

**VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS**

**MINUTES FOR REGULAR MEETING OF DECEMBER 4, 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, McCollian, Petrich, Broline, Stratis, Morton, and Trzupek

**ABSENT:** 1 – Parrella

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

**II. APPROVAL OF PRIOR MEETING MINUTES – NOVEMBER 20, 2023**

Chairman Trzupek stated the “meeting opened by” should be changed from Chairman Trzupek to Vice Chairman Morton.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollian to approve the minutes of the November 20, 2023 meeting as amended.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Morton, McCollian, Irwin, Petrich, Broline, and Stratis

**NAYS:** 0 – None

**ABSTAIN:** 1 – Trzupek

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

**III. PUBLIC HEARINGS**

Chairman Trzupek introduced the public hearings on the agenda and conducted the swearing in of all those wishing to speak on such matters on the meeting agenda.

**A. V-02-2023: 16W122 91st Street (Leon); Variations and Findings of Fact [CONTINUED FROM AUGUST 21, OCTOBER 16, NOVEMBER 6, 2023]**

Stern stated that the petitioner requested the case be continued until January 15, 2023.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue V-02-2023 until the January 15, 2024 meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupek  
**NAYS:** 0 – None

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

**B. V-07-2023: 6816 Fieldstone Dr. (Patel): Variation and Findings of Fact [CONTINUED FROM NOVEMBER 20, 2023]**

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the request was to increase the Floor Area Ratio (FAR) to 0.26 for a property within the Fieldstone Subdivision. Stern stated the Petitioner is already at the 0.2 FAR and seeks to add an addition to the first floor and the basement level. Stern stated a deck would be around the new addition. Stern showed the site plan and architectural plans illustrating the proposed addition.

Chairman Trzupek questioned the FAR and if the deck was included in the calculation. Stern clarified the deck was not included in the calculation, and only the first and basement levels were. Chairman Trzupek asked what the hardship was for the request, and Stern deferred to the petitioner.

Chairman Trzupek invited the Petitioner to speak.

The son of the petitioner, Jay Patel, stated that his father has knee problems and had a knee replacement which is why the bedroom addition on the first floor is needed.

Chairman Trzupek asked for public comment.

Patricia Davis, a resident, asked why the petition was continued at the previous Plan Commission meeting. Director Farrell stated that the public notices were sent to the incorrect addresses.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton stated he was sympathetic to the needs of the petitioner. Commissioner Morton stated there were standards for hardships, and he did not see one actionable by the Ordinance.

Commissioner Stratis agreed with Commissioner Morton and asked if the addition was in keeping with the architectural character of the home. Commissioner Stratis

stated that the hardship the petitioner claimed was not a unique hardship and could apply to others.

Commissioner Broline asked about the square footage of the land compared to the Township Assessor's information. Stern clarified that the Plat of Survey had the correct square footage.

Commissioner Petrich agreed with the Commissioners and asked if there were other options, such as adding an elevator or renovations, before asking for a variation.

Commissioner McCollian stated that the tax map showed the lot lines drawn a certain way, but the intent appears to be that the lots were to be a half-acre, but the lot is smaller than the other parcels on the block.

Commissioner Irwin asked about the original house plans and the calculations provided in the staff report packet. Commissioner Irwin stated that the addition does not look overly large on the lot compared to neighboring homes, but he did not see the hardship.

Chairman Trzupsek and Commissioner McCollian asked about the Findings of Fact and the Floor Area Ratio square footage that the petitioner had provided.

Chairman Trzupsek stated there were discrepancies in the numbers provided but there was no doubt that the addition would put the FAR over 0.2.

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

**ROLL CALL VOTE** was as follows:

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

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to deny V-07-2023, a request for a variation from Section VI.F.4 of the Zoning Ordinance to increase the FAR from 0.2 to 0.26. with amended Findings of Fact by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Petrich, Irwin, Morton, and Trzupsek  
**NAYS:** 2 – McCollian and Broline

**MOTION CARRIED** by a vote of 5-2.

**C. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact**

Chairman Trzupke introduced the case and asked for a summary. Stern stated that the request was an amendment to an existing special use for outdoor dining. Stern stated Capri Express was originally approved in 2021 for outdoor dining. Stern stated the number of tables and chairs will not change under the proposal. Stern provided the history of the zoning cases for the property. Stern stated that the petitioner requests an outdoor dining enclosure and that Jonny Cab's proposed a similar type of enclosure at the prior meeting which was continued until the Board could direct the Plan Commission to hold a public hearing on a potential text amendment on the enclosures.

Chairman Trzupke clarified in 2010 that the outdoor sidewalk dining was approved, and the 2021 approval was for the awning. Chairman Trzupke stated that enclosures are not common and reiterated his comment from the last meeting that stated the enclosures should be pursued as a text amendment. Chairman Trzupke stated that the enclosure differs from others and may be treated differently since it does not have a fence.

Chairman Trzupke invited the Petitioner to speak.

The petitioner, Vito Salomone of Capri Express, asked what the difference would be for Jonny Cab's. Chairman Trzupke clarified that Jonny Cab's was a more recently approved outdoor dining that complies with current regulations. The petitioner asked if he would be allowed to continue to have the current outdoor dining configuration. Chairman Trzupke confirmed that this was nonconforming and could be continued but might need to be brought up to current standards if the enclosure was approved.

There was a discussion about outdoor liquor and table service.

Chairman Trzupke asked for public comment. There was none.

Chairman Trzupke asked for Commissioner discussion.

Commissioner Irwin suggested this should be deferred to have a global discussion about the enclosures.

Commissioner Stratis did not support the enclosures and awnings, which was not the intended direction for the outdoor dining. Commissioner Stratis supported reviewing this as a text amendment.

Chairman Trzupke noted that a motion to deny could also be made instead of continuing the case.

Commissioner Broline supported looking at the case as a text amendment. Commissioner Broline did not support looking at the case individually.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue Z-12-2023 to the December 18, 2023, Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

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

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

**D. Z-13-2023: 104 Burr Ridge Parkway (Great American Bagel); Special Use and Findings of Fact**

Chairman Trzupsek introduced the case and asked for a summary. Stern stated that the Great American Bagel is requesting an amendment to an existing special use for an outdoor dining area. Stern noted the table and chair count will not change under the proposal. Stern stated Staff recently discovered The Great American Bagel was approved for an outside sidewalk seating area in 2012. Stern stated the special use was approved for an outside sidewalk seating area without a fence, so the Petitioner withdrew the request for a fence. Stern stated after the 2012 approval, a large awning was installed over the outdoor dining area which was not part of the original approval. Stern stated the Zoning Ordinance regulations state that “awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval.” This awning is not consistent with neighboring tenants, so the Petitioner still seeks approval for the awning. The height of the current letters on the awning is unknown, but per Zoning Ordinance Regulations, the lettering should be in a single row not to exceed 6 inches in height. Stern showed photos of the awning and the site plan.

Chairman Trzupsek invited the petitioner to speak.

The petitioner, Mike Garber, stated that the awning was installed about three years ago. Chairman Trzupsek confirmed that the awning was deeper and larger than the other awnings in the County Line Square development. The petitioner confirmed that the number of tables will not change.

Chairman Trzupsek asked for public comment. There was none.

Chairman Trzupsek asked for Commissioner discussion.

Commissioner Morton confirmed that the issue was not with outdoor seating but with the awning. Commissioner Morton stated he would prefer to see the size of the letters comply with the regulations and be similar to the other awnings in the development.

Commissioner Stratis stated concern about how far the canopy extended and how it blocks the sidewalk. Commissioner Stratis did not support the redundant business name and the size of the letters or awning.

Commissioner Broline had no comments.

Commissioner Petrich stated concern about the post by the planter and how close it was to the curb.

Commissioner McCollian agreed with Commissioner Morton and did not have an issue with the awning but would like the lettering to be in line with the other businesses.

Commissioner Irwin confirmed that the awning was inconsistent with the neighboring tenants and was put up without authorization. Commissioner Irwin would like additional information to see if it is consistent with the rest of the development.

Chairman Trzupek stated he felt the awning was consistent with the rest of the development and believed that La Cabanita had a larger awning over their seating area.

Commissioner Irwin stated that the awning is much larger than what was there originally and did not support walking through a seating area to get across the sidewalk.

Chairman Trzupek stated that if the planter was not there, there would be the same area underneath it as what is at La Cabanita. Chairman Trzupek did not support the size of the letters and would support the awning otherwise.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Irwin to close the public hearing for Z-13-2023.

**ROLL CALL VOTE** as follows:

**AYES:** 7 – Petrich, Irwin, McCollian, Broline, Stratis, Morton, and  
Trzupek

**NAYS:** 0 – None

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

There was discussion about separating the motions for the lettering from the awning approval.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to approve Z-13-2023, to approve an amended special use for an outdoor dining awning in its current form, with Findings of Fact.

**ROLL CALL VOTE** was as follows:

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

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

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Petrich to approve Z-13-2023, to an amended special use Ordinance A-834-12-12 for an outdoor dining area awning pursuant to Section VIII.1.e of the Burr Ridge Zoning Ordinance and County Line Square PUD Ordinance A-834-19-21, with Findings of Fact and the following condition:

1. The awning's lettering shall be reduced in size to be consistent with the other awnings in County Line Square and in compliance with Sign Ordinance regulations.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Morton, Petrich, McCollian, Broline, and Trzupsek  
**NAYS:** 2 – Irwin and Stratis

**MOTION CARRIED** by a vote of 5-2.

**E. Z-14-2023: Zoning Ordinance Amendments for Swimming Pool Equipment Pads (Jim Madden/Downes Swimming Pool Company); Text Amendment and Findings of Fact**

Chairman Trzupsek introduced the case and asked for a summary. Stern stated that the request was to increase the size of swimming pool equipment pads. The petitioner stated that the current size cannot accommodate modern swimming pool equipment and is requesting that the size be increased to 48 sq. ft. to safely accommodate equipment. Stern stated before 2012, there was no size limitation for swimming pool equipment pads. Stern stated Oakbrook and Hinsdale do not regulate the size of the equipment pad but require that the equipment be screened. The draft language was presented to increase the equipment pad from 28 sq. ft. to 48 sq. ft.

Chairman Trzupsek asked if the 48 sq. ft. would be sufficient.

Director Farrell stated that the pool contractor provided that dimension as a standard pad size which can accommodate modern pool equipment.

Chairman Trzupsek invited the Petitioner to speak. The petitioner was not present.

Chairman Trzupsek asked for public comment. There was none.

Chairman Trzupsek asked for Commissioner discussion.

Commissioner Irwin did not have comments.

Commissioner McCollian clarified the screening requirement with staff, that the equipment must be screened on all sides.

Commissioner Broline supported the amendment.

Commissioner Stratis supported the amendment.

Commissioner Morton questioned the decibel level for pools versus generators.

Chairman Trzupsek questioned the decibel level and the Noise Ordinance update. Director Farrell clarified that was the standard that the equipment specs use and that the Noise Ordinance would also still be applied.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Morton to close the public hearing for Z-14-2023.

**ROLL CALL VOTE** was as follows:

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

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

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Stratis to approve Z-14-2023, a text amendment to Section IV.I.32 of the Zoning Ordinance to increase the size of swimming pool equipment pads from 28 sq. ft. to 48 sq. ft. with the direction to have staff review the Noise Ordinance regulations and the decibel level for equipment.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Broline, Stratis, Irwin, McCollian, Petrich, Morton, and Trzupsek  
**NAYS:** 0 – Irwin

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



**F. Z-15-2023: Zoning Ordinance Amendment for Architectural Entrance Structures and Driveway Gates (Village of Burr Ridge); Text Amendment and Findings of Fact**

Chairman Trzupke introduced the case and asked for a summary. Stern stated on November 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments pertaining to architectural entrance structures and driveway gates. Stern stated the direction from the Board was focused to consider the permitted size of a residential parcel for a driveway gate. Depending on whether or not the Plan Commission wishes to amend the driveway gate regulations, the regulations for architectural entrance structures may also need amending so there is no conflict. Stern stated architectural entrance structures are often constructed in conjunction with the driveway gate. Stern stated the driveway gate provisions have been changed over the years, typically at the request of an individual petitioner. Stern reviewed the current regulations for driveway gates and architectural entrance structures, including the regulations of the Village's neighboring municipalities.

Chairman Trzupke asked if there had been other requests for gates. Director Farrell confirmed that she has received a few requests over the past years for gates on parcels less than 2 acres in the lot area.

Chairman Trzupke asked for public comment.

Rey Zaffar, 6301 County Line Rd., spoke about how the Village has changed over the years and the traffic has increased. Mr. Zaffar stated that Hinsdale allows driveway gates in the front and Oakbrook allows gates along the main thoroughfares. Mr. Zaffar stated that the stopping distance of vehicles increases as speed increases. Mr. Zaffar stated he was concerned about the safety of children. Mr. Zaffar passed out information about vacant lots along County Line Rd. and said they are less than 2 acres in area and may also request driveway gates in the future.

Chairman Trzupke asked for clarification on the direction. Director Farrell stated that staff would need direction on the desired acreage, then setbacks would be researched, and the language would be drafted.

Chairman Trzupke asked for Commissioner discussion.

Commissioner Morton has been conflicted on the topic and discussed the history of the reduced lot size for gates. Burr Ridge was to be a welcoming community without isolated homes and gates and should retain that character. Commissioner Morton would support an extenuating circumstance but does not know how to prepare a text amendment for an extenuating circumstance.

Commissioner Stratis agreed with Commissioner Morton. Commissioner Stratis stated he has been on the Plan Commission through the history of driveway gates and

does not believe that gates should be allowed on smaller lots since they would proliferate neighborhoods. Commissioner Stratis stated the most similar comparable municipality was Oakbrook, which still requires 2-acres. Commissioner Stratis asked if Mr. Zaffar thought he would be permitted to use a gate when he purchased the home. Mr. Zaffar said he knew he wouldn't be allowed a gate but thought he had a unique property that would be approved for a variation. Commissioner Stratis stated that gates and fences are not welcoming and that people typically put-up landscape berms.

Commissioner Broline asked why Mr. Zaffar passed out the information. Mr. Zaffar said that the contractor for the new home on County Line Rd. will be looking for a driveway gate and that the property was less than an acre and may need to request a variation in the future. Commissioner Broline discussed Mr. Zaffar's requests for variations and the text amendment.

Commissioner Petrich asked about how many properties in the Village are less than 2 acres. Director Farrell reviewed the zoning districts and their minimum lot sizes. Commissioner Petrich stated he was not interested in looking at thoroughfares, he would support increasing the setback, and does not support the proliferation of gates.

Commissioner McCollian agreed with the current regulations and questioned if a gate could be a special use in certain districts.

Commissioner Irwin supported the current language but would like to review the additional setback provision. Commissioner Irwin stated that gates are unwelcoming, and the thoroughfare concept would not work since all major roads could potentially be included.

Chairman Trzupsek supported 2 acres and would be interested in how many parcels are between 1 to 2 acres in the Village. Chairman Trzupsek stated he would be interested to see if the speed of traffic on certain roads could be evaluated. Chairman Trzupsek stated support for potentially evaluating setbacks as well.

There was discussion about the additional information needed, including the estimated number of homes between 1 to 2 acres and traffic speed limits and volume counts.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Irwin to continue Z-15-2023 to the February 5, 2024, Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

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

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

**G. Z-16-2023: Zoning Ordinance Amendment for Residential Fences (Village of Burr Ridge); Text Amendment and Findings of Fact**

Chairman Trzupsek introduced the case. There was a discussion about continuation. Chairman Trzupsek stated what will be researched for gates may benefit the fence discussion. The Commissioners asked about the proposed language and if it would allow fences in the front yard. Director Farrell stated that it would not.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue Z-16-2023 to the February 5, 2024, Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

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

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

**IV. CORRESPONDENCE**

There were no reports and no discussion.

**V. OTHER CONSIDERATIONS**

**A. PC-10-2023: Election of Vice-Chair for 2024**

The Commissioners discussed the previous Commissioners who served as Vice-Chair and possibilities for the 2024 Vice-Chair.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to nominate Commissioner Parrella as the 2024 Vice Chair.

**ROLL CALL VOTE** was as follows:

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

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

**B. PC-12-2023: 10S644 Kingery Highway (Zhumabaev/All In Automotive)  
Extraterritorial Review of a Conditional Use**

Chairman Trzupsek asked for a summary. Director Farrell stated that the case was a DuPage County request for automobile sales. Director Farrell stated it was in the same location as the request the Commission reviewed at the last meeting but within the multi-tenant center. Director Farrell stated no information was provided about the business, and the Commissioners may wish to send a similar letter to DuPage County as they had last month.

Commissioner Morton asked about tire storage at the facility and ensuring that the tires are appropriately stored. Commissioner Morton also requested that information about the safe disposal of fluids be addressed.

Commissioner Petrich requested more information about the parking spaces dedicated to the use.

The Commission generally agreed and directed staff to send a similar letter as in the previous case to DuPage County requesting additional information.

**VI. PUBLIC COMMENT**

There were no public comments.

**VII. FUTURE MEETINGS**

Commissioners McCollian and Irwin will not be present on December 18, 2023. There was a discussion about potentially cancelling the meeting and continuing the cases scheduled for December 18<sup>th</sup> to February 5<sup>th</sup> for Jonny Cab's and Capri Express and to February 19<sup>th</sup> for V-01-2023. Director Farrell stated she would confirm with the legal counsel if the December 18, 2023, Plan Commission meeting could be canceled.

**VIII. ADJOURNMENT**

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to adjourn the meeting at 9:24 p.m.

**ROLL CALL VOTE** was as follows:

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

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

Respectfully Submitted:   
Ella Stern  
Planner

