those instances.

Director Farrell responded by stating that those fences and gates were installed prior to the adoption of the current requirements. She added that some of those properties are also larger estate lots that exceed the 2 acre requirement.

Chairman Trzupek asked if it is true that if the fence location were permitted to be less than 30 ft set back it would inconsistent with the rest of the properties.

Director Farrell stated that to her knowledge all the fences and gates along County Line Road in that area are generally in line with one another.

Chairman Trzupek clarified that the proposed fence location is consistent with the neighborhood. He stated that in regard to the gate, he is more inclined to recommend keeping the setback as to give more space when you pull in to not be projecting out onto County Line Rd.

Director Farrell pulled up a Google Maps Street View of the subject property for review by the Commissioners. She noted that two properties to the north are older properties that currently have fences and gates that would not be permissible under the current requirements.

Commissioner Broline stated that he drove out to the property to examine the neighborhood. He questioned Haley Zaffar's assertion that all the houses in the neighborhood had fences and gates as that was not what he observed. He acknowledged that to the north, Saddlebrook Estates, was likely an old property that fell under some different rules that do not apply today. Going to the South, he did not see any gates. He stated that he did not find it rational to say the fence should be approved because it is consistent with the neighbors because that was not what he viewed the neighbors to look like.

Haley Zaffar reiterated that while their lot sizes may not match, their needs are the same. She stated she actually feels their needs are even greater given they have two small children.

Commissioner Broline acknowledged Ms. Zaffar's position but also stated that similar requests have been considered and not accepted in the past because they do not meet code requirements.

Haley Zaffar responded stating that the location of the subject lot along County Line Rd. and Longwood puts it in unique position that justifies the Plan Commission making an exception in this instance.

Commissioner Broline clarified again the reason why Longwood is considered the front

lot. He referenced the plat view and stated that a fence could not extend further south than the back corner of the property along the frontage with the appropriate setbacks without a variation. He agreed that the 6 ft. limitation would need to be followed in any event.

Commissioner Petrich clarified that the fence height rule is 5 ft. and the gate height limitation is 6ft. He said that based upon the information presented, he finds the deck acceptable. He struggles with the location of the fence as he too examined the neighborhood and agrees with Commissioner Broline that there are just two properties that are pre-existing with the fence. He did acknowledge that the speed limit fluctuation might be a consideration that could impact the decision to permit a fence there. He also acknowledged that he would be a little open to a variance in gate height as the area of additional height is really ornamental in nature.

Commissioner Parrella stated she thinks the deck makes sense. She stated she is familiar with the area and believes even if it is only two properties with fences along County Line Rd., it is a long span of fence and visually, if done right, would make sense to permit the fence. She does not feel it is out of line but did question how the fence would turn the corner. She questioned if the concept was that there would be fence along County Line Rd. and bushes along Longwood. The petitioner acknowledged it was. She went on to state that if this is the case, a safety issue for a small child still exists. She would still like to see what the proposed fence and gate would look like.

Commissioner Irwin inquired whether there is an image of the subdivision marker and the orientation of the fence relative to it.

Director Farrell displayed an image to show the relative location of the marker, fence and proposed additional trees.

Commissioner Irwin stated he would redefine the front and side yard for purposes of what he is inclined to approve. The deck would be permissible. He further stated that he understood the need and desire for the fence, but hardship would need to be shown for approval. He stated that the need demonstrated is no different than the need of all residents and he questioned how approval could be granted in this particular instance. He acknowledged that one such justification may be to rely on the argument of consistency with surrounding properties for aesthetics. Ultimately, he did not feel there was a hardship for any of the variances beyond the deck.

Chairman Trzupek reiterated that he agrees the deck makes sense despite it being in the technical front yard. He stated he does feel that a fence along County Line Rd. is consistent with the neighborhood. He further stated that he understands the use of shrubs along Longwood and the traffic along County Line Rd. is far different from traffic along Longwood. Ultimately, he stated he thinks it's appropriate to have a fence and gate along County Line Rd., set back and in compliance with fence requirements.

Commissioner Broline stated that he does not see room for variation at all. He reiterated

that he takes issue with the assertion that all the houses in the area have fences and gates.

Commissioner Irwin stated that traffic moves rapidly in other areas of Burr Ridge as well. Justifying these variances because of traffic opens up a much larger discussion. He felt it was undesirable to have fences all over the Village.

Chairman Trzupek replied by stating that most of the properties along County Line Rd. already do have fences.

Commissioner Broline stated most of the developments south of I-55 did not have fences along County Line Rd.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to close the public hearing for V-01-2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Broline, Parrella, Petrich, Morton, and Trzupek  
**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to **APPROVE** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.I to permit a deck in the front yard, with Findings of Fact, and with the following condition:

1. The deck shall substantially comply with the plans submitted by the petitioner and included as Exhibit A.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzupek  
**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to **DENY** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback, with revised Findings of Fact by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 3 – Irwin, Broline, and Morton

**NAYS:** 3 – Parrella, Petrich, and Trzupek

**MOTION FAILED** by a vote of 3-3.

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner Petrich to **CONTINUE** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback, to August 21, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Parrella, Petrich, Irwin, Morton, and Trzupek

**NAYS:** 1 – Broline

**MOTION CARRIED** by a vote of 5-1.

Commissioner Broline expressed concern that the vote on the above motion was opening up the Commission to problems in the future by setting precedence that is outside the code.

Chairman Trzupek suggested that staff do some research regarding other approvals outside of the grandfathered properties. He recalled one matter where special consideration was given to the property's location along County Line Rd. in an area where the road was widened.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to **DENY** zoning case V-01-2023, requests for variations from Zoning Ordinance Section IV.I to permit a driveway gate exceeding 6 ft. in height and a driveway gate within the minimum 30 ft. corner side yard setback, with revised Findings of Fact by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Morton, Parrella, Petrich, Broline, and Trzupek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to **CONTINUE** zoning case V-01-2023, a request for a variation from Zoning Ordinance Section IV.I to permit a driveway gate on a parcel less than two acres in lot area to August 21, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Parrella, Petrich, Morton, and Trzupek

**NAYS:** 1 – Broline



**MOTION CARRIED** by a vote of 5-1.

**IV. CORRESPONDENCE**

Commissioner Irwin asked for clarification about the revision to the plans for Pella Restaurant's minor PUD change request on the Board Report. Chairman Trzuppek stated that after the Plan Commission meeting, Pella revised the plans to remove the additional awnings along Village Center Dr., keeping an additional awning along Lifetime Dr. The painting scheme was updated to only paint what had previously been shown with the inclusion of one storefront on Village Center Dr. and the interior of the addition.

There were no comments on the Building Reports.

**V. OTHER CONSIDERATIONS**

There were no other considerations.

**VI. PUBLIC COMMENT**

There were no other public comments.

**VII. FUTURE MEETINGS**

Director Farrell stated that Commissioner Parrella was the scheduled representative for Monday's Board meeting and that Z-05-2023 and Z-09-2023 would be on the agenda as considerations.

Director Farrell stated that there are three text amendments on the August 7 meeting agenda, the pool fence, short-term rentals, and unrelated persons. For August 21, there will be the continuation of V-01-2023 and one new variation request received last week.

**VIII. ADJOURNMENT**

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to adjourn the meeting at 9:10 p.m.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Parrella, Petrich, Broline, Morton, and Trzuppek  
**NAYS:** 0 - None

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

**Respectfully Submitted:**

A handwritten signature in blue ink, reading "Jarine Farrell", is written over a horizontal line.

Jarine Farrell, AICP  
Community Development Director