

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS

MINUTES FOR REGULAR MEETING OF NOVEMBER 6, 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 Trzupsek.

ROLL CALL was noted as follows:

PRESENT: 6 – McCollian, Petrich, Broline, Stratis, Morton, and Trzupsek

ABSENT: 2 – Irwin and Parrella

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

II. APPROVAL OF PRIOR MEETING MINUTES – OCTOBER 16, 2023

Commissioner Petrich requested on page 11, his comments should state he would like landscaping along shore drive, not the entire length of the fence. Commissioner Petrich stated on page 15, the petition against Quick Trip should say several hundred signatures instead of several signatures. Commissioner Petrich stated he was the representative for the October 23rd meeting, not November 23rd.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Morton to approve the minutes of the October 16, 2023 meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Morton, Broline, Stratis, and Trzupsek

NAYS: 0 – None

ABSTAIN: 1 – McCollian

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

III. PUBLIC HEARINGS

Chairman Trzupsek introduced the public hearings on the agenda. Chairman Trzupsek 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.

A. V-02-2023: 16W122 91st Street (Leon); Variations and Findings of Fact [CONTINUED FROM AUGUST 21 AND OCTOBER 16, 2023]

Director Farrell stated that the Petitioner requested that the matter be continued until December 4, 2023, as they are still working on getting an updated plan of survey.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Stratis to continue the public hearing to December 4, 2023.

ROLL CALL VOTE was as follows:

AYES: 6 – McCollian, Stratis, Morton, Petrich, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. V-05-2023: 724 Tomlin Dr. (Szymiski); Variations and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated V-05-2023 was a request for two variations (1) to permit a fence in the front yard of a single-family residence, and (2) to permit a fence in the corner side yard within the minimum 30-foot corner side yard setback, located at a 22-foot setback. Stern stated the property was a single-family residence zoned R-3. Stern stated Tomlin Drive serves as the front property line and the corner side yard. Stern stated the property was a corner lot per the Zoning Ordinance definition even though it was a curved street. Stern showed an illustration of the requested fence variations. Stern stated per Zoning Ordinance, Section IV J. Fences shall be permitted along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building, and on corner, lots such fences shall extend not near to the corner side lot line than the required corner side yard setback. Stern stated seven public comments were received and a letter from the Petitioner. Stern stated the Petitioner provided findings of fact which may be adopted by the Plan Commission with the recommendation and were included in the staff report. Stern stated there was one recommended condition if the Plan Commission wishes to recommend approval. Stern reiterated there are two separate variation requests, so the Commission may wish to make up to two separate motions handling each request individually.

Chairman Trzupek asked for clarification on the location of the front yard and side yard. Stern pointed to the illustration and showed the Plan Commission the yards.

Commissioner Petrich asked where the Petitioner could build a fence by right. Stern pointed to the illustration and showed the Plan Commission where the Petitioner was permitted a fence.

Chairman Trzupek stated the front of the house was on the side of the garage door and the front door was on the corner side yard. Chairman Trzupek asked how the front yard was determined. Stern stated a calculation was made per the definition of a corner lot, so even though it was a curved street, it was a corner lot.

Chairman Trzupek clarified that by our regulations and calculations, the end on the east side with the garage door was considered the front. Chairman Trzupek asked if the Petitioners could replace the exact split rail fence in the location if it's grandfathered in. Stern stated the Petitioners can only make repairs to the existing fence. Director Farrell stated that was correct. Director Farrell clarified people are

allowed to make repairs to a non-conforming fence such as replacing a rotted post, but they could not replace the fence in that location. Director Farrell stated any new fence taken down or put up had to meet current regulations.

Chairman Trzupke stated anyone could repair every piece of wood on the fence to keep it. Chairman Trzupke asked for clarification on the variation request for the corner side yard. Stern pointed to the illustration to show the corner side yard setback of 22 feet instead of the minimum 30 feet required.

Commissioner Stratis stated if the Petitioner moved one point of the fence in the corner side yard back seven and a half feet, the Petitioners would not need a variation for the corner side yard setback. Stern stated that was correct.

Chairman Trzupke agreed with Commissioner Stratis and stated the fence would then be more in line with the neighboring house. Chairman Trzupke asked if the neighboring house had a 30-foot setback. Stern stated that was correct.

Commissioner Petrich asked if the fence would have to be parallel to Tomlin Drive. Stern stated that was correct.

Chairman Trzupke stated that it made sense to move the point of the fence back because it sticks out beyond the neighbor's corner and into the front yard. Chairman Trzupke asked if the gate was a problem because of the location. Stern stated it was not. Chairman Trzupke clarified that the petition to replace the fence with a wrought iron aluminum fence complies.

Chairman Trzupke asked the Petitioner if they had any comments to add.

Betsy Szymiski, 724 Tomlin Dr., stated the fence was in place for 50 years. Szymiski stated the neighbor to the west does not have a problem with the fence. Szymiski stated they don't understand why the fence cannot be replaced with a better-looking fence to make the whole neighborhood look a little bit nicer.

Chairman Trzupke invited public comment and questions. There was no public comment. Chairman Trzupke asked for Commissioner discussion.

Commissioner Morton agreed with Commissioner Stratis regarding making a modification to the fence in the corner side yard to align with the adjoining house. Commissioner Morton stated he could not see supporting a variation for the corner-side yard setback. Commissioner Morton asked for clarification on a second gate in the corner side yard.

Szymiski stated they want a gate in the front and corner side yard. Szymiski stated the landscapers have to take the rails out of the split rail fence to mow that area next to the neighbor because it's a narrow area. Szymiski stated the landscapers come in off of Tomlin, so they would like to put a gate that the landscapers can open in the side yard to bring the lawnmower in and out, rather than removing the rails and putting them back in.

Commissioner Petrich asked if the gate was a 5-foot-wide gate or a sliding gate. Szymiski stated she believed that the landscapers needed a 5-foot-wide gate but was not sure.

Chairman Trzuppek asked about the gate in the corner side yard. Stern stated the gate was not an issue.

Szymiski stated the fence looks crooked, but it aligns with the neighbor because they are on corner lot.

Commissioner Morton stated the illustration does not show the existing fence in line. Commissioner Morton stated that moving the corner fence inward eight to ten feet would eliminate the need for the variation and be more consistent with the fence regulations. Commissioner Morton summarized that 50 feet of the split rail fence will be removed, but the Petitioners would still have a fence and two gates. Commissioner Morton stated because of a corner lot definition the east side was treated as the front. Commissioner Morton stated the Petitioners are seeking relief from the front yard, and there may be arguments supporting a variation and hardship.

Chairman Trzuppek asked if the neighbor could put a fence on the property line in the same location, or if it would have to stop at the rear corner of the home. Stern pointed to where the fence would need to go, starting with the rear wall of the home. Chairman Trzuppek clarified the neighbor could put a fence about two-thirds of the way up against their neighbor's house. Stern stated that was correct.

Commissioner Morton stated there would be an odd L shape of fences that would become a problem. Commissioner Morton confirmed with the Petitioner where the patio was located.

Commissioner Stratis agreed with Commissioner Morton. Commissioner Stratis stated he does not have a problem with the variance because of how the property was shaped and that the design of it is a hardship. Commissioner Stratis stated he was not in support of the 22-foot corner side yard setback request. Commissioner Stratis stated Google Earth showed no mature trees or material that provided a hardship in order to come into compliance. Commissioner Stratis commented he does not have a problem with the gate. Commissioner Stratis asked about the letters of opposition from the adjacent neighbors. Stern stated one neighbor directly adjacent to the property was in support of the variation. Stern stated she was unaware about the other neighbor. Chairman Trzuppek stated there was confusion with the letters because of the neighbor's uncertainty of which side was the front yard.

Commissioner Stratis asked the Petitioner about the reason for the fence. Szymiski stated the fence exists and it looked nice when they bought the house six years ago. Szymiski stated the fence was deteriorating, and they thought they could replace it without going through the variation process. Szymiski stated she understands the rules, but the lot was unusual. Szymiski stated her neighbors believe the front yard was where the front door is.

Commissioner Stratis stated the four-foot proposed fence was a reasonable height. Commissioner Stratis stated he drove through the neighborhood and saw houses that

had split rail fences and were deteriorating. Commissioner Stratis reiterated he would support a variation for the fence in the front yard but not within the corner side yard setback.

Commissioner Broline asked the Petitioner to point out the front door. Szymiski pointed to the front door. Commissioner Broline stated it was odd to look at the garage and classify it as the front of the house. Commissioner Broline agreed with the Commissioners previous comments.

Commissioner Petrich agreed the property had a hardship based on meeting the strict definition for a front and rear yard. Commissioner Petrich stated by granting the variations, the Petitioners would get a fence on two sides of the home, and no one else in the Village does. Commissioner Petrich stated from a functional standpoint he could see a fence along the side where the patio was located. Commissioner Petrich stated he would be more in favor of moving the fence along Tomlin Drive to the functional backside of the house.

Chairman Trzupsek stated that was a good point, but the layout of the house was unknown. Chairman Trzupsek stated given the configuration of the house, the narrow portion of the side yard was fenced.

Commissioner Petrich stated the Petitioners would enjoy two sides of the yard, and the fence along the rear yard projects beyond the front of the neighbor's home.

Chairman Trzupsek agreed with Commissioner Petrich. Chairman Trzupsek stated the 22-foot corner side yard setback was problematic.

Commissioner Petrich agreed with Commissioner Stratis that the corner side yard fence should be parallel with Tomlin Drive. Commissioner Petrich stated the fence should be moved back further west.

Chairman Trzupsek stated there would be one variance. Chairman Trzupsek stated if the Petitioners moved the fence in the corner side yard back to meet the 30-foot requirements, they would only have one variation to extend the fence to the front yard.

Commissioner Petrich proposed moving the fence back further west because it would make more sense functionally to the neighbors. Chairman Trzupsek stated Commissioner Petrich's comment was a valid point.

Szymiski stated the fence was there for 50 years. Szymiski stated the neighbors are used to the fence there and they do not have a problem with it.

Commissioner Petrich noted a metal fence was very different from a split rail fence. Szymiski stated the fence will look different but would be less visible.

Commissioner Petrich noted in the first findings of fact, north should be south. Stern stated that was correct.

Commissioner McCollian agreed there was a hardship due to the layout of the lot. Commissioner McCollian agreed with the Commissioner's comments. Commissioner

McCollian agreed the corner side yard fence should be within the 30' minimum setback.

Szymiski asked for clarification. Commissioner Stratis pointed where the corner side yard fence could be moved back eight feet. Szymiski stated she does not have a problem with moving that portion of the fence slightly back.

Commissioner Morton stated to Commissioner Petrich's point the applicant could submit an application for a fence that would cover two sides of the yard under the existing fence ordinance.

Chairman Trzuppek stated one could fence on three sides of your backyard, but only from the rear point of the home. Commissioner Petrich clarified the rear yard was a small portion in the back, and the patio was a part of the variance. Chairman Trzuppek stated that was correct. Chairman Trzuppek asked for clarification of where the fence could go without a variance. Director Farrell stated the fence would go to the actual wall of the house and continue that angle. Chairman Trzuppek clarified that the fence would go down and parallel to the back wall of the house. Director Farrell stated that was correct.

Chairman Trzuppek stated he would expect the Petitioners to pull back that corner back to 30 feet to eliminate that variation. Chairman Trzuppek stated given the layout of the home and patio, he would be in support of the Petitioners extending the fence to the proposed gate and fence along the side.

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

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Morton, McCollian, Petrich, Broline, and Trzuppek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to deny V-05-2023, a request for a variation from Section IV.J to permit a fence in a corner side yard within the minimum 30' corner side yard setback, located at a 22' setback, with Findings of Fact as amended by staff.

ROLL CALL VOTE was as follows:

AYES: 6 – Morton, Broline, McCollian, Petrich, Stratis, and Trzuppek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to approve V-05-2023, a request for a variation from Section IV.J to permit a

fence in the front yard of a single-family residence, with Findings of Fact, and with the following condition:

1. The fence shall substantially comply with the plans submitted by the petitioners and included as Exhibit A. On the east, the portion of the existing fence extending toward the street shall be removed as shown on the plans.

Commissioner Broline supported the request because there was a hardship the Petitioners did not create, and they want the fence back in good shape.

ROLL CALL VOTE was as follows:

AYES: 6 – Morton, Broline, McCollian, Petrich, Stratis, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

C. V-06-2023: 8891 S. Madison St. (Knudson); Variations and Findings of Fact

Chairman Trzupek stated the case was withdrawn.

**D. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact
[CONTINUED FROM JULY 17 & AUGUST 21, 2023; REMANDED FROM OCTOBER
23, 2023 BOARD OF TRUSTEES MEETING]**

Chairman Trzupek stated staff requested the case be continued to November 20, 2023.

Director Farrell stated the case was remanded back from the Board of Trustees from the October 23, 2023 meeting. Director Farrell stated one of the variation requests for the deck within the south side, which was the front yard of the property, was approved by the Plan Commission and the Board directed staff to prepare an ordinance to approve the request. Director Farrell stated the remaining requests were remanded back to the Plan Commission. Director Farrell stated the Petitioner did not have enough time to prepare updated documents to submit for tonight's meeting. Director Farrell requested the case be continued to November 20, 2023.

Chairman Trzupek noted the November 20, 2023 Plan Commission was pretty full. Director Farrell noted that a few cases on the agenda were continuations and deferred to the Plan Commission on scheduling.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to continue V-01-2023 to the November 20, 2023 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Petrich, McCollian, Broline, Morton and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

Chairman Trzupek asked Commissioner Petrich if anything occurred with the QuikTrip discussion at the October 23 Board meeting. Commissioner Petrich stated the Board was against withdrawing the objection and QuikTrip had withdrawn the petition. Director Farrell confirmed that QuikTrip had withdrawn their petition with DuPage County.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

There was no additional public comment.

VII. FUTURE MEETINGS

Stern stated the Village Board meeting on November 13, 2023, was not canceled and Chairman Trzupek was the scheduled representative. Commissioner Stratis stated he was available as well.

Chairman Trzupek asked about case V-08-2023. Director Farrell stated this is for the Village pump center which has underground facilities that need to be protected, are located directly adjacent to the pump center building, and need to be fenced. Director Farrell stated there have also been multiple issues with people trespassing and the fence and gate will add protection to keep people off of the premises.

Chairman Trzupek asked about the Capri Express petition and noted there's an enclosure at La Cabanita. Stern stated the Petitioner wanted a fully enclosed outdoor dining area, with a black fabric wall. Chairman Trzupek asked if the Plan Commission ever directly addressed the enclosures. Director Farrell stated the Zoning Ordinance permits wall enclosures only through a special use. Director Farrell stated staff began enforcement action at County Line Square which is why the special uses are coming in to allow for these temporary wall enclosures. Chairman Trzupek asked if Johnny Cabs, Capri Express, and the Great American Bagel wanted to do the same thing and include a fabric-type enclosure. Stern stated the Great American Bagel was a special-use request for a fence and awning.

Chairman Trzupek asked about the text amendment for fences and gates. Director Farrell stated the item came from the October 23 Board meeting regarding the V-01-2023 case. Director Farrell stated the Board wanted the Plan Commission to look at permitting gates on properties that are less than two acres in area. Director Farrell stated for fences, the Board wanted the Plan Commission to look at the fence regulations for corner lots.

Commissioner Petrich stated the ad hoc committee for the CNH property was approved.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to adjourn the meeting at 7:55 p.m.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Petrich, McCollian, Broline, Morton and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Respectfully Submitted:

Ella Stern

Ella Stern
Planner