

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF AUGUST 7, 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: 7 – Irwin, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek
ABSENT: 1 – McCollan

Community Development Director Janine Farrell and Planner Ella Stern were also present.

II. APPROVAL OF PRIOR MEETING MINUTES – JULY 17, 2023

Commissioner Petrich requested that his comments on page 7 be changed to reflect that instead of 10 units, he stated between 8-12 but did not know until a plan was provided.

Commissioner Irwin requested that his comments on page 15 be revised due to a spelling error.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to approve the minutes of the July 17, 2023 meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Parrella, Broline, Morton, and Trzupek
NAYS: 0 – None
ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 6-0 with one abstention.

III. PUBLIC HEARINGS

Chairman Trzupek requested to swear in all of those wishing to speak during the public hearings on the agenda for the meeting. None of the members of the public stated that they wished to speak on a public hearing.

A. Z-06-2023: Zoning Ordinance Amendments for Swimming Pool Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 1, JUNE 5, & JUNE 19, 2023]

Chairman Trzupsek introduced the case and asked for a summary. Director Farrell noted that case Z-06-2023 is a continuation from May 1, June 5, & June 19, 2023. At the last meeting, the Commission discussed the potential for two forms of protection in lieu of a fence, such as a powered safety cover and an alarm. Director Farrell stated she added two different alternative draft languages in Exhibit B, one requiring a fence and one for the two forms of protection without a fence. Director Farrell researched House Bill 1009 from the Illinois 90th general assembly. The act was introduced in 1990 but never formally adopted. Director Farrell discussed the two languages for fences and no fences.

Chairman Trzupsek asked for public comment. There was none.

Chairman Trzupsek asked for Commissioner discussion.

Commissioner Morton stated he previously asked about two options for protection. From his vantage point, a fence is a once-done means of controlling access to the pool. Commissioner Morton is in support of all the findings of fact and Exhibit B, to either allow a fence or a motorized powered safety cover.

Commissioner Stratis agreed with Commissioner Morton's comments. He questioned Director Farrell about the possibility of a solid wall. Director Farrell stated that solid walls are permitted for decorative gardens or estate walls for certain size lot and would not be permitted in an average-sized lot with a swimming pool.

Commissioner Broline sees barriers to keep people from coming into the area while an underwater detector is meant to save the life of someone already in the water. The detector is an active system that needs to be maintained and inspected. Commissioner Broline prefers passive barriers like a fence that are different from active barriers.

Commissioner Petrich agreed with Commissioner Broline. Commissioner Petrich is in favor of maintaining the fence requirement. It is a passive system while an active system relies on a human to activate. Commissioner Petrich stated that when the public petition came out, it was not to eliminate fences. As far as the public is aware, it was to change the Zoning Ordinance to include a fence; to match the Building Code for the village. Commissioner Petrich stated if the Plan Commission wants to remove fences, there should be a public hearing and notification to residents.

Commissioner Parrella agrees with everything that has been said and is in favor of keeping fences.

Commissioner Irwin is in favor of eliminating the fence requirement if other safety measures are in place. Commissioner Petrich stated that DuPage County mandates a fence, and if that is true, we may not want to have two standards. Commissioner Irwin stated if he had a pool, he would have a fence.

Chairman Trzupsek summarized Commissioners Petrich's solicitude, that this began to require a fence around a pool and the text amendments would permit the Zoning Ordinance to align with the Building Ordinance. We expanded the topic to include active measures and covers in lieu of a fence. Chairman Trzupsek asked if DuPage County has a regulation for fences. Director Farrell stated she would research that. Chairman Trzupsek stated that dependent on liability, he would support not requiring fences.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Morton, Parrella, Petrich, Broline, Stratis, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Stratis to approve Z-06-2023, a request for text amendments to Section IV.J of the Zoning Ordinance to amend regulations for “fences for swimming pools” so that no fence is required, the specific language as detailed below, with Findings of Fact.

A hot tub or spa does not require a fence but must adhere to Building Code barrier regulations including but not limited to requiring a safety cover which complies with ASTM F1346. In-ground or on-ground swimming pools with a powered safety cover that complies with ASTM F1346 and with an alarm are not required to have a fence. An above-ground swimming pool which is at least 48” in height or where the barrier is mounted on top of the pool must be secured, locked, or have a removable ladder to prevent access. An outdoor in-ground or on-ground swimming pool which does not have a powered safety cover and alarm shall be surrounded by a permanent fence, wall, building wall, or combination thereof that completely surrounds and obstructs the access to the swimming pool. The fence shall also comply with Building Ordinance regulations including but not limited to height, openings, and access gates.

Commissioner Broline mentioned requiring annual inspections or affidavits signed by the property owners regarding their alarm detection system. He would like to see language about devices in lieu of a fence, Village inspection right, code, release of liability to the Village, and an affidavit.

Director Farrell clarified from a staff perspective, it is challenging to track and enforce annual inspections. The Commissioners agreed to not include that requirement.

ROLL CALL VOTE was as follows:

AYES: 4 – Morton, Stratis, Irwin, and Trzupsek

NAYS: 3 – Parrella, Petrich, and Broline

MOTION CARRIED by a vote of 4-3.

B. Z-07-2023: Zoning Ordinance Amendments for Short-Term Rentals (Village of Burr Ridge)

Chairman Trzuppek introduced the case and asked for a summary. Director Farrell stated that the Commission was directed by the Board to hold a public hearing regarding potential text amendments regarding short-term rental use in the Village. This first meeting is a preliminary discussion to get direction from the Plan Commission to permit or prohibit short-term rentals. Then based upon permitting or prohibiting, amendments can be made to the specific sections. Director Farrell loosely defined short-term rentals as renting out a residential property for less than 30 days. There are currently no short-term rental regulations, although short-term rentals are prohibited under the existing Zoning Ordinance interpretation. Short-term rentals do not fit the regulations for home occupations, and they are typically classified as hotel or motel use which is prohibited in single-family residential districts. Regardless to permit or prohibit, the zoning use should be defined in Section XIV.B. Director Farrell proposed two different options for where language may be added.

Chairman Trzuppek clarified there is no formal language proposed, tonight is finding a general consciousness to permit or prohibit.

Chairman Trzuppek asked for public comment.

Ashley Hill questioned how the definition of 30 days or less was proposed. Director Farrell stated it came from Darien. Hill asked if Illinois had any regulations. Director Farrell stated the State does not. Chairman Trzuppek clarified this is for the Commission's consideration and discussion, the number can always change to fewer or more days. Hill states that 30 days is great.

Chairman Trzuppek asked for Commissioner discussion.

Commissioner Irwin is in favor of prohibiting short-term rentals and does not know if 30 days is the right amount of time or longer.

Commissioner Parrella agreed with Commissioner Irwin.

Commissioner Petrich agreed to prohibit short-term rentals but is unsure what the rental duration would be.

Commissioner Broline favors prohibiting short-term rentals but is uncertain of the rental duration. Commissioner Broline notes that anyone who has been a real estate agent for a decade, or more is aware there have been times when people need short-term rentals for

legal processes, including circumstances where houses have burned down, and people need to find a new home to purchase and move into. In some circumstances, people may need relief from short-term rental for less than 30 days.

Commissioner Stratis agrees to prohibit and agrees with 30 days.

Commissioner Morton believes short-term rentals should be discouraged but is undecided on the rental duration. Commissioner Morton states that there are types of housing called CILA homes, community integrated living accommodations, that are recognized by the state and federal government. CILA homes are used for developmentally disabled adults. Commissioner Morton mentioned lawsuits with other municipalities including Alsip where they have been prohibited. Commissioner Morton stated he wants to make sure we are aware and that CILA homes are not put in jeopardy. Commissioner Morton sees regulations for Z-07-2223 and Z-08-2023 as related.

Chairman Truzpek was concerned about a kind of action that would prohibit CILA homes. Chairman Truzpek agreed with limiting short-term rentals, although he is uncertain what the proper duration would be. Chairman Truzpek noted that the consensus is to prohibit short-term rentals.

Commissioner Broline stated that 30 days goes along with most contract law without a written lease, and he agreed.

Commissioner Stratis asked if we define group homes in our code. Director Farrell stated no. Commissioner Stratis stated that the Village is always subject to the Americans with Disabilities Act, so we cannot prohibit something that is protected. Director Farrell agreed and stated that there is not a definition for group homes. Other municipalities communicate short-term rentals are not group homes, and this is the language that we may include in the short-term rental definition.

Chairman Truzpek stated that 30 days is appropriate and supports a definition with language that would not prohibit group homes. Chairman Truzpek noted the consensus is to allow group homes and find potential language that addresses group homes.

Director Farrell asked if putting the prohibitions in Section IV under home occupations is appropriate or if the Commission has another suggestion as to where it may be more appropriate. The consensus was to have it go under the General Regulations.

Chairman Truzpek read a public comment received from Linda Dorminey, received via email after the packet was distributed. "I believe vacation home and condo rentals should be allowed only for a minimum of four (4) consecutive weeks and no more than three (3) separate rental agreements in a year. Separately, all homes, condos, apartments long term must have a minimum one (1) year lease. Our condo in Florida has these two stipulations which take a lot of steam out of the AirBNB and VRBO type agencies and overzealous rental agents. Keeping the community whole and not overrun by weekly rentals."

Commissioner Irwin supported the concept of not having more than three lessees over the course of one year.

Chairman Trzupke stated the language should include a 30-day minimum and no more than three separate lessees. Chairman Trzupke notes the case hearing will be continued. Director Farrell suggested September 18th to permit additional research.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to continue the public hearing to September 18, 2023.

ROLL CALL VOTE was as follows:

AYES: 7 – Morton, Irwin, Parrella, Petrich, Broline, Stratis, and Trzupke
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

C. Z-08-2023: Zoning Ordinance Amendment for Unrelated Persons (Village of Burr Ridge)

Chairman Trzupke introduced the case. Director Farrell noted this was directed by the Board back in May to consider text amendments to the definition of family to reduce the number of unrelated persons residing together in a single-family dwelling unit. The current regulations allow not more than five unrelated persons to live together as a single housekeeping unit. Someone may rent out a home to five separate individuals who are not related or married to one another which has been the code enforcement issue seen. Director Farrell reviewed the regulations in neighboring municipalities where the average is three unrelated individuals. Director Farrell noted that the Plan Commission may wish to consider amending the section of the definition with “roomers and guests.” Roomers indicate someone paying for a room, a room for rent. Director Farrell clarified guests and suggested potentially changing the language to gratuitous guests, which means people who are not paying a fee to stay at the house. Director Farrell stated the proposed draft language for three unrelated people and modified the gratuitous guest section to remove “roomers” and allow families to have non-paying guests.

Chairman Trzupke asked under the draft regulations if this limits your guests if they are not paying. Director Farrell clarified if you are not paying, there is no limit. Director Farrell clarified you can rent a house for up to three persons; currently, it is five. Chairman Trzupke asked if there are definitions or regulations for lodging houses or boarding houses. Director Farrell stated there are only definitions; we do not have the use classified as a permitted or special use in any of the zoning districts. Director Farrell stated it is hard to prove a rooming or boarding house from a code enforcement standpoint if there is no lease, but by indicating the number of people living under one roof, the Police Department can further investigate. Chairman Trzupke asked why we are motioning it through the definition of family instead of rooming and boarding homes.

Director Farrell stated we can add regulations for rooming houses and boarding houses but recommends reducing the number of unrelated individuals in the definitions because that prohibits it on two fronts.

Chairman Trzupsek asked for public comment.

Jen McConahy, 651 Camelot Dr, stated this issue has gone on in her neighborhood over the past year. It is apparent to herself and neighbors across the street, that people are running a flop house. McConahy has seen many different men come and go that are not family. The owner owns other properties, and she believes he does the same thing, renting rooms out to middle-aged men. A sex offender resides there, which is a hard challenge for the neighborhood. The neighborhood has made phone calls to the police multiple times about fighting, illegally parked cars, etc. McConaughy knows they could be grandfathered under the old ordinance but believes it is predatory behavior for this homeowner and would hate to see another family or neighborhood have this situation come up. McConaughy hopes the Plan Commission looks closely to view the lack of restrictions.

Chairman Truzpek questioned if the existing ordinance allows one to have five people unrelated in a house renting rooms. Director Farrell states that is correct. There is a definition of boarding and rooming house but often is hard for the police to prove that this man is renting out rooms to specific individuals, but it can be easier to confirm the number of individuals residing in the home. Chairman Truzpek asked if it is more appropriate to redefine family or to look at the definition closely of a boarding house or stop the definition of family at "gratuitous guest." Director Farrell cautioned the Commission on stopping at "gratuitous guests" in the definition since that would prohibit people who are not married from living together.

Chairman Trzupsek asked for Commissioner discussion.

Commissioner Morton sympathized with Ms. McConahy. Commissioner Morton asked if this situation is ongoing. Director Farrell stated the situation was brought before adjudication earlier this year and the individual brought down the unrelated individuals to five, what he is permitted. There have been more complaints received about other things going on at the property after this court date, but not about the amount of people. Commissioner Morton asked if we could change the zoning regulations without having the situation being grandfathered in, meaning being effective from the date of adoption. Director Farrell stated the definition is more related to the use and there are high standards to prove a non-conforming use. Over time that non-conforming use would eventually go away- and they would have to meet today's standards. Commissioner Morton asked if a boarding house definition is a better, more effective, and quicker approach. Director Farrell stated further regulating a boarding house is something to investigate. Commissioner Morton was worried about the discrimination of college kids. Commissioner Morton also stated that finding a better definition for domestic servant should be reviewed.

Commissioner Stratis stated Commissioner Morton addressed most of his comments and agreed with Director Farrell that they may not be grandfathered. Commissioner Stratis favors the idea of creating a definition of a boarding house, and for the safety of the community, we need legislation. Commissioner Stratis asked if problems like this have occurred in the past. Director Farrell stated there have been a few properties in the past that have exceeded the renting of rooms to five unrelated persons.

Commissioner Broline supported the three unrelated persons. Commissioner Broline asked what the definition of a dwelling is and raised concerns about an offsite owner and the rotation of tenants. Commissioner Broline also raised questions about the legal positions of the word “Family,” whether tenants and owners would have to have or show equality of the property, and a requirement for the owner to live there.

Commissioner Petrich is in favor of Commissioner Broline’s comments on a requirement for the owner to live there. A gratuitous guest or non-gratuitous guest is hard to define but there should be some limitations. Commissioner Petrich is not in favor of renting out rooms in Burr Ridge.

Commissioner Parrella suggested “caregiver” in the definition of a family instead of a domestic servant. Commissioner Parrella stated that homes should not be rented out to strangers to make money.

Commissioner Irwin asked McConahy how long the situation has gone on. McConahy stated four to five years. Commissioner Irwin suggests moving expeditiously to prevent this and put an end to this conduct.

Chairman Truzpek struggled with the definition of family including even three unrelated persons living together. Chairman Truzpek raised a question of how we differentiate between college kids and other renters.

Lisa Turano stated three college kids living together are supporting each other, but six middle-aged men are not benefiting each other. Turano believes the Village should exercise eminent domain. The Village can recognize there is a clear abuse of residency and this is the definition you are trying to establish.

Chairman Truzpek struggled with the approach of amending the definition of “family” but would like to expedite this by approving language tonight to get this moving. Chairman Truzpek asks if changing the number from five to three unrelated persons would give the Village something to work with.

Director Farrell confirmed. Director Farrell stated that if the Commission were to pursue the boarding house and rooming house uses, we would need to re-notice that in the newspaper. The current notification that went out was to reduce the number of unrelated people from five to an amount to be determined.

Commissioner Parrella asked if we can eliminate the entire last sentence of the definition and if we can review the word “Family” with the Village Attorney.

Director Farrell stated legal concerns and will need to consult with the Village Attorney about eliminating unrelated people from the definition entirely. All definitions of “Family” found through research have a certain number of unrelated persons allowed to live together. Director Farrell stated concerns about potential case law that we are unaware of potentially needing to allow for a certain amount of unrelated people to live together.

Chairman Trzupsek stated that we are not saying unrelated people are not allowed to live together instead, they are just not considered family, and they can have as many gratuitous guests as one may want.

Commissioner Parrella stated that the owner should reside on the premise and suggested getting rid of the word “short-term” and stopping the definition at “guests.”

Commissioner Irwin suggested a text amendment with a definition.

Commissioner Morton stated that he would forgo his concerns to address immediate issues but requests to revisit the text amendment to meet the needs of all the stakeholders.

Chairman Truzpek agreed and will ask the Board to direct the Commission to hold a public hearing regarding boarding houses.

Commissioner Stratis asked if we are going from “gratuitous guests” to “guests.” A guest means a friend coming over and he would like to put a limitation on it. If there is a definition of gratuitous guests, it should state non-paying because it is not a business. The number of gratuitous guests is more important than the amount. Commissioner Stratis suggested having the motion to stop gratuitous guests unless the Village Attorney believes we must have a numerical number for unrelated persons defined.

Director Farrell clarified that the current language states no more than two guests or roomers, so we do not have to remove the “two” from the definition for guests.

The Commissioners agreed with leaving two unrelated persons as it puts a limit on permanent-type guests.

Chairman Truzpek asked if they are ready to close the public hearing.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, Petrich, Broline, Stratis, Morton and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to approve Z-08-2023, a request for text amendments to Zoning Ordinance Section XIV.B to modify the definition of “family,” with Option A as detailed below the preferred language, subject to Village Attorney approval, and if not approved by the Village Attorney, then the language as detailed in Option B below, with Findings of Fact.

A: An owner or a single lessee and persons related thereto by blood, marriage, domestic partnership, or legal adoption living together as a single housekeeping unit within a dwelling unit, including foster children, domestic employees, and non-paying guests.

B: An owner or a single lessee and persons related thereto by blood, marriage, domestic partnership, or legal adoption living together as a single housekeeping unit within a dwelling unit, including foster children, domestic employees, and non-paying guests. The word "family" shall also include not more than two (2) unrelated persons living together as a single housekeeping unit.

The Plan Commission generally discussed the proposed language, including adding “owner or lessee,” “domestic partnership,” and changing “servant” to “domestic employees.” The Commissioners requested that the Board direct them to review the definition in roughly 6 months and to hold a public hearing on boarding and rooming houses.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, Petrich, Broline, Stratis, Morton, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

There were no comments on the Board report.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

Ingrid Tepler, 6902 Fieldstone Dr., stated the new development of Costco on CNH is a terrible idea. Costco's potential opening permits invitations to non-Burr Ridge residents

to access and congest the small suburb. Gas stations and parking lots become public meeting spaces, increasing crime, car burglaries, and trash. Tepler believes it is tacky to have a Costco behind her home. Tepler states she wants to prevent this from going to a public hearing. Tepler needs the developers to know Costco is not welcome. Tepler has concerns that Commissioner Stratis sits on the Plan Commission while Costco is his client.

Chairman Truzpek stated there is no formal petition for the property. Chairman Truzpek understood there were plans released with Costco and other industrial buildings, but no formal petition or plans were submitted. If a formal petition is received, there will be a public hearing. Chairman Truzpek noted Commissioner Stratis would not be involved in the discussion or voting.

Lisa Turano, 6916 Fieldstone Dr., was concerned that there was already a plan and a contract with a developer. Turano raised concerns about how far this has gotten and questions what the residents need to do to halt the idea and prevent it from going to a public hearing.

Chairman Truzpek stated an individual cannot prevent someone from signing a contract for a property and submitting a petition. Chairman Truzpek stated many plans and designs that were under contract have never been passed or approved. Chairman Truzpek reiterated everything must go through a public hearing.

Shoba Rajanahally, 7 Mallory Ct., stated there have been several break-ins already in Fieldstone, four in her cul-de-sac, and this plan will worsen the situation. Rajanahally was concerned about increased traffic. Rajanahally questioned if Costco is zoned correctly for the area and the process. Rajanahally questioned how successful a public hearing is when the public does not want something.

Chairman Truzpek stated the site would have to be re-zoned and it is a public hearing process. Chairman Truzpek explained the public hearing process is taken very seriously.

Nicki Janis, 8 Mallory Ct., stated that the neighborhood is riddled with burglaries and break-ins, so alarms are on 24-7. Janis feels their other opportunities are not limited to industrial uses and recommended to consider looking at retail. Janis stated concerns about traffic, security, and home property values.

Peter Tepler, 6902 Fieldstone Dr., stated the rendering showing Veterans Parkway connecting to Commerce Street would increase traffic. Tepler stated concerns about Costco being 50 ft from the residential homes, meaning Costco would be towering into their backyard and be bad for the property values. The increase in traffic, trash, crime, and deliveries of Costco would be terrible for the property values, neighborhoods, and standard of living.

Li Chai, 6852 Fieldstone Dr., stated Costco is too close to his backyard and home. This is his worst nightmare. Chai stated his concerns about property values. Chai wanted to be informed of the steps and facts, to be involved, and to put a stop to the development. Chai asked if residents can put a stop to a petition. Chai stated his frustration on how he received the plans.

Chairman Truzpek stated the Plan Commission cannot stop a petitioner from submitting a petition. If the petitioner comes with a formal submittal, it goes through staff review and then it becomes public notice to everyone in the area for a public hearing. Chairman Truzpek repeated that there is no formal plan, and the Plan Commission cannot comment on something that has not been formally submitted to the Village.

Rajanahally asked what the time frame is.

Director Farrell stated that once there is a completed petition received to schedule for the public hearing, there is a 15-day public notice period. Letters are sent out, a notice published in the newspaper, documents posted on the website, and public notice signs installed on the property. Then a public hearing is held at the Plan Commission, who is a recommending body to the Village Board. Director Farrell stated there are weeks and maybe months of reviewing technical documents prior to scheduling the public hearing.

Chairman Truzpek noted examples of prior proposals, the timeline, and some that ultimately do not go through.

Director Farrell introduced Ella Stern, the new Planner for The Village of Burr Ridge.

VII. FUTURE MEETINGS

Director Farrell noted that the Village Board meeting for August 14 is cancelled, and the cases scheduled for the upcoming Plan Commission meetings. Commissioner Irwin asked Commissioner Morton to switch August 28 and September 11 Village Board meetings. Commissioner Morton agreed.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to adjourn the meeting at 9:06 p.m.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Broline, Morton, Parrella, Petrich, Stratis, and Trzupek
NAYS: 0 - None

MOTION CARRIED by a vote of 7-0

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director