

**VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**MINUTES FOR REGULAR MEETING OF SEPTEMBER 18, 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:** 5 – Irwin, Petrich, Broline, Morton, and Trzupek

**ABSENT:** 3 – McCollian, Parrella, and Stratis

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

**II. APPROVAL OF PRIOR MEETING MINUTES – AUGUST 21, 2023**

Commissioner Petrich requested that the fourth condition be added to the Village Center Entertainment District on page 9. Commissioner Petrich stated that he understood the change was made to the drawing after the Plan Commission meeting but wanted it reflected in the minutes and as a condition.

Commissioner Broline stated that on page 4, the correct subdivision is Fallingwater, not Highland Fields.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve the minutes of the August 21, 2023 meeting as amended.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Petrich, Broline, Morton, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Irwin

**MOTION CARRIED** by a vote of 4-0 with one abstention.

**III. PUBLIC HEARINGS**

Chairman Trzupek introduced the public hearings on the agenda. He requested to swear in all those wishing to speak on such matters on the meeting agenda and a swearing in of such individuals was conducted. Chairman Trzupek noted that he is aware that there was a social media posting that the Costco proposal is on the agenda for tonight, but he confirmed it was not.

**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 FROM JUNE 5 & JULY 17, 2023]**

Chairman Trzupsek introduced the case and asked for a summary. Director Farrell stated that 60 Shore Drive was a request for two special uses. The first was to expand an existing special use for the interior and the second was to include outdoor storage on the exterior. This matter was remanded from the Board of Trustees back on May 22, 2023 and then continued both on June 5, 2023 and July 17, 2023 from the Plan Commission. The Plan Commission unanimously voted to recommend approval of the interior expansion of the use while they unanimously voted to recommend the denial of the outdoor storage. Director Farrell stated that May 15 was the first time this matter was heard at the Plan Commission meeting. At the May 22 Village Board meeting, the Petitioners were present and requested a remand back to the Plan Commission. The Board remanded the case back to the Plan Commission with the stipulation that fencing, screening, securing the outdoor storage be presented and information about parking with the other tenants in the building be provided for consideration. The Petitioners requested a continuation on June 5 and July 17. No additional information was provided in advance of the meeting to be included in the packet. Director Farrell stated she did meet with the Petitioners in the hallway before this meeting and the Petitioner indicated they have updated information about fencing to present tonight. Director Farrell indicated that the Commission may wish to continue the case again to review this information.

Chairman Trzupsek confirmed with Director Farrell that there was no new information provided except for the fence information mentioned tonight.

Joseph Naddaf, the Petitioner, introduced himself and distributed copies of fencing proposals. The Petitioner stated that there is a section in the back of the building that is currently used as a staging area for vehicles requiring work upon delivery. The area is visible from people driving down Shore Drive heading south but is not visible from Frontage Road. The Petitioner stated that they had two fencing proposals and that they spoke with the landlord who has no objection to the proposals.

Chairman Trzupsek stated that at the last meeting, the request was to show a fence and how it would work but also provide a parking count for the rest of the building and whether or not there would be enough remaining parking spaces for other building occupants' uses if the spaces in question were used for Petitioner's overnight storage.

The Petitioner indicated that there are designated parking areas for their business and Corvette Mike does not require use of those areas. Another tenant has four or five spots dedicated for their use. The remainder of the parking spaces in question is for the exclusive use of the Petitioner.

Chairman Trzupsek indicated that it is difficult for the Plan Commission to develop any opinion and give a recommendation on the proposals presented given that the proposals

were not provided in advance of the meeting. Chairman Trzupek asked Director Farrell to review what other issues were to be addressed beyond the parking and the fenced area.

Director Farrell stated that in addition to the fencing, another issue to be addressed was any potential screening/landscaping that may be planted in connection with the fencing and security lighting or cameras.

The Petitioner indicated that they have security cameras and they are planning on adding an additional camera on the east side of the building to monitor the entire parking area. The Petitioner indicated that there is lighting in the back of the building but if more lighting is required, that can be addressed.

Chairman Trzupek inquired about what type of fence is being proposed. The Petitioner indicated that it was called "black chain link" with privacy slats. Chairman Trzupek asked if chain link was permissible in any location. Director Farrell stated that generally chain link would not be permitted, but any deviation from the fencing regulations in the non-residential district is part of the special use approval.

Chairman Trzupek stated that he thinks the Plan Commission requires some more information in terms of the appearance of the fence and any proposed landscaping. Chairman Trzupek preferred to continue this matter so the Petitioner may deliver a full submittal to the Staff which can be distributed for review to the Plan Commission. Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton stated that more information was needed, particularly about setbacks. Commissioner Morton noted that the chain link with the privacy slats did not seem like a pleasing look.

Commissioner Broline stated that the area is somewhat hidden and he is concerned about the space to get in and out. Commissioner Broline requested a letter evidencing the landlord's approval and more detail on the proposal.

The Petitioner confirmed that the Plan Commission was looking for an image of the fence and stated that they just received a Plat of Survey from the landlord.

Commissioner Petrich indicated he would like to see a striping plan to see how many cars will be located in the subject area of the lot. Commissioner Petrich stated that staff should be given time to take a closer look at the materials distributed to see what, if anything, is also missing.

Commissioner Irwin sought clarification on why the petition was remanded back from the Board. Chairman Trzupek stated that it was to reevaluate the matter after the submittal of plans that included more detailed information about where the fence would be located and what the fence would look like.

Commissioner Irwin asked why the Plan Commission initially denied the special use and requested a copy of the minutes from the May meeting. Chairman Trzupek indicated that denial was in large part because outdoor storage required consideration for fencing or other mechanisms of enclosure.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to continue the public hearing to October 16, 2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Broline, Petrich, Morton and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

**B. Z-07-2023: Zoning Ordinance Amendments for Short-Term Rentals (Village of Burr Ridge) [CONTINUED FROM AUGUST 7, 2023]**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that this matter was continued from August 7. At the August 7 meeting, the Plan Commission directed staff to prohibit short-term rental use. Staff has created a definition of what is a short-term rental and language for prohibiting the use. Currently, short-term rental uses are prohibited and are interpreted as violating the home occupation guidelines. Staff researched neighboring municipalities for their definitions of “short-term rentals.” Based upon the research and using the Village’s existing Zoning Ordinance terms, staff drafted the following definition for a “short-term rental.”

“Short-Term Rental” shall be defined as: A single-family detached dwelling, semi-detached dwelling, attached dwelling, cluster dwelling, multiple-family dwelling, two-family dwelling, accessory dwelling, accessory structure, accessory use and/or any portion thereof rented to transients or temporary guests for a period less than thirty (30) consecutive days and whether or not the permission for such occupancy or use is in exchange for a fee. This definition does not include a hotel or motel establishment duly licensed by the Village, boarding, lodging, or rooming houses, or rental of a dwelling to no more than three separate lessees per year for a 30-day minimum duration.

The language incorporates things the Commission discussed, specifically with reference to the last sentence that was drafted to address Commissioner Irwin’s concern about not having more than three separate lessees per year. This would allow someone to rent out their home but not to more than three separate people per year and for a 30-day minimum. Hotel and motel use and boarding, lodging and rooming houses are all excluded since the Commission will be looking at those uses as part of the next round of text amendments. The definition includes not just a house, but also includes an accessory structure, such as a coach house or living quarters in a detached garage. It also includes an accessory use, such as renting out one’s swimming pool. Director Farrell referenced another section of

the Ordinance, Home Occupations, and noted the language which prohibited short-term rentals as a Home Occupation use.

Chairman Trzupek asked for public comment. There was none. Chairman Trzupek asked for Commissioner discussion.

Commissioner Irwin supported the draft language.

Commissioner Petrich asked for clarification on the special use requirement to have an accessory dwelling unit. Director Farrell stated in certain residential zoning districts, such as the Village's larger zoning districts, having an accessory dwelling is a special use, and this draft language would only prohibit renting the dwelling as a short-term rental.

Commissioner Broline had no comments or questions.

Commissioner Morton asked about Community Integrated Living Arrangement (CILA) homes and if a CILA applicant would be aware that the definition would not prevent it. Director Farrell stated that staff recommends CILA homes be looked at as part of the annual zoning review. Staff's research showed that neighboring municipalities do not have regulations on CILA homes. Staff stated that the use is different than a short-term rental since it is geared toward people with developmental disabilities living in a supportive environment and that individuals residing within a CILA home are there for longer than thirty days.

Chairman Trzupek summarized that this is definition of short-term rental and short-term rentals fall under home occupations and they are expressly prohibited as a home occupation.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to close the public hearing for Z-07-2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Morton, Petrich, Broline and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to approve Z-07-2023, a text amendment to Zoning Ordinance sections IV and XIV.B to include a definition for short-term rental and add a prohibition for short-term rentals to the Home Occupation regulations, with Findings of Fact.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Morton, Irwin, Petrich, Broline and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

**C. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact  
[CONTINUED FROM JULY 17 & AUGUST 21, 2023]**

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated the case was continued from July 17 and August 21, 2023. Director Farrell stated the request was for five variations permit a deck in the front yard, a driveway gate on a parcel less than two acres in lot area, a driveway gate exceeding 6 ft. in height, a driveway gate within the minimum 30 ft. corner side yard setback, and to permit a fence in the corner side yard setback. The property is a corner lot with Longwood Dr. serving as the front property line although the main entrance of the home faces County Line Rd., the corner side property line. On July 17, the Commission unanimously approved to permit a deck in the front yard, unanimously denied permitting a driveway gate within the minimum 30 ft. setback, and unanimously denied permitting a driveway gate exceeding 6 ft. in height. There are two requests remaining, to permit a fence in the corner side yard setback and to permit a driveway gate on a parcel less than two acres. All of the requests are being held to go forward to the Board at one time. At the July 17 meeting, the Plan Commission requested additional information on the proposed fence and illustrations of how it will look in relation to the northern neighboring properties which have fences along County Line Rd. The Commission also requested additional information about properties in the area which have fences along County Line Rd. within the required setback. Information about the properties with frontage along County Line Rd. and which have a gate and/or a fence, starting from the Village's northern boundary and running south to the I-55 interchange is in the staff report. Director Farrell stated in the research staff found of the nine properties surveyed which have fences and/or gates along County Line Rd., eight have fences. For the one home that does not, it was denied a variation request to put a fence in the setback in 2013. Of the eight homes with fences, two have fences which meet Zoning Ordinance regulations. Of the remaining six homes, all have fences within the County Line Rd. setback. Three of those homes received variation approval for fences in the setback, but one approval was for a temporary snow protection fence only. For the remaining three homes, they are legal, nonconforming sites with homes and/or fences that pre-date the Village's incorporation. The two properties closest to the subject site, immediately adjacent to the north on the east side of County Line Rd. have fences and gates within the front yard along County Line Rd. These two properties have had these fences and gates since at least 1951, prior to the Village's incorporation, and would be deemed legal, nonconforming or "grandfathered-in." Director Farrell stated the petitioner provided updated materials, including fence materials and information on the location of the fence on County Line Rd. The petitioner has provided Findings of Fact, which the Plan Commission may adopt if in agreement with those findings. The Plan Commission

may wish to make one motion for the remaining two variation requests or separate them into individual motions.

Chairman Trzupek asked where the front yard, side yard, and corner side yard were. Director Farrell stated that per Zoning Ordinance regulations, the front is the property line that has the shortest distance along the road, which is Longwood Dr, and the corner side is County Line Rd. Although the house faces County Line Rd., the front property line is along Longwood Dr. Fences are permitted on a corner side yard but must meet the setback requirement. Director Farrell stated the petitioners are looking for the fence to be on the property line in the corner side yard which is not permitted. Director Farrell stated the setback for the corner side yard is 100 feet.

Chairman Trzupek asked if the Petitioner was present and invited them to come forward to make any additions to the staff report.

William Ryan, the attorney on behalf of the petitioners, stated they have provided additional information. Ryan stated of the nine homes along County Line Rd, 89% of them have fences and 89% of them have gates.

Hayley Zaffar, the property owner, summarized the fence material, design, and height. The petitioner stated it is substantially similar to other fences along County Line Rd. The petitioner stated that the gate will be in the same material and 6 ft. in height and around 7 ft. with the decorative top to match the surrounding area. The petitioner asked for clarification of gate regulations. Director Farrell stated the tallest point of the gate is the maximum gate height.

Rey Zaffar, the property owner, stated most of the neighbors have gates and they are around 9 ft. in height. The petitioner stated his gate only reaches 7 ft. in height in the middle. The petitioner stated he should be able to have a gate like his neighbors and does not believe a resident from Burr Ridge would have a problem with a nice gate. The petitioner stated when you leave Hinsdale, his house is within the first that three people see. The petitioner stated 6116 County Line Rd. had a variation approved and does not meet the acreage requirement. The petitioner believed many of the variations were granted due to the high speed of traffic on County Line Rd.

Hayley Zaffar stated the request is in concern of security, safety, and traffic. The petitioner stated that her neighbor without a gate constantly sees cars pulling in and turning around in their driveway. The petitioner stated the concern is for increased auto theft on County Line Rd. The petitioner stated all the neighbors are fine with them having a gate.

Rey Zaffar stated he was not prepared at the last meeting. The petitioner raised points about the fence and gate setback and the property line. The petitioner stated existing pillars are 7 ft. in height and he would like a gate to be the same height as the existing pillars. The petitioner stated the gate will be operated with its own phone number so guests can text the number and the gate will automatically open. The petitioner addressed fire trucks

access and stated that they could access Longwood Dr. where the hydrant is located or drive through the gate. The petitioner states he is open to some compromise.

Chairman Trzupek asked for public comment. There was none. Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton stated that the other properties are older and the Ordinance has evolved leading to this discussion. Commissioner Morton stated when reviewing a variation request, it is approved upon seeing a hardship of the land. Commissioner Morton stated he has a hard time finding a hardship. Commissioner Morton suggested a text amendment may be a better option. Commissioner Morton stated everything the petitioners have said is reasonable and does not have an objection to any of it, but he does not see a hardship.

Chairman Trzupek stated the Plan Commission makes a recommendation to the Village Board. Chairman Trzupek stated to recommend approval of a variation, a hardship based on the land must be found. Chairman Trzupek stated it is difficult to see a hardship based on fences that have been in there for 20 to 50 years. Chairman Trzupek stated a text amendment would apply any place and it changes the code as opposed to a variation.

The Petitioner stated a hardship is that the code ignores reality of the front yard versus the side yard. The rule of shortest frontage is automatically the front yard, the house was built facing County Line Rd., and front of the house faces County Line Rd. The petitioner stated the reason they have an issue with a fence on County Line Rd. is because the code classifies County Line Rd. as a side yard, and believes that is a hardship.

Chairman Trzupek asked for clarification regarding fence regulations if the front was on County Line Rd. Director Farrell stated a fence would not be permitted in the front yard and would have to be behind the rear wall of the house.

Commissioner Broline stated the code relates to a 2-acre property and this is 1.2 acres, which is part of the problem. The lot is smaller than the code applies to. Commissioner Broline sympathized with the Petitioner's concern for safety, but stated variation approval is not based on the fact of emotion. Commissioner Broline asked why a gate taller than 6 ft. provides more security and if the Petitioners created the hardship.

The Petitioner stated the gate height of 6 ft. is for aesthetic purposes and wants the town to look cohesive. The Petitioner stated his neighbors have tall fences. The Petitioner stated if 89% of the homes near them are permitted a gate, it is a hardship to them. The Petitioner stated the hardship was part of the property.

Commissioner Petrich stated that a fence could be built on the property while meeting codes. Director Farrell confirmed. The Petitioner stated that the largest portions of the yard are along the streets. Commissioner Petrich stated that there are large lots with homes along County Line Rd. which do not have fences along County Line Rd. The Petitioner



disagreed with Commissioner Petrich. Director Farrell confirmed that out of the nine homes with fences and/or gates, there are two homes with approved variations, one home was denied a variation, one was approved for a variation for a temporary snow fence, two homes meet setback requirements, and the remainder are legal, nonconforming. Commissioner Petrich stated that the Petitioner could still build a home with a fence, but it may not be what the Petitioner desires to have. The Petitioner stated that having a fence meeting the setback did not make sense. Commissioner Petrich stated that the house did not have a fence when purchased and has been this way for a long time. Commissioner Petrich did not find a hardship in the Findings of Fact and was concerned about setting precedence for other homes in the area.

Commissioner Irwin asked for clarification on the homes which had variations approved for fences within the setback in relation to the site. Director Farrell noted them on the map and that the dates were 1984 and 1993 for the fences within the setback, and 2011 was for the temporary snow fence. Commissioner Irwin asked for clarification on where County Line Rd. tapers to one lane. Director Farrell noted it is just north of Plainfield Rd. Commissioner Irwin does not find a hardship and stated that people are slowing down where the road tapers. Commissioner Irwin stated that existing fences in the area which have been around for 70 years are not hardships. There was discussion about the percentage of homes with fences or gates in the setback on County Line Rd. Director Farrell noted that the nine homes in the staff report are those with fences and/or gates only and there are more residential properties with frontage and a driveway on County Line Rd. which do not have a gate or a fence.

Chairman Trzupek does not have a problem with a fence in this location on County Line Rd. but does have an issue with finding a hardship. The Commission's concern is finding a hardship to recommend approval to the Board.

Emily Rodriguez, a Fieldstone resident, is familiar with the area. Rodriguez stated that County Line Rd. can be fast and dangerous and has witnessed people speeding. Rodriguez stated there is no sidewalk and it is a matter of safety for children. Rodriguez stated that people can jump a 6 ft. tall gate and a car sliding on ice would be stopped by a gate. Rodriguez stated that the Costco will cause more traffic on County Line Rd. and said she cannot believe so much time was spent discussing a gate.

Chairman Trzupek stated that the Commission is dealing with the regulations and how they apply to the situation and finding a hardship.

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:** 5 – Irwin, Broline, Petrich, Morton and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

Chairman Trzupek noted that there were five variations originally. The deck in the front yard was unanimously approved, and the gate exceeding 6 ft. in height and within the setback was unanimously denied. Director Farrell stated that there are two variations remaining to be voted upon.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to deny 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, with Findings of Fact as revised by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Morton, Petrich, Broline and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

Chairman Trzupek requested to note that while the parcel does not meet the minimum lot area it does meet the minimum lot frontage requirement to have a gate.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to deny 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 Findings of Fact as revised by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Morton, Petrich, Broline and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

Chairman Trzupek requested to note for the record the appropriateness of having a fence in that location.

**D. V-03-2023: 7703 Hamilton Ave. (Iwanetz); Variation and Findings of Fact**

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the petitioner is requesting a variation from Zoning Ordinance section VI.D to permit a corner side yard setback of 30 ft. instead of the minimum 40 ft. required. Stern projected an aerial image of the property outlined in red on the screen for review. Stern stated the property is zoned R-2A single-family residence. Stern stated the front property line is 100' in width along Hamilton Ave. and the corner side yard is along 77th Street, about

400' in length. Stern reiterated the variation request is a corner side yard setback of 30 ft. instead of the minimum 40 ft. required. Stern stated the petitioner seeks to build a new single-family residence. Stern stated the Petitioner's neighbor on the south side of his home is 10.25 ft. from his property line which is closer than the allowed R-2A zoning requirement of 15 ft. per Ordinance. Stern stated as per the Zoning Ordinance, a corner side yard setback must be at least 40 feet. However, for this area, Ordinance No. A-25-11-75 was adopted to allow different setbacks for all yards except the corner side yard. Ordinance No. A-25-11-75 permits a variation for a lot width from 130 ft. to 100 ft. Setbacks are permitted in a front yard from 50 ft. to 30 ft., for rear yards from 60 ft. to 50 ft., and to permit two side yards with a combined width of not less than 20 ft. rather than 30 ft. Stern noted the Ordinance permits setbacks to deviate in the front yard, rear yard, and side yards but not on a corner side yard. Stern showed the proposed site plan of the new single-family residence with the existing and new set setback lines shown. Stern stated that the petitioner provided Findings of Fact the Commission may adopt should the Commission wish to recommend approval. Additionally, should the Plan Commission recommend approval, staff recommends one condition that the setback and the new single-family residence architectural plans shall substantially comply with the plans submitted by the petitioner as included in Exhibit A.

Chairman Trzupek asked about the neighbor's property line. Director Farrell stated they are permitted a 10 ft. side yard setback per Ordinance A-25-11-75, but that does not apply to a corner side yard.

Chairman Trzupek asked if the petitioner was present and invited them to come forward to make any additions to the staff report.

Bohdan Iwanetz, the property owner, summarized that they bought the lot and want to build a new single-family residence. Iwanetz stated they would like to move their house closer to 77th Street to be 35 ft. from their neighbors instead of 25 ft. to give himself and the neighbor more privacy. Iwanetz stated there are constraints on the permitted width of the house because it is a corner lot.

Chairman Trzupek asked about the width of the lot. Stern stated the 100' width is permitted per Ordinance A-25-11-75.

Chairman Trzupek asked for public comment.

Mark Thoma, 7515 Drew, stated the Iwanetz are his current neighbors. Thoma supported approving the variation since a corner lot is challenging and that the lot width is only 100' when the R-2A zoning is 130', providing a hardship. Thoma stated the area is a part of the original Burr Ridge and was there before the Village was incorporated. Thoma stated homeowners of other corner lots in the area bought two lots to reconfigure the land to address the lot width problem, but the land is not vacant next to the Iwanetz's land. Thoma stated the area is developing and the quality of the home the Iwanetz wants to build fits in with the Village of Burr Ridge and the neighborhood.

Chairman Trzupek asked about the house across the street. Director Farrell stated staff found no variation approval and assumes it is legal, non-conforming.

Chairman Trzupek asked for public comment.

Commissioner Irwin asked if the house would comply if they moved the house back 10 ft. Iwanetz confirmed. Commissioner Irwin stated he liked the design and the improvements. Commissioner Irwin stated he sees a hardship based on the property to the south being too close to the property line.

Commissioner Petrich asked if the property to the south has a 100' foot lot width. Stern confirmed. Commissioner Petrich stated the neighbors to the south built a home with a 100 ft. width lot. Iwanetz stated the house faces Hamilton Ave. and the previous house on his lot faced 77th St.

Commissioner Broline agreed with Commissioner Irwin's comments regarding the appearance of a hardship. Commissioner Broline asked if 77th Street would expand in the future. Director Farrell stated there are no plans for 77th Street to expand.

Commissioner Morton asked Director Farrell about the property to the south which is 10.25 ft. from the property line. Director Farrell clarified Ordinance A-25-11-75 made concessions to lot sizes for the width and setbacks, so the property to the south complies with the 10' foot setback. Commissioner Morton stated Commissioner Irwin has offered a basis for a hardship that he can support,

Chairman Trzupek stated he agreed and is in support of granting the variation. Chairman Trzupek stated he sees an inconsistency with allowing the property width to change and allow some concessions on setbacks but not all. Chairman Trzupek stated it is difficult to find a hardship because of the nature of the land, but because there are variations in place for lot widths and all other setbacks, it would be appropriate to grant the variation.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to close the public hearing for V-03-2023.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Morton, Petrich, Broline, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to approve V-03-2023, a request for a variation from Zoning Ordinance Section

IV.D to permit a corner side yard setback of 30 ft. instead of the minimum 40 ft. required, with Findings of Fact, and with the following condition:

1. The setback and the new single-family residence architectural plans shall substantially comply with the plans submitted by the petitioner and included as Exhibit A.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Broline, Petrich, Morton and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 5-0.

#### **IV. CORRESPONDENCE**

Commissioner Trzupek invited any comments on the Board or Building Reports.

Chairman Trzupek noted that the Board requested that a fence be required for a swimming pool.

Commissioner Irwin asked about the unrelated persons text amendment and what happened following the Plan Commission meeting. Director Farrell confirmed that the Village Attorney was consulted. The Village Attorney found case law in Illinois whereafter municipalities amended their definitions of family to include a specific number of unrelated persons. The definition which went before the Board for approval was Option B which had no more than two unrelated persons.

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

##### **A. 6200 S. Madison/Ruth Lake County Club**

Director Farrell introduced 6200 S. Madison, Ruth Lake Country Club, which is located in unincorporated DuPage County. Director Farrell noted that this DuPage County zoning case was sent after the Plan Commission's agenda was posted but this was distributed to the Commissioner's via email. DuPage County's hearing on the matter is September 26, before the next Plan Commission meeting. The Village limit is located directly across Madison St. Director Farrell stated the case is a variation to reduce the front yard setback from 30' to 18' along Madison St. for pickleball courts.

Chairman Trzupek clarified the Village does not have jurisdiction but there may be concerns about reducing a setback that permits a pickleball court closer to Village residents. Director Farrell stated that is correct.

Commissioner Morton stated concern about shifting uses to permit a louder activity. Chairman Trzupek stated pickleball is louder than a tennis court.

Commissioner Morton stated the Burr Ridge residents are across the street and would be concerned about the pickleball use.

Commissioner Broline stated the location is not a concern, but noise could be an issue.

Commissioner Petrich stated concerns regarding the location of the pickleball courts being too close to the entrance due to the activity and noise.

Commissioner Irwin agreed.

Chairman Trzupek agreed. Chairman Trzupek stated concern about location and noise.

Director Farrell stated that in accordance with the Commission's direction, she will draft a letter to DuPage County regarding the concerns about the noise in proximity to Burr Ridge residents across the street and the location being near the entrance.

Commissioner Morton suggested including sensitivity to additional light in the letter.

Commissioner Broline stated that if lighting is present, it would be another concern. Director Farrell stated no lights were included on the site plan provided, but lights may be in the final plan.

## **VI. PUBLIC COMMENT**

Chairman Trzupek asked for public comment.

Leah Jayson asked for clarification regarding the proposed Costco use and who would complete the traffic studies.

Chairman Trzupek stated from his knowledge Costco would be a retail store with a separate building for office space. Chairman Trzupek reiterated there is no application and nothing has been formally submitted. Chairman Trzupek stated there is a long review process and there would be a notification of a public hearing if a formal plan is submitted. Chairman Trzupek stated he was unaware of a contract on the property. Chairman Trzupek stated a traffic study, preliminary engineering, etc., would be reviewed before a formal plan was submitted. Chairman Trzupek stated the developers would be required to hire someone to complete the necessary studies.

An unidentified man asked if the Plan Commission determines if the development follows the rules. The unidentified man stated he was against Costco and questioned if one can change the "rules."

Chairman Trzupek stated if developers followed the rules and met all the Zoning requirements, there would be no need to have the case go to the Plan Commission. Commissioner Trzupek stated that if a proposed development is submitted, it would most likely need to be rezoned or a Planned Unit Development.

Director Farrell showed the CNH page on the Village of Burr Ridge website. Director Farrell stated the most up-to-date information is posted on the website. Director Farrell stated the public can sign up for notifications to stay up to date on the project.

Lisa Turano, 6916 Fieldstone Dr., questioned why a meeting with the Park District was not on the website. Turano stated per the FOIA she submitted, the Village did participate in the conversation. Turano questioned a DuPage County Stormwater Committee meeting with the Village.

Chairman Trzupek stated the Village is not a part of the Park District.

Director Farrell stated she is unaware of a DuPage County Stormwater Committee meeting. Director Farrell stated there is a difference between staff meeting with other staff and a public meeting subject to the Open Meetings Act which has elected or appointed officials.

Ingrid Tepler, 6902 Fieldstone Dr., stated concern and frustration about a lack of transparency and elected officials. Tepler asked questions regarding re-zoning and other types of development. Tepler stated a Costco would not fit in with the image, brand, and vision of Burr Ridge.

Chairman Trzupek stated he favors a Planned Unit Development because they are more precise. Chairman Trzupek stated his appreciation for people coming tonight but suggested waiting and bringing it to a public hearing if there is one.

Shoba Rajanahally, 7 Mallory Ct., asked when the last time Burr Ridge went through a re-zoning process. Rajanahally stated concern about the economic incentives versus the residential motivations.

Director Farrell stated there were rezonings last year, a few industrially zoned properties to Office and Business Districts.

Chairman Trzupek stated that re-zoning may happen to limit the activity on the property. Chairman Trzupek reiterated that re-zoning is a long process. Chairman Trzupek stated the Plan Commission only looks at land use and plans, not sales tax.

Li Chai, 6852 Fieldstone Dr., stated concerns about zoning.

Rachel, 6886 Fieldstone Dr., asked to be included when re-zonings arise. Rachel stated concern about the schools and home values and wants families of quality to move in that

will maintain the standards of Burr Ridge. Rachel stated she would like to see homes on the development.

Li Chai, 6852 Fieldstone Dr., stated he would like to see articles from the Chicago Tribune and the Patch on the Village website.

Chairman Trzupek and Director Farrell stated typically external articles are not referenced on the Village website.

Lisa Turano, 6916 Fieldstone Dr., asked who authorizes updates to the CNH page.

Director Farrell stated that Village staff updates the website.

An unidentified man asked how zoning rules are in place and how they get changed.

Chairman Trzupek stated that changes to the Zoning Ordinance come through text amendments. Chairman Trzupek stated anyone may petition for a text amendment.

## **VII. FUTURE MEETINGS**

Director Farrell noted that there was no business scheduled for the Plan Commission meeting on October 2, 2023.

Director Farrell noted that Commissioner Stratis is the scheduled representative for the September 25 Village Board meeting and will not be able to attend. Chairman Trzupek volunteered to attend.

## **VIII. ADJOURNMENT**

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to adjourn the meeting at 9:14 p.m.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Irwin, Petrich, Broline, Morton, and Trzupek  
**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 5-0

Respectfully Submitted:

  
Janine Farrell, AICP  
Community Development Director