



**REGULAR MEETING
PLAN COMMISSION/ZONING BOARD OF APPEALS
APRIL 1, 2024 - 7:00 PM
VILLAGE HALL - BOARD ROOM**

The Plan Commission/Zoning Board of Appeals hears requests for zoning text amendments, rezoning, special uses, and variations and forwards recommendations to the Board of Trustees. The Commission also reviews all proposals to subdivide property and is charged with Village planning, including the updating of the Comprehensive Plan for Land Use. All Plan Commission actions are advisory and are submitted to the Board of Trustees for final action.

I. ROLL CALL

II. APPROVAL OF MARCH 4, 2024 MEETING MINUTES

III. PUBLIC HEARINGS

A. Z-15-2023: Zoning Ordinance Amendment for Architectural Entrance Structures and Driveway Gates (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023, FEBRUARY 5, & FEBRUARY 19, 2024]

Request to consider text amendments to Section IV.I of the Burr Ridge Zoning Ordinance for the regulations pertaining to architectural entrance structures and driveway gates in residential districts.

B. Z-16-2023: Zoning Ordinance Amendment for Residential Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023, FEBRUARY 5, & FEBRUARY 19, 2024]

Request to consider text amendments to Sections IV.J of the Burr Ridge Zoning Ordinance for the regulations pertaining to fences in residential districts.

C. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact [REMANDED FROM OCTOBER 23, 2023 BOARD OF TRUSTEES & CONTINUED FROM NOVEMBER 6, 2023 & JANUARY 15, 2024]

Requests for four (4) variations from Zoning Ordinance Section IV.I to 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, and a driveway gate within the minimum 30 ft. corner side yard setback; and one (1) variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback. The petitioner seeks to build a driveway gate and fence along County Line Rd. and build a deck on the south side of the property.

D. Z-03-2024: Zoning Ordinance Amendment for Outdoor Dining (Village of Burr Ridge); Text Amendment and Findings of Fact

Request to consider text amendments to Section VIII.I.e of the Burr Ridge Zoning Ordinance to amend outdoor dining regulations to permit outdoor dining year-round in the Business Districts.

E. Z-04-2024: Zoning Ordinance Amendment for Walls and Masonry Piers (Tuschall); Text Amendment and Findings of Fact

Request to consider text amendments to Section IV.I.36 of the Burr Ridge Zoning Ordinance to permit Walls and Masonry Piers in the non-residential districts.

IV. CORRESPONDENCE

A. Board Reports
March 11 and March 25, 2024

B. Building Reports
February 2024

V. OTHER CONSIDERATIONS

A. PC-04-2024: By-Laws/Rules of Procedure Amendment - Virtual PC Meeting Attendance

Consideration to permit virtual or remote attendance for Plan Commissioners.

B. PC-07-2024: By-Laws/Rules of Procedure Amendment – Public Testimony & Public Participation

Consideration of rules for public testimony during Public Hearings and public participation during Public Comment.

Note - PC-04-2024 and PC-07-2024 are included together as one staff report.

C. Discussion of Zoning Ordinance Sections X and XIV – Warehouse Use and Definition

Discussion of warehouse use in the L-I and G-I districts and lack of a supporting definition. Potential request from the Commission to request Board direction on holding a public hearing on this topic. No staff report accompanies this item.

VI. PUBLIC COMMENT

VII. FUTURE MEETINGS

April 8 Village Board

Commissioner Stratis is the scheduled representative.

April 15 Plan Commission

A. Z-10-2023: 212 Burr Ridge Parkway (Jonny Cabs); Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, DECEMBER 18, 2023 & FEBRUARY 5, 2024]

Requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21 and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

B. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, DECEMBER 18, 2023 & FEBRUARY 5, 2024]

Request for an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to special use Ordinance #A-834-17-21 and County Line Square PUD Ordinance #A-834-19-21, and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

C. PC-06-2024: 6900 Veterans Blvd. and 451 Commerce St. (Midwest RE Acquisitions LLC/Bridge Industrial); Pre-Application Conference

Request for a pre-application conference for a Planned Unit Development (PUD) in accordance with Zoning Ordinance section XIII.L.2.b. The petitioner is requesting to rezone the property from R-A/Research Assembly and L-I/Light Industrial to R-5/Planned Residence District and L-I/Light Industrial, both with special uses for PUDs. The petitioner is proposing to construct 72 townhome units, six industrial buildings, and a Public Works facility on the approximately 113-acre site.

April 22 Village Board

Commissioner Morton is the scheduled representative.

VIII. ADJOURNMENT

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS

MINUTES FOR REGULAR MEETING OF MARCH 4, 2024

I. ROLL CALL

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:02 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 –Parrella, Petrich, Broline, Morton, and Trzupek

ABSENT: 3 – Irwin, McCollian, and Stratis

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

II. APPROVAL OF PRIOR MEETING MINUTES – FEBRUARY 19, 2024

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to approve the minutes of the February 19, 2024 meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Broline, Petrich, Parrella, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0

III. PUBLIC HEARINGS

Chairman Trzupek introduced the public hearings on the agenda. Chairman Trzupek 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, OCTOBER 16, NOVEMBER 6, & DECEMBER 4, 2023 and JANUARY 15, 2024]

Farrell stated that after several continuations, the petitioner requested to table the case indefinitely. Farrell stated continuing the case would require renotification to the public when the new hearing date is scheduled.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Parrella to table V-02-2023 indefinitely.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Parrella, Broline, Morton, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0

B. V-01-2024: 15W765 80th St. (LaConte); Variation and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the property was zoned R-3 in the South Hinsdale Estates Subdivision. Stern stated Madison Street was the front property line and 80th Street was the corner side yard. Stern stated the petitioner requests to permit a fence within a corner side yard setback, a fence in the front yard, and a fence less than 50 percent open. Stern stated in October, a stop work order was issued on the property. Stern displayed images of the constructed fence. Stern noted the location of where a fence would be permitted under current Zoning Ordinance regulations. Stern stated the property was annexed into the Village in 1984. Stern stated the original fence construction was unknown but was likely legal and non-conforming.

Chairman Trzupek asked about maintaining and replacing the fence. Stern clarified that the non-conforming fence could be repaired but not replaced.

Thomas Taylor, the father of the petitioner, showed images of the fence built in 1971. Taylor stated that there was a school adjacent to the property, and people turned around on their property. Taylor stated that Colleen LaConte, the homeowner, was his daughter.

Chairman Trzupek asked the petitioner if the entire fence had been replaced.

Taylor stated the fence was replaced near the garage and along 80th Street.

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

Commissioner Morton asked what the height of the fence was. Taylor believed the fence posts were 5 ft. in height and the latticework was 3.5 to 4 ft. Commissioner Morton confirmed that the fence was legal nonconforming.

Commissioner Broline asked for clarification regarding the proximity to Gower Middle School. Taylor stated that 80th Street was a dead end, and people turned around in their driveway. Commissioner Broline asked what the petitioner considers the front of the home. Taylor stated the front of the home was on 80th Street.

Commissioner Petrich asked if the petitioner spoke with Gower Middle School about the parents picking up the children and turning around on the property. Taylor stated he had not spoken with them. Commissioner Petrich did not see the proximity to Gower Middle School as a reason for the fence and recommended that the petitioner speak with the school. Commissioner Petrich asked about the proximity to the parking lot. Taylor stated that the street was busy before and after school activities. Commissioner Petrich stated that the old fence was decorative. Taylor stated there was chicken wire under the lattice. Commissioner Petrich asked about the fence contractor. Taylor did not know who the fence contractor was. Commissioner Petrich wanted to know who the contractor was and stated that they should be made aware of Village requirements.

Commissioner Parrella did not have any questions or comments.

Chairman Trzupek stated that from personal experience, he was aware that parents turn around, and the school administration does speak with the parents, but it does not help. Chairman Trzupek reiterated the replacement of the fence and that traffic with the school was a consideration for the variation in the corner side yard.

Commissioner Broline asked about the front and corner side yards of the house. Chairman Trzupek clarified.

Chairman Trzupek asked about how far towards Madison the fence went. Taylor confirmed the fence extended to the front of the house.

Chairman Trzupek did not support the 50% open variation. The petitioner stated that the kids and dogs would be able to get through the fence if it was less than 50% open.

Commissioner Morton stated that the contrast between the neighboring properties with the new fence was jarring, and he could not support the 50% open variation.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to close the public hearing for V-01-2024.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Petrich to deny V-01-2024, the variation from Zoning Ordinance section IV.J for a fence less than 50% open, with Findings of Fact as amended by staff.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Parrella to approve V-01-2024, the variation from Zoning Ordinance section IV.J for the fence in the corner side yard along 80th St., with clarification of the Findings of Fact ‘C’ that traffic and the school’s pick-up and drop-offs were unique to the property, and the following condition:

1. The fence located in the corner side yard shall be at least 50% open.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to deny V-01-2024, the variation from Zoning Ordinance section IV.J for a fence in the front yard, Madison St., denying the portion of the fence extending further than the east wall of the house on the northern side.

ROLL CALL VOTE was as follows:

AYES: 3 – Morton, Broline, and Parrella

NAYS: 2 – Petrich and Trzupek

MOTION FAILED by a vote of 3-2.

There was discussion and clarification regarding the 50% open provision.

C. V-02-2024: 15W627 89th Street (Eshghy); Variations and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the case was a request for three variations. Stern stated the front of the home was on Grant Street and the corner side yard was along 89th Street. Stern stated the property was annexed into the Village in 2015 and was rezoned to R-2B Single Family Residential. Stern stated in 2004, the house was constructed while the property was unincorporated. Stern stated the pool, patio, and fence were constructed without a building permit. Stern stated on August 4, 2023, a stop work was posted on the property for the petitioner constructing a fence without a building permit. The petitioner violated the stop work order and completed the construction. Stern stated the petitioner applied for a permit on September 11, 2023, but the permit was denied. On October 24, 2023 staff and the petitioner met to discuss the permit and provide options regarding the construction. On November 13, 2023 the petitioner continued construction for a pool, hot tub, patio, fence, landscape berm, and paver walk that had been started and completed without filing for or receiving an approved permit with the Village of Burr Ridge after a stop work order was posted. Stern stated on December 6, 2023 and on January 3, 2024 the petitioner was scheduled for adjudication and did not appear, and on January 25, 2024 the petitioner applied for a variance. Stern stated the fence and patio were built within the 40 ft. corner side yard setback, and the swimming pool was on the 40 ft. corner side yard setback. Stern showed an image of the existing pool, patio, fence, and a site plan.

Chairman Trzupek confirmed that the house was not built while in the Village; it was built while unincorporated. Chairman Trzupek stated that the Commission should look at the case as if the structures had not already been constructed without a permit.

Curtis Eshghy, the petitioner and the owner, introduced himself.

Bill Backus, the petitioner's Civil Engineer, stated that the site plan shown was outdated, and adjustments had been made. Chairman Trzupek clarified if the location of the structures was the same. Backus stated that the contractors were changing things on the fly. Backus clarified they submitted drawings for the permit, but they were not approved.

Backus stated that he was hired after the construction to submit the drawings for the permits.

Chairman Trzupek asked for clarification on what was different. Backus stated that the patio and the fence's proximity to the creek channel had been reduced in size. Backus stated that the creek poses a geometric challenge for the property. Backus stated the patio would be unbuildable and unreasonable if it could not encroach into the setback. Backus stated that the right of way on the east side of the property had not been improved and was in the adjacent neighbor's backyard. Backus stated that the property and house existed when the owner purchased the property.

Chairman Trzupek asked for clarification on the fence location. Chairman Trzupek noted the paving and fence would still encroach into the setback. Chairman Trzupek stated that the pool was on the 40-foot setback line, which is where the house should have been built if it were built today in the Village of Burr Ridge. Chairman Trzupek asked about the landscape berm, swale, and drainage. Eshghy stated that there was a berm in that location before. Backus stated fill was added to repair damage in the area.

Chairman Trzupek asked about the work occurring by the creek. Backus stated they added a silt fence and that the Village Engineer requested a retaining wall. Chairman Trzupek wanted to ensure the Village was ok with the engineering work.

Backus stated they adjusted the pool to be within the 40 ft. setback. Curtis stated that it was impossible to walk down the driveway. Curtis discussed the stairs leading to the driveway.

Chairman Trzupek asked for public comment. There was none.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton asked the petitioner to point out the location of the fence and the patio. Backus stated the fence that was currently up was temporary, and Curtis had not determined where to put the permanent fence.

There was a discussion about the location of the fence on the property and the site plan.

Commissioner Broline asked about the fence on the property line along 89th St. Commissioners noted that a fence is on the property and appears closer to the road than the new plan shown.

Commissioner Petrich asked for clarification about the setback. Commissioner Petrich noted that the petitioner had encroached farther into the setback than the home. Commissioner Petrich asked about the pool equipment. Curtis stated the hot tub had equipment that operated more frequently than the pool equipment.

Commissioner Parrella asked about the height of the fence. Curtis stated the fence was 5

ft in height and was consistent all the way around.

Chairman Trzupek struggled to find a reason for the hardship of the variations. Chairman Trzupek noted that the yard was classified as a rear yard while it was actually a corner side yard. Curtis discussed the front of his house, which faced east rather than 89th Street. There was a discussion about the location of the fence, patio, and the corner side and front yards.

Backus noted the geometric constraints of the unique situation with the diagonal stream. Backus stated they should have applied for permits and noted he was brought in after the construction to help comply as much as possible. Backus stated complying with the setbacks would make the property unbuildable and unusable.

Chairman Trzupek stated that a hardship cannot be manmade. Chairman Trzupek stated that the creek was a natural element and did not know if it was a hardship.

Commissioner Morton confirmed the corner side yard setback and that the home was a legally conforming structure. Commissioner Morton noted the fence encroached the setback an additional 10 ft. Commissioner Morton noted that the fence and patio would need to be moved 10 feet to align with the home setback. Commissioner Morton stated would not support the current fence and patio setback.

Chairman Trzupek questioned if the creek created a hardship.

Commissioner Petrich noted a patio of that size was not necessary and could move to comply with the setback regulations. Commissioner Petrich noted that having a patio of that size was not a hardship. Commissioner Petrich was concerned about the creek and did not know about the drainage issues.

Farrell confirmed that the permit had been applied for but was not issued. Farrell stated the permit could not be approved unless the Plan Commission approved the setback variations.

Chairman Trzupek noted that approval of the variation would not necessarily approve the location of the fence near the creek. Chairman Trzupek noted the location of the fence near the creek would still be subject to engineering review.

Commissioner Petrich confirmed the 40 ft. setback of the pool. Chairman Trzupek stated that the pool setback was questionable, and that the petitioner needed to prove that it was not at 40 ft. Chairman Trzupek confirmed that the pool was directly on the setback, which is why it was included in the variation request. Backus stated that the contractor shifted the pool to ensure it was at the 40 ft. setback.

Chairman Trzupek confirmed with the petitioner that the pool was at the 40 ft. setback.

Commissioner Broline confirmed that the plan was based on the Plat of Survey.

There was discussion about the pool setback and that it was not necessary. Chairman Trzupek confirmed the patio and the fence variations for the corner side yard setbacks.

Commissioner Broline stated he wanted to see a Plat of Survey of where things currently are on the property.

Commissioner Morton supported the continuance to clarify information.

There was discussion supporting a variation no closer to the north wall of the home. The Commission also expressed concerns about the berm, building proximity to the creek, the driveway extension, and the stairs. The Commission wanted confirmation that the pool is not within the setback. The Commission suggested the petitioner submit a plan that was clearer and more focused on the elements of the variation request. Backus asked about the berm. Chairman Trzupek stated that the berm looked out of place on the road, and there did not appear to be a way to have water drained by the road and to get to the creek.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Parrella to continue the public hearing for V-02-2024 to May 6, 2024.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Parrella, Petrich, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

D. Z-02-2024: 78 Burr Ridge Parkway (Patti's Sunrise Cafe); Special Use and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the request was to amend an existing special use to add outdoor dining to an existing restaurant. Stern stated in 2021, Patti's Sunrise Café was granted special use approval to expand the restaurant and to serve alcohol. Stern presented the proposed site plan and noted the table and chair count for the dining area. Stern stated the petitioner requested 488 square feet of outdoor dining. Stern noted with the addition of the outdoor dining areas, the total square footage of the restaurant will be approximately 4,588 square feet. Stern noted the proposed expansion of Patti's Sunrise Cafe would increase the parking requirement by three additional spaces. Stern stated according to the parking information on file for County Line Square, the three additional parking spaces could be accommodated during business hours. Stern showed the images of the proposed fence, umbrellas, and furniture.

Chairman Trzupek confirmed that outdoor dining complies with regulations. Stern confirmed the petitioner was not adding any additional coverings or awnings. Stern clarified the hours of operation listed under the conditions were from the previous special

use approval and were consistent with their business hours.

Jim DeBruyn, attorney for Michael Garber, the petitioner, introduced himself.

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

Commissioner Parrella did not have any questions.

Commissioner Petrich asked where the masonry pillars were in relation to the proposed fence. Garber pointed to the masonry pillars and confirmed they were within the fence area. Garber noted a 60-inch setback between the outdoor dining area and the curb. Commissioner Petrich asked about the entrance on the north side of the building. Garber confirmed one entrance was sufficient.

Commissioner Broline did not have any questions.

Commissioner Morton confirmed that outdoor dining with sales of alcohol needed controlled access. Garber confirmed that there are self-closing gates. Chairman Trzupek discussed self-closing gates. Farrell believed for fire safety, gates must be accessible from the inside to go outside, but not from the outside into the outdoor dining area. Garber stated the existing awnings would stay, and they would add umbrellas.

Chairman Trzupek had no comments.

Commissioner Petrich asked about the parking management plan. Stern stated that only three additional parking spaces were required and that there were enough spaces in County Line Square during Patti's Sunrise Cafe business hours.

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner Morton to close the public hearing for Z-02-2024.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve case Z-02-2024, a request for a special use for a restaurant over 4,000 sq. ft. with the sale of alcoholic beverages pursuant to County Line Square PUD Ordinance #A-834-19-21 and to amend an existing special use Ordinance #A-834-06-21, with Findings of Fact, and with the following conditions:

1. The special use shall be limited to Patti's Sunrise Cafe and shall not be transferable

- to any other party.
2. The special use shall substantially comply with the plans submitted by the petitioners and included as Exhibit A.
 3. All umbrellas, furniture, and other appurtenances shall be stored off-site during the winter season.
 4. Hours of operation for the restaurant shall not exceed 6 am to 2:30 pm.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Broline, Parrella, Morton, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

IV. CORRESPONDENCE

There were no Board or Building Reports and no comments.

V. OTHER CONSIDERATIONS

A. PC-05-2024: 15W303 61st St. (Osgood/Ridge Precision Gunsmithing, LLC); Appeal of Determination Denying a Gunsmithing Home Occupation

Chairman Trzupek introduced the case and asked for a summary. Farrell stated the case was an appeal of staff's determination that a proposed gunsmithing home occupation does not comply with the Home Occupation guidelines. Farrell noted that on December 19, 2023 the Village received the business license application for Ridge Precision Gunsmithing. Farrell stated the petitioner's proposal did not comply with the Zoning Ordinance home occupation regulations. Farrell stated the applicant requested that his denial be reconsidered. Farrell stated staff spoke with the ATF agent after the ATF received the FFL (Federal Firearm License) application for a 01 Dealer Type license. Farrell stated on February 8, the petitioner appealed the determination by staff. Farrell noted the sections of the Home Occupation guidelines where the proposal did not comply. Farrell stated the petitioner proposed to use an attached garage to operate the Home Occupation, which is not permitted. Farrell stated the differences between the petitioner's original business and the FFL license application from December to the appeal submittal in February. Farrell noted the FFL 01 Dealer license type would allow for gunsmithing, buying, selling, and transferring. Farrell stated the Village does not have the ability to monitor or verify the petitioner's activities to ensure compliance. Farrell provided clarity on the potential motions to approve or deny the appeal. Farrell noted that Chief Madden and Deputy Chief Loftus were present.

Chairman Trzupek clarified the FFL license allowed for a broad range of activities and required the business to be conducted from a specific address only. Farrell confirmed that was correct. Chairman Trzupek confirmed the activity/home occupation must comply with the Villages Home Occupation regulations, but the Village could not limit the FFL license. Chairman Trzupek clarified the home occupation regulations.

Mark Osgood, the petitioner, stated that a majority of people in Burr Ridge do not realize they cannot make something in their home and sell it. Osgood stated he did not know one cannot do what they want to in their home but understood why there were regulations. Osgood stated he was only interested in making rifle cases or wooden stocks for guns. Osgood stated that he had spoken with an ATF agent. Osgood noted it was possible to have rifles delivered, to make wooden stocks, and then have them delivered and sent by US mail. Osgood stated the home occupation could be conducted from his wood shop, which was not visible from the street, basement, or garage shop. Osgood noted the hours of operation were listed because the ATF required them for the application. Osgood noted the FFL required a background check. Osgood stated while the 01 Dealer Type license covered a wide range of activities, most gunsmiths worked within a narrow band. Osgood noted it was frightening to see what was allowed under the 01 license but stated he was operating under a narrow band and had no intentions of breaking the regulations.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton asked the petitioner to categorize the types and values of the guns. Osgood stated there would only be top-end guns, which were a couple of thousand dollars. Commissioner Morton asked about the changes in the business license application. Osgood stated he made adjustments to work in the basement workshop. Commissioner Morton confirmed the woodworking equipment. Osgood stated he used hand saws and chisels. Commissioner Morton questioned the term "customarily found." Commissioner Morton confirmed with the petitioner that there was no alternative to a 01 Dealer Type license. Commissioner Morton asked how many cases the petitioner intended to make in a year. Osgood confirmed to make 5-6 cases per year. Commissioner Morton confirmed with Farrell that the structure was an attached garage.

Commissioner Broline asked about ammunition. Osgood stated that there would be no firearms sold or discharged. Commissioner Broline confirmed that the workshop was attached to the home by a breezeway.

There was a discussion about the attached garage.

Commissioner Petrich clarified the motion and confirmed the motion was based on the original submittal in December, not the subsequent one.

Commissioner Petrich asked about the name of the company Precision Gunsmithing and noted the petitioner would just be making cases. Commissioner Petrich confirmed that the petitioner needed the firearm to mold each case to the specific firearm.

Commissioner Parrella confirmed with the petitioner that the firearm is received, then the case is molded around the firearm and then shipped back.

Commissioner Morton confirmed that the denial would stand even if it were not for gunsmithing.

Chairman Trzupek confirmed that the business hours were for the ATF, not the public. Chairman Trzupek noted that the home occupations were limited.

Commissioner Broline asked about the business license and if it was necessary. Osgood stated he applied for a business license.

Chairman Trzupek noted the February proposal was still an issue with the hours of operation. Osgood reiterated that business hours were a requirement for ATF, not the public. Osgood noted the police and ATF were allowed to examine the shop at any time. Chairman Trzupek confirmed with Farrell the petitioner could modify and re-submit an application for the license, but that did not necessarily mean it would be approved.

Commissioner Morton asked if Chief Madden needed to be notified. Chief Madden confirmed. Chief Madden stated there were no other 01 Dealer Type licenses in the Village. Chief Madden confirmed that there was a Curio license. Chief Madden stated the class that Osgood was applying for allowed for the buying, selling, and transferring of the firearms. Chief Madden noted if a firearm were sold, he would receive a notice and copy of the sale.

Chairman Trzupek confirmed if the petitioner had an FFL license, he could buy, sell, and transfer firearms. Chairman Trzupek confirmed a special use was required in the business district. Chairman Trzupek confirmed the Commission could condition what happened in the Village, prohibiting the sale of a firearm, which is prohibited in a residential district.

Commissioner Morton confirmed that Chief Madden would be notified of the sale of a gun. Chief Madden stated the seller must file documents with law enforcement and the ATF.

Commissioner Petrich confirmed the ATF wanted the Village to approve the case and know Burr Ridge restrictions. Farrell stated that the ATF will be aware of restrictions but may or might not enforce them. Farrell stated different jurisdictions handle FFL licenses differently, so the ATF requires village approval to ensure the license complies with the local regulations.

Chairman Trzupek clarified the motion to deny the appeal, but Osgood could reapply with clarifying information and a modified business application.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Morton to deny the appeal based upon the December 23, 2023 submittal.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Morton, Parrella, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0

VI. PUBLIC COMMENT

There was no public comment.

VII. FUTURE MEETINGS

Commissioner Petrich confirmed he will attend the March 11th Village Board meeting.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner Broline to adjourn the meeting at 9:31 p.m.

ROLL CALL VOTE was as follows:

AYES: 5 – Parrella, Broline, Petrich, Morton and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Respectfully Submitted:

Ella Stern
Planner



Z-15-2023: Request to consider a text amendment to Section IV.I for the regulations pertaining to architectural entrance structures and driveway gates in residential districts.

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: Village of Burr Ridge

Prepared by: Ella Stern, Planner

Dates of Hearings: December 4, 2023, February 5, February 19, and April 1, 2024

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. The direction from the Board focused on residents within the residential districts and to consider the permitted size of a parcel for a driveway gate. Depending on whether the Plan Commission wishes to amend the driveway gate regulations, the regulations for architectural entrance structures may also need to be amended so there is no conflict. Architectural entrance structures are often constructed in conjunction with the gate.

On December 4, 2023, the Plan Commission held a public hearing on Z-15-2023, a request to consider a text amendment to Section IV. I for the regulations pertaining to architectural entrance structures and driveway gates in residential districts. The Plan Commission continued the case and directed staff to research the estimated number of homes between one and two acres, traffic speed limits, and traffic volume throughout the Village of Burr Ridge. On February 5, 2024, the Plan Commission continued the case and directed staff to prepare draft language to permit driveway gates for parcels under 2-acres which directly access arterial roads. On February 19, 2024 the Plan Commission continued the case and directed staff to look into permitting the proposed text amendment language as a special use. Staff spoke with the Village Attorney who stated that a special use for driveway gates would be permitted but may not effectively resolve the matter. If the parcel otherwise meets the amended Ordinance requirements, requiring a special use may be unnecessary zoning action which will ultimately be approved each time. The Village Attorney recommended that staff research how many parcels would benefit from the text amendment change and if the minimum required setback would be a concern. This research begins on page 9 of this staff report. The rest of the information remains unchanged from previous reports.

Staff found the following information regarding traffic speed limits, the annual average daily traffic volume, and the number of Single-Family Residential properties by acreage.

Speed Limits:

Twenty-five (25) miles per hour on the following streets:

- Aintree Lane, Arrowhead Farm Drive, Ashton Drive, Briarwood Court, Briarwood Lane, Bridewell Dr. (Burr Ridge Parkway. to Central Avenue), Brighton Place, Burr Oak Lane, Burr

Ridge Parkway Carriage Way Drive, Chasemoor Drive (Lincolnshire Drive to 79th Street) Chestnut Hills Circle, Chestnut Hills Drive, Chippewa Court, Circle Ridge Drive, Commerce Street, County Line Lane Deer Path Trail, Devon Drive, Dougshire Court, Drew Avenue, from 75th St. to 79th St., Enclave Drive, Forest Hill Road, Garfield Avenue (72nd Street to 74th Street), Garywood Drive, Glenmora Lane, Glenn Drive Grant Street, between 59th Street and Wildwood Lane, Grant Street, between the 62nd Street right-of-way and 63rd Street, Grant Street, 87th Street south to the end of the cul-de-sac, Greenbriar Court, Gregford Road Hamilton Avenue (72nd Street to Frontage Road) Hamilton Avenue, from 75th Street to 79th Street), Hampton Court, High Grove Boulevard, International Street, Johnston Road, Lake Ridge Court Lake Ridge Drive (81st Street to 83rd Street), Laurie Lane Manor Drive, Navajo Court, Omaha Drive, Park Avenue (72nd Street to Frontage Road) Post Road Ridgewood Lane, Royal Drive, St. James Court, Seneca Court, Shag Bark Court, Shag Bark Lane, Shenandoah Drive, Shepard Lane South Drive, Stirrup Lane, Surrey Lane, Tomlin Circle, Tomlin Drive, Walnut Circle, Wedgewood Drive, 87th Street south to Glenmora Lane, White Oak Court, Wildwood Lane, Woodcreek Drive Woodglen Lane, Woodland Court, Woodland Lane, Woodside Court, Woodside Lane, Woodview Drive, 59th Street, from Garfield Avenue to the western Village limits (a point approximately 625 feet east of Madison Street), 63rd Street, between Garfield Avenue and Grant Street, 72nd Street (Wolf Road to Central Avenue), 73rd Street (Elm Street to Garfield Avenue), 74th Street (Park Avenue to Garfield Avenue), 75th Street, between its intersections with South Frontage Road, 77th Street, from County Line Road to Hamilton Avenue, 81st Street (Madison Street to Ridge pointe Drive), 94th Street (Glenn Drive to Madison Street).

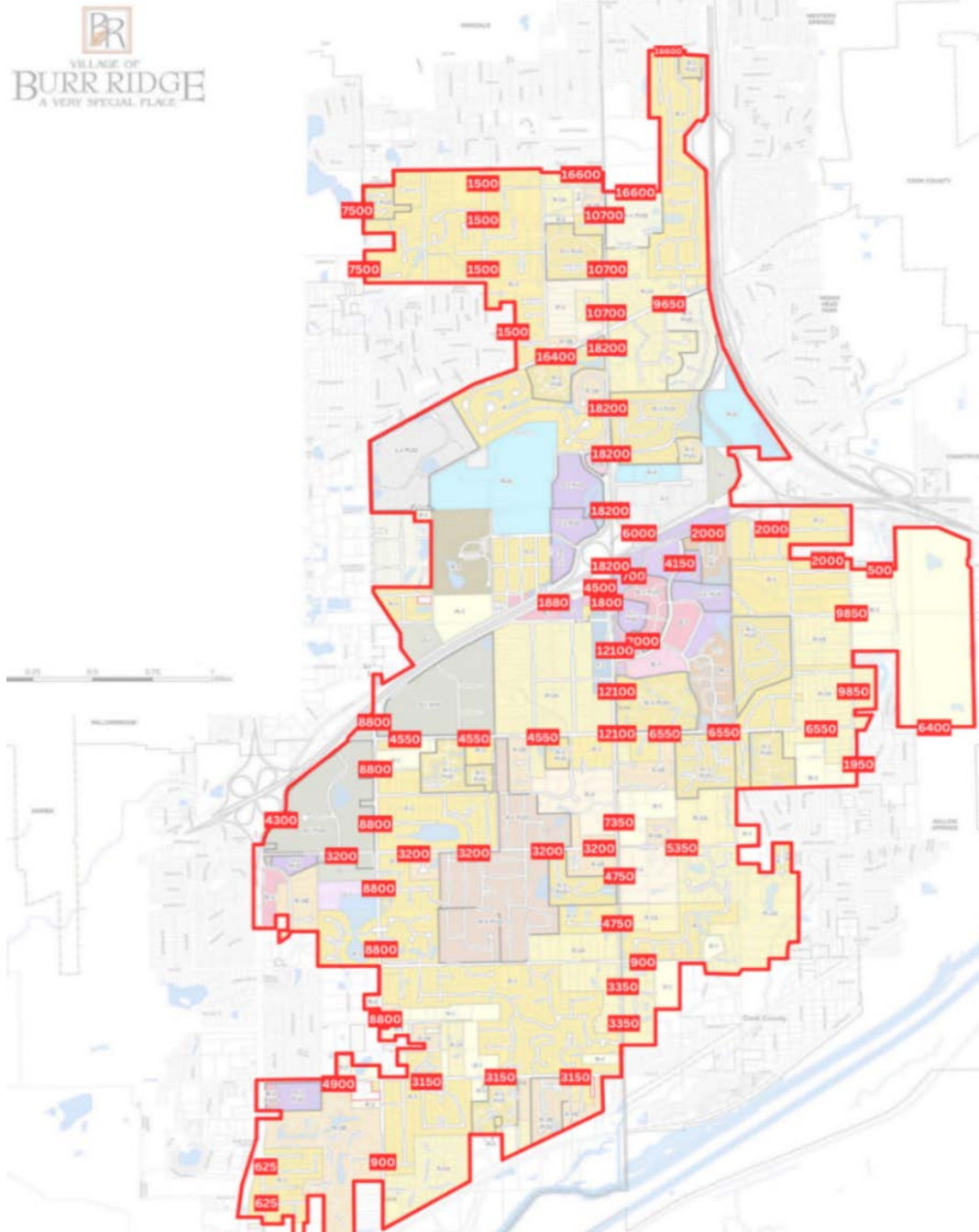
Twenty (20) miles per hour on the following streets:

- Elm Street (72nd Street to Frontage Road), Giddings Avenue (72nd Street to Frontage Road), 72nd Street (Elm Street to Garfield Avenue).

Thirty-five (35) miles per hour on the following streets:

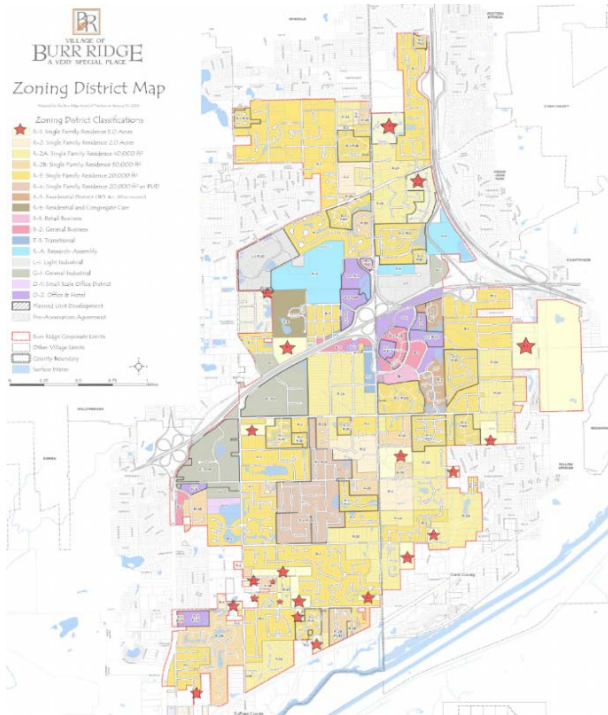
- North Frontage Road (Veterans Boulevard to Elm Street), South Frontage Road (Route 83/Kingery Highway to County Line Road).

Traffic Volume:

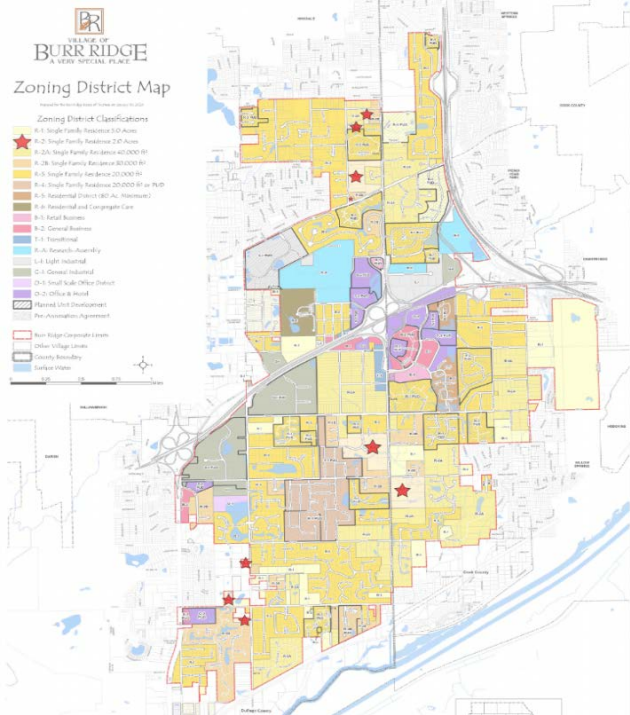


The annual average daily traffic volume is noted in red.

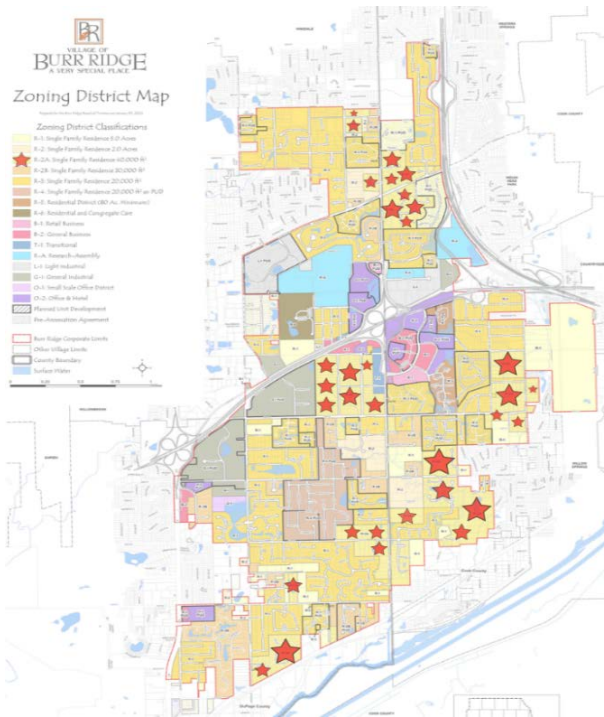
Staff found approximately 50 properties zoned R-1 Single-Family Residence (5 acres). The R-1 Single-Family Residence zoned properties include the Trinity Lutheran Church, 15W460 N Frontage Road, Gower Middle School, Burr Ridge Middle School, Burr Ridge Public Works, Walker Park Subdivision, King Bruwaert Home Subdivision, and Heatherfields Subdivision, in which the properties were smaller than 5 acres, or non-residential uses. Staff found approximately 42 properties zoned R-2 Single-Family Residence (2 acres), including the Tri-State Fire District, Burr Ridge United Church, and Stonehedge Estates. Staff found approximately 300 properties zoned R-2A Single-Family Residence (40,000 sq ft.).



2024 Zoning Map noting R-1 zoned properties.



2024 Zoning Map noting R-2 zoned properties.



2024 Zoning Map noting R-2A zoned properties.

The Village of Burr Ridge has amended the driveway gate regulations a few times based on a single petitioner proposing a driveway gate for their property. In 2007, driveway gate regulations were added to the Zoning Ordinance. A driveway gate was permitted on parcels that are a minimum of 5 acres in area and 220 feet in width and subject to the following terms and conditions:

1. Driveway gates are permitted in the required front yard but not closer to the front lot line than 30 feet.

2. Only one driveway gate is permitted per lot.
3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron or similar materials.
5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property.

In 2008, driveway gate regulations were amended due to a single petitioner's request. A driveway gate was permitted on parcels with a minimum of 2 acres in area and has a front or corner side lot line with a minimum of 220 feet of street frontage. In 2011, driveway gate regulations were amended to change the minimum 220 feet of street frontage to 150 feet of street frontage.

Under current Zoning Ordinance regulations, Driveway gates across private driveways shall be permitted on parcels in residential districts that are a minimum of 2 acres in area and have a front or corner side lot line with a minimum of 150 feet of street frontage (Amended by Ordinance A-834-13-11). All driveway gates must comply with the following terms and conditions:

1. Driveway gates are permitted in a front buildable area and are also permitted in the required front and corner side yard but not closer to the front or corner side lot line than 30 feet. However, for each 3 feet of lot frontage less than 220 feet, an additional one-foot setback shall be provided. For example, for a 2-acre lot with 160 feet of lot frontage, the minimum required setback from the front lot line shall be 50 feet $[30 + (220 - 160) / 3 = 50]$. (Amended by Ordinance A-834-13-11).
2. One gate per driveway is permitted.
3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron, or similar materials.
5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property. (Amended by Ordinance A-834-24-07 and Ordinance A-834-26-08)

Under current Zoning Ordinance regulations, architectural entrance structures are permitted on a lot not less than 40,000 square feet in area, are permitted in a front, side or rear buildable area and are also permitted in the required front yard. It is important to note that architectural entrance structures are not permitted in a corner side yard although many homes have a driveway in this location. Architectural entrance features must comply with the following terms and conditions:

1. Architectural entrance structures shall be located adjacent to driveways and the number of structures shall not exceed two per driveway; one on each side of the driveway.
2. Each architectural entrance structure may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the structure. A light fixture may be added above the six-foot height limit not exceeding 18 inches.

3. The footprint of an architectural entrance structure shall not exceed three feet by three feet except that wing walls not exceeding four feet in height and three feet in length shall be permitted.
4. The primary materials for architectural entrance structures are limited to masonry brick, natural stone, or similar materials.
5. Architectural entrance structures are subject to the issuance of a permit and must be provided with a foundation and structural elements as required by the Village building codes.
6. Architectural entrance features at an entrance to a subdivision are permitted as regulated by the Village of Burr Ridge Subdivision Ordinance.

Any new regulations pertaining to driveway gates and architectural entrance structures may be included in Zoning Ordinance sections IV.I.5 and IV.I.12, depending on the Plan Commission's direction.

Neighboring Municipality Research:

Staff researched neighboring municipalities to check their regulations for driveway gates. Of the seven municipalities surveyed, only one municipality had regulations on the required acreage for a driveway gate.

Municipality	Regulation
Darien	The city code does not contain specific regulations on driveway gates or any architectural requirements.
Hinsdale	Driveway entry gates, and any parapet or column utilized in a fence design: Eight feet (8').
Indian Head Park	Fences and gates are not allowed in Indian Head Park.
Oakbrook Terrace	No more than one ornamental entry gate shall be permitted on each side of an entrance from a street frontage, not exceeding eight feet in height, and such gates shall be set back not less than five feet from the front lot line, street pavement and driveway. Such gates shall be subject to the approval of the City Engineer and shall be certified by a structural engineer
Oakbrook	<p>Driveway gates are permitted as accessory structures in required front yards, or side yards adjoining a street; provided that they conform with the following criteria:</p> <p style="padding-left: 40px;">A. Required Acreage: No driveway gate may be installed on a lot of less than two (2) acres, unless the front yard of said lot abuts a thoroughfare.</p> <p style="padding-left: 40px;">B. Any driveway gate previously approved and constructed in accordance with applicable law at that time shall be treated as a permitted and legally conforming use. Direction Of Swing: Driveway gates shall not swing outward from the property.</p> <p style="padding-left: 80px;">vi. Width: The minimum width for a gate structure shall be twelve feet (12') for opening the gate. All driveway gates shall be greater than fifty percent (50%) open in design when viewed from a ninety-degree (90°) angle, except that this required open space in louver type gates may be viewed from any angle and excluding</p>

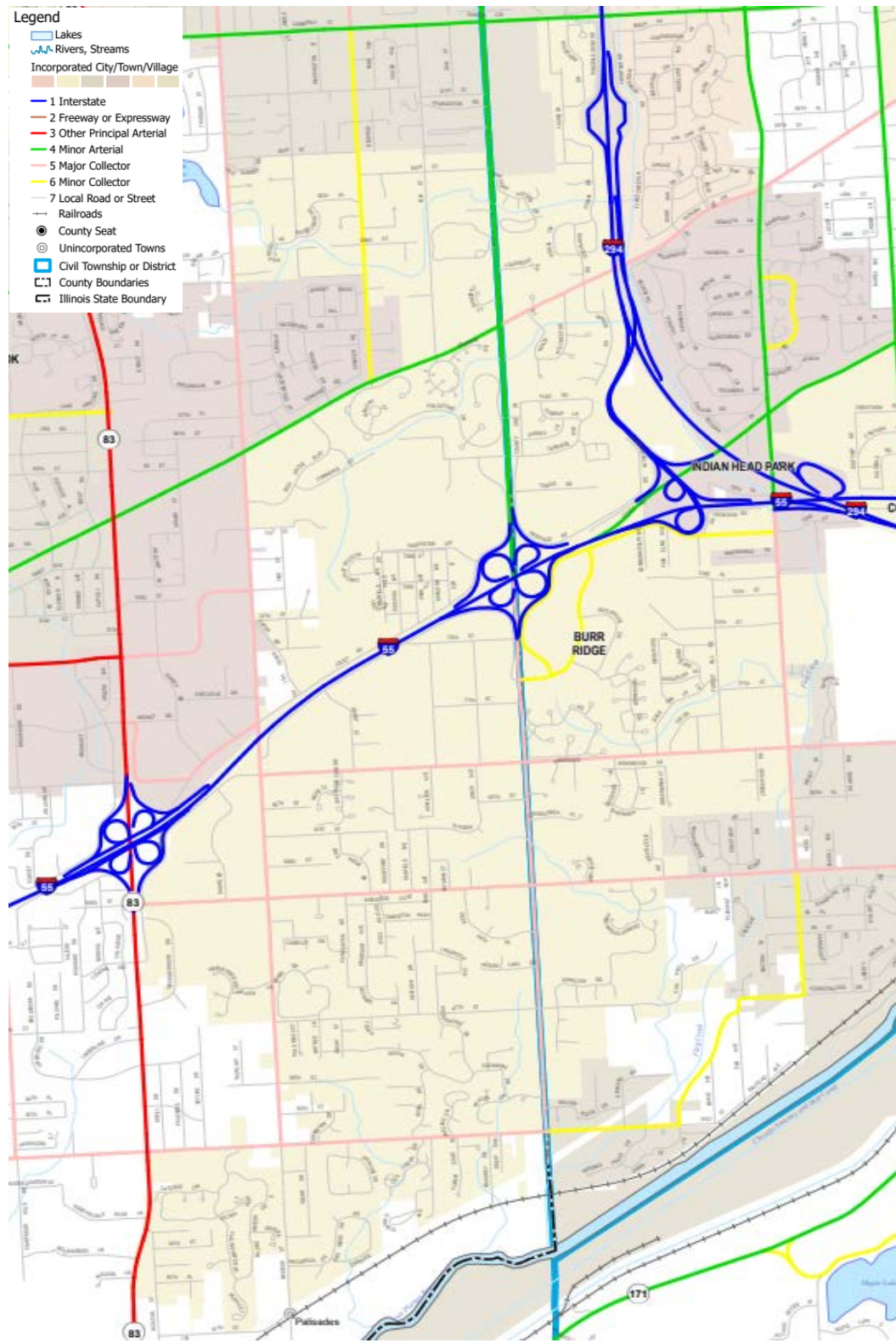
	<p>metal gates with more than seventy five percent (75%) of its surface area open space.</p> <p>D. Location Of Gates: Gates shall be located a minimum distance of twenty feet (20') from the nearest edge of pavement on local residential streets and thirty feet (30') from the nearest edge of pavement on all other streets including all thoroughfares and collectors (reference the Oak Brook transportation plan phase II report dated January 1971), to allow adequate room for vehicular access to the property. (Ord. G-678, 6-26-2001; Ord. G-741, 2-10-2004)</p>
Willowbrook	<p>The Village of Willowbrook has no specific regulations regarding driveway gates. However, they would follow the UDO for fences in the front yard of properties. Fences on Lots with Single-Family Detached and Duplex Uses. Fences on lots with single-family detached and duplex uses shall meet the requirements established below. Barbed wire, razor wire, or makeshift materials such as plywood or tarps shall be prohibited on lots with single-family detached and duplex uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner's property.</p> <p>Fences in Front Yards.</p> <p>(a) Height. Fences in front yards shall not exceed four (4) feet in height.</p> <p>(b) Setback. Fences in front yards shall be set back a minimum of seven (7) feet from the property line.</p> <p>I Materials.</p> <p>(1) Fences in front yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent.</p> <p>(2) Fence materials utilized in front yards shall complement fence materials utilized in other yards.</p> <p>(3) Permitted fence materials shall be only those materials which are designed and intended for use in fence installations and shall be limited to:</p> <ul style="list-style-type: none"> (i) Wood, chemically treated or naturally resistant to decay, (ii) Wood Composites, (iii) Aluminum, (iv) Vinyl/PVC, (v) Wrought Iron, (vi) As approved by the Village Administrator or their designee.
Willow Springs	No gates are permitted in the front yard.

Definition of arterial roadways in the Comprehensive Plan:

The Burr Ridge street system consists of highways, arterials, collectors, and local roads. The IDOT classification of these roads is shown in a map following these descriptions.

- **Highways** carry large volumes of traffic between Burr Ridge and other parts of the region. I-55 and I-294 are classified as highways.
- **Arterials** carry traffic across and beyond the Village and generally include Route 83, County Line Road, Plainfield Road, 55th Street and Wolf Road.
- **Collectors** provide circulation between arterials and local roads. Burr Ridge collectors include Burr Ridge Parkway, Madison Street, Garfield Avenue, 91st Street, German Church Road, and 79th Street. As per Ordinance A-869-02-05, the street system classifications are hereby amended to designate North Frontage Road between County Line Road and Madison Street, South Frontage Road between County Line Road and Illinois Highway 83, and Bridewell Drive 72nd Street as collector streets.

- **Local** streets provide access to neighborhoods and individual properties. They comprise the remainder of the roadway system in the Village



Link to IDOT Map: [Chicago Ua\)-Downers Grove Twp \(illinois.gov\)](https://www.idot.gov/Chicago/Downers-Grove-Twp)

Research on parcels under 2-acres on arterial roads and setbacks:

Staff conducted research by reviewing driveways adjacent to an arterial street (Plainfield, County Line Road north of 79th Street, and Route 83). Staff discovered there were zero residential properties with a driveway adjacent to Route 83. Staff discovered there were 22 properties less than 2 acres with a driveway adjacent to Plainfield Road and County Line Road, north of 79th Street, which could potentially benefit from this text amendment. Staff found that the smallest lot frontage was 95 ft. This would mean that a 71.6 ft. setback would be required for a gate (under current regulations), but the home setback is at 65 ft.

Address	Arterial Street	Acreage	Zoning District	Lot Frontage	House setback from property line	Existing Driveway Gate
15W220 Plainfield Road	Plainfield	0.43 acres	R-3	95 feet	65 feet	X
15W232 Plainfield Road	Plainfield	0.50 acres	R-3	96 feet	76 feet	X
15W250 Plainfield Road	Plainfield	0.58 acres	R-3	96 feet	86 feet	X
15W260 Plainfield Road	Plainfield	0.84 acres	R-3	122 feet	88 feet	X
15W280 Plainfield Road	Plainfield	0.71 acres	R-3	150 feet	100 feet	X
6545 S County Line Road	County Line Road	1.49 acres	R-2A	200 feet	112 feet	✓ Ord. A-834-33-11 (Included as Exhibit C)
6393 County Line Road	County Line Road	0.9 acres	R-2A	127 feet	N/A	X
6379 County Line Road	County Line Road	0.9 acres	R-2A	129 feet	78 feet	X
6355 County Line Road	County Line Road	0.9 acres	R-2A	129 feet	N/A	X
6333 County Line Road	County Line Road	0.9 acres	R-2A	170 feet	140 feet	X
6301 County Line Road	County Line Road	1.19 acres	R-2A	261 feet	100 feet	X Current zoning case on file for a driveway gate variation.
6161 County Line Road	County Line Road	1.6 acres	R-2A	226 feet	130 feet	✓ No zoning case was found on file to permit the driveway gate.
6112 County Line Road	County Line Road	0.95 acres	R-2B	260 feet	100 feet	X
7734 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	160 feet	X
7740 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	90 feet	X
7750 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	90 feet	X
7754 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	50 feet	X
7804 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	145 feet	X
7808 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	75 feet	X
7812 County Line Road	County Line Road	0.93 acres	R-2A	100 feet	225 feet	X
7820 County Line Road	County Line Road	0.93 acres	R-2A	200 feet	63 feet	X

Proposed Language:

Staff provided proposed language in red, below, changing the section pertaining to the required acreage and location on arterial roads, based upon the Commission's direction at the February 5, and February 19, 2024 meeting. In green text below, staff added the optional draft language to require special use approval.

Driveway Gates (Residence Districts)

Gates across private driveways shall be permitted on parcels in residential districts that are a minimum of 2 acres in area and have a front or corner side lot line with a minimum of 150 feet of street frontage. No driveway gate shall be installed on a lot of less than 2 acres in area, unless the front or corner side yard of said lot abuts an arterial street and the driveway of said lot directly accesses an arterial street, classified as Plainfield Road, Route 83, and County Line Road north of 79th Street. Special use approval is required for these aforementioned lots less than 2 acres in area and which abut an arterial street. (Amended by Ordinance A-834-13-11). All driveway gates must comply with the following terms and conditions:

- 1. Driveway gates are permitted in a front buildable area and are also permitted in the required front and corner side yard but not closer to the front or corner side lot line than 30 feet. However, for each 3 feet of lot frontage less than 220 feet, an additional one-foot setback shall be provided. For example, for a 2 acre lot with 160 feet of lot frontage, the minimum required setback from the front lot line shall be 50 feet $[30 + ((220 - 160) / 3) = 50]$. (Amended by Ordinance A-834-13-11).*
- 2. One gate per driveway is permitted.*
- 3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.*
- 4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron, or similar materials.*
- 5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property. (Amended by Ordinance A-834-24-07 and Ordinance A-834-26-08)*

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner's Materials and Findings of Fact
- Exhibit B – IDOT Map
- Exhibit C – Ordinance #A-834-33-11



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director
Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, Burr Ridge, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 x. 6100

EMAIL: jfarrell@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☒ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Request to amend the architectural entrance structure and driveway gate regulations in section IV.I of the
Zoning Ordinance.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

Janine Farrell
Petitioner's Signature

11/14/2023
Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section IV of the Zoning Ordinance details the regulations for architectural entrance structures and driveway gates in residential districts. Architectural entrance structures are permitted only on properties that are a minimum of 40,000 sq. ft. and driveway gates on properties a minimum of 2-acres.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance currently contains regulations for driveway gates and architectural entrance structures. This section of the code has been modified over the years to permit gates on smaller parcels, from 10 acres to 5 acres to now 2 acres. The architectural entrance structure provisions would need to be updated to ensure there is no conflict with the gate regulations in terms of minimum lot size, setbacks, or location.

(Please transcribe or attach additional pages as necessary)

ZONING ORDINANCE LANGUAGE FOR ARCHITECTURAL ENTRANCE STRUCTURES AND DRIVEWAY GATES - SECTION IV.I

Architectural Entrance Structures

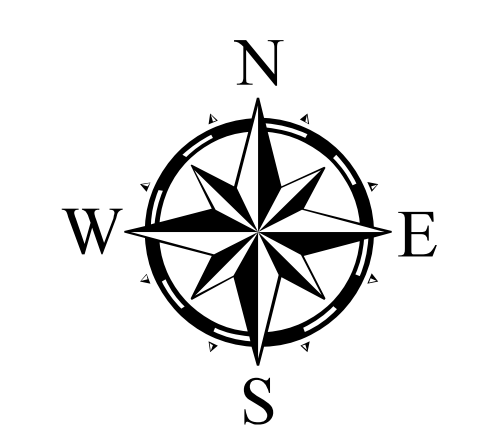
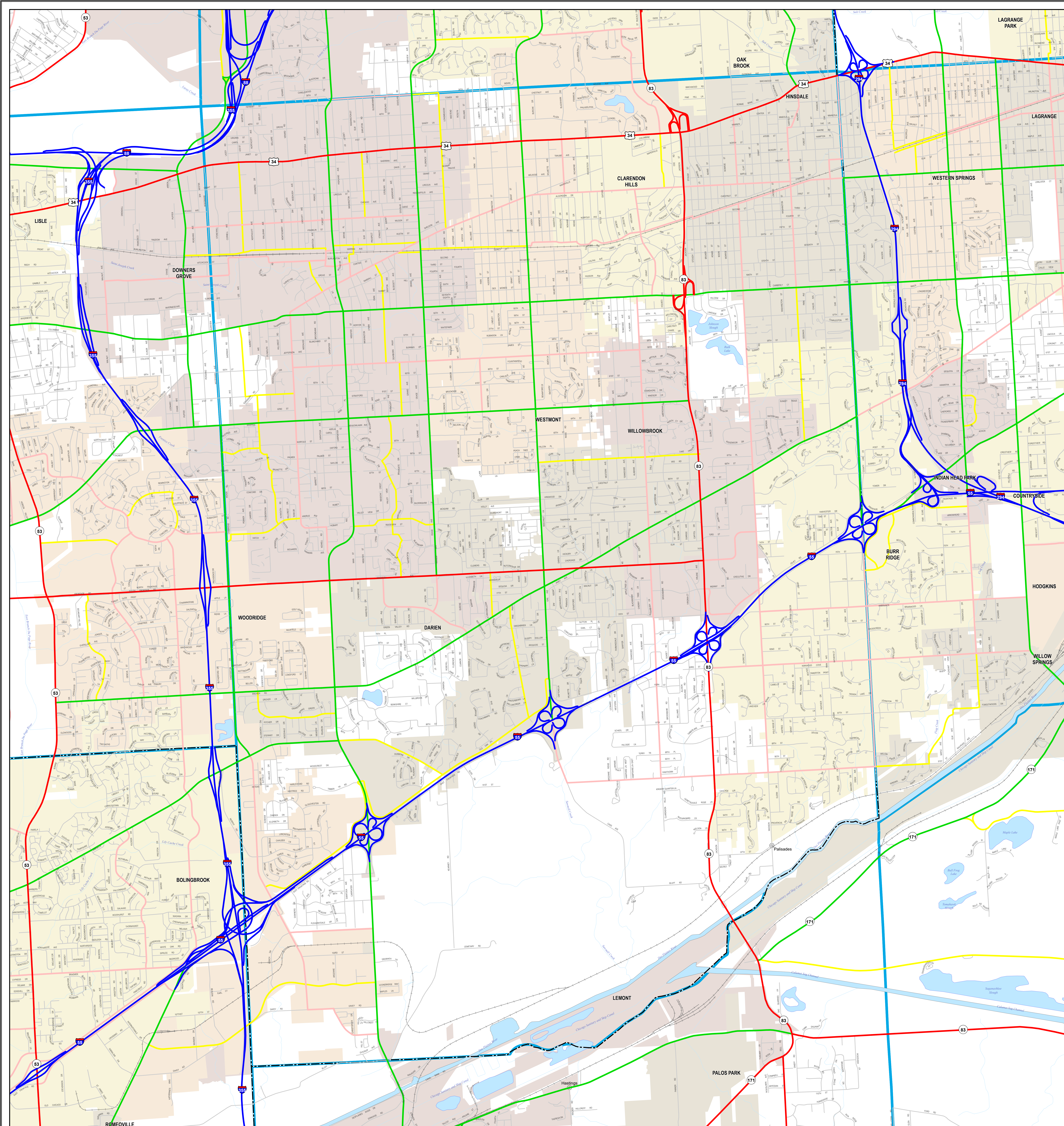
Architectural entrance structures, on a lot not less than 40,000 square feet in area, are permitted in a front, side or rear buildable area and are also permitted in the required front yard. Architectural entrance features must comply with the following terms and conditions:

1. Architectural entrance structures shall be located adjacent to driveways and the number of structures shall not exceed two per driveway; one on each side of the driveway.
2. Each architectural entrance structure may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the structure. A light fixture may be added above the six foot height limit not exceeding 18 inches.
3. The foot print of an architectural entrance structure shall not exceed three feet by three feet except that wing walls not exceeding four feet in height and three feet in length shall be permitted.
4. The primary materials for architectural entrance structures are limited to masonry brick, natural stone, or similar materials.
5. Architectural entrance structures are subject to the issuance of a permit and must be provided with a foundation and structural elements as required by the Village building codes.
6. Architectural entrance features at an entrance to a subdivision are permitted as regulated by the Village of Burr Ridge [Subdivision Ordinance](#).

Driveway Gates (Residence Districts)

Gates across private driveways shall be permitted on parcels in residential districts that are a minimum of 2 acres in area and have a front or corner side lot line with a minimum of 150 feet of street frontage (Amended by Ordinance A-834-13-11). All driveway gates must comply with the following terms and conditions:

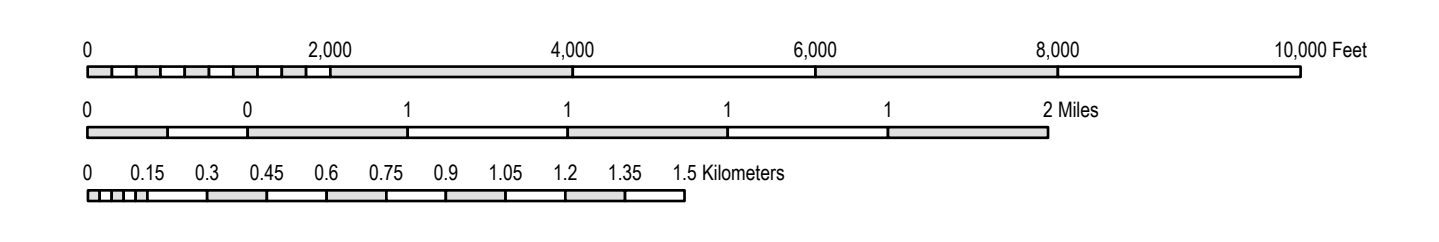
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2. One gate per driveway is permitted.
3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron, or similar materials.
5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property. (Amended by Ordinance A-834-24-07 and Ordinance A-834-26-08)



5-YEAR CLASSIFICATION MAP
Chicago UA
DOWNERS GROVE TWP
DUPAGE COUNTY
ILLINOIS

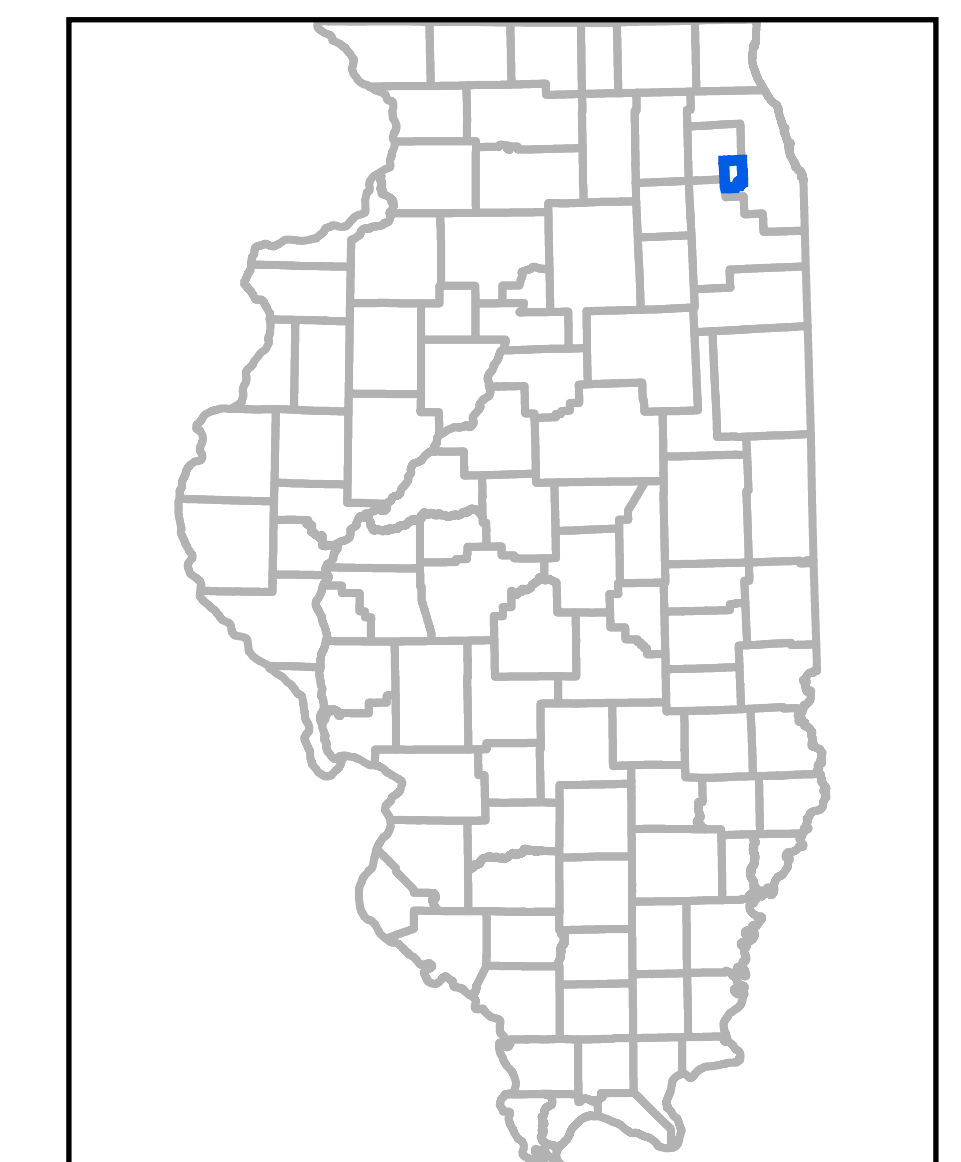
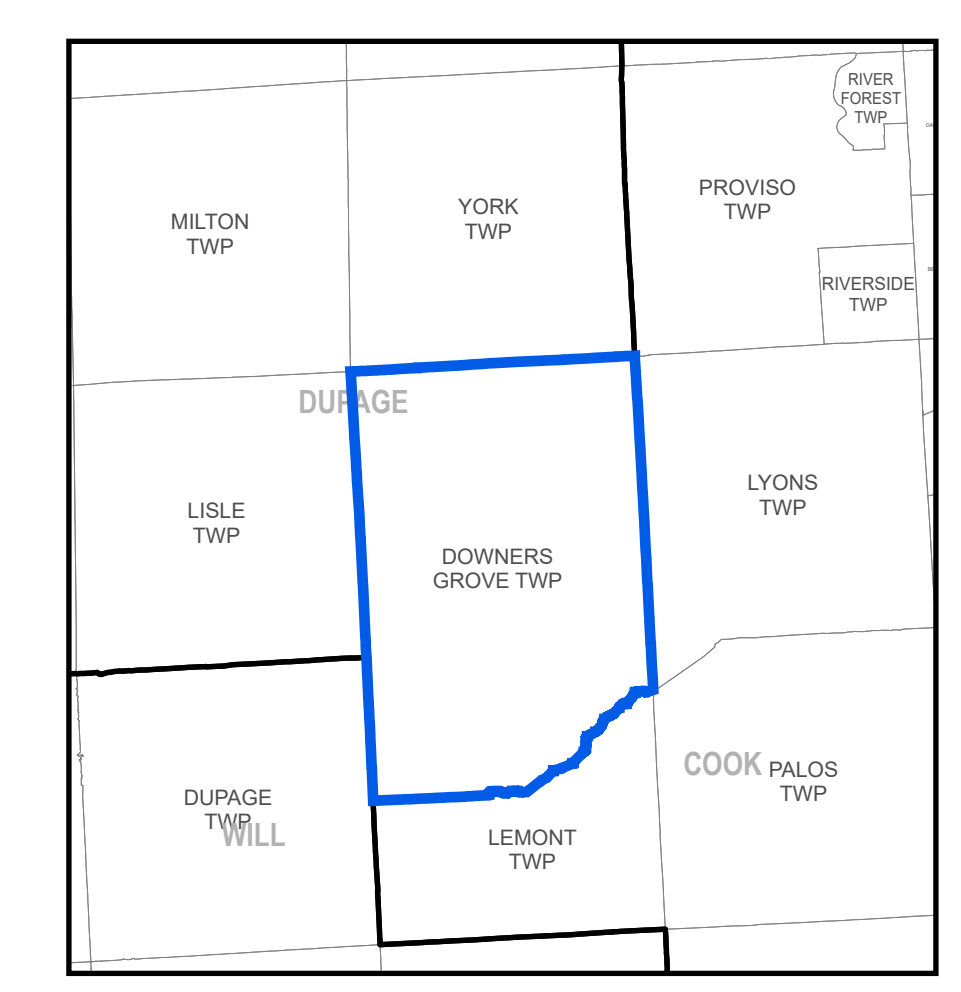
PREPARED BY THE
ILLINOIS DEPARTMENT OF TRANSPORTATION
OFFICE OF PLANNING AND PROGRAMMING
IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE



Legend

- Lakes
- Rivers, Streams
- Incorporated City/Town/Village
- 1 Interstate
- 2 Freeway or Expressway
- 3 Other Principal Arterial
- 4 Minor Arterial
- 5 Major Collector
- 6 Minor Collector
- 7 Local Road or Street
- Railroads
- County Seat
- Unincorporated Towns
- Civil Township or District
- County Boundaries
- Illinois State Boundary



THE ILLINOIS DEPARTMENT OF TRANSPORTATION'S MAPS USE DATA FROM EXTERNAL ELECTRONIC SOURCES THAT ARE NOT CONTROLLED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION. THE DEPARTMENT TAKES NO RESPONSIBILITY FOR THE VIEWS, CONTENT, OR ACCURACY FOR ANY SUCH INFORMATION PROVIDED FROM SUCH EXTERNAL SOURCES. THIS PRODUCT IS FOR REFERENCE PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS A LEGAL DOCUMENT OR SURVEY INSTRUMENT. THE MAPS AND DATA CONTAINED THEREIN ARE TO BE CONSTRUED "AS IS" WITHOUT WARRANTIES OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF SUITABILITY TO A PARTICULAR PURPOSE OR USE. ANY RELIANCE ON THE INFORMATION CONTAINED HEREIN IS AT THE USER'S OWN RISK. THE ILLINOIS DEPARTMENT OF TRANSPORTATION CAN NOT BE HELD LIABLE FOR ANY SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES OR ANY DAMAGES WHATSOEVER RESULTING FROM LOSS OF USE, DATA, PROFITS, WHETHER IN AN ACTION OF CONTRACT, NEGLIGENCE, OR OTHER ACTION, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THE INFORMATION HEREIN PROVIDED.

Data Sources:
Illinois Department of Transportation
Illinois State Tollway Authority
Illinois Commerce Commission
Illinois Department of Revenue
Illinois State Geological Survey
United States Department of Transportation
United States Geological Survey

Illinois Department of Transportation
Mapping & Information Systems



Z-16-2023: Request to consider a text amendment to Section IV.J of the Zoning Ordinance for the regulations pertaining to fences in residential districts.

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: Village of Burr Ridge

Prepared by: Ella Stern, Planner

Dates of Hearings: December 4, 2023, February 5, February 19, and April 1, 2024

On November 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing regarding fences in residential districts, specifically for corner lots and permitting fences in the practical rear yard of homes when the home faces the corner side yard.

On December 4, 2023, the Plan Commission held a public hearing on Z-16-2023, a request to consider a text amendment to Sections IV.J of the Zoning Ordinance for the regulations pertaining to fences in residential districts. The Plan Commission determined the research regarding architectural entrance structures and driveway gates (Z-15-2023) may benefit the discussion of fences in residential districts. On February 5, 2024 the Plan Commission continued the case and directed staff to prepare draft language. On February 19, 2024 the Plan Commission continued the case and directed staff to look into permitting the proposed text amendment language as a special use. Staff spoke with the Village Attorney who stated that a special use for fences on corner lots would be permitted but may not effectively resolve the matter of permitting a fence in the front or side yard of an adjacent home.

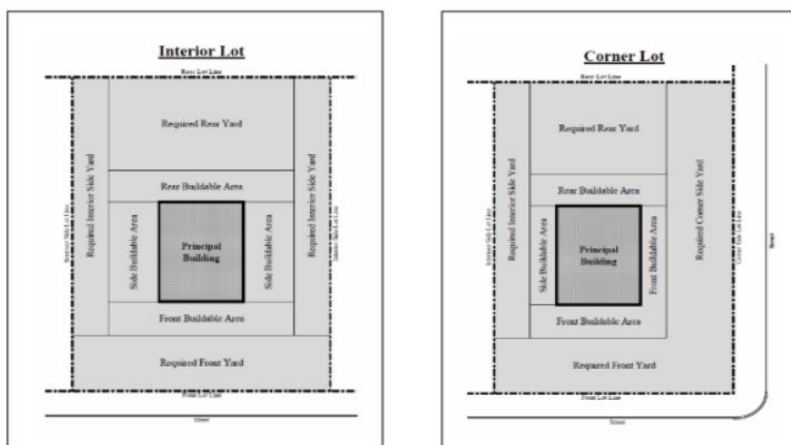


Illustration from the Zoning Ordinance showing the required yards and buildable areas for interior and corner lots. The Zoning Ordinance defines a front yard or front lot line as the one with the shortest distance.



Using a vacant corner parcel in the Village, above are examples where the front of the home faces the corner side yard (left) and the front yard (right) and where a fence would be permitted under current regulations (yellow outline).



Using a vacant corner parcel in the Village, above is an example where the front of the home faces the corner side yard and where a fence could be permitted if in actual rear yard of the home.

Current Regulations:

Section IV.J of the Zoning Ordinance regulates fences as detailed below, with the specific passage highlighted yellow.

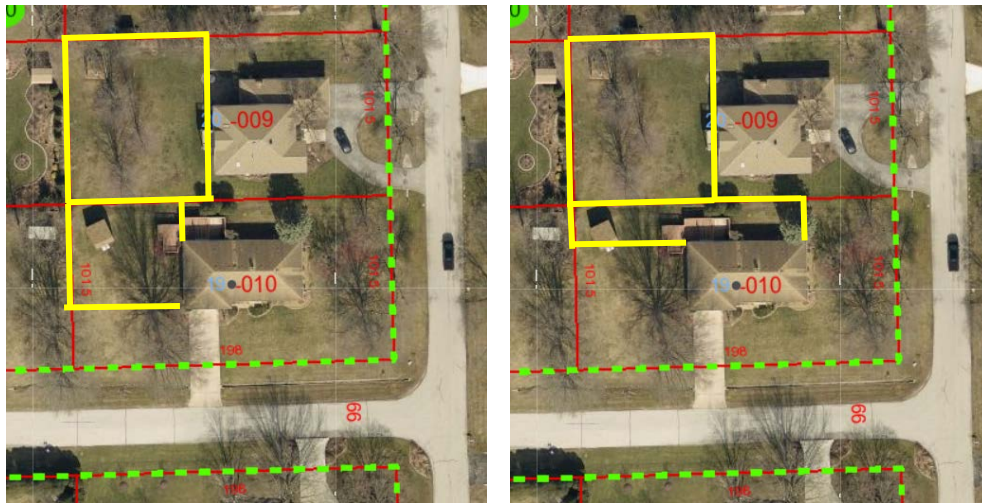
Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, 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 on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
3. All fence posts and all supports must face the interior of the property on which it is located.

4. *Chain link, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited. No fence shall have any sharp, dangerous, or impaling members.*
5. *All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.*

Proposed Language:

Based upon the discussion at the February 5th Plan Commission meeting, staff is providing the following diagrams illustrating a corner property and a neighboring interior lot. As was discussed February 19th, permitting a fence in the practical rear yard of the home on the corner lot potentially results in permitting a fence in the side yard of the adjacent interior lot. The Village Attorney stated that requiring a special use in these instances would not resolve the fact that a fence is in the interior side yard of the adjacent home. As a result, formal language has not been proposed for adoption in this staff report. Staff is seeking direction from the Plan Commission on whether to continue pursuing this text amendment or to allow the language to remain unchanged. If unchanged, the Plan Commission would continue to review any deviations from the regulations as variations.



Aerial images of a corner lot where the main entrance of the home faces the corner side yard and a neighboring interior lot. Left: Permitted fence locations for both properties under current regulations. Right: Permitted fence locations under the potential text amendment. The fence is in the rear yard of the home on the corner lot, but within the side yard of the interior lot.

Public Comment

One public comment was received and is included as Exhibit B.

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner’s Materials
 - Application
 - Findings of Fact
- Exhibit B – Public Comment



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director
Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, Burr Ridge, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 x. 6100

EMAIL: jfarrell@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☒ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Request to amend the regulations for residential fences in section IV.J of the Zoning Ordinance.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.


Petitioner's signature

11/14/2023
Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section IV.J of the Zoning Ordinance details the regulations for fences in residential zoning districts. Fences are permitted behind the rear wall of the residence only. On a corner lot, a fence may be located in the corner side yard, but it must meet the minimum setback requirement for that zoning district. This regulation poses a challenge for corner properties where the front of the home faces the corner side yard, not the Zoning Ordinance defined front yard. In these instances, a fence is permitted only in a small corner of the property. This regulation could be clarified to allow for fences behind the rear wall of the residence regardless of what street the home faces, whether the front or the corner side yard.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance currently contains regulations for fences in residential districts. Clarifying the location of where a fence could be permitted ensures that the fence is located in relation to the orientation of the home instead of the Zoning Ordinance definition of the front, rear, side, and corner side yards.

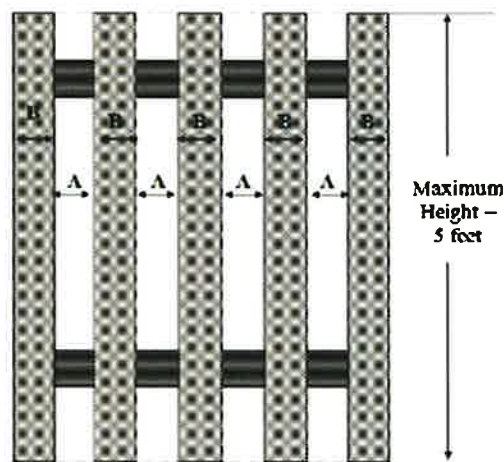
(Please transcribe or attach additional pages as necessary)

ZONING ORDINANCE LANGUAGE FOR FENCES - SECTION IV.J

Fences, Open -- in residence districts only

1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
2. Such fences shall be permitted, unless otherwise provided herein, 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 on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)

Figure IV.J.1.e Graphic Definition of Open Fence



“A” must be equal to or greater than “B”

3. All fence posts and all supports must face the interior of the property on which it is located.
4. Chain link, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited. No fence shall have any sharp, dangerous, or impaling members.
5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

**MEMORANDUM IN SUPPORT OF TEXT AMENDMENT TO Z-16-2023
CONCERNING RESIDENTIAL FENCES**

TO: Ella Stern

FROM: Robert Haley. 8461 Carlisle Ct. Burr, Ridge, IL 60527

RE: Resident Support for Z-16-2023: Request to consider a text amendment to Section IV.J of the Zoning Ordinance for the regulations pertaining to fences in residential districts.

I am writing in support of the proposed change to the Zoning Ordinance on residential fences.

My wife and I have resided in Cambridge Estates at 8461 Carlisle Ct., Burr Ridge, IL 60527 since 1983. We live on a corner lot affected by the proposed amendment.

Semantics make discussing the location of yards and fences a bit confusing. The Ordinance governing corner lots identifies the **FRONT** as the short linear dimension of the lot at the street. This then locates the **FRONT YARD, BACK YARD** and **SIDE YARDS**. It places corner lots in a unique and disadvantaged situation concerning fences. The Ordinance wording locating the yards differs from the way people traditionally use and describe their property. In common usage, most people use the term “front yard” to describe the area between the main entrance of the house and the street it faces, the “back yard” for the area to the “rear” of the house and the “side yards” for the remaining two lot areas. Indeed, this matches the way the Ordinance treats non-corner houses. (I will capitalize and bold **FRONT, BACK** and **SIDE YARDS** when using them as defined in the Ordinance. I’ll use quotes when using colloquial references.).

Village corner lot houses are very often built with the main entrance of the house facing the street paralleling the long dimension of the lot. Therefore, the Ordinance defines the land commonly called the “front” of the house between its main entrance and the street as a **SIDE YARD**. The area commonly called the “rear” or “back” of the house is also designated a **SIDE YARD**. Because the Ordinance does not allow fences in **SIDE YARDS**, corner lot owners cannot erect a fence in the area behind the commonly referenced “rear” or “back” wall of their houses, the wall on which such houses have a door leading into the yard.

For illustrative purposes, I'm attaching an overhead photo of three corner lot houses in Cambridge Estates, all facing Camelot Dr. North is to the top of the photo. The main entry doors to all three face North toward Camelot. (For unknown reasons, the center house has a Carlisle Ct. address but the other two have Camelot addresses.). Because the houses face the long dimension of the lots, the Ordinance places one **SIDE YARD** between their North, main entry, doors and Camelot and the other between the South entry doors and South lot line, colloquially, the "front" and "back" yards. None of the houses has a doorway leading to or from their **FRONT** or **BACK YARDS**, to the East and West, as defined by the Ordinance. Driving around the Village one can see other corner lot houses have this same anomaly. Unlike non-corner lots in the Village, corner lot homeowners are not able to fence the area behind the commonly named "rear" or "back" wall because it is a **SIDE YARD**. This is the area where a patio is located, a grill is kept and dogs can be safely let out in both bad and good weather.

Allowing corner lot homeowners to erect a fence behind the wall in which their "rear" or "back" doorway is typically located will give them the same access to a useable fenced yard as neighbors on non-corner lots.

The proposed Ordinance modification will not burden adjacent homeowners. The **FRONT YARDS** and main entrance doors of neighboring houses face the street, not the **SIDE YARDS** of the corner lot houses. Neighbors' traditional "rear" or "back" doors face their own **BACK YARDS**. Neighbors' walls facing the corner lot houses' **SIDE YARDS** are often windowless or with few windows, so the fence will be neither a visual obstruction nor an impediment to the neighbor mowing the lawn or tending to the yard. Currently allowed **BACK YARD** fences are visible to corner lot neighbors and can extend to and along their own lot line. Fences along a **SIDE YARD** behind a corner lot home would be the least visible of all.

At the February 5, 2024 Commission hearing proposed language drafted by the Staff was discussed, but not accepted. The Staff did not propose alternative language at the February 19, 2024 hearing.

I drafted language below which adds the ability of a corner lot homeowner to erect a fence in the **SIDE YARD** behind the "rear" or "back" of the house. It uses the terms "front" and "rear," which are already present in the paragraph. The last sentence in the paragraph is unchanged. It continues the prohibition against fences being built in the **SIDE YARD** between the "front" of a corner house and the street.

The current Ordinance language is the first below. It is followed by the language proposed by the Staff on February 4, 2024. My proposed Draft follows that. It should not affect setbacks because the **SIDE YARD** fence is not allowed to go past the **FRONT** wall of the corner lot's principal building. The proposed language changes by the Staff and in my Draft are in red, bold italics.

Current Language:

2. Such fences shall be permitted, unless otherwise provided herein, 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 on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)

Staff Proposed Language February 5, 2024 Hearing Packet

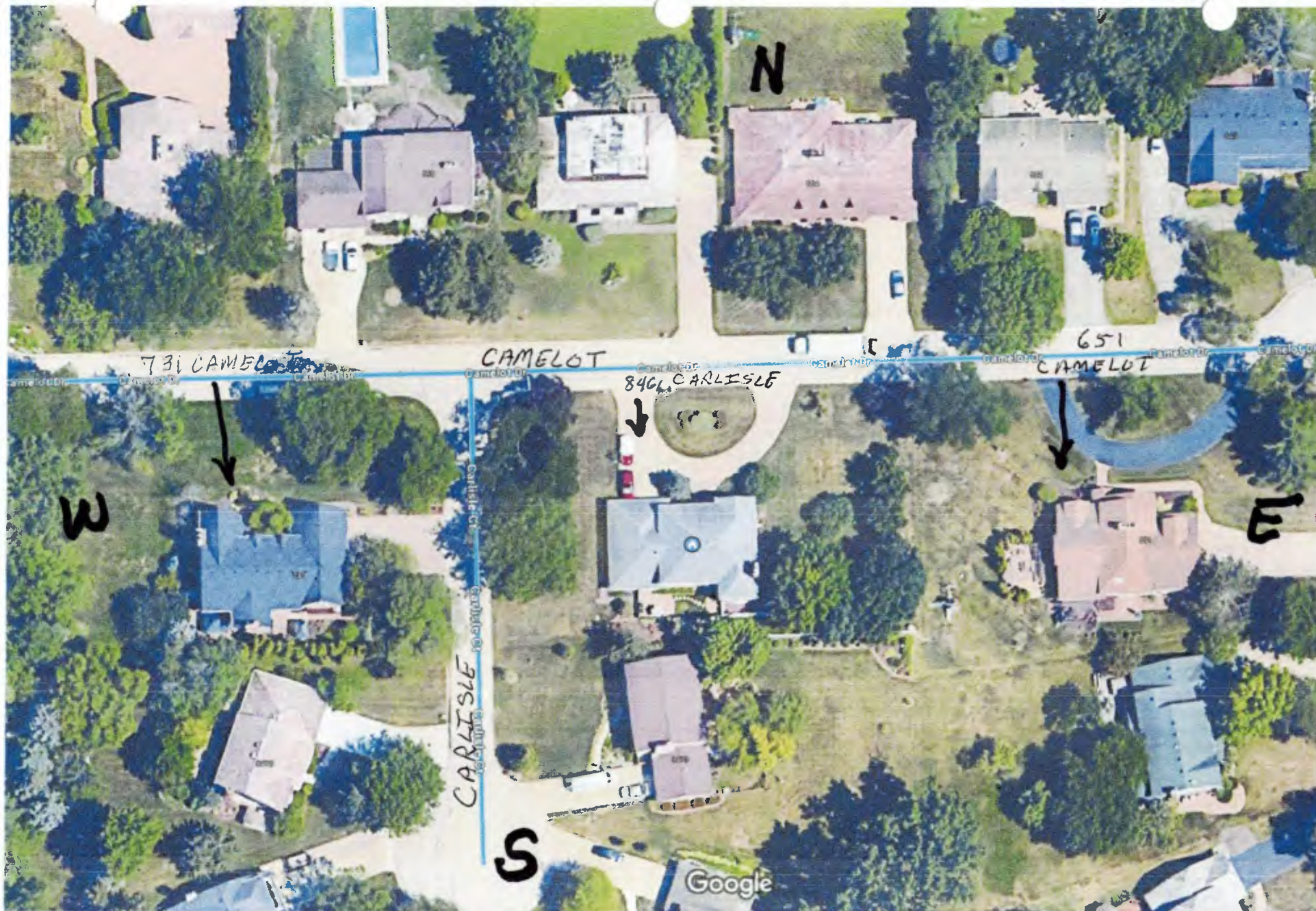
2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots as follows: ***where the true front or main entrance of the home faces the front yard***, such fences shall extend not nearer to the corner side lot line than the required corner side yard setback; ***where the true front or main entrance of the home faces the corner side yard, such fences shall extend not nearer to the front lot line than the wall of the home closest to that lot line.***

Robert Haley Proposed Language.

2. Such fences shall be permitted, unless otherwise provided herein, 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 on the lot. ***Except, on corner lots where a door of the principal building faces a side yard, fences may extend beyond the rear wall, but no further than the front wall of the principal building.*** However, on ***such*** corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback.

Thank you for your consideration,

Robert Haley





VILLAGE OF
BURR RIDGE
A VERY SPECIAL PLACE

V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact; Requests for four (4) variations from Zoning Ordinance Section IV.I to 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, and a driveway gate within the minimum 30 ft. corner side yard setback; and one (1) variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback.

HEARINGS:

July 17, September 18 &
November 20, 2023; January 15 &
April 1, 2024

TO:

Plan Commission
Greg Trzupek, Chairman

FROM:

Janine Farrell, AICP
Community Development Director

PETITIONERS:

Rey & Haley Zaffar

PETITIONER STATUS:

Property Owners

PROPERTY OWNERS:

Rey & Haley Zaffar

EXISTING ZONING:

R-2A Single-Family Residential

LAND USE PLAN:

Recommends single-family
residential

EXISTING LAND USE:

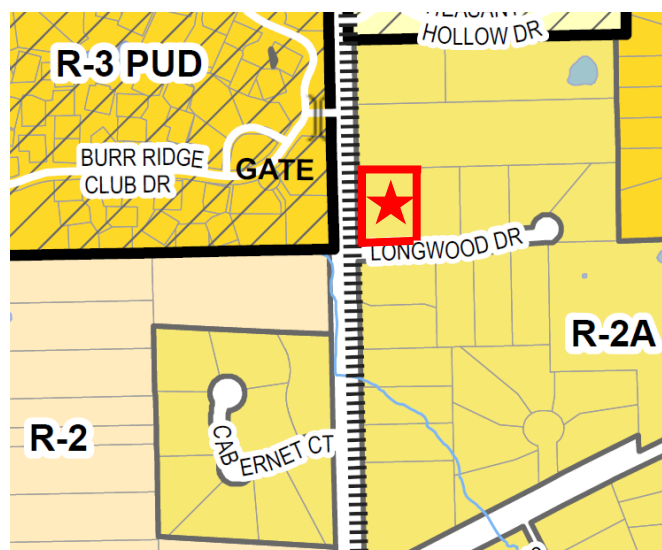
Single-family residence

SITE AREA:

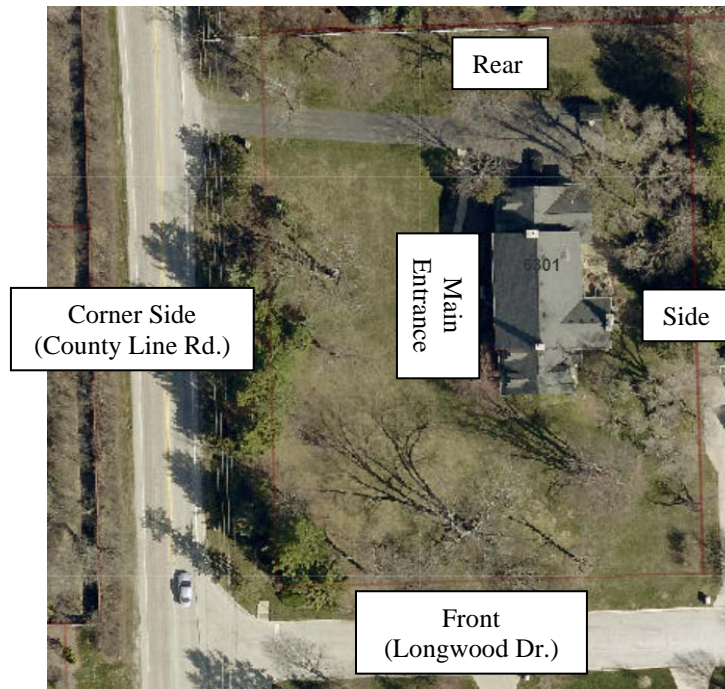
± 52,000 sq. ft./1.2 acres

SUBDIVISION:

Longwood



The petitioners are Rey & Haley Zaffar, owners of the subject property. 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.



Aerial of the property with the property lines or yards and the orientation of the home's main entrance noted.

The petitioners are requesting variations from Zoning Ordinance sections IV.I and IV.J as detailed below. The variations were heard on July 17 and September 18, 2023. The Plan Commission recommendations were then considered by the Board of Trustees on October 23, 2023. The Board directed staff to prepare an Ordinance approving one of the variations but then remanded the remaining variation requests back to the Plan Commission. On November 13, 2023, the Board directed the Plan Commission to hold a public hearing on potential text amendments to residential driveway gates and fences. Those text amendments (Z-15-2023 and Z-16-2023) are currently under consideration by the Plan Commission. This case was continued on November 6, 2023 and January 15, 2024 pending the outcome of the text amendments. The status of the individual variation requests is detailed below and has remained unchanged since November 2023.

Requested Variations and Status:

1. To permit a deck in the front yard: *The Plan Commission unanimously recommended approval and the Board unanimously approved the request on November 13, 2023. This variation request has now been completed and is no longer under consideration.*
2. To permit a driveway gate on a parcel less than two acres in lot area: *The Plan Commission unanimously recommended denial. The Board directed the Plan Commission to review the driveway gate regulations and to potentially permit gates on properties less than 2-acres in lot area. This text amendment is currently under consideration (Z-15-2023). The petitioner wishes to continue with this variation request.*

3. To permit a driveway gate exceeding 6 ft. in height: *The Plan Commission unanimously recommended denial and the Board did not support the request. The petitioner withdrew this request, and it will no longer be considered.*
4. To permit a driveway gate within the minimum 30 ft. corner side yard setback: *The Plan Commission unanimously recommended denial. The Board directed the Plan Commission to review the driveway gate regulations. This text amendment is currently under consideration (Z-15-2023). The petitioner wishes to continue with this variation request.*
5. To permit a fence in the corner side yard setback: *The Plan Commission unanimously recommended denial and the Board did not support the request. They recommended that dense landscaping be added along County Line Rd. instead to provide a barrier. The Board's direction to the Plan Commission for the potential fence text amendment is to review the permitted location of fences so that they are behind the true rear wall of the home. This is relevant for corner lots where the front of the home faces the corner side yard and not the front yard as defined in the Zoning Ordinance. The Board did not direct the Plan Commission to review permitting fences in front of homes, like what the petitioner is requesting. This text amendment is currently under consideration (Z-16-2023). The petitioner wishes to continue with this variation request.*

The petitioner provided updated materials, included as Exhibit A.


Remaining Variations Requested, Remanded from the Board of Trustees (existing regulations with the variations detailed in *red italics*)

- Zoning Ordinance Section IV.I:
 - Driveway Gates (IV.I.12):
 - Permitted on parcels that are a minimum of 2 acres in area and have a front or corner side lot line with a minimum of 150 feet of street frontage. *While the property has 260 ft. (County Line Rd.) and 199 ft. (Longwood Dr.) of street frontage meeting that provision, it is only 1.2 acres in lot area and does not meet the minimum 2-acre lot area requirement.*
 - Driveway gates are permitted in a front buildable area and are also permitted in the required front and corner side yard but not closer to the front or corner side lot line than 30 feet. However, for each 3 feet of lot frontage less than 220 feet, an additional one-foot setback shall be provided. One gate per driveway is permitted. *While the petitioner is requesting the driveway gate in the corner side yard which is permitted if the property met the 2-acre minimum requirement, it does not meet the minimum required setback of 30 ft. The gate is proposed just inside the property line along County Line Rd.*
- Zoning Ordinance Section IV.J:
 - Fence:
 - Fences shall be permitted, unless otherwise provided herein, 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 on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. *The fence is proposed within the corner side yard setback, just inside the*

County Line Rd. property line. Per the Plat of Survey and Plat of Subdivision, there is a minimum 100 ft. setback along County Line Rd. For reference, there is an 80 ft. minimum setback in accordance with the County Line Rd. Overlay District regulations; 40 ft. is the standard R-2A corner side yard setback.

At the July 17, 2023 meeting, the Plan Commission 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 (north side of 60th Street) running south to the I-55 interchange is on the following page. This information was included in the previous staff report and is unchanged.

It is important to note that there are three subdivisions in this vicinity which have fences along County Line Road - Burr Ridge Club (gate also), Burr Ridge Estates, and Carriage Way. Subdivision fences, gates, and entry monuments require Village Board approval and are held to different Ordinance requirements than individual single-family residential properties (Subdivision Ordinance as opposed to Zoning Ordinance).

Map of properties; subject site with red star 	(Map #) Address	Gate	Fence
	(1) 6110	Yes – meets Z.O. regulations/ permit #17-176	Yes – meets Z.O. regulations/ surrounds pool in rear yard
	(2) 6116	Yes – in setback; variation to permit fence & gate in setback approved in 1984 (Ord. A-454-04-84)	Yes – in setback; variation to permit fence & gate in setback approved in 1984 (Ord. A-454-04-84)
	(3) 6161	Yes – in setback; gate potentially on property with the fence in setback since at least 1951, pre-dating Village’s incorporation in 1956	Yes – in setback; fence on property in setback since at least 1951, pre- dating Village’s incorporation in 1956
	(4) 6191	Yes – in setback; gate potentially on property with the fence in setback since at least 1951, pre-dating Village’s incorporation in 1956	Yes – in setback; fence on property in setback since at least 1951, pre- dating Village’s incorporation in 1956
	(5) 6330	Yes – meets Z.O. regulations/ permit #21-172	Yes – meets Z.O. regulations/ permit #18-216
	(6) 6401	No	Yes – in setback; variation to permit fence in setback approved in 1993 (Ord. A-454-16-93)
	(7) 6501	Yes – meets Z.O. regulations/ permit #09-041	No – denied variation & text amendment to locate fence in the front & corner side yards in 2013 (Ord. A-834-25-13 & A-834-26-13)
	(8) 6545	Yes – in setback; approved a variation to permit a gate in the rear yard (front entrance is Shady Ln.) & in setback in 2013 (Ord. A-834-07- 13)	Yes – in setback; approved a variation to permit a temporary snow fence in setback in 2011 (Ord. A-834-33-11)
	(9) 6547	Yes – meets Z.O. regulations/ permit #13-223	Yes – in setback; aerial imagery inconclusive due to heavy tree cover, home constructed by 1951, pre-dating Village’s incorporation in 1956

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. The approved Ordinances are included

as Exhibit B. 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. (6161 and 6191), 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."



1951 aerial image of 6161 and 6191 County Line Rd. when they were one property. The darker shaded box around the site is the fence line.



1963 aerial image of 6161 County Line Rd., after the property was divided. The darker line around the property is the fence line.



1963 aerial image of 6191 County Line Rd., after the property was divided. The white line around the property is the fence line.

Public Hearing History

No zoning action was found on file since the property was placed in its current zoning district classification.

Public Comment

Haley Zaffar, the owner, circulated a petition to her neighbors to support the requests. There were six signatures received on the petition. This petition is included as Exhibit C.

Findings of Fact and Recommendation

Three of the five variation requests remain. The Plan Commission already voted to recommend unanimous denial of these requests. The Plan Commission may wish to reaffirm the prior recommendation or make new motions on the requests. The petitioner has provided findings of fact, which the Plan Commission may adopt if in agreement with those findings. Should the Commission recommend approval, staff recommends that said recommendation be subject to the following condition: The gate and fence shall substantially comply with the plans submitted by the petitioner and included as Exhibit A.

- Variation from Zoning Ordinance Section IV.I to permit a driveway gate on a parcel less than two acres in lot area.
- Variation from Zoning Ordinance Section IV.I to permit a driveway gate within the minimum 30 ft. corner side yard setback.
- Variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback.

Appendix

Exhibit A - Petitioner's Materials and Public Notifications

- Application
- Findings of Fact
- Proposed site plan and illustrations, including updated materials
- Public Notifications

Exhibit B – Ordinances for other properties in vicinity with fences in the County Line Rd. setback

Exhibit C – Neighborhood Petition



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Rey Zaffar and Haley Zaffar
 STATUS OF PETITIONER: Homeowners residing at the Subject Property
 PETITIONER'S ADDRESS: 6301 South County Line Road, Burr Ridge, IL
 ADDRESS OF SUBJECT PROPERTY: 6301 South County Line Road, Burr Ridge, IL
 PHONE: 630-202-6965
 EMAIL: rey.Zaffar@gmail.com
 PROPERTY OWNER: Rey Zaffar and Haley Zaffar

PROPERTY OWNER'S ADDRESS: 6301 South County Line Road, Burr Ridge, IL PHONE: 630-202-6965
 PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☐ Text Amendment ☒ Variation(s)

DESCRIPTION OF REQUEST:

Petitioner requests variations under Sections IV.I.12, IV.I.34 and IV.J of the Village Zoning Code to allow for (1) the installation of a fence along the west property line of the Subject Property along the single-family residence's frontage along South County Line Road, (2) the installation of an entry gate and pillars at the private single-family driveway onto South County Line Road and (3) the installation of a balcony adjacent to the single-family residence in the south yard along Longwood Drive.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: ~52,000 sq. ft. EXISTING ZONING: R-2A
 EXISTING USE/IMPROVEMENTS: Residential - single-family residence
 SUBDIVISION: Longwood - Lot 1
 PIN(S) # 18-18-0307-001

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

X Haley Zaffar
 Petitioner's Signature

Rey Zaffar

June 1, 2023
 Date of Filing



Findings of Fact - Zoning Variation
Burr Ridge Zoning Ordinance

Address:

6301 South County Line Road, Burr Ridge, IL

As per Section XIII.H.3 of the Village of Burr Ridge Zoning Ordinance, for a variation to be approved, the petitioner must confirm all of the following findings by providing facts supporting such findings.

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out

See attached Petitioner Homeowner's Narrative Statement

- b. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located.

See attached Petitioner Homeowner's Narrative Statement

- c. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

See attached Petitioner Homeowner's Narrative Statement

- d. The purpose of the variation is not based primarily upon a desire to increase financial gain.

See attached Petitioner Homeowner's Narrative Statement

- e. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property.

See attached Petitioner Homeowner's Narrative Statement

- f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

See attached Petitioner Homeowner's Narrative Statement

- g. The granting of the variation will not alter the essential character of the neighborhood or locality.

See attached Petitioner Homeowner's Narrative Statement

- h. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

See attached Petitioner Homeowner's Narrative Statement

- i. The proposed variation is consistent with the official Comprehensive Plan of the Village of Burr Ridge and other development codes of the Village.

See attached Petitioner Homeowner's Narrative Statement

**Petitioners Homeowners' Narrative Statement for Variations under
Section 4 and Section 6 the Village of Burr Ridge Zoning Ordinance
to the Subject Property at 6301 S. County Line Road, Burr Ridge, IL.**

Petitioners Homeowners' Narrative Statement is offered to address and support the Findings of Facts as they relate to each of the three (3) variations sought by the Petitioners under Section 4 and Section 6 of the Village of Burr Ridge Zoning Ordinance, namely variations to allow for (1) the installation of a residential fence along the west property line of the Subject Property along the single-family residence's frontage along South County Line Road, (2) the installation of an entry gate at the private driveway onto South County Line Road serving the single-family residence, and (3) the installation of a balcony in the south side yard and adjacent to the single-family residence on the Subject Property.

a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The Subject Property is within an established nine home Burr Ridge residential subdivision adjacent to properties all improved with existing single-family homes. The Subject Property is a west facing, single-family residence occupied by the Petitioners Homeowners' family with its west property line frontage along the well-traveled and major arterial South County Line Road. The Subject Property's south side yard has frontage on Longwood Drive the cul-de-sac street serving the residential subdivision. The variations to allow for the installation of a residential fence along the west property line of the Subject Property along the single-family residence's frontage along South County Line Road and the installation of an entry gate at the private driveway onto South County Line Road ensure the safety and security for Petitioners Homeowners' family and two small children and serve as a privacy buffer along South County Line Road. Similarly, given the residence is west facing, the variation allowing for the installation of a balcony in the south side yard and adjacent to the single-family residence ensures full benefit of the use of the side yard, Petitioners' single-family residence and the Subject Property. Due to the west facing positioning of the residence on the property, the south side yard facing Longwood Drive is the largest open space on the Subject Property with the open space needed and to be used as yard and play area for the Petitioners' minor children, ages 4 and 2. The installation of the adjacent outdoor balcony with secured access increases safety and security for the Petitioners' and their children by providing ready access and supervision of the open space. The variations sought by Petitioners are in keeping with the established character and amenities common to other existing single-family residences including adjacent properties in the immediate area to the Subject Property.

b. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located.

The variations sought by Petitioners would allow for amenities in keeping and in concert with similar single-family homes already existing in the established nine home residential subdivision.

Fencing, gates and a balcony, specifically, are existing within and common to single-family residences and residential developments throughout the Village of Burr Ridge. Petitioners' access to and use of the largest open space portion of a Subject Property provides them the reasonable return intended in the home design and the residence's orientation on the lot. Petitioners look to the Village to grant the requested variations to allow Petitioners' full right of use, enjoyment and utility of Petitioners' home and of the Subject Property as other residents of the Village of Burr Ridge enjoy.

c. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

The Subject Property is unique to other single-family homes within the subdivision because of its lot orientation being west facing with its west property line frontage along the well-traveled and major arterial South County Line Road and its south side yard adjacent to Longwood Drive. Several Burr Ridge residential properties on South County Line Road have gates and properties north of the Subject Property, including the immediately adjacent property, currently have gates along South County Line Road. The gate access significantly increases the security and safety of the residence, the Petitioners and their children considering the significant traffic on South County Line and Plainfield Road and the proximity of the Subject Property to Interstate 55. The front yard per the zoning ordinance is the yard facing Longwood Drive even though the front of the house faces west.

d. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The variations sought by Petitioners for the installation of a fence, driveway gate and balcony are to increase the Petitioners' safety and security of Petitioners' use and enjoyment of the home and the Subject Property, amenities common to single-family residences and residential developments in the Village. Additionally, the variations for the fence and driveway gate are requested and necessary to mitigate the impacts to the private residence's immediate proximity to the well-traveled and major arterial South County Line Road.

e. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property.

Fencing, gates and balconies are amenities common to single-family residences and residential developments in the Village of Burr Ridge but are not currently present on the Subject Property nor were they present when Petitioners purchased the residence. Petitioners moved back to Burr Ridge with the intent to raise their family in the community where he was raised. The granting of

the variances to allow for the fence, driveway gate and balcony enables the Petitioners to enjoy the Subject Property and benefits the neighborhood as well as providing safety and security for Petitioners' young children.

f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The variations sought by Petitioners for the installation of a fence, driveway gate and balcony are specific to the Petitioners' residence and therefore the resulting improvements are not detrimental to the public welfare nor will they have any direct or indirect affect to adjoining properties or the other single-family residences and properties in the residential subdivision. Specifically, the location of the proposed balcony is in the largest open space on the Subject Property and will be constructed well within the building line as noted on the survey included with and made part of this Narrative Statement.

g. The granting of the variation will not alter the essential character of the neighborhood or locality.

The installation of a fence, driveway gate and balcony, while specific to the Petitioners' residence, will enhance essential character of the established nine home residential subdivision. The variations requested by the Petitioners and the resulting addition of the fence, driveway gate and balcony are common to single-family residences and residential developments in the Village of Burr Ridge, generally, and will not alter the character of the neighborhood.

h. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The variations sought by Petitioners for the installation of a fence, driveway gate and balcony are of such size and nature so as to not impair the supply of light and air to adjacent properties, or increase the congestion of the adjacent South County Line Road or Longwood Drive, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. Rather, the variations and the companion improvements and amenities of fencing, a driveway gate and a balcony will increase the enjoyment and utility of the Subject Property and maintain or enhance the property values within the established nine home residential subdivision. Additionally, the proposed gate will be automated both by remote and secured text message for efficiency of use and its location on the residence's driveway will allow for cuing of more than one vehicle from South County Line Road.

i. The proposed variation is consistent with the official Comprehensive Plan of the Village of Burr Ridge and other development codes of the Village.

The variations sought by Petitioners are in keeping with the recognized, established character common to single-family residences and residential developments in the Village of Burr Ridge, generally, and are in keeping with the established character and amenities common to the other existing single-family homes within the subdivision and the residential properties in the immediate area to the Subject Property, specifically. Petitioners moving back to Burr Ridge to raise their family demonstrates their belief in Burr Ridge being "A Very Special Place" as they support the development and improvement of their Burr Ridge community.

As part of Petitioners' Narrative Statement and Petition Petitioners have attached photographs of the gate and fence they intend to erect along South County Line Road as shown on their survey. The Petitioners' balcony will be approximately two (2) feet off the ground to accommodate the door from their home at that location. The balcony will be 12 feet by 32 feet as depicted on the survey and be made of a Trex composite material with railings and balusters painted to match the house. The base of the balcony will have stone posts to match the house.

To the Village of Burr Ridge City Council Members:

In anticipation of our City Council meeting this month we wanted to share with you some reference photos and key points we would like to emphasize.

We seek to put a fence in our yard and a gate on our driveway, at our property line. We found a gate that is in a similar and appropriate style that complements the neighbors' existing gates as people drive down County Line. It should be noted that between I-55 and 60th street, County Line Road has only nine single family homes with driveways that face the street. Of those nine homes, seven have gates. There are other homes in the area but they are in subdivisions and protected by a fence, gated security or other barrier. I'm attaching several photos of the northbound and southbound view from our entrance, our neighbor's gates along County Line Rd, the Burr Ridge Club fence across the street from us and a new home under construction on County Line. As you can see, the gates and fences are in line with one another, and we seek to put a gate similar in style as well. We want to place it on our property, which is still further back than our neighbors and that is okay with us.

1. Our primary reason for needing a gate is the safety and security of our family, specifically our young children. Our daughter Zahra is 5 and is getting an individualized education plan (IEP) at Elm due to several concerning behaviors, the most relevant being she doesn't stop or respond to her name when called, even in dangerous situations such as traffic. Unlike our neighbors, we are on a uniquely situated lot with exposure on both County Line and Longwood drive, which puts us in a difficult position to secure our home and property. The orientation of the house on our lot is such that the majority of enjoyable space is the area between the front of the house and County Line and the side facing Longwood. Our children play in the yard and ride bikes in the driveway. However, due to them being so young and County Line being so busy, monitoring them for safety (especially Zahra) so they don't cross into the road is challenging and unduly burdensome. We want our kids to play safely on our property and gate is the primary way of creating an appropriate safety barrier. The inability to create a safe play environment is a hardship for our family. On Wednesday, October 11th, Rehan's father, a 75 year old man wanted to play with our kids outside. While they were outside, one of our kids took off down the driveway and while he was in good physical shape, could not keep up or stop our child from getting to the road. This represents the very real risk that we face each day. Even under good circumstances, it can be impossible to stop a child on a bike on short notice.

2. There is a property similarly situated as ours in orientation located 6116 S County Line. Its lot is half the size of ours and yet it has two gates, one on County Line and one on Woodgate Drive. Previous owners requested and received a variance approval for the gate/fence, meaning previous planning commissions and city council understood the hardship and agreed a gate and fence was acceptable. This is a key example of how our property needs are nearly identical and are appropriate precedent for us.

3. The traffic on County Line is extremely fast and busy at all hours. People will pull into our long driveway to turn around because it has the unsecured driveway and space to do so. Because the surrounding homes and subdivisions have gates we have become the most vulnerable lot and first window of opportunity for people to enter. In addition, rising crime, and car theft has risen dramatically over the last couple of years. Having such an exposed property makes us a very easy target because we are the most accessible.

4. While we did install a security system, the high traffic on County Line triggers the video alerts and maxes out our recordings in the three days of each month. Meaning, even with our existing security system, we can't properly monitor the entrance area because the volume of traffic is so high. A gate is the only certain method of ensuring that our kids are protected from accidentally going into the street and preventing unwanted people from driving onto our property.

5. We have adamant support from our neighbors in this matter and I have a signed document from them affirming their support for our request.

6. There is a house under construction on S County Line Rd, just north of Plainfield Rd. They have a circular driveway that enters/exits onto County Line. If they were to apply for a variance for a gate they would also need to apply for a variance regarding the setback. Based on the right of way and 30ft rule previously discussed at planning commission meetings, their gate would be nearly at the front door. This serves as an example of why people apply for such variances, particularly the road north of I-55 on County Line Rd. Our needs in this area are distinctly unique from the vast majority of Burr Ridge.

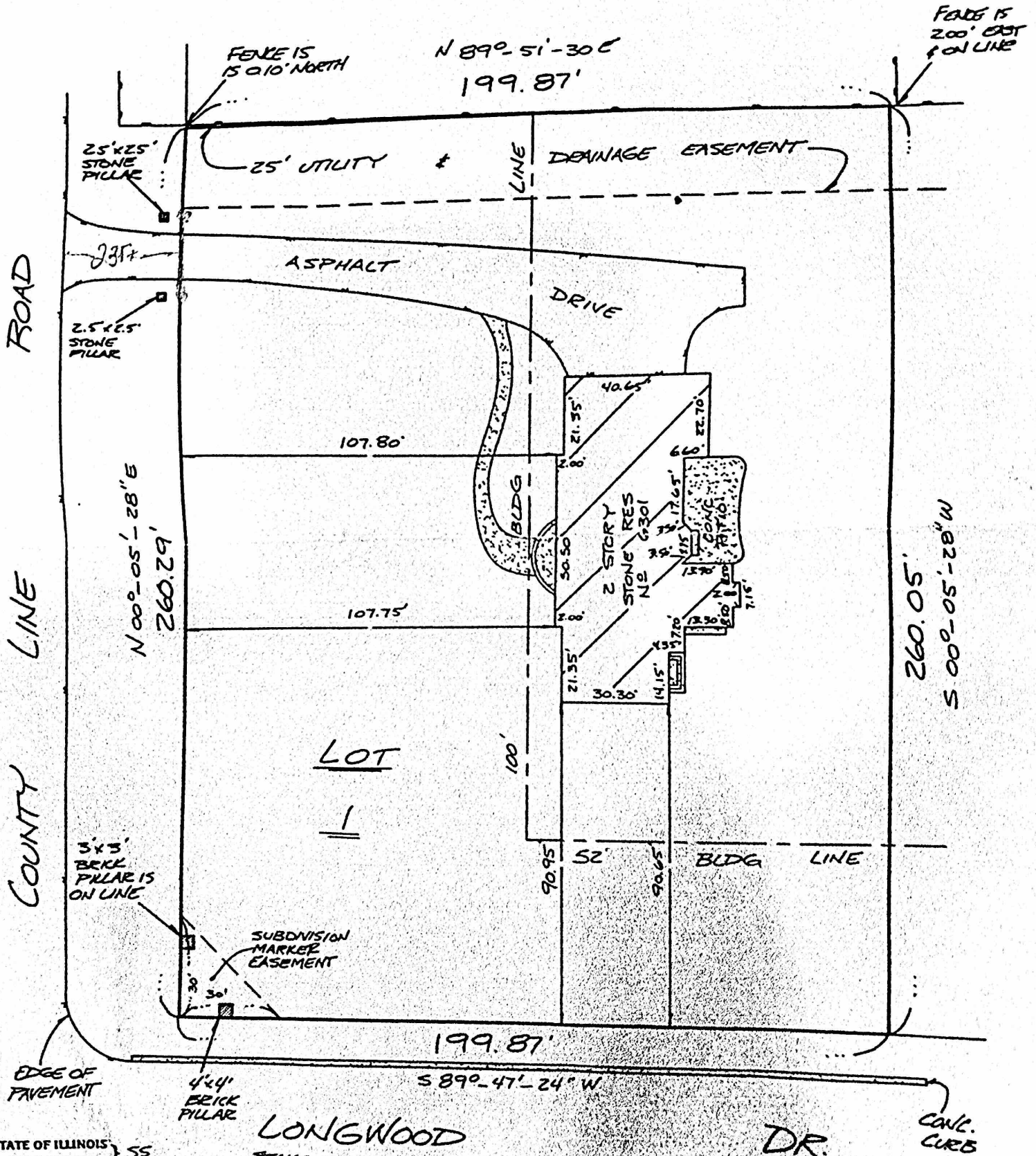
We thank you in advance for taking the time to review these materials and we look forward to meeting you all in person.

Thank you,
Haley and Rehan Zaffar



PLAT OF SURVEY

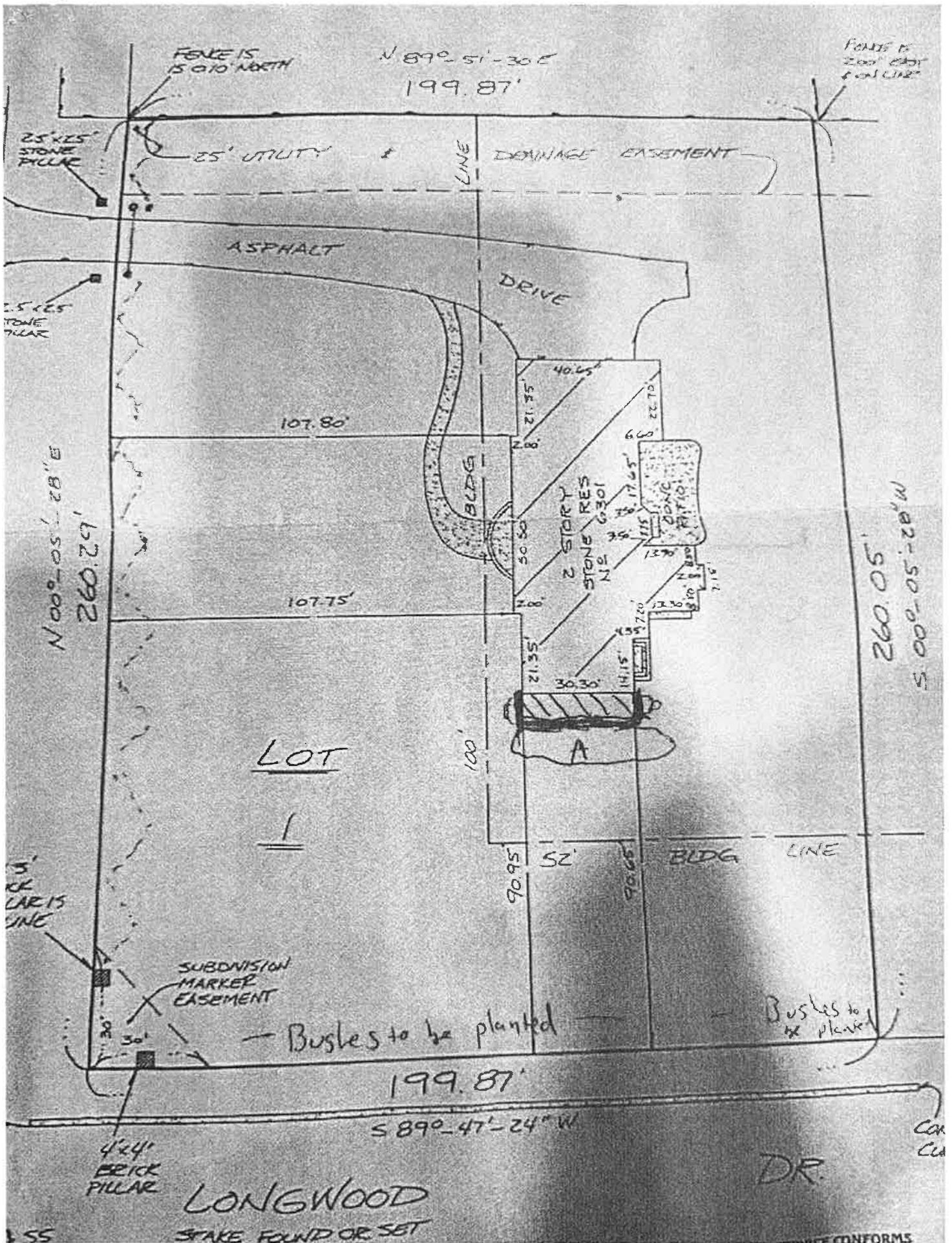
LOT 1 IN MACDIARMID AND PALUMBO'S "LONGWOOD", BEING A RESUBDIVISION OF LOT 3 IN EASTVIEW ACRES SUBDIVISION OF SECTION 18, AND LOT 1 IN VICKERY'S MAYBROOK ACRES IN SECTION 19, TOGETHER WITH VACATED 63RD STREET ADJACENT TO SAID LOTS, IN TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.




STATE OF ILLINOIS } SS
 COUNTY OF WILL


WE, ARS SURVEYING SERVICE LLC, AN ILLINOIS PROFESSIONAL DESIGN FIRM, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY, AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.


5TH 11/11/11

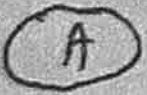



Key:

 = Gate

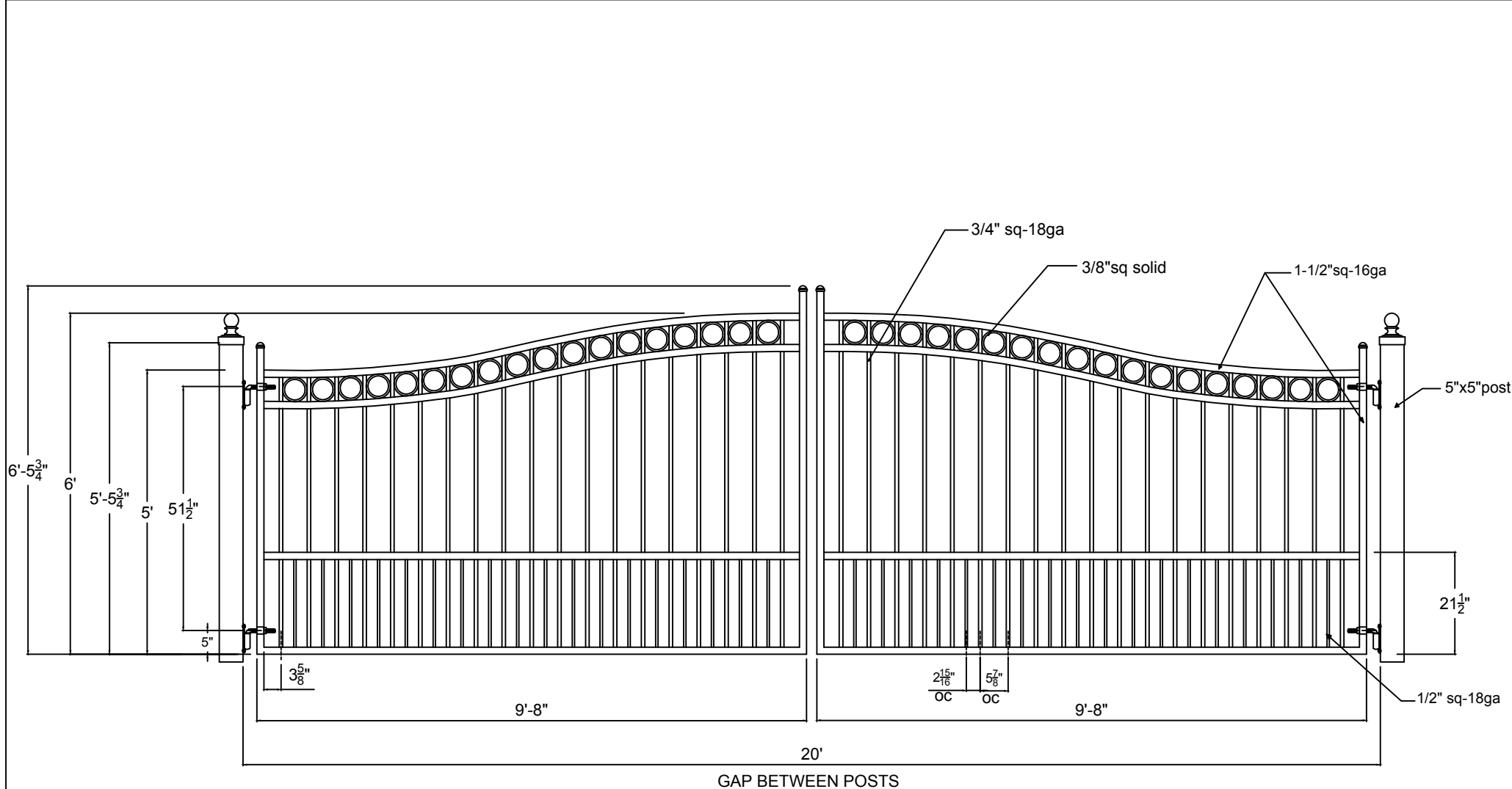
 = Fence

 = 10'-12' x 30'-32' deck

 = Shade tolerant
Hydrangea shrubs

 = Stairs





AMAZING GATES



SONO-BP-20

SONOMA BI-PARTING SWING DRIVE GATE 20' GAP WIDTH X 6'- 5-3/4"HIGH

P.O. No.	Customer Phone	Customer E-mail	
	630-202-6965	reyzaffar@gmail.com	
Item	Description	Qty	
AGAFAB-HYD...	CUSTOM HYDE PARK BI-PARTING DRIVEWAY GATE; OPENING BETWEEN POSTS 20' WIDE X 5'6" HIGH WITH BLACK POWDER COAT FINISH - SMOOTH TOP NO SPEAR POINTS	1	
HDW-DH-DRV...	DRIVE GATE JBOLT HINGES WITH MOUNTING PLATE (PAIR)	2	
DH-POST-5" H...	5" X 5" X 8'2" HINGE POST FOR DRIVE GATES - GALVANIZED, PC BLACK	2	
DH-CAP-BALL...	BALL CAP FOR 5" POST	2	
GM-AG900HD...	AMAZING GATES AG-900HD DUAL GATE OPERATOR WITH METAL CONTROL BOX, ON-OFF SWITCH, 2 WARNING SIGNS, RADIO RECEIVER AND 2 TRANSMITTERS	1	
DISCOUNT - S...	OCTOBER DISCOUNT		
GM-KEYPAD...	GATEMASTER WIRELESS 2 CHANNEL	1	

View from our home 6301
Northbound



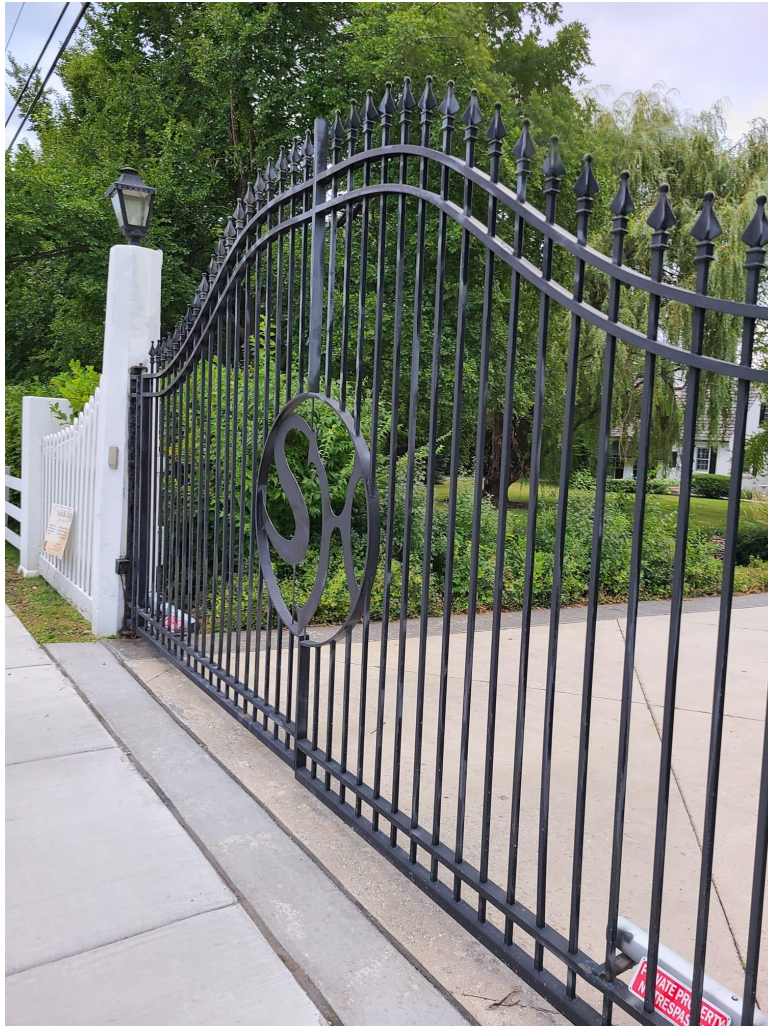
Southbound



Burr Ridge Club Fence across the street from us



6191 County Line neighbor immediately to the north of us



6161 County Line - neighbor two doors to the north of us



6116 County Line #1 -Similarly situated house- granted variance with two gates, one for each street of exposure



6161 County Line gate #2



New Construction on County Line south of our home and north of Plainfield Rd





Zaffar

6301 S County Line Rd

Revised gate and fence design slides to be used for discussion during the next meeting.

Fence
material

5' height
No
impalers



Existing neighbor
6116 S County Line
Rd (two identical
gates)

Over 7' base height



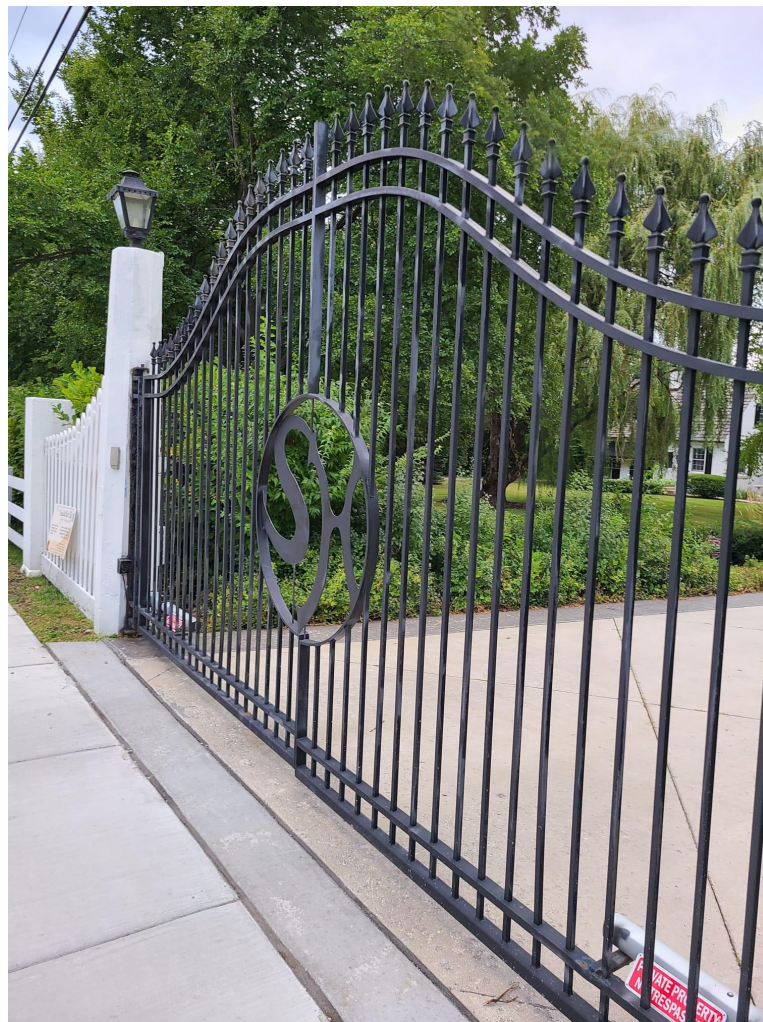
6116 S County Line Rd
Wrought iron fence with
entangled hedges



Neighbor #2
Fence



Neighbor #2 gate
Over 8' base height, 9-10' at
center



Neighbor's fencing
adjacent to new sidewalk
in the right of way

Our goal: have a similarly
situated barrier for
continuity.



6301 S County Line (our property)
View of right of way as of 9/7/2023

Removed dead or dying trees that
was a clear eyesore to all who
passed by.



Existing exposure
to our yard from
County Line Rd.



Existing exposure to
our yard from County
Line Rd.



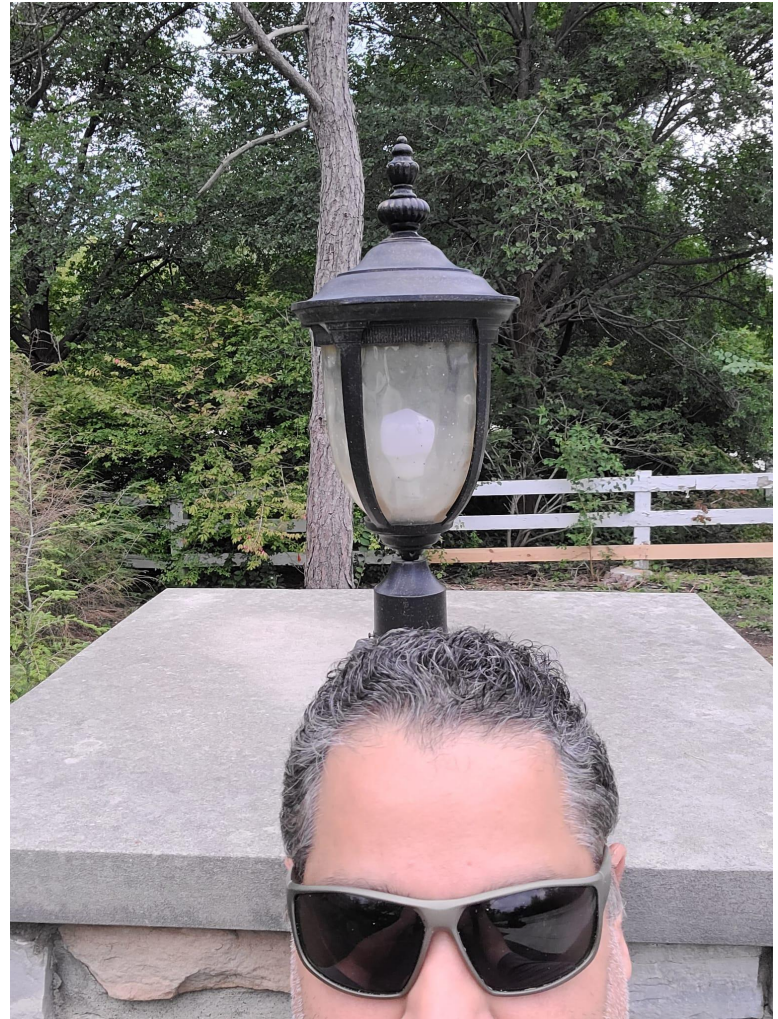
Existing exposure to
our yard from County
Line Rd.



Existing exposure to
our yard from County
Line Rd.



Current stone pillar height: 7'



Original
proposed
fencing setback

23' feet from
County Line Rd



Original proposed setback
23' feet from County Line Rd



23' from road

30' from road

35' from road



30' from "easement"



View of
relative gate
locations
compared to
adjacent
properties.



The variation for the gate setback
was unanimously denied 7/17. - JF

Number of single family homes on County Line Rd between Woodgate (6200 County Line Rd) and 55: 9

(All other properties are located in a subdivision and have their own subdivision fences)

6116: Gate, fence

6161: Gate, hedge

6191: gate, fence

6301: (our property)

6333: n/a

6330: gate, new trees

6503: gate, trees

6545: gate, fence

6547: gate, fence

Percentage of homes with gates north of I-55 on County Line Rd: 78%



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

Consent to Install Public Notice Sign

The owner of the property referenced below, or an authorized representative of the owner, which is the subject of a public hearing before the Village of Burr Ridge Plan Commission or Zoning Board of Appeals, hereby consents to allow the Village of Burr Ridge to install a public notice sign on the aforesaid property. The public notice sign will be erected 15 to 30 days prior to the public hearing and will remain on the property until it is removed by the Village of Burr Ridge subsequent to a final dispensation of petition request.

Street Address of Subject Property:

6301 South County Line Road, Burr Ridge IL

Property Owner or Petitioner:

Rey Zaffar and Haley Zaffar

(Print Name)

X Haley Zaffar Rey Zaffar
(Signature)

Jun 27, 2023 at 12:47:13 PM
1-5 Longwood Dr
Burr Ridge IL 60527
United States



Jun 27, 2023 at 12:48:37 PM
6301 S County Line Rd
Burr Ridge IL 60527
United States





LEGAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission and Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, will conduct the following Public Hearing beginning at 7:00 p.m. on **Monday, July 17, 2023**, at **Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527**.

PURPOSE OF HEARING

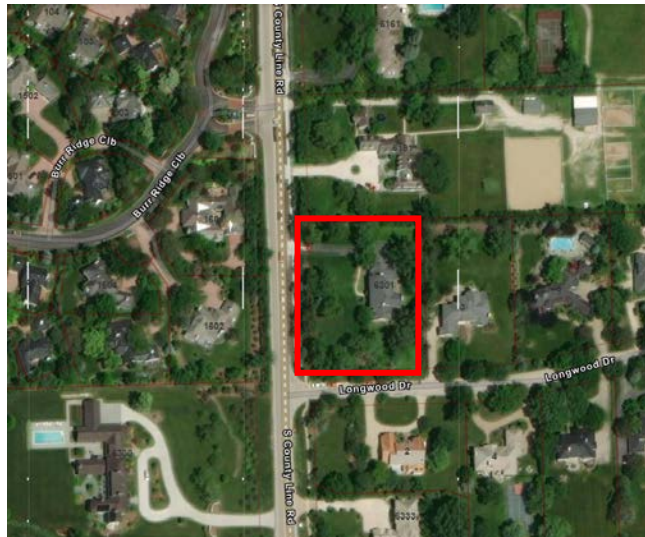
The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider requests by Rey and Haley Zaffar for four (4) variations from Zoning Ordinance Section IV.I to permit a deck in the front yard, a driveway gate on a parcel less than two acres in lot area, a driveway gate exceeding 6 ft. in height, and a driveway gate within the minimum 30 ft. corner side yard setback; and a variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback. ***The petitioner seeks to build a driveway gate and fence along County Line Rd. and build a deck on the south side of the property.*** The petition number and address of this petition is **V-01-2023: 6301 S. County Line Rd.** and the Permanent Real Estate Index Number is **18-18-307-001-0000**.

Public comment may be provided by individuals who physically attend the meeting at 7660 County Line Road, Burr Ridge, Illinois, 60527. All written public comment wishing to appear in the Plan Commission report shall be provided no later than Tuesday, July 11, 2023. All public comment may be emailed to Community Development Director Janine Farrell (jfarrell@burr-ridge.gov) or mailed to Ms. Farrell's attention at the address above. The Plan Commission/Zoning Board of Appeals reserves the right to continue said hearings from time to time as may be required without further notice, except as may be required by the Illinois Open Meetings Act.

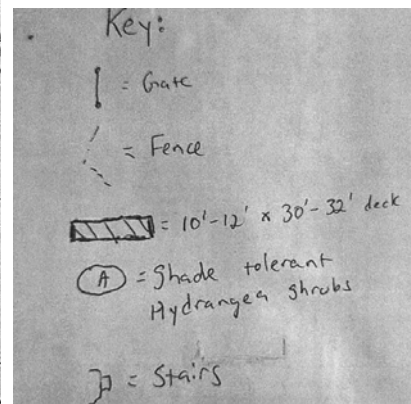
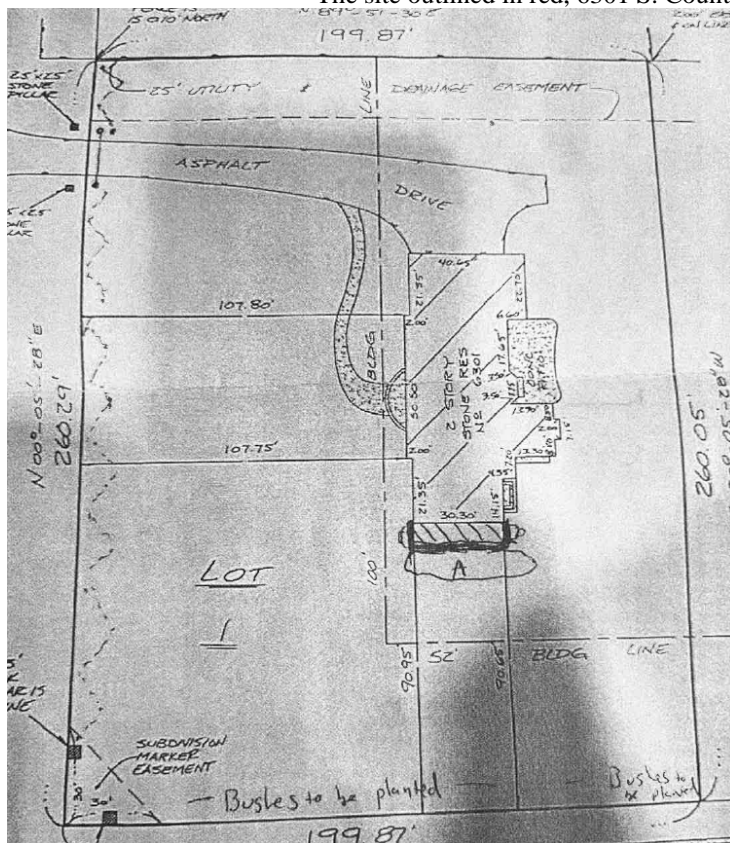
BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

Greg Trzupek, Chairman

MEMBERS: GREG TRUZPEK, MIKE STRATIS, JIM BROLINE, BARRY IRWIN, JOSEPH PETRICH, ENZA PARRELLA, RICHARD MORTON, AND DEANNA MCCOLLIAN.



The site outlined in red, 6301 S. County Line Rd.



Proposed site plan illustrating the location of the gate and fence along County Line Rd. and the deck on the south side of the property.

Additional information is posted on the Village's website in the link below:

https://www.burr-ridge.gov/government/boards_committees_commissions/plan_commissions_zoning_board_of_appeals/index.php

Burr Ridge homepage – Government – Boards, Committees, and Commissions – Plan Commission & Zoning Board of Appeals – Upcoming Public Hearing Petitions

The July 17, 2023 Plan Commission meeting agenda packet will be posted the Thursday before the meeting and will be available on the website here:

https://www.burr-ridge.gov/government/boards_committees_commissions/plan_commissions_zoning_board_of_appeals/agendas_minutes.php

Burr Ridge homepage – Government – Agendas & Minutes – Plan Commission & Zoning Board of Appeals

304 BURR RIDGE CLUB DRIVE
304 BURR RIDGE CLB
BURR RIDGE, IL 60527

ARISTOTLE HALIKIAS
2221 CAMDEN CT #200
OAK BROOK, IL 60523

AUVEEK BASU
9 LONGWOOD DR
BURR RIDGE, IL 60527

BENISH, ELLEN
301 BURR RIDGE CLUB
BURR RIDGE, IL 60527

BIRCK, CHRISTOPHER & C
1564 MARQUETTE AVE
NAPERVILLE, IL 60565

BOSSY, DEBORAH J
1103 BURR RIDGE CLUB
BURR RIDGE, IL 60527

BRENNAN, JOHN L
1601 BURR RIDGE CLB
BURR RIDGE, IL 60527

Burr Ridge Club HOA
c/o Dennis Regan
501 Burr Ridge Club Drive
BURR RIDGE, IL 60527

Burr Ridge Meadows HOA
c/o Richard K. Morley
69 Tomlin Circle
BURR RIDGE, IL 60527

CABERNET COURT SUB HOA c/o
MARINA GOMOPOULUS
77 CABERNET CT
BURR RIDGE, IL 60527

CANTIN, PAULINE A
86 S CABERNET CT
BURR RIDGE, IL 60527

CATALANO, CHRIS & MARY
1602 BURR RIDGE CLUB
BURR RIDGE, IL 60527

CHICAGO TITLE 8002388242
202 BURR RIDGE CLUB
BURR RIDGE, IL 60527

CHRIS RIMBOS
6402 PINECREST DR
BURR RIDGE, IL 60527

CHUNG WU
2 LONGWOOD DR
BURR RIDGE, IL 60527

CIMALA, R & E MCLAUGHLIN
1501 BURR RIDGE CLUB
BURR RIDGE, IL 60527

CONNOR, DAVID & CHRISTINE
89 S CABERNET CT
BURR RIDGE, IL 60527

COX, JOHN L & MARY JO
1207 BURR RIDGE CLUB
BURR RIDGE, IL 60527

DAVID SCHMIEGE
117 TOMLIN CR
BURR RIDGE, IL 60527

DELANEY, MICHAEL M
1502 BURR RIDGE CLB
BURR RIDGE, IL 60527

ESLER, CHARLES & MARTHA
1102 BURR RIDGE CLB
BURR RIDGE, IL 60527

FU, MEIMEI
1604 BURR RIDGE CLUB
BURR RIDGE, IL 60527

GARIBOTTI, JEANNEMARIE
1204 BURR RIDGE CLUB
BURR RIDGE, IL 60527

GIBBONS, MICHAEL & ERIN
6330 COUNTYLINE RD
BURR RIDGE, IL 60527

GOMOPOULOS, PETER & MARINA
77 S CABERNET CT
BURR RIDGE, IL 60527

GRAYHECK TR, NANCY
103 BURR RIDGE CLUB
BURR RIDGE, IL 60521

GREENSPON, STEVEN B
6307 S ELM ST
BURR RIDGE, IL 60527

GROOT, LAWRENCE A & DAWN
1232 ORANGE CT
MARCO ISLAND, FL 34145

HAASE, DALE & LESLYE
104 BURR RIDGE CLUB
BURR RIDGE, IL 60521

HANNA & GLORIA WAKIM
6333 S COUNTY LINE RD
BURR RIDGE, IL 60527

HARDEK, ANN MARIE TR
105 BURR RIDGE CLUB
BURR RIDGE, IL 60521

HAYES JR TR, JAMES D
68 S CABERNET CT
BURR RIDGE, IL 60527

HIGGINS, SARAH
1206 BURR RIDGE DR
BURR RIDGE, IL 60527

HILL, GENE R TRUST
111 W MONROE ST
APT. 12 W
CHICAGO, IL 60603

IA Y SABA TRUST AGREEM
PO BOX 7075
VILLA PARK, IL 60181

INTER CONTL BURR RIDGE
2221 CAMDEN CT #200
OAK BROOK, IL 60523

JACQUELINE LAASE PARRI
6191 S COUNTY LINE RD
BURR RIDGE, IL 60527

JOHN GILMORE
8 LONGWOOD DR
BURR RIDGE, IL 60527

JOHN L PIETRZAK
7 LONGWOOD DR
BURR RIDGE, IL 60527

JOHNSTON, JULIE N
1405 BURR RIDGE CLB
BURR RIDGE, IL 60527

JOSEPH & MARY MULLEN
101 TOMLIN CIRCLE
BURR RIDGE, IL 60527

KALBER, BETTY TR
302 BURR RIDGE CLUB
BURR RIDGE, IL 60521

KASSAR, AMER
41 S CABERNET CT
BURR RIDGE, IL 60527

KEVIN CAPLIS
125 TOMLIN CIRCLE
BURR RIDGE, IL 60527

KING BRUWAERT WOODS HOA
6101 S COUNTY LINE RD
BURR RIDGE, IL 60527

LEMBO, MICHAEL & REBECCA
1203 BURR RIDGE CLB
BURR RIDGE, IL 60527

LIND, DAVID R
1402 BURR RIDGE CLUB
BURR RIDGE, IL 60527

LINDA G MEEHAN
6401 COUNTY LINE RD
BURR RIDGE, IL 60527

LINN, GORDON & JUDITH
1503 BURR RIDGE CLB
BURR RIDGE, IL 60527

LIU, CHUANBO & XIAOLIAN
6 WOODGATE DR
BURR RIDGE, IL 60527

LUKE MASSERY & ALICIA
109 TOMLIN CIR
BURR RIDGE, IL 60527

MACRIE, ROBERT & SARI
1404 BURR RIDGE CLB
BURR RIDGE, IL 60527

MALLOY, PATRICIA A
1205 BURR RIDGE CLUB
BURR RIDGE, IL 60527

MALONEY, EDWARD&ELIZABETH
102 BURR RIDGE CLUB
BURR RIDGE, IL 60527

MARIA M REDONDO
5 LONGWOOD DR
BURR RIDGE, IL 60527

MATTHEW WALSH
11820 PLAINFIELD RD
BURR RIDGE, IL 60527

MILLER, MARCIA L
101 BURR RIDGE CLUB
BURR RIDGE, IL 60521

MOTTL, GLEN J
6309 ELM ST
BURR RIDGE, IL 60521

NATHAN BROWN
4 LONGWOOD DR
BURR RIDGE, IL 60527

NORTHERN TRUST
50 S LASALLE ST
APT. FL 3RD
CHICAGO, IL 60603

PATRICIA HALIKIAS
2221 CAMDEN CT #200
OAK BROOK, IL 60523

PAUL NAFFAH
6161 COUNTY LINE RD
BURR RIDGE, IL 60527

REGAN, JEAN H
321 S ELM ST
HINSDALE, IL 60521

ROUMEN GUEORGUIEV
6 LONGWOOD DR
BURR RIDGE, IL 60527

RYAN, JUDITH C
1101 BURR RIDGE CLUB
BURR RIDGE, IL 60521

S & K KOULERMOS
85 TOMLIN CIR
BURR RIDGE, IL 60527

SAMAD, MARWAN
6116 COUNTY LINE RD
BURR RIDGE, IL 60527

SINGER, CANDACE S
701 BURR RIDGE CLUB
BURR RIDGE, IL 60527

SMOTHERS, BRUCE
1202 BURR RIDGE CLUB
BURR RIDGE, IL 60521

STEFAN, J WILLIAM
201 BURR RIDGE CLUB
BURR RIDGE, IL 60527

STEINBARTH, RALPH H
1401 BURR RIDGE CLUB
HINSDALE, IL 60521

STOUT, ANN T
203 BURR RIDGE CLB
BURR RIDGE, IL 60527

RESIDENT
6181 COUNTY LINE RD
BURR RIDGE, IL

THOMAS K MEEHAN
6401 S COUNTY LINE RD
BURR RIDGE, IL 60527

VAN VLYMEN, DOUGLAS & C
1106 BURR RIDGE CLUB
BURR RIDGE, IL 60527

WATKA TR, LYNNE
441 N MAIDEN
LAGRANGE PARK, IL 60526

WILLIAM E GERWING
3 LONGWOOD DR
BURR RIDGE, IL 60527

WITZ, WILLIAM
1403 BURR RIDGE CLB
BURR RIDGE, IL 60527

WM J & MARY R KING
93 TOMLIN CR
BURR RIDGE, IL 60527

EXHIBIT B

ORDINANCE NO. A-454-4-84

AN ORDINANCE GRANTING VARIATION (DOLEMBA)

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Village of Burr Ridge seeking a variation for certain real estate all as more fully described below; and

WHEREAS, the Zoning Board of Appeals of this Village held a public hearing on the question of granting said variation on September 4, 1984, at the Village offices of this Village, at which hearing all persons present were given an opportunity to be heard; and

WHEREAS, public notice of said hearing was published not more than 30 nor less than 15 days before said hearing in the Hinsdale Doings, a newspaper of general circulation in this Village, no newspaper being published in said Village, all as required by law;

NOW, THEREFORE, Be it Ordained by the President and Board of Trustees of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, as follows:

Section 1: That the Zoning Board of Appeals has made its report and findings and recommendations and such are adopted by reference as findings of this Board of Trustees as fully as if completely set forth at length herein. All exhibits submitted at the aforesaid public hearing are also incorporated by reference.

Section 2: That this Board of Trustees, after considering the report and recommendations of the Zoning Board of Appeals and other matters properly before it, find, in addition to the findings set forth in Section 1 hereof, as follows:

a. That the property is commonly known as 6116 County

Line Road, Burr Ridge, Illinois, 60521.

b. That the variation if granted would not alter the essential character of the locality nor deteriorate property values; similar type fences are already located in the same general vicinity on County Line Road.

c. That the plight of the owner is due to unique circumstances due to its location on the corner of County Line Road and Woodgate Drive and the increased vehicle traffic caused therefrom requiring fencing.

d. That the conditions upon which the petition for variation is based would not be applicable generally to the other property within the same zoning district.

e. That adherence to the strict letter of the applicable zoning regulation would impose a hardship upon the owner of the subject real estate due to owner's elderly mother-in-law's need of protection from vehicles using the owner's driveway to cut through his corner lot. The owner's mother-in-law lives with owner and often walks in the yard.

f. That the property cannot yield a reasonable return if the variation is not granted because of the problems caused by vehicles and dogs going through the property.

g. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, and will enhance the other neighboring properties in that the materials chosen for the fence to be constructed will enhance the appearance of the property.

h. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Section 3: That a variation for the following described real estate:

Lot 1 in WOODGATE OF BURR RIDGE, being a Subdivision of part of the East 1/2 of the Southeast 1/4 of Section 13, Township 38 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded December 5, 1972, as Document No. R72-74255, in DuPage County, Illinois.

Said property is commonly referred to as 6116 County Line Road, Burr Ridge, Illinois.

be and is hereby granted from the requirements of Section IV-I-10 of the Burr Ridge Zoning Ordinance, to permit construction of an open fence six feet in height with gate centers graduating to seven feet rather than the required five feet maximum height of an open fence.

Section 4: That the grant of this variation be and is hereby conditioned upon the owner's commitment to complete said fence within 60 days from the time of the issuance of the building permit for the fence, and that construction thereof shall be done by a professional fence company.

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as

required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 24th day of September, 1984, by the following roll call vote:

AYES: 6 - Trustees Blahnik, Zucek, Murray, Polaski, Ahlgren & Irmen

NAYS: 0 - None

ABSENT: 0 - None

APPROVED this 24th day of September, 1984, by the President of the Village of Burr Ridge.


Village President

ATTEST:


Village Clerk

ORDINANCE NO. A-454-16-93

AN ORDINANCE GRANTING VARIATIONS
(SCHMIDT - 6401 COUNTY LINE ROAD)

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, seeking certain variations for certain real estate, all as more fully described below; and

WHEREAS, the Zoning Board of Appeals of this Village held a public hearing on the question of granting said variations on September 7, 1993, at the Village Hall of this Village, at which time all persons desiring to be hearing were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than 30 nor less than 15 days prior to said public hearing in the Burr Ridge Doings, a newspaper of general circulation in this Village, there being no newspaper published in this Village, all as required by law;

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois as follows:

Section 1: That the Zoning Board of Appeals has made its report, including its findings and recommendations, to this President and Board of Trustees, which report and findings are herein incorporated by reference as findings of this Board of Trustees. All exhibits submitted at the public hearing of the Zoning Board of Appeals are also incorporated by reference and adopted by this Board of Trustees.

Section 2: That this Board of Trustees, after considering the report and recommendations of the Zoning Board of Appeals and other matters properly before it, in addition to the findings set forth in Section 1 finds as follows:

- a. That the Petitioner for the variation for and Owner of the Subject Property located at 6401 County Line Road, Burr Ridge, Illinois, is John Schmidt (hereinafter "Petitioner"). The Petitioner requests the following variations for the Subject Property:
- i. a variation to permit a fence to be located forward of the rear wall of the principal building rather than behind the rear wall of the principal building as required by Section IV.I.4. of the Burr Ridge Zoning Ordinance;
 - ii. a variation to permit a fence to be located in the front and corner side yard abutting the west and south property lines (Plainfield and County Line Roads), rather than fences not extending nearer to the corner side lot line than the corner side yard line as required by Section IV.I.4. of the Burr Ridge Zoning Ordinance;
 - iii. a variation to permit a portion of the fence to be a six foot, solid cedar fence, rather than a five foot, fifty percent open fence as required by Section IV.I.4. of the Burr Ridge Zoning Ordinance; and
 - iv. a variation to permit a portion of the fence to include chain link, whereas Section IV.I.4 of the Burr Ridge Zoning Ordinance prohibits chain link fences.
- The requested variations would allow the property to remain protected from the increased elevations of Plainfield and County Line Roads.
- b. That the plight of the Petitioner is due to unique circumstances. The Subject Property is located at the intersection of Plainfield and County Line Roads, which intersection has been improved by the Cook County Highway Department. The improvements by the County Highway Department have raised the level of the highway to approximately 5 feet above the level of the Subject Property. This highway construction has also removed the vegetative screen previously located in the right-of-way which the Petitioner relied upon to screen the house from traffic. Further, the split rail and split rail and chain link fence have existed in a similar location for a number of years. The improvements to the rights-of-way required this existing fencing to be relocated further into the Petitioner's property.
- c. That the variation will not alter the essential character of the locality. Petitioner represented that there are other six foot solid fences within the surrounding neighborhood. Petitioner further noted that the fence will extend only four to four and one-half feet above the surface of the improved rights-of-way of Plainfield and County Line Roads and, therefore, will not have any impact upon the surrounding properties.

- d. That denial of the requested variation would be a hardship to the Petitioner since the vehicles on Plainfield and County Line Roads emit noxious odors which settle on the property. Also, Petitioner has lost certain of the privacy the Subject Property enjoyed; due to the elevation of the roadways and removal of the existing vegetation, motorists can look down onto the Subject Property. Also, Petitioner is subject to the intrusion of lights from vehicular traffic as well as dust and dirt created by the traffic.
- e. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located since the proposed fence will be approximately four to four and one-half feet above the grade of the roadways, thus negating any effect the fence may have on surrounding property owners.
- f. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood since this is a 5 acre property with the proposed fence to be located along the two property lines adjacent to public roadways.

Section 3: That the following variations be and are hereby granted:

1. a variation to permit a fence to be located forward of the rear wall of the principal building rather than behind the rear wall of the principal building as required by Section IV.I.4. of the Burr Ridge Zoning Ordinance;
2. a variation to permit a fence to be located in the front and corner side yard abutting the west and south property lines (Plainfield and County Line Roads), rather than fences not extending nearer to the corner side lot line than the corner side yard line as required by Section IV.I.4. of the Burr Ridge Zoning Ordinance;
3. a variation to permit a portion of the fence to be a six foot, solid cedar fence, rather than a five foot, fifty percent open fence as required by Section IV.I.4. of the Burr Ridge Zoning Ordinance; and
4. a variation to permit a portion of the fence to include chain link, whereas Section IV.I.4 of the Burr Ridge Zoning Ordinance prohibits chain link fences.

said subject real estate is legally described as follows:

LOT 2 IN VICKERY MAYBROOK ACRES, A SUBDIVISION OF THE
WEST 705 FEET OF THE NORTHWEST QUARTER OF SECTION 19,

FAS
09/23/93

TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL
MERIDIAN, LYING NORTH OF PLAINFIELD ROAD IN COOK COUNTY,
ILLINOIS.

Said property is commonly known as 6401 County Line Road,
Burr Ridge, Illinois (Schmidt property).

Section 4: That this Ordinance shall be in full force and
effect from and after its passage, approval and publication as
provided by law. The Village Clerk is hereby directed and ordered
to publish this Ordinance in pamphlet form.

PASSED this 27th day of September, 1993, by the
Corporate Authorities of the Village of Burr Ridge on a roll call
vote as follows:

AYES: 6 - Trustees Irmen, Santacaterina, Jacobs, McGirr, Cizek & Ringewald

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge on this
27th day of September, 1993.


Village President

ATTEST:


Village Clerk

PC\B:\ORD\SCHMIDT.VAR

ORDINANCE NO. A-834-07-13

AN ORDINANCE GRANTING A VARIATION FROM THE VILLAGE OF BURR RIDGE ZONING ORDINANCE FOR A DRIVEWAY IN THE REAR YARD AND ACROSS THE REAR LOT LINE OF A THROUGH LOT AND FOR A DRIVEWAY GATE IN A REAR YARD AND LESS THAN 30 FEET FROM THE REAR LOT LINE

(V-01-2013: 6545 County Line Road - Becker)

WHEREAS, an application for a variation from the Village of Burr Ridge Zoning Ordinance for certain real estate has been filed with the Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Zoning Board of Appeals of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Zoning Board of Appeals of this Village held a public hearing on the question of granting said zoning variation on March 18, 2013, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the Suburban Life, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Zoning Board of Appeals has made its report on the request for zoning variations, including its findings and recommendations, to this President and Board of Trustees; and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of the zoning variations indicated herein are in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Zoning Board of Appeals and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the variation for the property located at 6545 County Line Road, Burr Ridge, Illinois, is Bob and Betty Becker (hereinafter "Petitioners"). The Petitioners request a variation

from Section IV.G.2 of the Burr Ridge Zoning Ordinance to permit a driveway in the rear yard and across the rear lot line of a through lot (i.e. a driveway for access to Shady Lane) and a variation from Section IV.I.12 of the Zoning Ordinance to permit a residential driveway gate in a rear yard and less than 30 feet from the rear lot line.

- B. That the need for the driveway across the rear lot line is due to unique circumstances because the property consists of two consolidated lots and access to the rear of the lot would require the construction of a driveway exceeding 700 feet in length and cause the removal of a significant number of trees. The property is also unique in that the rear lot abuts a local street and not an arterial street.
- C. That the need for the driveway gate in a rear yard is due to unique circumstances because the area is secluded and security problems are likely to occur without a gate.
- D. That if the variations are not approved the petitioner would suffer a hardship because the value of the property would be significantly reduced due to the lack of secure access to the rear of the lot or due to the number of trees that would have to be removed for the driveway to be extended from County Line Road.

Section 3: That variations from Section IV.G.2 of the Burr Ridge Zoning Ordinance to permit a driveway in the rear yard and across the rear lot line of a through lot (i.e. a driveway for access to Shady Lane) and a variation from Section IV.I.12 of the Zoning Ordinance to permit a residential driveway gate in a rear yard and less than 30 feet from the rear lot line **are hereby granted** for the property commonly known as 6545 County Line Road and identified with the Permanent Real Estate Index

Number of 18-19-103-051.

Section 4: That the variation is subject to compliance with the submitted plans attached hereto as Exhibit A.

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 22nd day of April, 2013, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

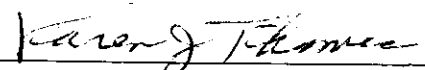
AYES:	4	-	Trustees Grela, Franzese, Paveza, Ruzak
NAYS:	0	-	None
ABSENT:	2	-	Trustees Wott, Manieri

APPROVED by the President of the Village of Burr Ridge on this 22nd day of April, 2013.



Acting Village President

ATTEST:



Village Clerk

ORDINANCE NO. A-834-25-13

AN ORDINANCE DENYING A FENCE VARIATION
FROM THE VILLAGE OF BURR RIDGE ZONING ORDINANCE

(Z-11-2013: 6501 County Line Road - Lindell)

WHEREAS, an application for a variation from the Village of Burr Ridge Zoning Ordinance for certain real estate has been filed with the Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Zoning Board of Appeals of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Zoning Board of Appeals of this Village held a public hearing on the question of granting said zoning variation on July 1 and August 19, 2013, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the Suburban Life, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Zoning Board of Appeals has made its report on the request for zoning

variations, including its findings and recommendations, to this President and Board of Trustees; and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of the zoning variations indicated herein are in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Zoning Board of Appeals and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the variation for the property located at 6501 County Line Road, Burr Ridge, Illinois, is Mr. Dennis Lindell (hereinafter "Petitioner"). The Petitioner requests a variation

from Section IV.J of the Burr Ridge Zoning Ordinance to permit the construction of a 5 foot tall fence in the front and the corner side yards of an existing residential property rather than the requirement that fences be located in the rear yard.

- B. That the petitioner failed to show any conditions to the property that would create a hardship and prevent the reasonable use of the property without the variation.
- C. That the property has and may continue to be used in a manner consistent with other residential properties in the neighborhood and throughout the Village. Relief from the Zoning Ordinance is not necessary for the property to yield a reasonable return to the property owner.

Section 3: That a variation from Section IV.J of the Burr Ridge Zoning Ordinance to permit the construction of a 5 foot tall fence in the front and the corner side yards of an existing residential property rather than the requirement that fences be located in the rear yard ***is hereby denied*** for the property commonly known as 6501 County Line Road and identified with the Permanent Real Estate Index Numbers of 18-19-103-076 and 18-19-103-077.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.


PASSED this 9th day of September, 2013, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 6 - Trustees Bolos, Ruzak, Franzese,
Paveza, Grasso, Manieri

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge on this 9th day of September, 2013.



Village President

ATTEST:



Village Clerk

ORDINANCE NO. A-834-26-13

AN ORDINANCE DENYING AN AMENDMENT TO THE VILLAGE OF BURR RIDGE
ZONING ORDINANCE REGARDING FRONT YARD FENCES

(Z-11-2013: 6501 County Line Road - Lindell)

WHEREAS, an application for an amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held a public hearing on the question of granting said zoning amendment on July 1 and August 19, 2013, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the Suburban Life, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a zoning amendment, including its findings and recommendations, to this President and Board of Trustees; and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of the zoning variations indicated herein are in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the amendment is Mr. Dennis Lindell (hereinafter "Petitioner"). The Petitioner requests an amendment to Section IV.J of the Burr Ridge Zoning Ordinance to allow fences within the front and corner side yards on residential properties exceeding 2 acres and with frontage on two arterial streets.
- B. That the amendment is not consistent with the intent and purpose of the Zoning Ordinance.

Section 3: That an amendment to Section IV.J of the Burr Ridge Zoning Ordinance to allow fences within the front and

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

AYES:	6	-	Trustees Bolos, Ruzak, Franzese, Paveza, Grasso, Manieri
NAYS:	0	-	None
ABSENT:	0	-	None

Myrtle Strahl
Village President

Kara J. Thomas
Village Clerk

ORDINANCE NO. A-834-33-11

AN ORDINANCE GRANTING A VARIATION
FROM THE VILLAGE OF BURR RIDGE ZONING ORDINANCE TO
PERMIT A SALT PROTECTION FENCE/BARRIER IN A FRONT YARD

(V-05-2011: 6545 County Line Road - Becker)

WHEREAS, an application for a variation from the Village of Burr Ridge Zoning Ordinance for certain real estate has been filed with the Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Zoning Board of Appeals of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Zoning Board of Appeals of this Village held a public hearing on the question of granting said zoning variation on November 17, 2011 at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the Suburban Life, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Zoning Board of Appeals has made its report on the request for zoning variations, including its findings and recommendations, to this President and

Board of Trustees; and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of the zoning variations indicated herein are in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Zoning Board of Appeals and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the variation for the property located at 6545 County Line Road, Burr Ridge, Illinois, are Mr. and Mrs. Robert and Betty Becker (hereinafter "Petitioners"). The Petitioners request a variation from Section IV.J of the Burr Ridge Zoning Ordinance to permit a temporary fence in the front yard of a residential property for the purpose of winter time salt protection.
- B. That the plight of the owners is due to unique circumstances because of the location of the property on the heavily traveled five lane portion of County Line Road and its proximity to the intersection of County

Line Road and Plainfield Road. This location results in a large amount of salt spray onto the property.

- C. That because of the location of the property on this section of County Line Road, there is a particular hardship to the owners. The petitioner presented documentation at the hearing indicating substantial salt damage to the front yard landscaping as a result of the salt spray from County Line Road.
- D. That the variation will not alter the essential character of the locality because the petitioner has designed the fence using high quality materials and in a color that will be the least obtrusive.

Section 3: That a variation from Section IV.J of the Burr Ridge Zoning Ordinance to permit a temporary fence in the front yard of a residential property for the purpose of winter time salt protection ***is hereby granted*** for the property commonly known as 6545 County Line Road and with the Permanent Real Estate Index Number of: 18-19-103-051.

Section 4: That the variation is subject to compliance with the following conditions:

- A. The fence shall be maintained in good condition at all times with no rips or tears in the wind screen, with the black vinyl coating covering all of the fence posts and chain link material, and with fence posts in a straight and vertical condition at all times.
- B. The fence shall be located adjacent to the front lot line only and within the confines of the private property.
- C. The fence shall not be erected before November 15 of each year and shall be removed before April 1 of each year.

- D. The property owner shall obtain a fence permit prior to construction of the fence each and every year the fence is to be erected.
- E. The fence shall comply with the fence elevation attached hereto as Exhibit A.

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

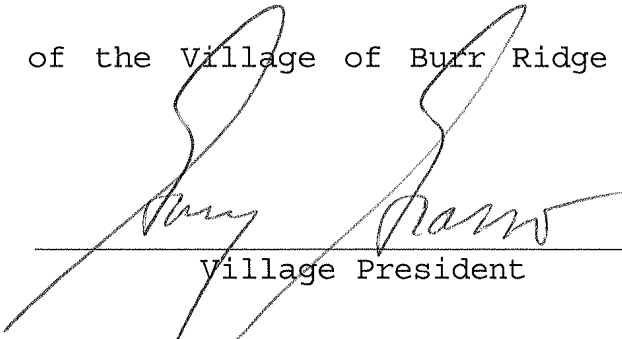
PASSED this 28th day of November, 2011, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Ruzak, Grela, Sodikoff,
Paveza, Manieri

NAYS: 1 - Trustee Wott


ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge on this 28th day of November, 2011.



Village President

ATTEST:



Village Clerk

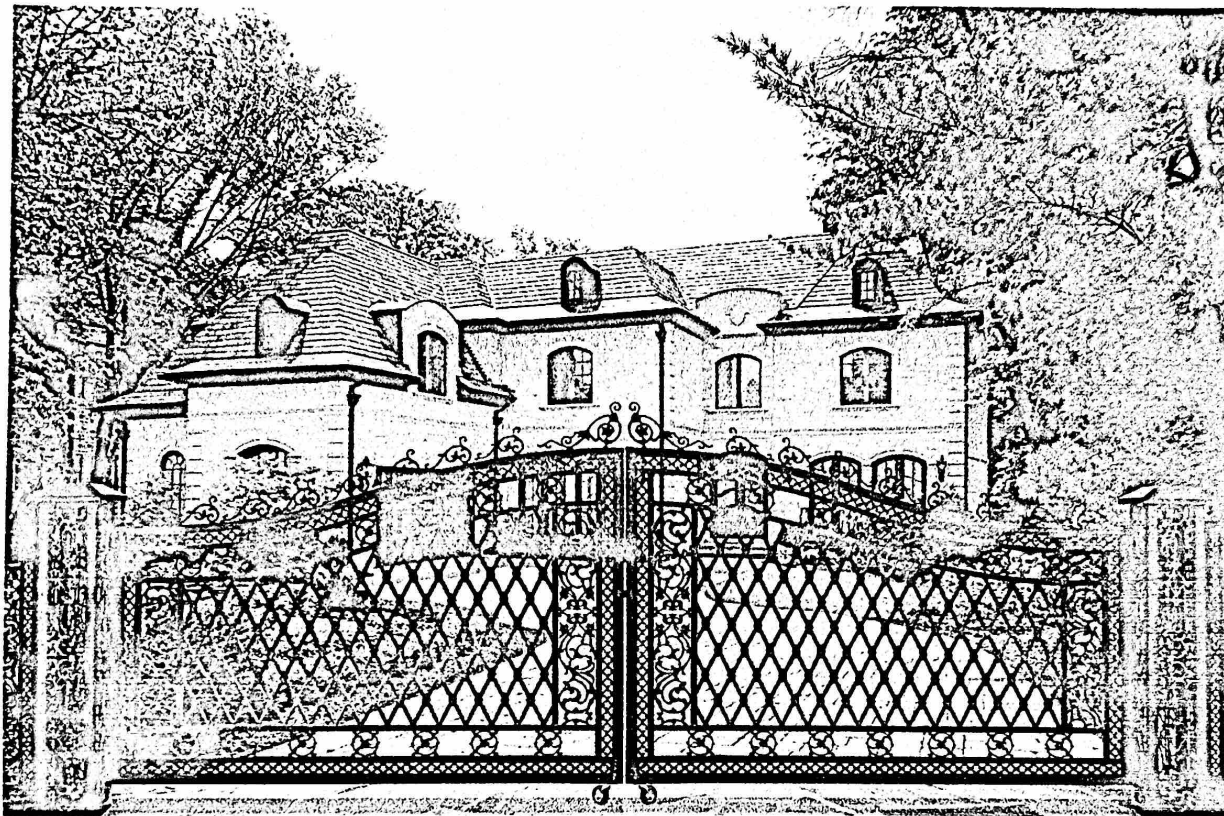
EXHIBIT C

October 8, 2023

Hi Neighbor!

My name is Haley Zaffar and I live at 6301 S County Line Rd with my husband, Rey Zaffar, and our two small children. You might already be aware that we applied for a variance for a driveway gate and fence on our property along County Line Rd based on the signs posted by the village this summer. Our home is in the Longwood Drive subdivision, but uniquely to this subdivision, our driveway faces County Line Rd. Certainly you have approached Longwood Drive from the north, and as you go up the hill County Line Road is flanked with hedges and fences and then our house stands exposed to the main thoroughfare- no trench nor ridge to speak of. The safety and security of our children and our property are the driving force behind this message, and frankly, we did not imagine having to petition our neighbors in this effort- it seems like common sense. Of the homes with driveways on County Line Rd north of I55 in Burr Ridge, 8 have driveway gates, 2 do not, and we are one of those 2. In the space between Woodgate Drive and Longwood Drive, we are one of 4 lots facing County line Rd, 3 of which have driveway gates on their property line, (Burr Ridge Club has rear fencing and an HOA hedge lining the street on their property line as well). For some reasons (listed below), our request to continue the character of the drive from Hinsdale into Burr Ridge is being opposed. Village code states that homes over two acres shall be granted a driveway gate. However, individuals with homes on lots less than two acres can file for a variance (as we have done), and several have received permission to do so. For example, 6116 S County Line Rd (between Woodgate and Longwood) and 6503 S County Line Rd sit on 0.58 acres and 1.26 acres respectively, our lot is 1.19 acres. Both of those homes were granted this variance. The \$2m plus homes being built between our subdivision and Plainfield Road sit on lots our size or smaller and will be undoubtedly requesting gates either as a subdivision or individually. In addition to rejecting the gate, they objected to a gate at the property line, instead insisting on a 30 foot set back into our property- *a total of 53 feet off the road*. Our property starts 23 feet from County Line Road, more than enough room for a car and well past the sidewalk, and both neighbors north of us have gates right on the sidewalk, and 6116 S County Line has their gate right at their property line (closer than 23 feet). While the 2 homes north of us predate that ordinance, 6116, with 0.58 acres, was granted that variance, it would look silly to have the street lined with fences and hedges to suddenly sink back an excessive 53 feet. Indeed, they have only enforced the 30 foot setback on County Line Rd three times. In our case, the security provided by the gate would be nullified by the setback as our property does not have a ridge or trench in front of it. As such, intruders could simply turn in and drive around the barrier. Below is an image of the gate we proposed to the city. Again, the city objected to it, on grounds that while the sides of the gate are 6 feet tall (the designated limit- we had no idea), the center is just over 7 feet, never mind that the gates immediately to our north are over 8 and 10 feet each. We are not sure why Burr Ridge would not want an attractive gate to match the neighbors' on the drive in from Hinsdale, especially considering that said gate is coming at a greater cost to us, it is in keeping with the character of the drive, and *it does not harm anyone*.

We humbly ask your support in our efforts to place a gate on our driveway at our property line facing County Line Road. We will pursue a fence as well, but in the event that is denied, we can plant a hedge at a much greater cost for our children's safety- but we can't do that across the driveway. This is a picture of the proposed gate.



If you have nothing against our request seeking a gate, please confirm below by writing your name and address. "I, a resident of the Longwood subdivision, have no issues against the owners of 6301 S County Line Road placing the above gate on their property line."

Thank you for your support!

Name:

Address:

Emily Beaten

4 Longwood Dr. Burr Ridge, IL 60527

Eugenia Taigerova

6 Longwood Dr. Burr Ridge, IL 60527

Kelly Basu 9 Longwood Dr, Burr Ridge IL 60527

MARIA REDDO 5 LONGWOOD DR.

Charlotte Lehman 8 Longwood Dr -

Helene Gerwig 3 Longwood Drive



Z-03-2024: Request to consider text amendments to Section VIII.I.e of the Burr Ridge Zoning Ordinance to amend outdoor dining regulations to permit outdoor dining year-round in the Business Districts.

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: Village of Burr Ridge

Prepared by: Ella Stern, Planner

Date of Hearing: April 1, 2024

On February 12, 2024, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to permit outdoor dining year-round in the Business Districts. This was in response to the recent special use requests for year-round outdoor dining enclosures at Jonny Cab's and Capri Express.

Under current Zoning Ordinance regulations, outdoor dining furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1st through March 1st. Additionally, all furniture must be stored out of public view or off-site of the subject property when not in use. Walls enclosures require special use approval. Should the Plan Commission wish to permit outdoor dining year-round, staff has provided the following draft language.

Proposed language:

Outdoor Dining

Restaurant outdoor dining areas are areas set up adjacent to the exterior wall of a commercial building with tables, chairs, or other such furnishings, for the purpose of serving food and/or beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served. Outdoor dining areas shall be subject, at a minimum, to the following:

1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building;
3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
6. The door to the dining area shall be self-closing;
7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be

- consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use;
 9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
 10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
 11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas or railings;
 12. ~~All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off site of the subject property when not in use. Outdoor dining shall be permitted year-round.;~~
 13. Tables shall be cleaned promptly following use;
 14. Outdoor food preparation, storage or display is prohibited;
 15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
 16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
 17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations;
 18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
 19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;
 20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.

If the Plan Commission chooses to recommend approval to permit year-round outdoor dining, the Plan Commission may wish to modify the regulation pertaining to wall enclosures (#8).

Public Hearing History

Z-01-2023: Zoning Ordinance Amendments to Outdoor Dining Regulations for Restaurant Uses in the Business Districts. (Ordinance #A-834-05-23)

Public Comment

Four public comments were received and are included as Exhibit B.

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner's Materials and Findings of Fact
- Exhibit B – Public Comments

- Exhibit C – Current Zoning Ordinance regulations for outdoor dining (Ordinance #A-834-05-23)
- Exhibit D – Excerpt of outdoor dining regulations from County Line Square PUD



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): Ella Stern, Planner Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 X. 6260

EMAIL: estern@burr-ridge.gov

PROPERTY OWNER: N/A

PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☒ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Request to amend the outdoor dining regulations in Section VIII of the Zoning Ordinance.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A

EXISTING USE/IMPROVEMENTS: N/A

SUBDIVISION: N/A

PIN(S) # N/A

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

Ella Stern
Petitioner's Signature

3/9/24
Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section VIII of the Zoning Ordinance details the outdoor dining regulations for restaurant uses in the Business Districts. Current Zoning Ordinance regulations (Section VIII.1.e) adopted on May 8, 2023 state that "all furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of a public view or off-site of the subject property when not in use."

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance currently contains regulations for outdoor dining. The proposed text amendment is to review the regulations specifically to permit outdoor dining year-round. Outdoor dining year-round could be broadly applicable to all dining establishments within the Village of Burr Ridge and should be evaluated as a text amendment to the Zoning Ordinance.

(Please transcribe or attach additional pages as necessary)

From: [Mike Delaney](#)
To: [Ella Stern](#)
Subject: Burr Ridge Public Hearing: Permanent Black "Outdoor" Dining
Date: Friday, March 22, 2024 8:25:16 AM

BR,

I'm hearing that there will be a meeting on Monday, April 1st, in regard to permanent, year round enclosure for any business.

I would be in FAVOR of such structures that help and better support local business. I would like the board to put together strict guidelines on appearance of these structures to ensure esthetically they fit in.

Mike Delaney
1502 Burr Ridge Club
Burr Ridge, IL

From: [Joanne Carnagio](#)
To: [Ella Stern](#)
Subject: Outdoor dining
Date: Sunday, March 24, 2024 11:17:31 AM

I 100% vote Yes for allowing dining establishments to have the Outdoor dining capability in our town! I do not agree with the horrific FB page that bashes everything in this town!

Joanne carnagio
Sent from my iPhone

From: [Robert Rosenberg](#)
To: [Ella Stern](#)
Subject: Outdoor dining
Date: Saturday, March 23, 2024 10:11:06 AM

I want outdoor dining in Burr Ridge if it was done well and tasteful.

Bob Rosenberg
28 Lake Ridge Club Dr.
Burr Ridge, IL 60527

March 22, 2024

Re: Petition Z-03-2024 "Outdoor Dining"

To Chairman Trzupek and Burr Ridge Plan Commissioners:

As a Burr Ridge resident I write in opposition to Petition Z-03-2024 for many of the same reasons I opposed the individual petitions for Capri Express (Z-12-2023) and Jonny Cab's (Z-10-2023) late last year. Enclosed "outdoor dining" structures destroy an open aesthetic and are eyesores.

To reiterate: "outdoor dining" is exactly that – dining outdoors, al fresco, when the weather allows between March 1 and November 1 per current Village ordinance. It does NOT mean, nor should it be construed to mean, dining in a foreboding, uninviting, enclosed canvas box outside the restaurant. That, by definition, is not "outdoor dining." It just means that businesses are exceeding their occupancy limits by encroaching on the sidewalk in front of their doors. More capacity means less overall parking.

You cannot take seriously the cries of businesses like Jonny Cab's who say their businesses will suffer if they don't have a black canvas enclosure outside their main storefront year-round. Both Dao Sushi and La Cabiñita seem to do just fine without enclosed "outdoor" dining all year. Both those establishments remove their outdoor furniture by November 1, as required, and serve customers happily and profitably inside their doors. (Maybe Jonny Cab's is just crying wolf? Or is mis-managed?)

Last month this Commission gave Patti's Sunrise Café authority to expand their service outside. It's only a matter of time before its owner encloses that large space in ugly black canvas, too. What's next? Outdoor music lessons at Bel Canto? Outdoor physical therapy at ATI? Do you really want this proliferation?

These canvas structures – a hodge-podge of materials, colors, signage, fonts – are ugly, foreboding, funereal, and uninviting. This is not an upscale look befitting Burr Ridge. There will be plenty of enclosed dining spaces within the new Entertainment District at Burr Ridge Village Center. Please don't allow this anywhere else in town.

Lastly: just because Capri Ristorante has had an enclosed patio for decades should not sway you into deciding that all businesses should erect those structures outside their doors. Don't be fooled by the "Well, Capri has one, why can't we?" pitch. There are a lot of things proprietor Rovito does that are wrong.

The proliferation of these ugly canvas boxes is **not** the look we want in town. Please vote NO on permanent, year-round "outdoor dining."

Respectfully,

Patricia A. Davis
Resident/taxpayer

"Top Burr Ridge FOIA Requester 1 Year in a Row!"



- f. Dry cleaners with on-site equipment for dry cleaning
- g. Funeral parlors or crematoriums
- h. Gun and ammo sales, including shooting ranges
- i. Hours of operation exceeding 7 A.M. to 10 P.M. for any permitted or special use
- j. Liquor stores
- k. Live entertainment and dancing accessory to any permitted or special use
- l. Professional massage services
- m. Offices related to the Secretary of State's Vehicle Services Division
- n. Parking lots and structures where such uses are the principal use on a lot
- o. Pet shops and pet service stores, with or without overnight services
- p. Restaurants (including specialty restaurants such as donut shops and ice cream shops) over 4,000 square feet with or without sales of alcoholic beverages.
- q. Tobacco shops
- r. Wine boutique with ancillary service of wine and beer by the glass and with service of pre-packaged food for consumption on-site

Outdoor Dining Area Regulations

Restaurant outdoor dining areas shall be subject to the following:

- Dining areas must be limited to the linear frontage of the principal business to which the outdoor area is intended to serve;
- Dining areas shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant if table service is provided or alcohol served in the outdoor dining area;
- Door to the dining area shall be self-closing;
- Tables shall be cleaned promptly following use;
- Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant, defined as being within 60" of a curblin or so as to impede the normal flow of pedestrian traffic into or from a doorway;
- Outdoor food preparation, storage or display is prohibited;
- All furniture must be stored in the rear or off-site of the subject property when not in use;
- Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee;
- Approval of outdoor dining areas shall be subject to the Village's adopted building codes;
- Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

- Outdoor dining areas must be cumulatively approved by the Village Administrator or their designee to determine final compliance with the regulations set forth herein; and
- Outdoor dining areas shall be included as part of the size calculation for restaurants.

Parking Design Regulations

The subject property shall provide one parking space for each 200 gross square feet of commercial space available.

Every parking lot in excess of fifteen spaces shall contain planting islands for shade trees in compliance with the following standards:

- a. There shall be one island for every 15 parking spaces and one shade tree for each island.
- b. Each parking lot landscape island shall be a minimum of 9 feet wide and 18 feet in length.
- c. Required shade trees shall have a minimum 3 inch diameter measured two feet above ground level.
- d. Parking lot landscape islands generally shall be located at the ends of each row of parking (one double island to be located at the end of a double row of parking) and every 15 parking spaces within a row.
- e. Maintenance of Landscape Areas and Screening: All such landscaped areas and screening shall, once installed, be maintained in such manner as to retain at least the intended standards of the initial landscaping and to conform to the landscaping requirements of the Village.

Minimum Standards for Parking Stalls and Aisles

Angle of Parking	45 Degrees	60 Degrees	90 Degrees
Width of Stall	9'	9'	9'
Stall Width (parallel to aisle)	12'9"	10'5"	9'
Stall Depth (perp. to aisle)	20'	21'	18'
Stall Length	19'	19'	18'
Aisle Width	13'*	17'*	24'

*One-way aisles only

Parallel parking shall be permitted with stalls at least 24' in length with an aisle of 14'

Accessible parking areas shall be designed in accordance with State requirements

All open off-street loading berths, access drives, aisles, and maneuvering spaces shall be improved with an all-weather hard surface pavement including, at a minimum, a two inch (2") bituminous concrete surface course, with a twelve inch (12") minimum thickness aggregate base course, and six inch (6") high perimeter concrete curbing (Type B or Type B6:12) installed in accordance with Illinois Department of Transportation specifications.

Parking and Loading Regulations

The area immediately adjacent to the curblin shall be permitted to be used as a standing and loading zone (as shown in Exhibit C in yellow), except no parking, standing, or loading areas shall

ORDINANCE NO. A-834-05-23

AN ORDINANCE AMENDING SECTION VIII OF THE ZONING ORDINANCE TO
AMEND THE REGULATIONS FOR OUTDOOR DINING.

(Z-03-2023: Text Amendment - Outdoor Dining)

WHEREAS, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Community Development Director of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held two public hearings on the question of granting said text amendment on February 6 and March 20, 2023, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in The Chicago Sun-Times, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of

Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the proposed text amendment indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the recommendation is to amend Section VIII, the regulations for Outdoor Dining, as attached hereto as Exhibit A.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 8th day of May, 2023, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Schiappa, Franzese, Paveza, Mital, Smith

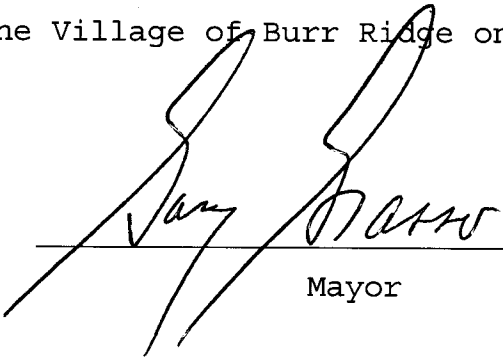
NAYS: 0 - None

ABSENT: 1 - Trustee Snyder

APPROVED by the Mayor of the Village of Burr Ridge on this 8TH day of May, 2023.

ATTEST:



Village Clerk

Mayor

EXHIBIT A

Zoning Ordinance Section VIII Language for Outdoor Dining

Outdoor Dining

Restaurant outdoor dining areas are areas set up adjacent to the exterior wall of a commercial building with tables, chairs, or other such furnishings, for the purpose of serving food and/or beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served. Outdoor dining areas shall be subject, at a minimum, to the following:

1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building;
3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
6. The door to the dining area shall be self-closing;
7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use;
9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas or railings;
12. All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off-site of the subject property when not in use;
13. Tables shall be cleaned promptly following use;
14. Outdoor food preparation, storage or display is prohibited;
15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations;
18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

EXHIBIT A

Zoning Ordinance Section VIII Language for Outdoor Dining

20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.



Z-04-2024: Request to consider text amendments to Section IV.I.38 of the Burr Ridge Zoning Ordinance to permit Walls and Masonry Piers in the non-residential districts.

Prepared for: Village of Burr Ridge Plan Commission/Zoning Board of Appeals
Greg Trzupek, Chairman

Petitioner: James Tuschall of Sun Ray Investments

Prepared by: Ella Stern, Planner

Date of Hearing: April 1, 2024

The petitioner, James Tuschall of Sun Ray Investments, requests a text amendment to Section IV.I.38 of the Zoning Ordinance to permit walls and masonry piers in Non-Residential Districts. The petitioner's non-residential property located at 15W700 79th Street was built with masonry walls in 1982. At the time, staff determined the walls to be permitted under the Zoning Ordinance regulations in place. The petitioner is now requesting to replace the masonry walls. Staff deemed the masonry walls as a non-conforming structure and not permitted under current Zoning Ordinance regulations. As such, the walls cannot be replaced (i.e. taken down and rebuilt), only repairs would be allowed. The petitioner did not provide a proposed height, size, or length for the walls or any language for the proposed text amendment. It is also important to note that the petitioner provided images of masonry walls in residential districts which are otherwise permitted (subject to compliance with Zoning Ordinance regulations).

Current Regulations:

Section IV.I.38 of the Zoning Ordinance regulates walls and masonry piers in Residential Districts as detailed below, with the specific passage highlighted yellow.

Walls and Masonry Piers (Residence Districts)

In Residence Districts only, solid architectural walls of compatible building material as the principal building shall be permitted as follows:

1. **Wing Walls:** Wing walls, not more than 4 feet in height, shall be permitted in a front buildable area, an interior side buildable area or courtyard extending not more than 10 feet from the front two corners of the principal building; and may also project up to 3 feet into the required front or corner side yard.
2. **Solid or open decorative walls:** Solid or open decorative walls, not more than 4 feet in height may be located in court yards.
3. **Patio Seat Walls:** Patio seat walls, not more than 24 inches in height from patio floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall shall be permitted in association with patios in permitted locations as per Section IV.I.32. Monuments in association with patio seat walls shall be not more than 42 inches in height

from the patio floor to the top of the monument and shall be limited to not more than two per patio. (Amended by Ordinance A-834-20-04)

4. **Driveway Seat Walls:** *Driveway seat walls shall be permitted in association with driveways in permitted locations as per Section IV.I.2. and subject to the following terms and conditions:*
 1. *Driveway seat walls may be located in a required front yard or corner side yard provided they are at least 20 feet from a front or corner side lot line.*
 2. *Driveway seat walls shall not exceed 24 inches in height from drive floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall except that monuments located at the end of such walls may be 36 inches in height. (Amended by Ordinance A-834-20-04 and A-834-27-146)*
5. **Decorative Estate Walls:** *For parcels that are a minimum of 2 acres in area and 220 feet in width, decorative estate walls shall be permitted subject to the following terms and conditions:*
 1. *Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.*
 2. *Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.*
 3. *Decorative estate walls may be located in any buildable area and shall be permitted to encroach into the required front, corner side, interior side, and rear yard setbacks but shall be setback a minimum of 30 feet from the front and corner lot lines and 10 feet from the interior side and rear lot lines.*
 4. *Decorative estate walls shall be constructed of natural stone materials – synthetic or manufactured materials and wood are prohibited. (Amended by Ordinances A-834-24-07 and A-834-26-08).*
6. **Retaining Walls:** *Retaining walls may be located in any buildable area and are also permitted in any required yard subject to the following:*
 1. *Retaining walls shall not exceed 42 inches in height measured from the top of grade at the bottom of a wall to the top of the wall.*
 2. *Terraced retaining walls shall be permitted where each section of the wall does not exceed 42 inches in height and a minimum of 36 inches is provided between each face of the retaining walls. (Amended by Ordinance A-834-13-11)*
7. **Masonry Piers:** *A maximum of four masonry piers are permitted in the rear buildable area of a residential lot and may encroach into the required rear yard provided a 10-foot setback from the rear lot line is provided and that they do not exceed 6 feet in height and four-square feet in area. (Amended by Ordinance A-834-10-13)*

Neighboring Municipality Research

Staff surveyed surrounding municipalities and found the following information regarding walls and masonry piers in non-residential districts;

Municipality	Regulation
Darien	<p>The zoning code does not directly address Walls and Masonry Piers in Non-Residential Districts. The Village of Darien would apply their fence regulations to a stand-alone wall or piers if creating a similar structure.</p> <p>Fence Regulations for Business and Office-Industrial Districts:</p> <p>(B) Business Districts: These are the regulations that apply to business uses except where the fences are required for buffering or screening purposes under section 5A-5-8-3 of this chapter.</p> <ol style="list-style-type: none"> 1. In rear and interior side yards fences shall be permitted; provided, that the fence does not extend beyond the front line, or in the case of corner lots, not beyond the street side line, of the building or structure and does not exceed the height of six feet (6'). 2. In front yards, corner side yards or in that part of the rear yard between the corner side lot line and the corner side yard line, open fences shall be permitted to a height not to exceed four feet (4'). <p>(C) Office-Industrial Districts: These are the regulations that apply to office-industrial uses except where the fences are required for buffering or screening purposes under section 5A-5-8-3 of this chapter.</p> <ol style="list-style-type: none"> 1. In rear and interior side yards, fences shall be permitted; provided, that the fence does not extend beyond the front line, or in the case of corner lots, not beyond the street sideline, of the building or structure and does not exceed a height of eight feet (8'). 2. In front yards, corner side yards or in that part of the rear yard between the corner side lot line and the corner side yard line, open fences shall be permitted to a height not to exceed four feet (4'). (Ord. 0-03-00, 4-3-2000)
Hinsdale	<p>The Village of Hinsdale applies their fence regulations to a stand-alone wall or masonry pier.</p> <p>2. Nonresidential districts and lots used for nonresidential purposes:</p> <ol style="list-style-type: none"> a. Front yard: Eight feet (8'); b. Corner side yard: Eight feet (8'); c. Any other yard: Eight feet (8'); <p>provided, however, the maximum allowable fence height provided for in this subsection E2 shall be reduced to a maximum height of not less than four feet (4') along any lot line abutting a lot used for residential purposes, if determined by the building commissioner to be necessary for purposes of promoting pedestrian and vehicular traffic safety.</p> <p>H. Prohibited Fences: Notwithstanding any provision of this code to the contrary, the following prohibitions apply to all fences in the village:</p> <ol style="list-style-type: none"> 1. No fence shall be permitted in violation of sections 7-1D-4 to 7-1D-5 of this code. 2. No chain-link, stockage, or cinder block fence shall be permitted in any front yard or any corner side yard. 3. No "solid fence", as defined herein, shall be permitted that exceeds twenty-four inches (24") in height as measured from the natural grade in any front yard or any corner side yard. A "solid fence" is a fence in which the open spaces, when viewed at a right angle to the vertical fence plane, constitute less than one-third

	<p>(¹/₃) of the total fence contour. The "total fence contour" is the entire square foot area within and between the outside vertical outline of the fence. The "open spaces" are areas within the "total fence contour", which, when viewed at right angles to the vertical fence plane, allow clear visibility through said fence plane.</p> <p>4. No chain-link fence shall contain strips or slats of any kind between or among the links.</p> <p>5. No barbed wire fences shall be permitted; provided, however, that no more than three (3) strands of barbed wire may be used on the top of fences enclosing public utility facilities.</p> <p>6. No electrically charged fences shall be permitted.</p> <p>7. No wingwall may encroach into a required yard.</p>
Indian Head Park	The Village of Indian Head park does not have any regulations regarding walls and masonry piers in non-residential districts.
Oakbrook Terrace	<p>The Village of Oakbrook Terrace permits landscape walls and retaining walls in non-residential districts, with the following regulations:</p> <p>Yards (applies to all districts)</p> <p>² The height of landscape walls shall not exceed 30 inches above the existing grade. The depth of any level of a landscape terrace, as extended toward the structure, shall be no less than 1.5 times the height of the rise in the terrace that is immediately beneath such level of the landscape terrace. The materials used for the construction of landscape walls shall be limited to landscape materials. On corner lots, no landscape wall shall exceed 18 inches above the grade in any portion of the yard situated within 25 feet of the lot corner formed by the curve of any two street lines.</p> <p>³ The height of retaining walls shall not exceed the top of the foundation unless approved by the City Engineer for structural purposes. Any retaining wall that is more than three feet in height shall be certified by a structural engineer. On corner lots, no retaining wall shall exceed 18 inches above the grade in any portion of the yard situated within 25 feet of the lot corner formed by the curve of any two street lines.</p>
Oakbrook	Staff attempts to address walls and masonry pier in non-residential districts as a part of Planned Development.
Willowbrook	Willowbrook did not respond at the time of the staff report. It appears from the Willowbrook Zoning Ordinance, that there are no regulations for walls or masonry piers in Non-Residential Districts.
Willow Springs	The Building Commissioner and architect review masonry walls to ensure the structure does not affect water retention and runoff.

Formal language has not been proposed for adoption in this staff report. Staff is seeking direction from the Plan Commission at this initial public hearing and will prepare draft language based upon that discussion.

Findings of Fact

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

Attachments

- Exhibit A – Petitioner’s Materials and Findings of Fact (Staff requested a signed petition and other items on February 20 and March 13, 2024, but did not receive a response from the petitioner)
- Exhibit B – Current Zoning Ordinance regulations



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

RECEIVED

FEB 20 2021

VILLAGE OF BURR RIDGE

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): James Tuschall

STATUS OF PETITIONER: _____

PETITIONER'S ADDRESS: 553 Wilshire Ave Glen Ellyn IL 60137

ADDRESS OF SUBJECT PROPERTY: 15w700 79th st Burr Ridge IL 60527

PHONE: 630 655 9100

EMAIL: james@tuschalleng.com

PROPERTY OWNER: Jim Tuschall

PROPERTY OWNER'S ADDRESS: 920 Bolender Dr. Delray FL PHONE: 630 655 9100

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☐ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Rework Existing Brick Wall

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: _____ EXISTING ZONING: _____

EXISTING USE/IMPROVEMENTS: _____

SUBDIVISION: _____

PIN(S) # _____

The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.

Petitioner's Signature

Date of Filing



**FINDINGS OF FACT
FOR AN AMENDMENT TO THE
VILLAGE OF BURR RIDGE ZONING ORDINANCE**

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

- a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

We were granted a permit during original construction and now bricks are deteriorating and no longer available. We wish to improve the existing wall by using new brick set on existing foundation. See attached photos of other garden entry walls within the village.

- b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

Our intent is to enhance the property by replacing the gailed brickwall for the benefit of our occupants and the community.
The garden wall also acts as a screening to the west parking lot. We also plan to upgrade the landscaping in front of the garden wall.

(Please transcribe or attach additional pages as necessary)

James Tuschall Jr

From: James Tuschall Jr
Sent: Tuesday, February 20, 2024 9:17 AM
To: James Tuschall Jr
Subject: Medium









15w700 79th Street

Burr Ridge, IL 60527

O: 630.655.9100 | M: 630.272.8603

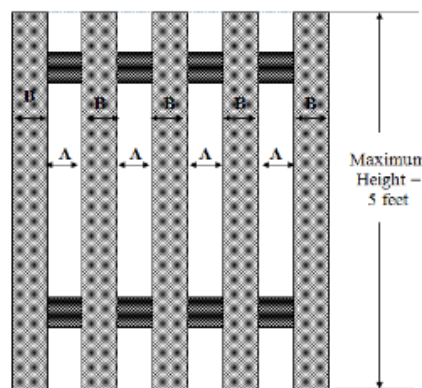
Current Zoning Ordinance Regulations, Section IV.I.38;

Walls and Masonry Piers (Residence Districts)

In Residence Districts only, solid architectural walls of compatible building material as the principal building shall be permitted as follows:

1. **Wing Walls:** Wing walls, not more than 4 feet in height, shall be permitted in a front buildable area, an interior side buildable area or court yard extending not more than 10 feet from the front two corners of the principal building; and may also project up to 3 feet into the required front or corner side yard.
2. **Solid or open decorative walls:** Solid or open decorative walls, not more than 4 feet in height may be located in court yards.
3. **Patio Seat Walls:** Patio seat walls, not more than 24 inches in height from patio floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall shall be permitted in association with patios in permitted locations as per Section IV.I.32. Monuments in association with patio seat walls shall be not more than 42 inches in height from the patio floor to the top of the monument and shall be limited to not more than two per patio. (Amended by Ordinance A-834-20-04)
4. **Driveway Seat Walls:** Driveway seat walls shall be permitted in association with driveways in permitted locations as per Section IV.I.2. and subject to the following terms and conditions:
 1. Driveway seat walls may be located in a required front yard or corner side yard provided they are at least 20 feet from a front or corner side lot line.
 2. Driveway seat walls shall not exceed 24 inches in height from drive floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall except that monuments located at the end of such walls may be 36 inches in height. (Amended by Ordinance A-834-20-04 and A-834-27-146)

Figure IV.J.1.e Graphic Definition of Open Fence



“A” must be equal to or greater than “B”

5. **Decorative Estate Walls:** For parcels that are a minimum of 2 acres in area and 220 feet in width, decorative estate walls shall be permitted subject to the following terms and conditions:
 1. Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
 2. Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
 3. Decorative estate walls may be located in any buildable area and shall be permitted to encroach into the required front, corner side, interior side, and rear yard setbacks but shall be setback a minimum of 30 feet from the front and corner lot lines and 10 feet from the interior side and rear lot lines.
 4. Decorative estate walls shall be constructed of natural stone materials – synthetic or manufactured materials and wood are prohibited.(Amended by Ordinances A-834-24-07 and A-834-26-08).
6. **Retaining Walls:** Retaining walls may be located in any buildable area and are also permitted in any required yard subject to the following:
 1. Retaining walls shall not exceed 42 inches in height measured from the top of grade at the bottom of a wall to the top of the wall.
 2. Terraced retaining walls shall be permitted where each section of the wall does not exceed 42 inches in height and a minimum of 36 inches is provided between each face of the retaining walls. (Amended by Ordinance A-834-13-11)
7. **Masonry Piers:** A maximum of four masonry piers are permitted in the rear buildable area of a residential lot and may encroach into the required rear yard provided a 10-foot setback from the rear lot line is provided and that they do not exceed 6 feet in height and four square feet in area. (Amended by Ordinance A-834-10-13)



VILLAGE OF BURR RIDGE

MEMORANDUM

TO: Village of Burr Ridge Plan Commission
Greg Trzupek, Chairman

FROM: Ella Stern, Planner

DATE: April 1, 2024

RE: Board Report

The Board of Trustees took the following actions relative to matters forwarded from the Plan Commission on March 11 and March 25, 2024.

- **Z-17-2023: 16W020 79th Street (Lyons Truck Sales)**
 - The Board approved an Ordinance approving a special use to permit the continued use of a non-conforming chain link fence on the subject property.
- **Z-18-2023: 411-421 Heathrow Court (Shipper/ARX Perimeters)**
 - The Board approved an Ordinance approving special uses to permit (1) equipment sales and rentals; (2) outside storage; and (3) a fence in a non-residential district.
- **Z-19-2023: 8320-9850 Madison Street (Pedi/Overtime Sports LLC)**
 - The Board approved an Ordinance approving a special use to permit an appointment-only exercise facility in a General Industrial zoned district.
- **Z-01-2024: 101 Burr Ridge Parkway (RE/MAX Properties)**
 - The Board directed staff to prepare an Ordinance approving a special use request for a real estate office in a B-2 General Business zoned district in accordance with Zoning Ordinance Section VIII.C.2.al. The recommendation was unchanged from the Plan Commission.
 - The Board approved an Ordinance approving a special use request for a real estate office in a B-2 General Business zoned district.
- **Z-02-2024: 78 Burr Ridge Parkway (Pattis Sunrise Café)**
 - The Board directed staff to prepare an Ordinance approving a special use request for outdoor dining at restaurant over 4,000 sq. ft. with the sale of alcoholic beverages pursuant to County Line Square PUD Ordinance #A-834-19-21 and to amend an existing special use Ordinance #A-834-06-21.

03/12/2024

Permits Applied for February 2024



Permit Number	Date Applied	Property Address	Applicant Name & Contact Info	Description
JCA-24-045	02/20/2024	1333 Burr Ridge Pkwy	TBD	Com Alteration
JCMSC-24-032	02/09/2024	166 Shore Dr	Greg Ginger 15 Deer Path Tr Burr Ridge IL 60527	Commercial Miscellaneous
JELV-24-028	02/01/2024	6533 Shady LN	New Line Design 19636 W. 97th Av Mokena IL 60448	Elevator
JPAT-24-029	02/02/2024	737 79th St	Roberts Concrete And Sons 5121 S. Homan Avenue Chicago IL 60632	Patio
JPAT-24-039	02/20/2024	912 Prairie Ridge Ct	Hursthouse, Inc. 751 N Bolingbrook Dr. Bolingbrook IL 60440	Patio
JPAT-24-042	02/20/2024	15W 351 87th St	SK & MB Design Inc 640 Executive Drive Willowbrook IL 60527	Patio
JPAT-24-043	02/20/2024	15W 351 87th St	SK & MB Design Inc 640 Executive Drive Willowbrook IL 60527	Patio
JPAT-24-044	02/20/2024	11300 79th St	Angel Ramirez 1824 Wiley Ridge Road Kankakee IL 60901	Patio
JPAT-24-046	02/22/2024	6816 Fieldstone Dr	Gomez Construction & Design 1721 IL Route 176 Crystal Lake IL 60014	Patio

03/12/2024

Permits Applied for February 2024



Permit Number	Date Applied	Property Address	Applicant Name & Contact Info	Description
JPF-24-047	02/22/2024	11327 W 71st St	Sophia Warren 11327 71st St Burr Ridge IL 60527	Fence Permit
JPF-24-050	02/28/2024	324 Burr Ridge Pkwy	First Fence 4900 Harrison St Hillside IL 60162	Fence Permit
JPS-24-051	02/28/2024	104 Burr Ridge Pkwy	Thatcher Oaks, Inc. 450 W. Wrightwood Ave Elmhurst IL 60126	Sign
JPTR-24-040	02/21/2024	800 Burr Ridge Pkwy	Homer Tree Service, Inc 16464 W 143rd. Street Lockport IL 60441	Tree Removal
JRAD-24-053	02/29/2024	10S 512 GLENN DR	Stonecrest, Ltd. 375 W 83rd St. Burr Ridge IL 60527	Residential Addition
JRAL-24-030	02/02/2024	703 BURR RIDGE CLUB DR	RLC Development and Construction 1501 Burr Ridge Club Dr. Burr Ridge IL 60527	Residential Alteration
JRAL-24-031	02/08/2024	7680 Wolf Rd	MNJ Construction 6688 Joliet Rd Indian Head Park IL 60525	Residential Alteration
JRAL-24-035	02/14/2024	1132 Woodview Rd	Elik Home & Remodeling inc 6710 Double Eagle Dr Woodridge IL 60517	Residential Alteration
JRAL-24-037	02/15/2024	311 Shore Dr	Intren Trenching 18202 W Union Rd. Union IL 60180	Right-of-Way

03/12/2024

Permits Applied for February 2024



Permit Number	Date Applied	Property Address	Applicant Name & Contact Info	Description
JRAL-24-049	02/28/2024	16W 253 93RD PL	Lemont Kitchen & Bath 106 Stephen St Lemont IL 60439	Residential Alteration
JRAL-24-052	02/29/2024	FIELDSTONE DR	Beary Landsacping 15001 W 159th St. Lockport IL 60491	Right-of-Way
JRDB-24-033	02/12/2024	11506 Ridgewood Ln	Euro Paving 22W250 Temple Drive Medinah IL 60157	Residential Detached Building
JRES-24-036	02/15/2024	Fallingwater Dr	Scott General Contracting 11535 W 183rd St Orland Park IL 60467	Residential Miscellaneous
JRES-24-048	02/26/2024	8219 Garfield Ave	Sifuentes Construction & Landscaping 10N345 Muirhead Road Plato Center IL 60170	Residential Miscellaneous
JRES-24-054	02/22/2024	5 Regent Ct	TBD	Residential Miscellaneous
JRPE-24-027	02/01/2024	6539 Manor Dr	Aldajani Kamel 801 S. Financial Place Chicago IL 60605	Res Electrical Permit
JRPE-24-034	02/14/2024	102 Ambriance	Kapital Electric, Inc. 1270 Mark St. Bensenville IL 60106	Res Electrical Permit
JRPE-24-041	02/20/2024	15W 351 87th St	SK & MB Design Inc 640 Executive Drive Willowbrook IL 60527	Res Electrical Permit

03/12/2024

Permits Applied for February 2024



Permit Number	Date Applied	Property Address	Applicant Name & Contact Info	Description
JRPP-24-038	02/16/2024	20 Hidden Lake Dr	Acculevel 8233 W. State Rd 26 Rossville IN 46065	Res Plumbing Permit
TOTAL:		28		

03/12/2024

Permits Issued February 2024



Permit Applicant	Permit Number	Date Issued	Property Address	Description	Value	Sq. Feet
CBRE	JCA-24-024	02/20/2024	7075 Veterans Blvd.	Com Alteration	90,000	202
Atomatic Mechanical	JCPM-24-004	02/05/2024	7600 Grant St	Com Mechanical Permit	284,000	
Andrew Avizius	JDEK-23-283	02/08/2024	267 93rd Pl	Deck	2,800	
AE Luxury Builders	JDEK-24-009	02/13/2024	8704 Johnston Rd	Deck	3,500	
New Line Design	JELV-24-028	02/14/2024	6533 Shady LN	Elevator	35,038	
Bryan Zabala	JPAT-24-026	02/26/2024	62 Deer Path Trail	Patio	15,110	
Roberts Concrete And Sons	JPAT-24-029	02/29/2024	737 79th St	Patio	7,500	
Suburban Fence	JPF-24-002	02/06/2024	7200 Wolf Rd	Fence Permit	6,500	
Expert Pool Builders Your Backyard	JPPL-23-308	02/19/2024	128 W 59th ST	Pool	135,000	633
JDS Homes, Inc.	JRAD-23-450	02/08/2024	8737 Johnston Rd	Residential Addition	200,000	913
ESPO Engineering	JRAL-24-010	02/14/2024	ROWs DuPage Locations	Right-of-Way	776	
Window Works	JRAL-24-011	02/09/2024	140 Carriage Way DR Unit 221	Residential Alteration	10,919	13
ESPO Engineering	JRAL-24-016	02/20/2024	ROWs DuPage Locations	Right-of-Way	650	
RS Services Systems, Inc.	JRAL-24-018	02/20/2024	ROWs Ck Cty Locations	Right-of-Way	1,854	
LaMantia Design & Remodeling	JRAL-24-020	02/20/2024	11702 Shag Bark Ln	Residential Alteration	85,000	135
Intren Trenching	JRAL-24-022	02/22/2024	ROWs Ck Cty Locations	Right-of-Way	112,710	
K Creative Ltd.	JRES-23-243	02/07/2024	8900 County Line Rd	Residential Miscellaneous	25,000	
Bryan Zabala	JRES-24-025	02/26/2024	62 Deer Path Trail	Residential Miscellaneous	2,300	
Nu-Trend Services Inc	JRPE-24-013	02/16/2024	6445 Hillcrest Dr	Res Electrical Permit	2,280	
RJ Electric Service Co.	JRPE-24-019	02/16/2024	11637 White Oak Ct	Res Electrical Permit	3,032	

Square footage shown on this report reflects the total for calculating the maximum floor area permitted.

The construction value is based on an estimated value of \$150 per sq. ft. for residential new & addition construction and \$75 per sq. ft. for residential alterations.

Construction value or square footage will not be reflected for miscellaneous permits such as: decks, fences, pools, driveways, etc.

03/12/2024

Permits Issued February 2024



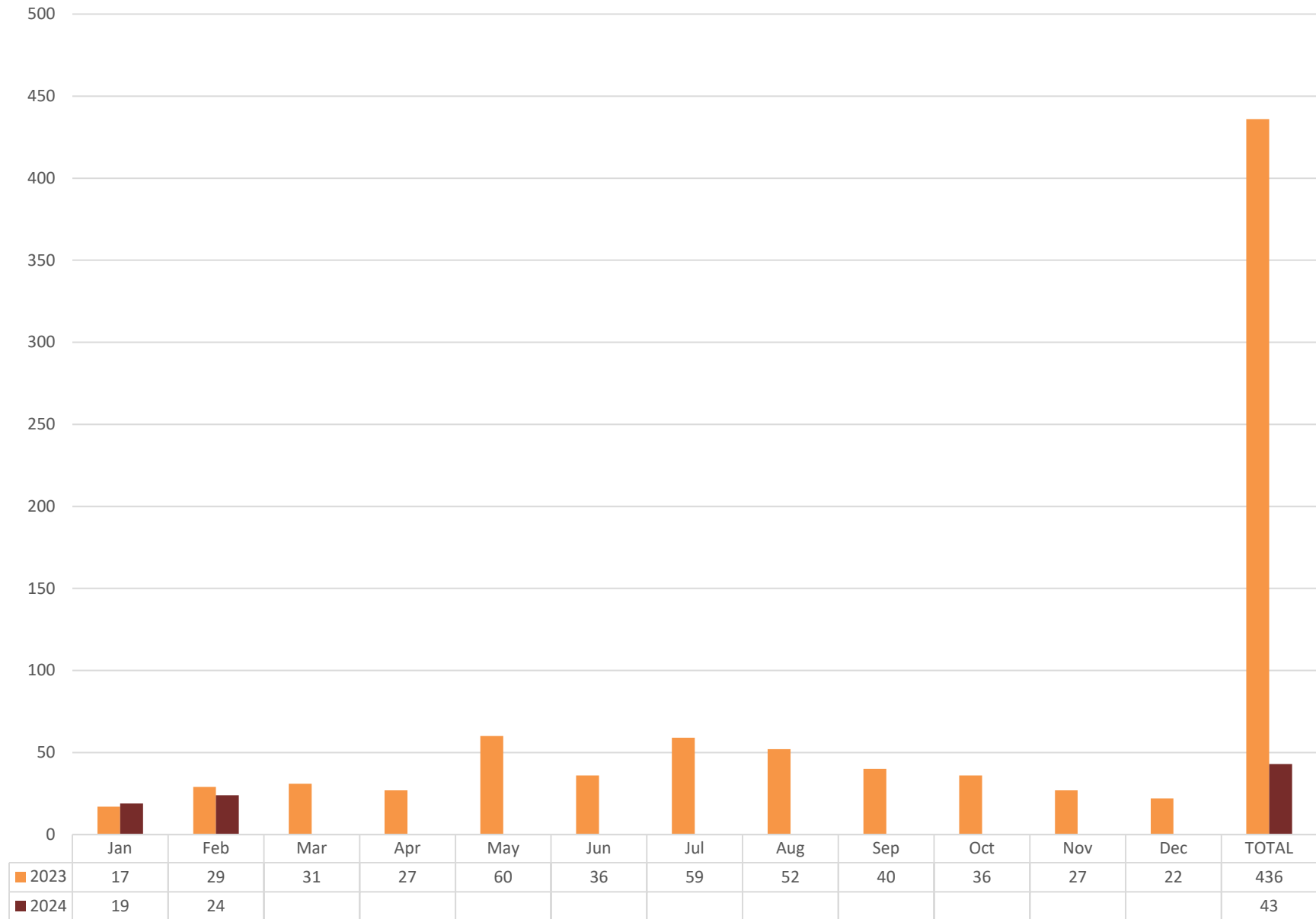
Permit Applicant	Permit Number	Date Issued	Property Address	Description	Value	Sq. Feet
Pro Air Heating Cooling & Electric	JRPE-24-021	02/09/2024	405 Ambriance	Res Electrical Permit	1,080	
Kapital Electric, Inc.	JRPE-24-034	02/27/2024	102 Ambriance	Res Electrical Permit	16,350	
TR Miller Heating Cooling & Plun	JRPP-24-023	02/07/2024	415 Glenn DR	Res Plumbing Permit	4,735	
Permit Flow	JRPP-24-038	02/21/2024	20 Hidden Lake Dr	Res Plumbing Permit	12,743	
TOTAL:	24					

Square footage shown on this report reflects the total for calculating the maximum floor area permitted.

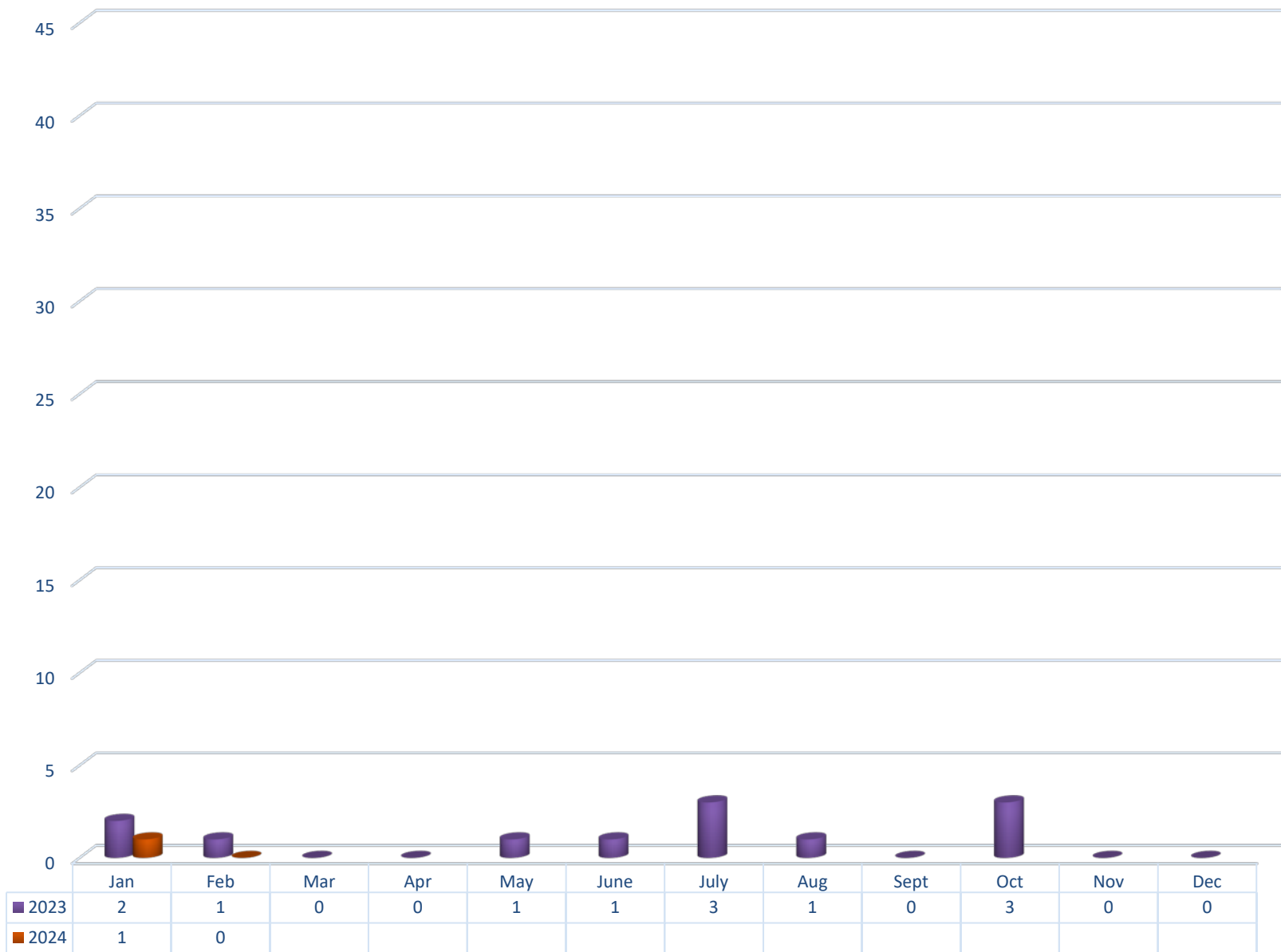
The construction value is based on an estimated value of \$150 per sq. ft. for residential new & addition construction and \$75 per sq. ft. for residential alterations.

Construction value or square footage will not be reflected for miscellaneous permits such as: decks, fences, pools, driveways, etc.

Village of Burr Ridge Building Permits Issued 2023 Compared to 2024



Village of Burr Ridge New Housing Permits 2023 Compared to 2024



CONSTRUCTION VALUE OF BUILDING PERMITS - MONTHLY SURVEY 2024

(Does not include miscellaneous Permits)

MONTH	SINGLE FAMILY RESIDENTIAL (NEW)	ADDITIONS ALTERATIONS (RES)	NON- RESIDENTIAL (NEW)	ADDITIONS ALTERATIONS (NON-RES)	TOTAL FOR MONTH
JANUARY	\$1,500,000	\$484,440			\$1,984,440
	[1]	[4]	[0]	[0]	
FEBRUARY		\$295,919		\$90,000	\$385,919
	[0]	[3]	[0]	[1]	
MARCH					
	[]	[]	[]	[]	
APRIL					
	[]	[]	[]	[]	
MAY					
	[]	[]	[]	[]	
JUNE					
	[]	[]	[]	[]	
JULY					
	[]	[]	[]	[]	
AUGUST					
	[]	[]	[]	[]	
SEPTEMBER					
	[]	[]	[]	[]	
OCTOBER					
	[]	[]	[]	[]	
NOVEMBER					
	[]	[]	[]	[]	
DECEMBER					
	[]	[]	[]	[]	
2024 TOTAL	\$1,500,000	\$780,359	\$0	\$90,000	\$2,370,359
	[1]	[7]	[0]	[1]	

Occupancy Certificates Issued from 2/1/2024 - 2/29/2024

03/12/24

CO #	Certificate of Occupancy Date	Occupant of Record	Address
OF24002	02/12/24	Austin Intelligence Group	405- 409 HEATHROW



VILLAGE OF BURR RIDGE

MEMORANDUM

TO: Village of Burr Ridge Plan Commission
Greg Trzupek, Chairman

FROM: Ella Stern, Planner

DATE: February 19, & April 1, 2024

RE: **PC-04-2024: Virtual Plan Commission Meeting Attendance;**
PC-07-2024: Public Hearing Procedures & Rules Regarding Public Participation

The Rules of Procedure for the Plan Commission meetings require in-person attendance. In order to permit virtual meeting attendance, the Plan Commission must amend the Plan Commission by-laws. While reviewing the Plan Commission's Rules and Procedures, staff discovered that additional sections of the Plan Commission Rules of Procedures needed to be updated. The Village Attorney reviewed and revised the roman numerals in addition to Public Hearing Procedures, Rules for Public Testimony at a Public Hearing, and added a section regarding Public Participation. Staff combined both considerations into one document to review all of the proposed language for the Plan Commission Rules and Procedures at once.

Chapter 3; Section 1.3 of the Burr Ridge Municipal Code states that the Plan Commission may adopt such rules and regulations as are consistent with Village ordinances and State Statutes. The Rules of Procedures outlined herein establish such rules and regulations as authorized by the Municipal Code. Any prior rules are hereby revoked and superseded by these regulations.

At the February 19th meeting, the Plan Commission reviewed the draft language for remote attendance which was prepared by the Village Attorney and was based upon the existing rules for the Board of Trustees (section 2.64). The Plan Commission requested staff consult with the Village Attorney to see if the requirement for providing an excuse could be eliminated and to confirm that the public cannot attend virtually. The Plan Commission also requested to limit how many meetings a year a Commissioner may attend remotely. Staff confirmed with the Village Attorney that the public cannot attend virtually with the proposed language. The Village Attorney also confirmed per the Open Meetings Act (OMA), a Plan Commissioner can only attend virtually for one of the specific reasons listed below, and the Commissioner must disclose the reason for attending virtually at the meeting. Staff provided proposed language to adopt in the Plan Commission Rules of Procedures, based upon the Commission's direction at the February 19, 2024 meeting, as follows:

XIII. Remote Attendance at Meetings by Members

If a quorum of the members of the Plan Commission is physically present at a meeting, a majority of the Plan Commission members may allow a member of the Plan Commission to attend the meeting via video or audio conference and to vote on any matter, under the following conditions:

- 1. The absent Commissioner (s) cannot be physically present at the regular meeting due to (a) personal illness or disability; (b) employment purposes; (c) the business of the Plan Commission; (d) a family or other emergency; or (e) unexpected childcare obligations.*
- 2. The absent Commissioner has notified the Chairperson and Village Planner of the absence and the reason for the absence at least 48 hours before the meeting is convened, whenever practicable.*
- 3. The absent Commissioner shall not be counted in the determination of a quorum for the meeting.*
- 4. The absent Commissioner, before being allowed to participate as a member of the Plan Commission, shall publicly state the reason for not being present at the meeting.*
- 5. A majority of the members of the Plan Commission, excluding the physically absent Commissioner(s), approve a motion to allow the absent Commissioner(s) to attend the meeting by video or audio conference.*
- 6. The Village Planner shall record in the meeting minutes the manner of participation of a Commissioner participating via video or audio conference.*
- 7. The voice of the absent Commissioner(s) shall be simultaneously broadcast to the public and media who are present at the regular meeting, and the absent Commissioner(s) must be able to hear any public comment regarding any issue elicited at the meeting, if any, before any vote is taken.*
- 8. A member of the Plan Commission/Zoning Board of Appeals shall be permitted to attend the meeting via video or audio conference no more than two (2) times per calendar year.*

PC-07-2024: Rules for Public Testimony at a Public Hearing & Rules Regarding Public Participation

The Village Attorney reviewed the existing language in the Rules of Procedure for public participation and confirmed that the public cannot virtually or remotely attend meetings. Through this review of public participation during public hearings and during the public comment portions of the agenda, staff and the Village Attorney recommend the following amended and additional language as a proposed amendment to the Plan Commission Rules of Procedure. The language was drafted by the Village Attorney and seeks to clarify testimony provided at a public hearing as opposed to the general public comments made at the end of the meeting. A time limit has been imposed on the latter with the ability of the Chairman to extend the time limit.

VIII. Public Hearing Procedures

- A. All procedures outlined in Section VIII herein shall be applicable to public hearings.
- B. All persons wishing to testify at a public hearing shall affirm that all testimony given shall be truthful.
- C. All public hearings shall proceed according to the following steps:
 - 1. Reading of Public Notice: The Community Development Director shall open the hearing by reading the public notice and presenting any background information as deemed appropriate.
 - 2. Petitioner's Testimony: The petitioner will present the petition and testimony relevant to the findings of fact.
 - 3. Public Testimony: Anyone in attendance at the public hearing will be given the opportunity to present testimony relevant to the findings of fact in support of or opposition to the petition, *in accordance with paragraph D hereinafter.*
 - 4. Petitioner's Rebuttal: The petitioner may rebut any statements and respond to any questions from the public.
 - 5. Plan Commission Questions: The Plan Commission may ask questions of the petitioner, the public, or the Community Development Director relative to the findings of fact and statements made during the public hearing.
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 - 4. *All testimony, questions, and discussion at a public hearing should relate to the issue under consideration by the Plan Commission and to the findings of fact for each petition. Testimony, questions, and discussion not relevant to the issue under consideration should be disregarded. The Chairperson may stop any testimony, questions, or discussion deemed irrelevant to the issue or the findings of fact.*

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~~E. Immediately upon closing of a public hearing, the Chairperson shall ask for further discussion. If no further discussion is forthcoming, the Chairperson shall ask for a motion regarding the Plan Commission's recommendation to the Board of Trustees to approve, approve with conditions, or deny the petition. A motion to adopt the findings of fact shall accompany such motion. The Plan Commission may adopt the findings presented by the petitioner, adopt the findings presented by the petitioner with specified changes, or to direct the Community Development Director to prepare specified findings of fact.~~

XIV. Rules Regarding Public Participation

Members of the public are to be afforded the opportunity to address the Plan Commission during the Public Comment portion of its meetings, in accordance with the following rules:

1. *Each person addressing the Plan Commission shall state his name for the record.*
2. *The Commission shall allocate up to thirty (30) minutes during each meeting of the Commission for public comment, unless such time limit is extended by the presiding officer.*
3. *Each person shall be granted no more than three (3) minutes per meeting to address the Commission, unless such time limit is extended by the presiding officer.*
4. *Abusive language, including sexist, racist, ethic or religious-based abusive language shall not be permitted.*
5. *The presiding officer shall have the authority to terminate at any meeting the public comment of any person who violates these Rules, and to require that person to cease participation in that meeting or to leave that meeting.*

Public Comment

One public comment was received and is included as Exhibit C.

Attachments

Exhibit A – Plan Commission Rules of Procedure

Exhibit B – Revised Plan Commission Rules of Procedures

Exhibit C – Public Comment



VILLAGE OF BURR RIDGE PLAN COMMISSION

RULES OF PROCEDURE

I. General Rules and Regulations

- A. **Authorization:** Chapter 3; Section 1.3 of the Burr Ridge Municipal Code (attached hereto as **Appendix A**) states that the Plan Commission may adopt such rules and regulations as are consistent with Village ordinances and State Statutes. The Rules of Procedures outlined herein establish such rules and regulations as authorized by the Municipal Code. Any prior rules are hereby revoked and superseded by these regulations.
- B. **Purpose:** The rules and regulations described herein are general guidelines for conducting Plan Commission business and meetings. The Chairperson and Plan Commission may modify all rules and regulations described herein unless otherwise specifically mandated by other Ordinances or policies of the Village of Burr Ridge.
- C. **Suspension of Rules and Regulations:** The Chairperson may suspend any rules or regulations contained herein unless said rule or regulation specifically states that a majority vote of the Plan Commission is required for modification.
- D. **Open Meetings:** All meetings of the Plan Commission shall be open to the public and no action shall be taken except at such a public meeting. All meetings and notices of meetings shall comply with the Illinois Open Meetings Act.
- E. **Inclusion of Zoning Board of Appeals:** For purposes of these Rules of Procedure, all references to the Plan Commission shall also include the Zoning Board of Appeals unless specifically stated otherwise.

II. Members and Officers

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- B. **Vice Chairperson:** A Vice-Chairperson shall be appointed by a majority vote of the Plan Commission subject to the approval of the Board of Trustees. The Vice-Chairperson shall serve a one-year term unless otherwise determined by the Plan Commission and Board of Trustees. The position of Vice Chairperson

shall be rotated annually among those members of the Plan Commission who volunteer to serve as the Vice Chairperson.

- C. **Commissioners:** Commissioners shall be appointed and serve as per Section XIII.D of the Burr Ridge Zoning Ordinance.
- D. **Alternate Commissioner:** An alternate Commissioner shall be appointed and serve as per Article 1, Section 1.5 of the Burr Ridge Municipal Code.
- E. **Board of Trustees (BOT) Representative Pro Tem:** The Plan Commission shall adopt an annual schedule designating different Commissioners as the Board of Trustees Representative Pro Tem. The appointment of the BOT Representative Pro Tem shall rotate between each of the Commissioners and the Alternate Commissioner.
- F. **Executive Secretary:** The Community Development Director shall serve as Executive Secretary to the Plan Commission.

III. Duties of Officers

- A. **Chairperson:** The Chairperson shall preside at all meetings and public hearings, assure that all the rules and regulations are obeyed, affirm all those persons at a public hearing who wish to testify, and prepare or direct the preparation of all reports, recommendations, or other official documentation.
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- C. **Board of Trustees (BOT) Representative Pro Tem:** The BOT Representative Pro Tem shall attend the designated meetings of the Board of Trustees and shall be available to respond to all inquiries from the Board of Trustees relative to any and all Plan Commission recommendations and considerations. The Representative shall strive to represent the majority and minority opinions and findings of the Plan Commission as was portrayed at the various public meetings of the Plan Commission. The Representative shall avoid expressing personal opinions to the Board of Trustees except as may be determined appropriate in the context of expressing the Commission's majority and minority opinions and findings.
- D. **Executive Secretary:** As the Executive Secretary, the Community Development Director shall set agendas, publish notices for hearings, prepare

written staff summaries for all matters to be considered by the Plan Commission, prepare findings of fact as directed by the Plan Commission, take minutes of all meetings, prepare letters of recommendation for matters being forwarded to the Board of Trustees and perform all other administrative tasks as directed herein or as may be directed by the Chairperson or Plan Commission in the fulfillment of their duties.

IV. Agendas

- A. **Agenda Items:** Items that may be placed on a Plan Commission agenda include all of the various hearings and considerations outlined in the Village of Burr Ridge Zoning Ordinance, Subdivision Ordinance, or Sign Ordinance or as may otherwise be directed by the Board of Trustees.
- B. **Numbering of Agenda Items:** All petitions filed requesting rezoning of property, text amendments to the Zoning Ordinance, and special use approvals shall be given the following designation: Z-01-2000 with “Z” representing the petition type, the middle number representing the number of petitions filed for that year (numbered sequentially and based on the public hearing date) and the last four digits representing the year. Likewise, all petitions filed requesting a zoning variation shall follow the same numbering pattern but with a “V” designation. All other requests for consideration or approval such as subdivision signs, zoning appeals, and site plan approvals shall also follow the same numbering scheme but with a designation of “PC”.
- C. **Setting of Agenda:** The Community Development Director shall be responsible for preparing all agendas and, in consultation with the Chairperson (or Vice Chairperson in the Chairperson’s absence) as determined necessary, shall determine those items that may be placed on an agenda. Preparation of agendas shall follow the following guidelines:
 - 1. Only those matters that relate to the jurisdiction of the Plan Commission, as determined by the various Ordinances of the Village of Burr Ridge, may be placed on the agenda.
 - 2. Agendas shall be set in a format consistent with the attached **Appendix C**.
 - 3. Matters to be placed on an agenda shall meet the filing deadlines established in Section V, below. The Community Development Director, in consultation with the Chairperson (or Vice Chairperson in the Chairperson’s absence), may delay placement of certain matters on an agenda due to the total number of items on that agenda. In doing so, preference shall be given to those matters related directly to a single-family home and those matters that may be more urgent due to public interest or existing site conditions.
- D. **Re-Arrangement of Agenda:** The Chairperson, with the consent of the Plan Commission, may re-arrange an agenda at any time during a meeting.

Generally, such action shall be considered as a service to those citizens in attendance at a meeting or to add efficiency to the conducting of the Plan Commission's business.

V. Filing of Petitions and Requests for Consideration

- A. All public hearing petitions must be filed at least three weeks in advance of the meeting date in order to allow sufficient time for publication of notices. The Community Development Director may require additional time if needed for publication of notice.
- B. All other considerations shall be filed at least one week in advance of the meeting date unless otherwise dictated by the Community Development Director.
- C. Petitions for public hearings and requests for other considerations shall be made on forms provided by the Community Development Director and accompanied by supporting documentation as deemed necessary by the Community Development Director. Petitions for public hearings and requests for considerations shall not be considered filed until all such information is provided.
- D. The petitioner or applicant may provide additional information beyond the filing deadline. However, such information submitted beyond the filing deadline may result in a continuance in order for the Plan Commission and Community Development Director to process the information.
- E. The public is encouraged to provide written statements or documentation and is encouraged to submit such documents to the Community Development Director on or before the Wednesday preceding the public hearing or meeting.

VI. Notice of Public Hearings

- A. Notices for all public hearings considered by the Plan Commission shall be provided as follows:
 - 1. Legal Notice: Legal notice shall be provided in a newspaper of general circulation in the Village at least 15 days before the hearing date. Said notice shall comply with applicable State Statutes.
 - 2. Public Notice: Public notice shall be provided to area property owners within 500 feet of the property that is the subject of the public hearing at least 12 days prior to the hearing date.
 - 3. Posted Notice: Posted notice shall be provided on the property that is the subject of the public hearing at least 12 days prior to the hearing date.

- B. If notice is not provided herein or if the Plan Commission otherwise determines that affected parties have not had sufficient notice, the public hearing may be rescheduled and the Community Development Director directed to provide notice as required herein or as may otherwise be deemed appropriate. If the Plan Commission determines that sufficient notice has been provided despite a failure to provide notice as required herein, the Plan Commission may waive the applicable notice requirement.
- C. Notice of hearings continued to a specific date shall not be required unless specifically directed by the Chairperson.

VII. Quorum

- A. A minimum of four members, including the alternate, must be present for the Plan Commission to conduct a meeting.
- B. In the event that a quorum is not present to conduct a meeting, all items on the agenda shall be continued to the next meeting with no further action required. The Chairperson shall inform all present of the next meeting date. No new notices shall be required unless specifically directed by the Chairperson.
- C. A minimum of four members, not including the alternate, must be present for the Plan Commission to proceed with any hearings or considerations that are specifically under the jurisdiction of the Zoning Board of Appeals.
- D. In the event that a quorum is not present to conduct business as the Zoning Board of Appeals, that particular agenda item shall be continued to a specific meeting date. Such date shall be included in a motion to continue the matter and no new notice shall be required unless specifically directed by the Chairperson.
- E. A Commissioner who is unable to attend a meeting shall endeavor to notify the Community Development Director in advance of the scheduled meeting. If it is determined in advance of a meeting that a quorum will not be present, the Community Development Director shall so notify the Chairperson and the meeting will be canceled. The Community Development Director shall notify Commissioners and shall endeavor to notify the petitioners, applicants, and all other interested parties.

VI. Rules for Public Participation

- A. All persons wishing to testify at a public hearing or address other business with the Plan Commission shall state their name and address prior to addressing the Plan Commission.

- B. All persons wishing to testify at a public hearing or address other business with the Plan Commission shall speak clearly so that all statements may be recorded.
- C. All persons wishing to present testimony, questions, or discussion at a public hearing or during any other matter before the Plan Commission shall do so during the time allotted herein unless granted specific permission by the Chairperson to speak out of turn.
- D. All testimony, questions, and discussion at a public hearing or during consideration of other matters should relate to the issue under consideration by the Plan Commission. Testimony, questions, and discussion not relevant to the issue under consideration should be disregarded. The Chairperson may stop any testimony, questions, or discussion deemed irrelevant to the issue.
- E. Repetitive testimony, questions, and discussion are to be avoided. The Chairperson may stop any testimony, questions, or discussion deemed to be repetitive.
- F. Abusive behavior, personal accusations, threats, or insults are prohibited under any and all circumstances. The Chairperson shall stop any such testimony.

VIII. Public Hearing Procedures

- A. All procedures outlined in Section VIII herein shall be applicable to public hearings.
- B. All persons wishing to testify at a public hearing shall affirm that all testimony given shall be truthful.
- C. All public hearings shall proceed according to the following steps:
 - 1. Reading of Public Notice: The Community Development Director shall open the hearing by reading the public notice and presenting any background information as deemed appropriate.
 - 2. Petitioner's Testimony: The petitioner will present the petition and testimony relevant to the findings of fact.
 - 3. Public Testimony: Anyone in attendance at the public hearing will be given the opportunity to present testimony relevant to the findings of fact in support of or opposition to the petition.
 - 4. Petitioner's Rebuttal: The petitioner may rebut any statements and respond to any questions from the public.
 - 5. Plan Commission Questions: The Plan Commission may ask questions of the petitioner, the public, or the Community Development Director relative to the findings of fact and statements made during the public hearing.

6. Plan Commission Discussion: The Plan Commission may make statements regarding the petition and findings of fact and may otherwise discuss written or verbal testimony relative to the public hearing.
 7. Close of Hearing: At the conclusion of discussion, the Chairperson shall ask for a motion to close the hearing. The hearing shall be closed by a majority vote of the Plan Commission.
- D. Immediately upon closing of a public hearing, the Chairperson shall ask for further discussion. If no further discussion is forthcoming, the Chairperson shall ask for a motion regarding the Plan Commission's recommendation to the Board of Trustees to approve, approve with conditions, or deny the petition. A motion to adopt the findings of fact shall accompany such motion. The Plan Commission may adopt the findings presented by the petitioner, adopt the findings presented by the petitioner with specified changes, or to direct the Community Development Director to prepare specified findings of fact.
- E. All testimony, questions, and discussion at a public hearing should relate to the findings of fact for each petition. Testimony, questions, and discussion not relevant to the findings of fact should be disregarded. The Chairperson may stop any testimony, questions, or discussion deemed irrelevant to the findings of fact.

IX. Procedures for Other Considerations

- A. All procedures outlined in Section VIII herein shall be applicable to the Plan Commission's consideration of matters other than public hearings including but not limited to sign variations, subdivision plats, and zoning appeals.
- B. Consideration of matters other than public hearings shall proceed according to the following steps:
1. Introduction: The Community Development Director will present a review and summary of the request for consideration.
 2. Applicants' Presentation: If a party other than the Community Development Director is requesting consideration, that party shall then present the matter to the Plan Commission and state reasons for the request for consideration.
 3. Public Comment: Anyone in attendance at the meeting will be given the opportunity to ask questions or comment on the request for consideration.
 4. Applicant's Rebuttal: The applicant may rebut any statements or respond to any questions from the public.
 5. Plan Commission Questions: The Plan Commission may ask questions of the applicant, the public, or the Community Development Director relative to the request for consideration.
 6. Plan Commission Discussion: The Plan Commission may make statements or discuss the request for consideration.
 7. Plan Commission Motion: Upon conclusion of all discussion, the Chairperson shall ask for a motion to recommend that the Board of Trustees

approve, approve with conditions, or deny the request for consideration. For such matters on which the Plan Commission is the final authority, the motion shall be for the Plan Commission to approve, approve with conditions, or deny the request for consideration.

X. Motions and Voting Procedures

- A. Any recommendation to the Board of Trustees and any final action by the Plan Commission shall be subject to approval by a motion and roll call vote of the Plan Commission.
- B. Voting on other matters not being forwarded to the Board of Trustees such as approval of minutes or procedural actions may be by voice vote unless a roll call vote is directed by the Chairperson or requested by a Commissioner. The minutes of each meeting shall reflect the voice vote of each Commissioner.
- C. Approval of a motion to approve or deny a request for variation being considered by the Zoning Board of Appeals shall require a majority vote of the entire Plan Commission, i.e. a minimum of four positive votes.
- D. Approval of motions other than those for variations being considered by the Zoning Board of Appeals shall require a majority vote of those Plan Commissioners present at a meeting.
- E. If a motion fails to receive sufficient positive votes for approval, the Chairperson shall ask for an alternate motion.
- F. If there is no motion receiving sufficient positive votes for approval, the Chairperson shall ask for further discussion or may ask for a motion to re-open the public hearing and continue it to a subsequent meeting for further information, discussion, and consideration.
- G. The Chairperson and the Plan Commission shall strive to achieve consensus and to make a positive recommendation to the Board of Trustees. Under any circumstances whereby a majority vote has not been established, a continuance to a subsequent meeting should be strongly considered to allow additional information to be presented or for further consideration of the matter.
- H. Any public hearing request or any other consideration being forwarded to the Board of Trustees which fails to ultimately receive a sufficient positive votes for approval, shall be forwarded to the Board of Trustees as a recommendation to deny the request.

XI. Continuance of Public Hearings

- A. The petitioner, a concerned citizen or a member of the Plan Commission may request a continuance of a public hearing at any time before or during the hearing.
- B. Requests for continuances shall be subject to a majority vote of those Plan Commissioners present at a hearing.
- C. Continuances should be to a date specified in the motion for continuance. Continuances to a specified date shall not require additional notice unless specifically directed by the Chairperson. Continuances to an unspecified date shall require full notice as stipulated herein.
- D. A first request for a continuance generally should be granted unless extreme hardship would result.
- E. A second request for a continuance may be granted for good cause such as lack of proper notice, consideration of new information, or unforeseen scheduling conflicts.

XII. Schedule and Cancellation of Meetings

- A. Prior to the beginning of each calendar year, the Plan Commission shall approve a schedule of meetings for the upcoming year. Generally, meetings will be scheduled at 7:30 PM on the first and third Monday of each month except for major holidays.
- B. The Chairperson in consultation with the Community Development Director may schedule special meetings, as is determined necessary. Special meetings shall be scheduled at least one week in advance.
- C. Scheduled meetings of the Plan Commission may be canceled due to the following circumstances:
 - 1. If there are no public hearings or other time-sensitive business scheduled for an upcoming meeting and the deadline for submitting a Petition for Public Hearing has passed. Under such circumstances, the Plan Commission may cancel said meeting by a majority voice vote of the Commissioners present.
 - 2. If the conditions described in Section XI.B.1 above are met but there is no prior meeting of the Plan Commission in which to consider cancellation, the Chairperson in consultation with the Community Development Director, may cancel said meeting.

Plan Commission Rules of Procedure
Adopted March 5, 2001 and Amended August 1, 2005

3. If it is determined that a quorum will not be available for a meeting, the Chairperson in consultation with the Community Development Director, may cancel the meeting.
- D. The Community Development Director shall notify the Plan Commission, Board of Trustees, the Press, and other interested parties as soon as is practical regarding any canceled meetings.



VILLAGE OF BURR RIDGE PLAN COMMISSION

RULES OF PROCEDURE

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 - 3. Posted Notice: Posted notice shall be provided on the property that is the subject of the public hearing at least 12 days prior to the hearing date.

- B. If notice is not provided herein or if the Plan Commission otherwise determines that affected parties have not had sufficient notice, the public hearing may be rescheduled and the Community Development Director directed to provide notice as required herein or as may otherwise be deemed appropriate. If the Plan Commission determines that sufficient notice has been provided despite a failure to provide notice as required herein, the Plan Commission may waive the applicable notice requirement.
- C. Notice of hearings continued to a specific date shall not be required unless specifically directed by the Chairperson.

VII. Quorum

- A. A minimum of four members, including the alternate, must be present for the Plan Commission to conduct a meeting.
- B. In the event that a quorum is not present to conduct a meeting, all items on the agenda shall be continued to the next meeting with no further action required. The Chairperson shall inform all present of the next meeting date. No new notices shall be required unless specifically directed by the Chairperson.
- C. A minimum of four members, not including the alternate, must be present for the Plan Commission to proceed with any hearings or considerations that are specifically under the jurisdiction of the Zoning Board of Appeals.
- D. In the event that a quorum is not present to conduct business as the Zoning Board of Appeals, that particular agenda item shall be continued to a specific meeting date. Such date shall be included in a motion to continue the matter and no new notice shall be required unless specifically directed by the Chairperson.
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~~VI. Rules for Public Participation~~

- ~~A. All persons wishing to testify at a public hearing or address other business with the Plan Commission shall state their name and address prior to addressing the Plan Commission.~~

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VIII. Public Hearing Procedures

- A. All procedures outlined in Section VIII herein shall be applicable to public hearings.
- B. All persons wishing to testify at a public hearing shall affirm that all testimony given shall be truthful.
- C. All public hearings shall proceed according to the following steps:
 - 1. Reading of Public Notice: The Community Development Director shall open the hearing by reading the public notice and presenting any background information as deemed appropriate.
 - 2. Petitioner's Testimony: The petitioner will present the petition and testimony relevant to the findings of fact.
 - 3. Public Testimony: Anyone in attendance at the public hearing will be given the opportunity to present testimony relevant to the findings of fact in support of or opposition to the petition, in accordance with paragraph D hereinafter.
 - 4. Petitioner's Rebuttal: The petitioner may rebut any statements and respond to any questions from the public.
 - 5. Plan Commission Questions: The Plan Commission may ask questions of the petitioner, the public, or the Community Development Director relative to the findings of fact and statements made during the public hearing.

6. Plan Commission Discussion: The Plan Commission may make statements regarding the petition and findings of fact and may otherwise discuss written or verbal testimony relative to the public hearing.
7. Close of Hearing: At the conclusion of discussion, the Chairperson shall ask for a motion to close the hearing. The hearing shall be closed by a majority vote of the Plan Commission.

D. Rules for Public Testimony at a Public Hearing

1. All persons wishing to testify at a public hearing shall state their name and address prior to addressing the Plan Commission.
2. All persons wishing to testify at a public hearing shall speak clearly so that all statements may be recorded.
3. All persons wishing to present testimony, questions, or discussion at a public hearing shall do so during the time allotted herein unless granted specific permission by the Chairperson to speak out of turn.
4. All testimony, questions, and discussion at a public hearing should relate to the issue under consideration by the Plan Commission and to the findings of fact for each petition. Testimony, questions, and discussion not relevant to the issue under consideration should be disregarded. The Chairperson may stop any testimony, questions, or discussion deemed irrelevant to the issue or the findings of fact.
5. Repetitive testimony, questions, and discussion are to be avoided. The Chairperson may stop any testimony, questions, or discussion deemed to be repetitive.
6. Abusive behavior, personal accusations, threats, or insults are prohibited under any and all circumstances. The Chairperson shall stop any such testimony.

~~D.E.~~ Immediately upon closing of a public hearing, the Chairperson shall ask for further discussion. If no further discussion is forthcoming, the Chairperson shall ask for a motion regarding the Plan Commission's recommendation to the Board of Trustees to approve, approve with conditions, or deny the petition. A motion to adopt the findings of fact shall accompany such motion. The Plan Commission may adopt the findings presented by the petitioner, adopt the findings presented by the petitioner with specified changes, or to direct the Community Development Director to prepare specified findings of fact.

~~E. All testimony, questions, and discussion at a public hearing should relate to the findings of fact for each petition. Testimony, questions, and discussion not~~

~~relevant to the findings of fact should be disregarded. The Chairperson may stop any testimony, questions, or discussion deemed irrelevant to the findings of fact.~~

IX. Procedures for Other Considerations

- A. All procedures outlined in Section VIII herein shall be applicable to the Plan Commission's consideration of matters other than public hearings including but not limited to sign variations, subdivision plats, and zoning appeals.
- B. Consideration of matters other than public hearings shall proceed according to the following steps:
 - 1. Introduction: The Community Development Director will present a review and summary of the request for consideration.
 - 2. Applicants' Presentation: If a party other than the Community Development Director is requesting consideration, that party shall then present the matter to the Plan Commission and state reasons for the request for consideration.
 - 3. Public Comment: Anyone in attendance at the meeting will be given the opportunity to ask questions or comment on the request for consideration.
 - 4. Applicant's Rebuttal: The applicant may rebut any statements or respond to any questions from the public.
 - 5. Plan Commission Questions: The Plan Commission may ask questions of the applicant, the public, or the Community Development Director relative to the request for consideration.
 - 6. Plan Commission Discussion: The Plan Commission may make statements or discuss the request for consideration.
 - 7. Plan Commission Motion: Upon conclusion of all discussion, the Chairperson shall ask for a motion to recommend that the Board of Trustees approve, approve with conditions, or deny the request for consideration. For such matters on which the Plan Commission is the final authority, the motion shall be for the Plan Commission to approve, approve with conditions, or deny the request for consideration.

X. Motions and Voting Procedures

- A. Any recommendation to the Board of Trustees and any final action by the Plan Commission shall be subject to approval by a motion and roll call vote of the Plan Commission.
- B. Voting on other matters not being forwarded to the Board of Trustees such as approval of minutes or procedural actions may be by voice vote unless a roll call vote is directed by the Chairperson or requested by a Commissioner. The minutes of each meeting shall reflect the voice vote of each Commissioner.

- C. Approval of a motion to approve or deny a request for variation being considered by the Zoning Board of Appeals shall require a majority vote of the entire Plan Commission, i.e. a minimum of four positive votes.
- D. Approval of motions other than those for variations being considered by the Zoning Board of Appeals shall require a majority vote of those Plan Commissioners present at a meeting.
- E. If a motion fails to receive sufficient positive votes for approval, the Chairperson shall ask for an alternate motion.
- F. If there is no motion receiving sufficient positive votes for approval, the Chairperson shall ask for further discussion or may ask for a motion to re-open the public hearing and continue it to a subsequent meeting for further information, discussion, and consideration.
- G. The Chairperson and the Plan Commission shall strive to achieve consensus and to make a positive recommendation to the Board of Trustees. Under any circumstances whereby a majority vote has not been established, a continuance to a subsequent meeting should be strongly considered to allow additional information to be presented or for further consideration of the matter.
- H. Any public hearing request or any other consideration being forwarded to the Board of Trustees which fails to ultimately receive a sufficient positive votes for approval, shall be forwarded to the Board of Trustees as a recommendation to deny the request.

XI. Continuance of Public Hearings

- A. The petitioner, a concerned citizen or a member of the Plan Commission may request a continuance of a public hearing at any time before or during the hearing.
- B. Requests for continuances shall be subject to a majority vote of those Plan Commissioners present at a hearing.
- C. Continuances should be to a date specified in the motion for continuance. Continuances to a specified date shall not require additional notice unless specifically directed by the Chairperson. Continuances to an unspecified date shall require full notice as stipulated herein.
- D. A first request for a continuance generally should be granted unless extreme hardship would result.

- E. A second request for a continuance may be granted for good cause such as lack of proper notice, consideration of new information, or unforeseen scheduling conflicts.

XII. Schedule and Cancellation of Meetings

- A. Prior to the beginning of each calendar year, the Plan Commission shall approve a schedule of meetings for the upcoming year. Generally, meetings will be scheduled at 7:30 PM on the first and third Monday of each month except for major holidays.
- B. The Chairperson in consultation with the Community Development Director may schedule special meetings, as is determined necessary. Special meetings shall be scheduled at least one week in advance.
- C. Scheduled meetings of the Plan Commission may be canceled due to the following circumstances:
 - 1. If there are no public hearings or other time-sensitive business scheduled for an upcoming meeting and the deadline for submitting a Petition for Public Hearing has passed. Under such circumstances, the Plan Commission may cancel said meeting by a majority voice vote of the Commissioners present.
 - 2. If the conditions described in Section XI.B.1 above are met but there is no prior meeting of the Plan Commission in which to consider cancellation, the Chairperson in consultation with the Community Development Director, may cancel said meeting.
 - 3. If it is determined that a quorum will not be available for a meeting, the Chairperson in consultation with the Community Development Director, may cancel the meeting.
- D. The Community Development Director shall notify the Plan Commission, Board of Trustees, the Press, and other interested parties as soon as is practical regarding any canceled meetings.

XIII. Remote Attendance at Meetings by Members

If a quorum of the members of the Plan Commission is physically present at a meeting, a majority of the Plan Commission members may allow a member of the Plan Commission to attend the meeting via video or audio conference and to vote on any matter, under the following conditions:

- 1. The absent Commissioner (s) cannot be physically present at the regular meeting due to (a) personal illness or disability; (b) employment purposes; (c) the business

- of the Plan Commission; (d) a family or other emergency; or (e) unexpected childcare obligations.
2. The absent Commissioner has notified the Chairperson and Village Planner of the absence and the reason for the absence at least 48 hours before the meeting is convened, whenever practicable.
 3. The absent Commissioner shall not be counted in the determination of a quorum for the meeting.
 4. The absent Commissioner, before being allowed to participate as a member of the Plan Commission, shall publicly state the reason for not being present at the meeting.
 5. A majority of the members of the Plan Commission, excluding the physically absent Commissioner(s), approve a motion to allow the absent Commissioner(s) to attend the meeting by video or audio conference.
 6. The Village Planner shall record in the meeting minutes the manner of participation of a Commissioner participating via video or audio conference.
 7. The voice of the absent Commissioner(s) shall be simultaneously broadcast to the public and media who are present at the regular meeting, and the absent Commissioner(s) must be able to hear any public comment regarding any issue elicited at the meeting, if any, before any vote is taken.
 8. A member of the Plan Commission/Zoning Board of Appeals shall be permitted to attend the meeting via video or audio conference no more than two (2) times per calendar year.

XIV. Rules Regarding Public Participation

Members of the public are to be afforded the opportunity to address the Plan Commission during the Public Comment portion of its meetings, in accordance with the following rules:

1. Each person addressing the Plan Commission shall state his name for the record.
2. The Commission shall allocate up to thirty (30) minutes during each meeting of the Commission for public comment, unless such time limit is extended by the presiding officer.
3. Each person shall be granted no more than three (3) minutes per meeting to address the Commission, unless such time limit is extended by the presiding officer.
4. Abusive language, including sexist, racist, ethic or religious-based abusive language shall not be permitted.

Plan Commission Rules of Procedure

Adopted March 5, 2001 and Amended August 1, 2005 and April 1, 2024

5. The presiding officer shall have the authority to terminate at any meeting the public comment of any person who violates these Rules, and to require that person to cease participation in that meeting or to leave that meeting.

February 15, 2024

Chairman Greg Trzupek
Burr Ridge Plan Commission

Dear Chairman Trzupek and Plan Commission:

I write to address Item V.B. **“By-Laws Amendment – Virtual PC Meeting Attendance”** and respectfully request that my comments be included in the packet for the Monday, February 19, 2024 meeting when this item will be discussed.

At the February 5 Plan Commission meeting, Commissioner Irwin brought up the subject of virtual attendance by commissioners. He noted that the Board of Trustees permits virtual attendance. But he should have also noted that Board meetings are broadcast live via Cable Access Channel 6 and live-streamed via the Village’s YouTube channel.

I have done some research on this subject matter and find that nearly every surrounding town not only broadcasts/live-streams their Village Board meetings, *but they also broadcast/live-stream their Planning/Zoning Commission meetings*. (In fact, many of those also make their other town meetings available for public viewing in real time, too.) Only Burr Ridge is the outlier: it does not broadcast or live-stream Plan Commission meetings although the Village does record the audio. And that recording is only available via a Freedom of Information Act request.

So if Plan Commissioners want to have the option to attend “virtually,” I feel strongly that residents should have this option, too. All it takes is a flip of a switch to broadcast or livestream these meetings and we already pay Orbis a ton for the technology. Let’s use it. There is no competing programming on Cable Access Channel 6 on alternate Mondays when the Plan Commission meets.

Please consider the interests of residents who want to follow the workings of the second-most-important public body in the Village of Burr Ridge, its Plan Commission. In the interests of transparency, **BROADCAST YOUR MEETINGS.**

Respectfully submitted,

Patricia A. Davis
Burr Ridge resident/taxpayer