



**REGULAR MEETING
PLAN COMMISSION/ZONING BOARD OF APPEALS
MARCH 4, 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 FEBRUARY 19, 2024 MEETING MINUTES

III. PUBLIC HEARINGS

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]

REQUEST BY PETITIONER TO TABLE INDEFINITELY. NOTICES WILL BE RESENT AND REPUBLISHED ONCE THE PETITIONER CONFIRMS A FUTURE MEETING DATE.

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

Request for a variation from Zoning Ordinance Section IV.J to permit a fence within a corner side yard setback deviating from the minimum 30 ft. required.

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

Requests for three (3) variations from Zoning Ordinance Section IV.J, IV.I.34, and IV.H.4 to permit (1) a fence within the corner side yard setback, located 2' off the property line deviating from the 40' minimum regulation, (2) a patio within the corner side yard setback, and (3) a swimming pool within the corner side yard setback.

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

Requests 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.

IV. CORRESPONDENCE

A. Board Reports

None – February 26, 2024 Board meeting was canceled.

B. Building Reports

None

V. OTHER CONSIDERATIONS

A. PC-05-2024: 15W303 61st St. (Osgood/Ridge Precision Gunsmithing, LLC); Appeal

Appeal of Determination denying a gunsmithing Home Occupation in accordance with Zoning Ordinance section XIII.I.

VI. PUBLIC COMMENT

VII. FUTURE MEETINGS

March 11 Village Board

Commissioner Petrich is the scheduled representative.

March 18 Plan Commission – NOT SCHEDULED

The March 18, 2024 Plan Commission meeting was not scheduled due to the primary election.

March 25 Village Board

Commissioner Broline is the scheduled representative.

April 1 Plan Commission

A. 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]

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.

B. 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.

C. Z-04-2024: Zoning Ordinance Amendment for Walls and Masonry Piers (Village of Burr Ridge); 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.

D. 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.

E. 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.

F. PC-04-2024: By-Laws Amendment - Virtual PC Meeting Attendance

April 8 Village Board

Commissioner Broline 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.

VIII. ADJOURNMENT

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF FEBRUARY 19, 2024

I. ROLL CALL

The meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 p.m. at the Burr Ridge Village Hall Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 8 – Irwin, McCollian, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek

ABSENT: 0 – None

Planner Ella Stern was also present.

II. APPROVAL OF PRIOR MEETING MINUTES – FEBRUARY 5, 2024

Commissioner Petrich stated the petitioner's last name should be included on page 17.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Petrich to approve the minutes of the February 5, 2024 meeting as amended.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 7-0 with one absentee.

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. Z-01-2024: 101 Burr Ridge Parkway (RE/MAX); Special Use and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated the petitioner requested a special use to permit a real estate office in a B-2 General Business zoned district. Stern stated the proposed site was on the first floor of the Harris Bank Building. Stern noted the petitioner was Coya Smith of RE/MAX Properties. Stern stated RE/MAX Properties offers services and sponsorships to businesses and residents. Stern stated RE/MAX Properties had around 15 agents that worked remotely but came in and out of the office. Stern showed an image of the site plan. Stern stated the petitioner intended the hours of operation to be by appointment Monday through Friday, 10:00 AM to 4:00 PM, and Saturday and Sunday, 9:00 AM to 12:00 PM. Stern noted that 101 Burr

Ridge Parkway had approximately 93 parking spaces, and the petitioner intended to use 8 to 10 spaces. Stern stated as part of the application, the petitioner provided information regarding the proposed signage. Stern stated the proposed signage complied with the Sign Ordinance Regulations for window signs. Stern stated the petitioner provided findings of fact that could be adopted by the Plan Commission with their recommendation and were included in the staff report. Stern stated there were two recommended conditions if the Commission wished to recommend approval.

Chairman Trzupek invited the petitioner to speak.

The Petitioner, Coya Smith of RE/MAX Properties, stated they were looking to relocate to Burr Ridge.

Chairman Trzupek asked for public comment.

Alice Krampits, 7515 Drew Road, asked questions regarding the signage and current tenants in the space.

Smith stated Harris Bank used the first floor. The petitioner stated there would only be two window signs.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton asked for clarification regarding the signage. Commissioner Morton asked the petitioner why they needed two signs on the same elevation. Commissioner Morton asked for clarification regarding the by-appointment only.

Stern stated that the two proposed signs would be permitted.

Smith stated the two signs would be more visible from both sides of the street. Smith stated that there would be appointments and walk-ins.

Commissioner Broline asked Smith about the separation between the offices.

Smith stated the offices had a separate door and space. Smith stated the hours of operation were different from RE/MAX Properties.

Commissioner Petrich asked questions regarding a street sign by the parking lot, the office space, and Sign Ordinance Regulations.

The petitioner stated there would be no street sign. Smith stated there were other tenants on the second and third floors of the building. Smith stated if other tenants had objections regarding the signs, they would take one down. Smith stated the landlord did not allow signage above the first floor.

Stern stated she would confirm the sign limit on a window.

Commissioner McCollan noted she knew the petitioner personally.

Chairman Trzupek questioned the necessity of requiring a special use for the real estate office or an office. Chairman Trzupek discussed different businesses and the generation of sales tax. Chairman Trzupek suggested the Plan Commission review the special uses

for the B-2 General Business District in the future as an amendment to see if some of the special uses could be permitted use.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Parrella to close the public hearing for case Z-01-2024.

ROLL CALL VOTE was as follows:

AYES: 8 – McCollian, Parrella, Irwin, Petrich, Broline, Stratis, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Morton to approve case Z-01-2024, with Findings of Fact, and with the following conditions:

1. The special use shall be limited to Coya Smith and her business partners and shall expire at such time that Coya Smith and her business partners no longer occupy the space at 101 Burr Ridge Parkway, Unit 150, or at which time there is an assignment or termination of the lease for the space at 101 Burr Ridge Parkway, Unit 150.
2. The special use shall be limited to RE/MAX Properties and operated in a manner consistent with the submitted business plan included as Exhibit A.
3. The special use shall be limited to the 2,700 square feet of floor area shown within the business plan at 101 Burr Ridge Parkway, Unit 150, included as Exhibit A.

ROLL CALL VOTE was as follows:

AYES: 8 – Petrich, Morton, Irwin, McCollian, Parrella, Broline, Stratis, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

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

Staff requested the case be continued to the March 4, 2024 Plan Commission meeting.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Irwin to continue V-01-2024 to the March 4, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – McCollian, Irwin, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

C. 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, 2024]

Chairman Trzupek introduced the case and asked for a summary. Stern stated on November 13th, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments pertaining to architectural entrance structures and driveway gates. Stern stated the direction from the Board focused on residents within the residential districts and considered the permitted size of a parcel for a driveway gate. At the February 5th Plan Commission meeting, staff presented information regarding speed limits, traffic counts, different residential zoning districts and acreage, and neighboring municipality research. Stern stated the driveway gate provisions have changed over the years. Stern reviewed the current regulations for driveway gates and architectural entrance structures. Stern stated staff provided new information based upon the Commission's direction at the February 5th Plan Commission meeting. Stern noted the definitions of different street classifications from the Comprehensive Plan. Stern showed a map from the Illinois Department of Transportation (IDOT). Stern stated staff provided proposed language, changing the section pertaining to the required acreage and location on arterial roads based upon the Commission's direction at the February 5th meeting. Stern read the proposed driveway gate language.

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

Commissioner Irwin stated concerns about permitting a driveway gate on an arterial street with no size limitation. Commissioner Irwin suggested having additional limitations for an arterial street. Commissioner Irwin suggested naming the streets in the proposed language instead of saying arterial streets. Commissioner Irwin stated he did not support gates and fences.

The Commissioners clarified the proposed driveway gate language.

Stern clarified that the arterial roads were Plainfield Road, Route 83, and north of County Line Road.

Commissioner Petrich noted that the IDOT map did not accurately reflect the traffic counts presented at the February 5th Plan Commission meeting. Chairman Trzupek agreed with Commissioner Petrich.

Chairman Trzupek asked for clarification regarding the definitions.

Stern stated the definitions were from the Comprehensive Plan and the map was from IDOT.

Commissioner Stratis discussed the definition of arterial streets.

Commissioner McCollian agreed with specifying the language to reflect County Line Road north of 79th Street.

Commissioner Parella agreed.

Commissioner Petrich stated he did not support amending the driveway gate regulations. Commissioner Petrich noted that amending the driveway gate regulations could potentially change the character of the Village of Burr Ridge. Commissioner Petrich discussed traffic and safety. Commissioner Petrich reiterated the IDOT map did not accurately reflect the traffic counts. Commissioner Petrich stated if the Commission chose to move forward, he suggested naming the specific roads in the driveway gate regulations instead of referring to IDOT.

Commissioner Broline stated the proposed language lacks definition. Commissioner Broline discussed the effects on different-sized properties, limitations, and traffic counts. Commissioner Broline suggested removing the word general from general arterial streets. Commissioner Broline agreed with naming the specific roads in the driveway gate regulations.

Commissioner Stratis agreed with Commissioner Irwin and Commissioner Petrich. Commissioner Stratis stated he would want the roads delineated. Commissioner Stratis stated imposing a minimum lot size regulation specifically for properties located along arterial roads might not be necessary because it was self-regulating.

Commissioner Morton agreed with Commissioner Irwin, Commissioner Petrich, and Commissioner Stratis. Commissioner Morton stated that the allowed lot size has decreased over the last twenty years. Commissioner Morton stated that he was more in favor of not recommending adoption.

Commissioner Petrich noted Wolf Road, between 70th Street and Plainfield, had a large traffic count, which was not on the IDOT map.

Commissioner Stratis discussed traffic counts, speed limits, barriers, and how roads had different amounts of lanes.

The Commissioners discussed roads throughout the Village.

Commissioner Petrich noted that few homes were for sale on minor or major arterial roads due to concerns about residing on an arterial road.

Chairman Trzupek supported a 2-acre minimum lot size unless the property was on an arterial. Chairman Trzupek noted an arterial should be defined. Chairman Trzupek agreed with naming the specific roads in the driveway gate language. Chairman Trzupek stated the Plan Commission does not need to amend the driveway gate regulations. Chairman Trzupek noted the Plan Commission has not found a hardship in the case.

Commissioner Stratis noted that the Plan Commission was not required to make an amendment; rather they provided a recommendation and evaluated the proposed text

amendment.

Commissioner Irwin stated he was unaware of a community demand for driveway gates.

Commissioner Petrich discussed traffic counts.

Chairman Trzupek stated that traffic counts were a concern, but speed limits were likely more important. Chairman Trzupek mentioned an accident by Fieldstone Club on the south side of Plainfield Road.

Commissioner McCollian confirmed if the Plan Commission did not approve the text amendment, residents would apply for a variance. Commissioner McCollian suggested the amendment be a special use so the Plan Commission could review a case property by property instead of a variance that held a higher standard.

Stern stated she would need to confirm if a special use for driveway gates would be permitted.

The Commission supported reviewing the driveway gate regulations as a special use.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue Z-15-2024 to the April 1, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Irwin, McCollian, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

D. 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, 2024]

Chairman Trzupek introduced the case and asked for a summary. Stern stated on November 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing 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. Stern reviewed the current fence regulations and showed an illustration of the current fence regulations. Stern noted at the February 5, 2024 Plan Commission meeting, staff provided draft language and an illustration. Stern stated that based upon the discussion at the February 5, 2024 Plan Commission meeting, staff provided additional diagrams illustrating a corner property and a neighboring interior lot. Stern stated before staff proposed draft language, staff sought direction from the Plan Commission on how to address situations where permitting a fence in the rear yard of a corner lot permits the fence to be located within the side yard or front yard of the adjacent home.

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

Chairman Trzupek asked where the text amendment derived from.

The Commission discussed a previous zoning case pertaining to the fence text amendment.

Commissioner Morton and Commissioner Irwin asked for clarification regarding the illustration. Commissioner Irwin confirmed that the smaller width of the lot was the front.

Stern stated the illustration to the right noted the proposed Zoning Ordinance regulations and the illustration to the left reflects the current Zoning Ordinance regulations. Stern stated at the February 5, 2024 meeting, the Plan Commission had concerns regarding the adjacent properties and permitting a fence in the side yard of the neighbor's property.

Commissioner Irwin suggested implementing a setback off of the property line if a fence was adjacent to the side yard of a neighbor's home.

Commissioner Morton stated he struggled with finding a more suitable solution than what was currently in place.

Commissioner Stratis agreed with Commissioner Morton. Commissioner Stratis questioned whether the Plan Commission considered the location of the exit from the home.

Chairman Trzupek discussed fence locations on a corner property.

Commissioner Morton suggested it may be beyond the Plan Commission's ability to define the case as a text amendment and a variance may be the best option.

Commissioner Broline stated confusion regarding the fence illustrations. Commissioner Broline stated adjacent neighbors would be affected and that neighbors should have input.

Commissioner Petrich noted he would be interested to know what was to the left of the illustration. Commissioner Petrich stated the adjacent neighbors would be affected. Commissioner Petrich stated if an adjacent neighbor had built a house before today, a fence would be prohibited where the proposed language allowed a fence, which was unfair. Commissioner Petrich suggested a special use instead of a text amendment or variance.

Commissioner McCollan stated there were setbacks in every neighborhood that could help with the fencing issue. Commissioner McCollan noted the fence in the illustration was to a wall of the adjacent property, not an entrance. Commissioner McCollan stated she did not have an issue with the aspects of a fence from the adjoining neighbor's

standpoint.

Commissioner Irwin suggested that a corner lot homeowner could choose which fence layout they wanted, but if the fence was adjacent to the side lot of their neighbor, the fence could be no further out than the required setback.

Commissioner Stratis noted the homeowner may not have enough space to build a fence if there were setbacks. Commissioner Stratis supported the idea of the homeowner being able to have both options as to the location of the fence.

Commissioner Petrich clarified a homeowner could currently build a fence to the property line. Commissioner Petrich stated if a homeowner were allowed to build a fence in the side yard of their property, a neighbor should be allowed to as well.

Commissioner Morton noted there would always be an encroachment on the front of the house. Commissioner Morton supported Commissioner Irwin's idea.

Chairman Trzupek noted with both options, a fence would most likely encroach into at least one of the neighbor's side yards. Chairman Trzupek noted the Plan Commission had denied a previous zoning case for a fence where the homeowner wanted to connect the rear yard fence to the front of the home for security purposes. Chairman Trzupek noted the Plan Commission had not found a clear-cut text amendment and suggested looking into a special use where there's not a threshold of a variance.

Commissioner McCollan suggested utilizing the maximum allowable square footage where a fence was currently permitted and allowing homeowners to distribute the square footage between both sides of their property. However, the total square footage of fencing on both sides combined would not exceed the maximum allowable square footage.

Chairman Trzupek clarified Commissioner McCollan's suggestion.

Commissioner Petrich noted that the idea could mitigate the impact on the adjacent neighbors while allowing the homeowner to utilize their space.

Robert Haley, 8461 Carlisle Ct. in Cambridge Estates, discussed the proposed illustration and fences on a corner property.

Chairman Trzupek summarized the Commission's comments. Chairman Trzupek noted the Plan Commission could look into a special use where there's not a threshold of a variance. The Commissioners agreed.

Stern stated she would need to confirm if a special use would be permitted.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parella to continue Z-16-2024 to the April 1, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Irwin, Parrella, McCollian, Petrich, Broline, Stratis, Morton, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

IV. CORRESPONDENCE

Stern noted on February 12th, the Board directed the Plan Commission to hold a public hearing regarding year-round outdoor dining. Stern noted the Board denied an Ordinance for the Great American Bagel's awning.

V. OTHER CONSIDERATIONS

A. PC-01-2024: Annual Zoning Review

Stern stated the Plan Commission requested that the Board direct them to hold a public hearing regarding the outdoor storage of vehicles and equipment, the definition of family, the definition of boarding, rooming, and lodging homes, and the height of a detached garage door. Stern stated staff would also like direction from the Plan Commission regarding a text amendment for outdoor storage of equipment and vehicles. Stern stated in the G-I zoned district, outdoor storage required a special use with additional regulations.

Chairman Trzupek asked the Commissioners if there were any items on the annual zoning review that the Commission wanted to ask the Village Board for the Plan Commission to hold a public hearing on.

Commissioner Irwin stated he thought the Plan Commission would eventually hold a public hearing for everything on the list. Commissioner Irwin discussed residents removing trees on their property and whether or not the trees were in the building area.

Commissioner Petrich noted a property that removed every tree on their five-acre property.

Commissioner Morton stated the Village of Burr Ridge has a regulation where one needs a building permit if they were removing more than four trees.

The Commissioners discussed tree regulations and permits.

Commissioner Petrich asked if a resident had multiple R-3 zoned lots and if the resident could build a home across multiple R-3 lots to create a large residence. Commissioner Petrich stated he was aware of a house built across multiple properties.

Commissioner Stratis stated the lots would need to be consolidated, which was a public process. Commissioner Stratis noted they would still be subject to the R-3 zoning regulations and setbacks.

The Commissioners discussed looking at the process and regulations pertaining to lot consolidation.

Commissioner Broline discussed the definition of family and the definition of boarding, rooming, and lodging homes.

Commissioner Petrich noted Commissioner Stratis's comment regarding government law mandating certain things to happen regardless.

Commissioner Stratis discussed a case regarding a colleague.

Stern asked the Plan Commission for direction regarding a text amendment for outdoor storage of equipment and vehicles.

Commissioner Petrich noted the Plan Commission had approved many cases for sales of automobiles and believed there may need to be a text amendment if the Plan Commission was going to allow it all the time. Commissioner Petrich discussed Coda Motors and UR Boss.

Chairman Trzupek noted that was a zoning violation and enforcement issue. Chairman Trzupek noted a text amendment would regulate the outdoor storage to be consistent with what the Plan Commission had approved.

Commissioner Irwin stated the Plan Commission should review how big an issue outdoor storage could become and the number of potential businesses there would be in Burr Ridge if the Plan Commission kept allowing outdoor storage of vehicles associated with automobile repairs and sale businesses.

Chairman Trzupek recalled a case on 83rd Street for a truck parked outside overnight, and the Plan Commission denied the case until they proposed a fence around the area.

Commissioner Irwin noted he was not in favor of fences and car lots. Commissioner Irwin stated concern and suggested looking into how big an issue outdoor storage could lead to.

Commissioner Petrich stated concerns and questions regarding an administrative variance.

Chairman Trzupek stated the Plan Commission would hold a public hearing regarding the administrative variance to assess whether or not to make amendments or grant administrative variances.

Alice Krampits, 7515 Drew Road, asked about CILA homes.

Commissioner Morton stated that CILA homes were community-integrated living arrangements. Commissioner Morton states they were federally regulated group homes. Commissioner Morton stated that CILA homes were developmentally disabled homes to bring functional adults back into the community so the person could live independently with some supervision. Commissioner Morton mentioned Alsip had been sued twice, successfully, for trying to prevent CILA homes.

Chairman Trzupek noted there were no regulations specific to CILA homes.

Stern stated a motion was needed to ask the Board to direct the Plan Commission to hold a public hearing regarding the remaining items on the list. Stern stated the remaining items were the location of masonry piers, definition and classification use for CILA homes, administrative variation, and decibel level regulations for swimming pool equipment and generators.

Commissioner Irwin stated the Plan Commission discussed reviewing whether the building permit allows one to raise all the trees on your property, consolidation of lots, and the potential issues associated with outdoor parking.

A **MOTION** was made by Commissioner Parella and **SECONDED** by Commissioner McCollan to direct the Board to hold a public hearing regarding the location of masonry piers, definition and classify use for CILA homes, administrative variation, decibel level regulations for swimming pool equipment and generators, tree regulations, consolidation of lots, and outdoor parking.

ROLL CALL VOTE was as follows:

AYES: 8 – Parrella, McCollan, Irwin, Petrich, Broline, Stratis, Morton and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0

B. By-Laws Amendment - Virtual PC Meeting Attendance

Chairman Trzupek introduced the consideration regarding a potential by-law amendment to permit virtual Plan Commission meeting attendance. Chairman Trzupek discussed the rules and procedures regarding the Village Board meetings and noted a difference was the Plan Commission held public hearings. Chairman Trzupek supported permitting virtual Plan Commission attendance but stated concerns regarding the public hearings and permitting the Plan Commissioners to attend virtually but not the public. Chairman Trzupek discussed a written public comment.

Commissioner Morton questioned whether or not the public could virtually attend if one or more Commissioners were permitted to participate virtually. Commissioner Morton stated the Village Board allowed Trustees to attend virtually.

Chairman Trzupek noted the Plan Commission held public hearings, not the Village Board. Chairman Trzupek stated staff would confirm with the Village attorney that virtual attendance for the Plan Commission attendance was permitted, but not the public.

Commissioner Broline mentioned the Village Board held closed sections.

Chairman Trzupek discussed the difference between the Village Board and the Plan Commission.

Commissioner Stratis supported virtual attendance at Plan Commission meetings but recognized the potential issues. Commissioner Stratis discussed the proposed language

and pointed out that it did not account for situations like vacations. Commissioner Stratis discussed quorums at the Plan Commission meetings.

Chairman Trzupek supported virtual attendance at Plan Commission meetings but recognized the potential issues. Chairman Trzupek suggested if the Chairman attended remotely, the Vice Chairman should hold the meeting in person.

Commissioner Petrich suggested a Commissioner could attend the Plan Commission meeting virtually, if the Chairman and Village Planner felt it was a valid reason. Commissioner Petrich noted that the Commissioner should be prepared and able to contribute virtually. Commissioner Petrich discussed different situations where a Commissioner may not be able to attend the Plan Commission meeting.

Chairman Trzupek noted the Commissioners received the meeting packets before a Plan Commission meeting, and the Commissioners could send their comments to the Chairman or Village Planner to be in the record. Chairman Trzupek noted the difference between submitting comments and discussion at a meeting.

Commissioner Petrich stated that a petitioner presented a hard copy of a document at the previous Plan Commission meeting, noting if a Commissioner attended virtually, they would not have received the document. Commissioner Petrich stated in the past, Commissioners had trouble hearing the petitioners even when the Commissioners attended in person.

Commissioner Morton asked questions regarding broadcasting and the cost associated with it.

Chairman Trzupek stated there would be an additional cost for broadcasting. Chairman Trzupek discussed the fairness of broadcasting the Plan Commission meetings but not the other recommending bodies such as the Stormwater Commission, Pathways Commission, etc.

Commissioner Parrella stated virtual attendance limits interaction and participation but could be helpful in certain situations.

Commissioner McCollan discussed the proposed language. Commissioner McCollan noted in-person attendance for a full quorum was required, and the Commission would not be transitioning to an entirely virtual meeting. Commissioner McCollan suggested adding a maximum amount of times per year a Commissioner could attend virtually. Commissioner McCollan supported notifying the Chairman and Village Planner at least 48 hours before the Plan Commission meeting.

Chairman Trzupek discussed the fairness of permitting a Commissioner to attend virtually but not a petitioner.

Commissioner Petrich noted a Commissioner or petitioner could send their comments to the Chairman or Village Planner to be in the record. Commissioner Petrich mentioned an example of a Trustee attending the Village Board meeting virtually.

Commissioner Morton noted in the past two and a half years, he had never seen a meeting not occur because there was an inadequate number of Commissioners for a quorum. Chairman Trzupek noted around two meetings were canceled in the last twenty years due to a lack of Commissioners to form a quorum.

Commissioner Morton supported virtual attendance at Plan Commission meetings but recognized the potential problems. Commissioner Morton suggested a Commissioner could audio into a meeting but not vote.

Chairman Trzupek stated concerns regarding participation in voting.

Commissioner Stratis mentioned a situation where a community allowed a Commissioner to phone into a meeting only if the Plan Commission did not have the required amount of Commissioners to form a quorum.

Commissioner Irwin stated there were previous zoning cases that may have gone a different direction if a Commissioner who could not attend had been able to attend the meeting virtually. Commissioner Irwin stated he did not support broadcasting the Plan Commission meetings. Commissioner Irwin supported virtual attendance and wanted to confirm with the Village attorney that virtual attendance for the Plan Commission attendance was permitted but not for the public.

The Commissioners discussed technology.

Chairman Trzupek reiterated his concerns.

Commissioner Irwin stated the public could perform its entire function without showing up, but not a Commissioner. Commissioner Irwin noted the public provides input, and one could send in public comments. Commissioner Irwin noted a Commissioner could not vote if they were absent from the meeting.

Chairman Trzupek and Commissioner Irwin discussed the roles of the public versus a Commissioner.

Chairman Trzupek stated staff would need to confirm with the Village attorney that virtual attendance for the Plan Commission attendance was permitted and did not allow virtual participation to the public. Chairman Trzupek stated if virtual attendance for the Plan Commission attendance was permitted and did not allow the public to participate virtually, he would still not support the amendment.

Commissioner Petrich suggested a Commissioner could attend the Plan Commission meeting virtually without presenting an excuse. Chairman Trzupek agreed with Commissioner Petrich. Chairman Trzupek suggested the first condition of the proposed language be revised. Chairman Trzupek suggested if the Chairman attended remotely, the Vice Chairman should hold the meeting in person. Chairman Trzupek agreed with providing a maximum amount of times per year that a Commissioner could virtually attend a meeting.

Commissioner Irwin supported providing a maximum amount of times per year that a Commissioner could virtually attend a meeting.

Commissioner Stratis questioned the need to have the other Commissioners vote on whether or not that Commissioner could virtually attend. Commissioner Stratis suggested gauging the Commissioner's consensus to determine if the Commission should move forward.

The Commissioners discussed virtual Plan Commission meeting attendance.

Commissioner McCollian raised questions regarding technology procedures if the Plan Commission chose to permit virtual attendance.

Commissioner Broline stated the County of DuPage required the public to identify which issue they wanted to give input on, and when that issue came up, they would receive a call telling them they could listen at that point in the meeting.

Commissioner McCollian stated the City of Chicago gave the person of the public a time range and told them when to call in.

Commissioner Stratis noted the Village of Burr Ridge had a much smaller population.

The Commissioners discussed the procedures and potential issues of technology. The Commissioners discussed how the Board of Trustees called into the Village Board meetings. The Commissioners reiterated their comments.

Chairman Trzupek noted the Commissioner's consensus. Chairman Trzupek noted staff would confirm with the Village attorney that virtual attendance for the Plan Commission attendance was permitted, but not the public. Chairman Trzupek suggested referencing the public hearings in the proposed language. Chairman Trzupek suggested removing the language requiring a Commissioner to state the reason for attending virtually. Chairman Trzupek suggested having a maximum amount of times per year a Commissioner could attend a meeting virtually.

Commissioner Stratis noted that if a Commissioner repeatedly misses the meetings or the virtual attendance gets abused, the Village Board could remove the Commissioners at any time. Commissioner Petrich questioned if a petitioner brought new information on the day of the public hearing and if the Commissioners could continue then.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Morton to continue the consideration regarding a by-law amendment to permit virtual Plan Commission attendance to the April 1, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – McCollian, Morton, Irwin, Parrella, Petrich, Broline, Stratis, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

VI. PUBLIC COMMENT

Alice Krampits, 7515 Drew Road, stated support of the Plan Commission having the opportunity to participate virtually because there were occasions when one was overseas or could not attend an in-person meeting. Krampits stated concern regarding virtual attendance for the public because it would be difficult to know who was joining the meeting, their reasons for attending a virtual meeting, or if they were residents. Krampits stated a few concerns regarding technology pertaining to permitting the public to participate virtually.

VII. FUTURE MEETINGS

Stern noted the March 18, 2024 Plan Commission meeting was not scheduled due to the primary election. Stern stated Z-10-2023: 212 Burr Ridge Parkway and Z-12-2023: 114 Burr Ridge Parkway were continued to March 18, 2024 at a previous meeting and will need to be continued to a different date. Stern recommended continuing the cases to April 15, 2024.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to continue Z-10-2023 to the April 15, 2024, Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Irwin, Stratis, McCollian, Morton, Parrella, Petrich, Broline, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to continue Z-12-2023 to the April 15, 2024, Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Irwin, Stratis, McCollian, Morton, Parrella, Petrich, Broline, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

Commissioner Irwin asked a question regarding the Building Reports.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Petrich to adjourn the meeting at 9:05 p.m.

ROLL CALL VOTE was as follows:

Plan Commission/Zoning Board of Appeals
February 19, 2024 Regular Meeting

AYES: 8 – Irwin, McCollian, Parrella, Petrich, Broline, Stratis, Morton and
Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

Respectfully Submitted:

Ella Stern
Planner



VILLAGE OF
BURR RIDGE
A VERY SPECIAL PLACE

V-01-2024: 15W765 80th Street (LaConte); Variations and Findings of Fact; Requests for three (3) variations from Zoning Ordinance Section IV.J to permit (1) a fence within a corner side yard setback, (2) a fence in the front yard, and (3) a fence less than 50 percent open.

HEARING:

March 4, 2024

TO:

Plan Commission
Greg Trzupek, Chairman

FROM:

Ella Stern, Planner

PETITIONER:

Colleen LaConte

PETITIONER STATUS:

Owner

PROPERTY OWNER:

Colleen LaConte

EXISTING ZONING:

R-3 Single-Family
Residential

LAND USE PLAN:

Recommends Single-
Family Residential

EXISTING LAND USE:

Single-Family Residence

SITE AREA:

± 24,531 sq. ft.

SUBDIVISION:

South Hinsdale Estates



The petitioner is Colleen LaConte, the owner. The petitioner requests three variations from Zoning Ordinance section IV.J as detailed below. 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. Madison Street serves as the front property line and 80th Street serves as the corner side yard. On October 31, 2023 a stop work was posted on the property for the petitioner constructing this fence without a building permit.



Aerial of the property with the property lines.



Image of the newly constructed fence.

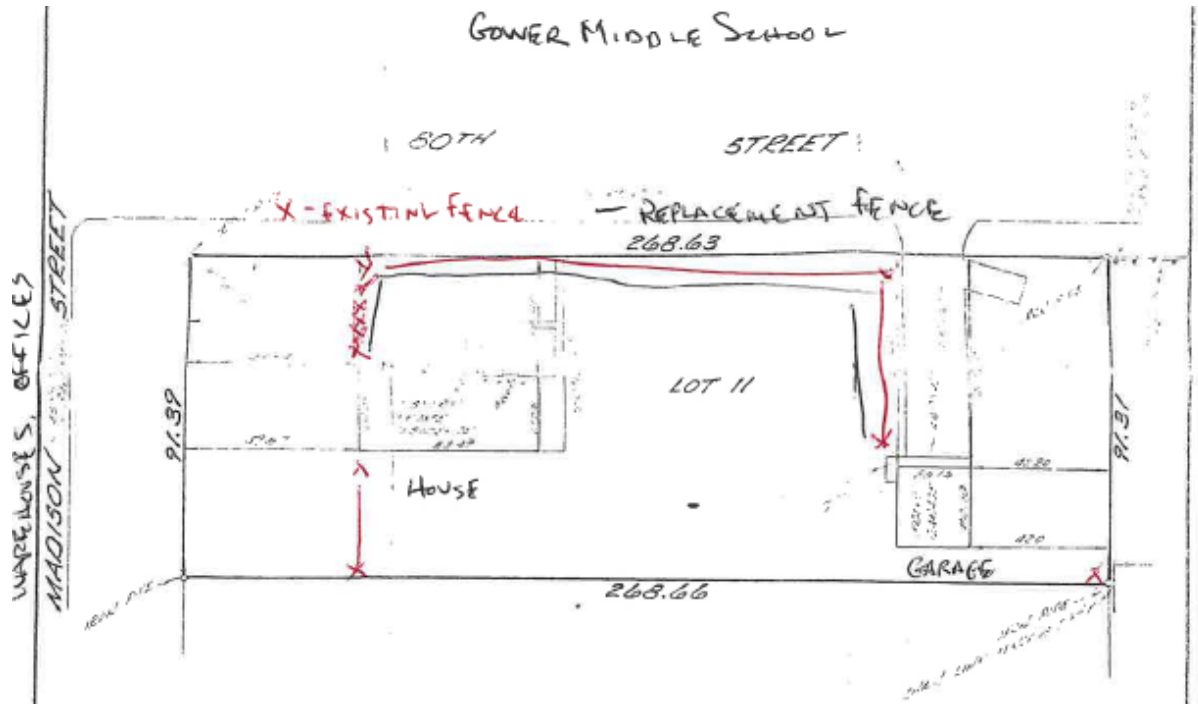
Variations Requested (existing regulations with the variations detailed in *red italics*)

- Zoning Ordinance Section IV.J:
 - Fences (IV.J.1.b.):

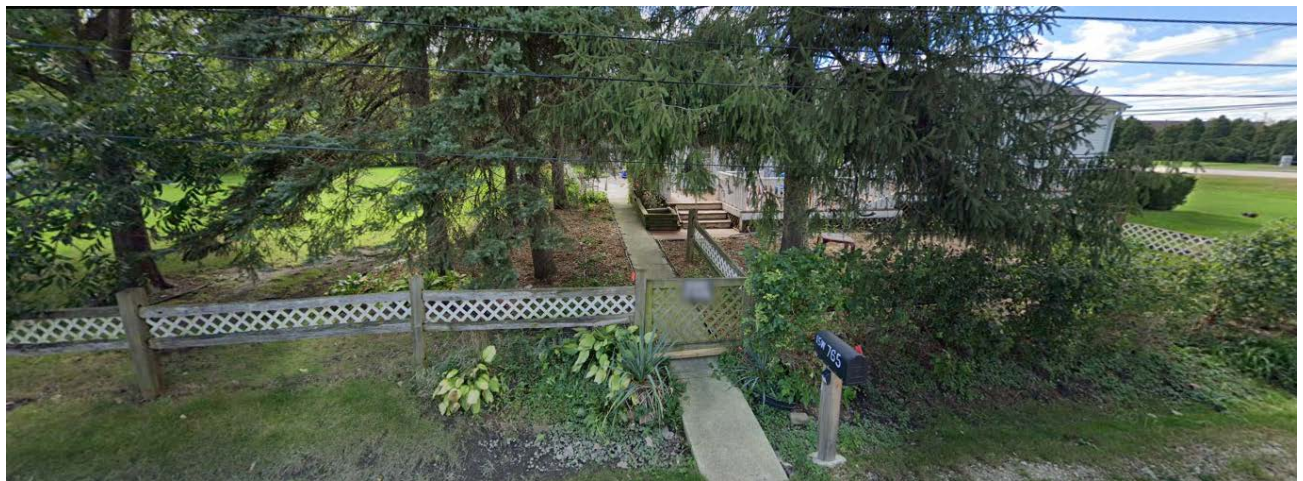
- Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence. *The fence is 5' and complies.*
- Such fences shall be permitted, unless otherwise provided herein, along the rear lot line 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). *The petitioner requests a fence in the front yard, which is prohibited. In addition, the petitioner is requesting a 2-foot setback on the corner side yard, deviating from the 30-foot minimum regulation.*
- All fence posts and all supports must face the interior of the property on which it is located. *The fence faces the interior of the property and complies.*
- 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. *The fence is wooden and complies.*
- 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. *The fence is not 50% open and does not comply.*



Site plan illustrating where the fence would be permitted under current regulations.



Site plan illustrating the fence location.



An image from 2018 illustrating the previous fence.

From Village records, the property was annexed into the Village of Burr Ridge in 1984. It is unknown when the original fence as shown above was completed. The original fence was located in the front yard and corner side yard and did not comply with the Zoning Ordinance setback regulations for the property. The condition of the fence indicates that it had been up for many years and likely was legal, and nonconforming. No building permits or variation requests were found on file for the property.

Public Hearing History

Z-09-1992: Zoning Ordinance Rezoning and Variations. The property was rezoned from R-1 Single Family Residence to R-3 Single Family Residence. The property was granted a variation to

permit a lot width of approximately 91.39 feet, rather than the 100 feet as required. (Ordinance #A-454-1-93)

Public Comment

No public comments were received.

Findings of Fact and Recommendation

The petitioner has provided findings of fact, which the Plan Commission may adopt if in agreement with those findings. The Plan Commission may wish to make one motion for the three variation requests or separate them into individual motions. If the Plan Commission chooses to recommend approval of V-01-2024, a request for three (3) variations from Zoning Ordinance Section IV.J to permit (1) a fence within a corner side yard setback, (2) a fence in the front yard, and (3) a fence less than 50 percent open, staff recommends the following condition:

1. The fence shall substantially comply with the plans submitted by the petitioners and included as Exhibit A.

Appendix

Exhibit A - Petitioner's Materials and Public Notifications

- Application
- Findings of Fact
- Proposed site plan and illustrations
- Public Notifications

Exhibit B – Ordinance #A-454-1-93



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): COLLEEN LACONTE

STATUS OF PETITIONER: HOMEOWNER

PETITIONER'S ADDRESS: 15 W 765 80TH STREET

ADDRESS OF SUBJECT PROPERTY: SAME

PHONE: 708-207-4187

EMAIL: COLLEENLACONTE@GMAIL.COM

PROPERTY OWNER: SAME AS ABOVE

PROPERTY OWNER'S ADDRESS: SAME AS ABOVE PHONE: _____

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

DESCRIPTION OF REQUEST:

FENCE REPLACED EXISTING FENCE. HOUSE LOCATION
PRE DATES BURR RIDGE. SETBACKS ALTER MAKE UP OF
YARD AND HOUSE

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 24,531 sq.ft. EXISTING ZONING: R-3

EXISTING USE/IMPROVEMENTS: Single-family residence

SUBDIVISION: South Hinsdale Estates

PIN(S) # 09-36-101-001

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.

Colleen Laconte
Petitioner's Signature

1.17.24
Date of Filing



CARL R. HARRINGTON INC

674 N. NORTH AVE. ST. LOUIS, ILL. 66126

REGISTERED ILLINOIS LAND SURVEYOR

PHONE: 834 5312

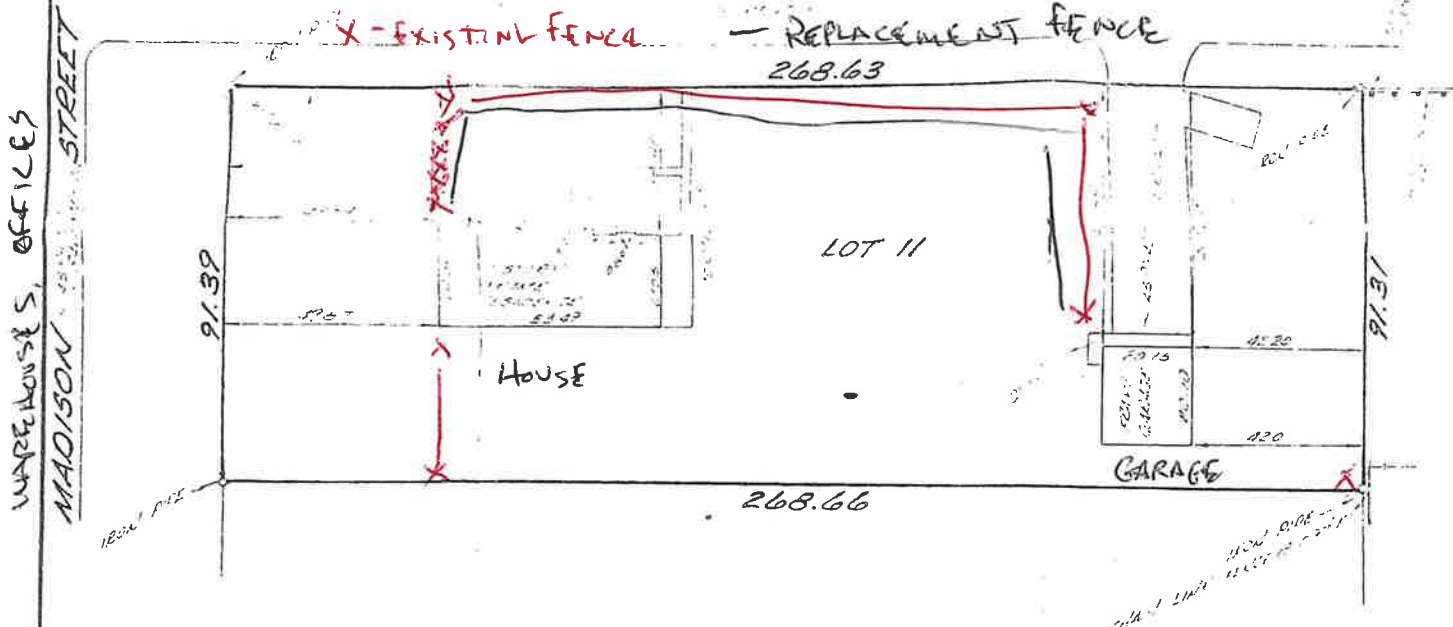
PLAT OF SURVEY OF:

LOT 11 IN SOUTHWINDSDALE ESTATES, BEING A SUBDIVISION OF PARTS OF SECTIONS 25 AND 36, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 12, 1946 AS DOCUMENT NO. 501930, IN DU PAGE COUNTY, ILLINOIS.



GOWER MIDDLE SCHOOL

180TH STREET



On each of a foot and then every
feet in, before and to be marked

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736 1/2"	737 1/2"	738 1/2"
739 1/2"	740 1/2"	741 1/2"
742 1/2"	743 1/2"	744 1/2"
745 1/2"	746 1/2"	747 1/2"
748 1/2"	749 1/2"	750 1/2"
751 1/2"	752 1/2"	753 1/2"
754 1/2"	755 1/2"	756 1/2"
757 1/2"	758 1/2"	759 1/2"
760 1/2"	761 1/2"	762 1/2"
763 1/2"	764 1/2"	765 1/2"
766 1/2"	767 1/2"	768 1/2"
769 1/2"	770 1/2"	771 1/2"
772 1/2"	773 1/2"	774 1/2"
775 1/2"	776 1/2"	777 1/2"
778 1/2"	779 1/2"	780 1/2"
781 1/2"	782 1/2"	783 1/2"
784 1/2"	785 1/2"	786 1/2"
787 1/2"	788 1/2"	789 1/2"
790 1/2"	791 1/2"	792 1/2"
793 1/2"	794 1/2"	795 1/2"
796 1/2"	797 1/2"	798 1/2"
799 1/2"	800 1/2"	801 1/2"
802 1/2"	803 1/2"	804 1/2"
805 1/2"	806 1/2"	807 1/2"
808 1/2"	809 1/2"	810 1/2"
811 1/2"	812 1/2"	813 1/2"
814 1/2"	815 1/2"	816 1/2"
817 1/2"	818 1/2"	819 1/2"
820 1/2"	821 1/2"	822 1/2"
823 1/2"	824 1/2"	825 1/2"
826 1/2"	827 1/2"	828 1/2"
829 1/2"	830 1/2"	831 1/2"
832 1/2"	833 1/2"	834 1/2"
835 1/2"	836 1/2"	837 1/2"
838 1/2"	839 1/2"	840 1/2"
841 1/2"	842 1/2"	843 1/2"
844 1/2"	845 1/2"	846 1/2"
847 1/2"	848 1/2"	849 1/2"
850 1/2"	851 1/2"	852 1/2"
853 1/2"	854 1/2"	855 1/2"
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859 1/2"	860 1/2"	861 1/2"
862 1/2"	863 1/2"	864 1/2"
865 1/2"	866 1/2"	867 1/2"
868 1/2"	869 1/2"	870 1/2"
871 1/2"	872 1/2"	873 1/2"
874 1/2"	875 1/2"	876 1/2"
877 1/2"	878 1/2"	879 1/2"
880 1/2"	881 1/2"	882 1/2"
883 1/2"	884 1/2"	885 1/2"
886 1/2"	887 1/2"	888 1/2"
889 1/2"	890 1/2"	891 1/2"
892 1/2"	893 1/2"	894 1/2"
895 1/2"	896 1/2"	897 1/2"
898 1/2"	899 1/2"	900 1/2"
901 1/2"	902 1/2"	903 1/2"
904 1/2"	905 1/2"	906 1/2"
907 1/2"	908 1/2"	909 1/2"
910 1/2"	911 1/2"	912 1/2"
913 1/2"	914 1/2"	915 1/2"
916 1/2"	917 1/2"	918 1/2"
919 1/2"	920 1/2"	921 1/2"
922 1/2"	923 1/2"	924 1/2"
925 1/2"	926 1/2"	927 1/2"
928 1/2"	929 1/2"	930 1/2"
931 1/2"	932 1/2"	933 1/2"
934 1/2"	935 1/2"	936 1/2"



currently 2' FROM LOT LINE

FENCE HEIGHT = 5 FEET

POSTS = 5' 4x4 cedar

SLATS = 1x4 CEDAR

SPACE

BETWEEN
SLATS

2 1/2"

LENGTH OF REPLACEMENT
SECTION 8' SECTIONS
X 32

NO FENCE TOPPING

ONLY REPLACED HALF OF
EXISTING FENCE

NEIGHBORS FENCE TO THE
SOUTH OF HOUSE, WITH HOLES
PLUGGED WITH WIRE
SMALL SECTION
ON WEST SIDE NOT REPLACED



X
30' FROM LOT LINE



Findings of Fact - Zoning Variation
Burr Ridge Zoning Ordinance

Address:

15 W 765 80TH ST.

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

THE CURRENT FENCE REPLACED EXISTING FENCE. SETBACK RULE WOULD DIVIDE LOT IN THE MIDDLE OF YARD. CORNER LOT BORDERED ON WEST BY FACTORIES AND WAREHOUSES ON NORTH BY SCHOOL.
- 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.

NOT APPLICABLE, PRIVATE RESIDENCE
- 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 ROADS DEVELOPED AFTER HOUSE BUILT IN THE EARLY 70'S. THE SURROUNDING TRAFFIC HAS INCREASED AND THE FENCE SHIELDS CHILDREN FROM SCHOOL AND BUSINESS TRAFFIC
- d. The purpose of the variation is not based primarily upon a desire to increase financial gain.

NOT APPLICABLE
- 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.

NO OTHER INTEREST OTHER THAN HOMEOWNER
- 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.

FENCE WILL NOT IMPEDE BUSINESSES OR PEDESTRIANS.
NO FOOT TRAFFIC WAYS AVAILABLE

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

WILL NOT ALTER CHARACTER AS NEW FENCE
SIMPLY REPLACES OLD FENCE

- 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.

NO SAFETY ISSUES, CONGESTION, DRAINAGE OR
ANY OTHER IMPEDIMENTS DUE TO FENCE.

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

FENCE CONSTRUCTION MEETS REQUIREMENTS OF VILLAGE,
SET BACKS ARE THE ONLY PROBLEM



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, February 19, 2024, at Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527.**

PURPOSE OF HEARING

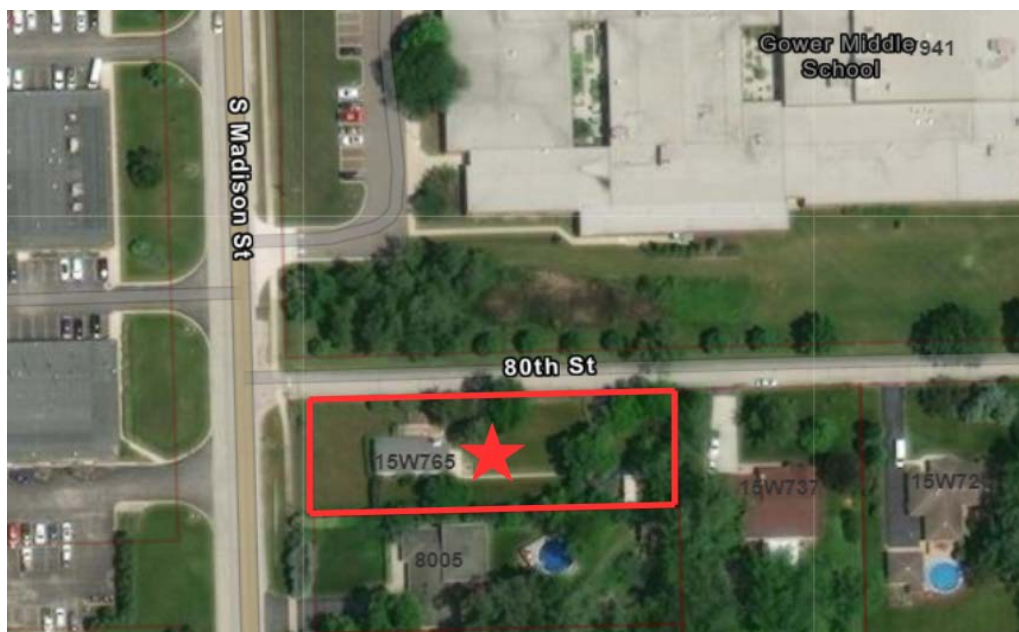
The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider a request by Colleen LaConte for a variation from Zoning Ordinance Section VI.D to permit a fence within a corner side yard setback deviating from the minimum 40 ft. required. The petition number and address of this petition is **V-01-2024: 15W765 80th Street.** and the Permanent Real Estate Index Number is **09-36-101-001-0000.**

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, February 13, 2024. All public comment may be emailed to Planner Ella Stern (estern@burr-ridge.gov) or mailed to Ms. Stern'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.

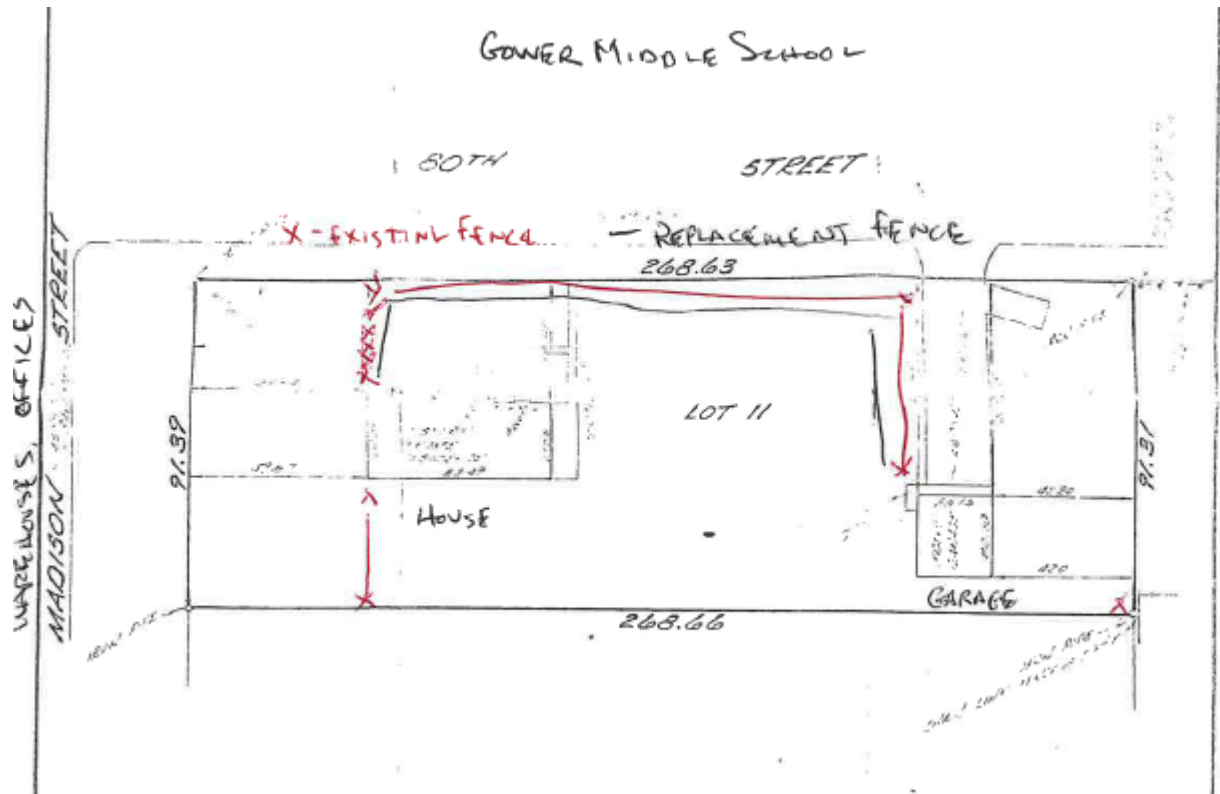
BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

Greg Trzupek, Chairman

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



The site is outlined in red



Proposed site plan of the fence.

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 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

LAKE RIDGE CLUB ASSN
25 1/2 LAKE RIDGE CLUB
BURR RIDGE, IL 60521

NEMANICH, ELIZABETH A
15W629 79TH ST
BURR RIDGE, IL 60527

BLANDO, GINO & CHRISTINE
15W651 79TH ST
BURR RIDGE, IL 60521

BAUM, ROLF & DENISE
15W663 79TH ST
BURR RIDGE, IL 60521

BISWAS, TAPAN & BANI
6464 RICHMOND AVE
WILLOWBROOK, IL 60527

CTLTC B8500963207
10 S LASALLE ST APT. 2750
CHICAGO, IL 60603

HPM INVESTMENTS INC
314 SUNRISE AVE
WILLOWBROOK, IL 60527

ASPEN INVESTMENTS LLC
314 SUNRISE AVE
WILLOWBROOK, IL 60527

SLIWINSKI, STEVEN & K
15W737 79TH ST
HINSDALE, IL 60521

CHANEY, DAVID
15W749 79TH ST
BURR RIDGE, IL 60527

STARHA, JAMES & JO ANN
15W759 79TH ST
BURR RIDGE, IL 60527

7900 MADISON LLC
3100 DUNDEE RD
NORTHBROOK, IL 60062

MICAL, LUTGARDA & STANLEY
15W773 79TH ST
BURR RIDGE, IL 60527

RANDOLPH PROPERTIES LLC
250 LAKELAND DR
PALOS PARK, IL 60464

BIRTCH, ERIC & JOANNE
7921 S MADISON SVE
BURR RIDGE, IL 60521

SCHOOL DISTRICT NO 62
7700 CLARENDON HILLS
WILLOWBROOK, IL 60527

LAYKO PROPERTIES
100 SHORE DR APT. 2
BURR RIDGE, IL 60527

PACKAGING DESIGN CORP
101 SHORE DR
BURR RIDGE, IL 60521

JACKSON, DONNA
15W651 80TH ST
BURR RIDGE, IL 60527

SIWINSKI, THOMAS & K
15W671 80TH ST
BURR RIDGE, IL 60527

EGENTOWICH, KEITH J
15W703 80TH ST
BURR RIDGE, IL 60527

GREALISH, PATRICK & DEBRA
15W721 80TH ST
BURR RIDGE, IL 60527

SLADEK, BRIAN R
15W737 80TH ST
BURR RIDGE, IL 60527

WALKER, JOHN H
15W765 80TH ST
BURR RIDGE, IL 60521

STEWART, SHARON & SHIRLEY
19 LAKE RIDGE CLUB
BURR RIDGE, IL 60521

WAKERLY, RALPH & E
20 LAKE RIDGE CT
BURR RIDGE, IL 60527

BOEREMA, DAWN
8005 S MADISON ST
BURR RIDGE, IL 60521

G2K LLC
109 SHORE DR
BURR RIDGE, IL 60527

FERRIS MEDIA LLC
111 SHORE DR
BURR RIDGE, IL 60527

TRUST #9604
8037 S 82ND CT
JUSTICE, IL 60458

8040 MADISON LLC
3100 DUNDEE RD APT. 116
NORTHBROOK, IL 60062

VILLAGE OF BURR RIDGE
7660 S COUNTY LINE RD
BURR RIDGE, IL 60521

KRAMER, ROBERT & MARY
22 LAKE RIDGE CLUB
BURR RIDGE, IL 60527

KLUCK, HENRY & BETH
21 LAKE RIDGE CLUB
BURR RIDGE, IL 60521

GOSS, WILLIAM G
15W650 81ST ST
BURR RIDGE, IL 60527

VOELZ, HELEN I
15W670 81ST ST
BURR RIDGE, IL 60527

MUDJER, STEPHEN & MARGARET
15W700 81ST ST
HINSDALE, IL 60521

EDELHAUSER, R W & D M
15W720 81ST ST
BURR RIDGE, IL 60521

PAWLIKOWSKI, WLADYSLAW
15W738 81ST ST
BURR RIDGE, IL 60521

GREGORCZYK, CHRISTOPHER
9S155 MADISON ST
HINSDALE, IL 60521

SERAFIN, JOHN & GAIL
240 BIANCA LN
YUMA, TN 38390

RUAN, F & H CHEN
15W641 81ST ST APT. 641
BURR RIDGE, IL 60527

YUAN, HE & NING LI
9S177 MADISON ST
BURR RIDGE, IL 60527

8080 MADISON LLC
3100 DUNDEE RD APT. 116
NORTHBROOK, IL 60062

NERI, DENISE A
15W661 81ST ST
BURR RIDGE, IL 60527

PAVEZA TR, ALBERT
15W677 81ST ST
BURR RIDGE, IL 60527

UPCHURCH, HEATHER C
15W707 81ST ST
BURR RIDGE, IL 60527

ALBAUGH, RICHARD & MARK
15W715 81ST ST
BURR RIDGE, IL 60527

THEZAN, MARCELLA
15W737 81ST ST
BURR RIDGE, IL 60527

EMANUELE, MARY ANN
9S201 MADISON ST
BURR RIDGE, IL 60527

VIP MORGAN LLC
477 W WRIGHTWOOD AVE
ELMHURST, IL 60126

CCC BURR RIDGE LLC
3100 DUNDEE RD APT. 116
NORTHBROOK, IL 60062

RYLANDER, CHRISTINA M
9S227 MADISON AVE
BURR RIDGE, IL 60527

DAVALOS, ALVARO
9S241 MADISON ST
BURR RIDGE, IL 60527

LA SALLE NATL 113122
3100 DUNDEE RD APT. 116
NORTHBROOK, IL 60062

MBC 57 LLC
9450 BRYN MAWR AVE APT. 550
ROSEMONT, IL 60018

Jan 30, 2024 at 9:05:56 AM
9S141 S Madison St
Burr Ridge IL 60527
United States





**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:

15 W 765 80TH

Property Owner or Petitioner:

COLLEEN LA CONTE

(Print Name)

Colleen Laconte

(Signature)

FAS
01/07/93

ORDINANCE NO. A-454-1-93

ORDINANCE REZONING CERTAIN PROPERTY
AND GRANT VARIATIONS
(PROPERTIES BETWEEN 80TH AND 82ND STREETS ON THE
EAST SIDE OF MADISON STREET, 15W737 79TH STREET
15W727 79TH STREET, 15W719 79TH STREET,
15W651 79TH STREET AND
8301 MADISON STREET, BURR RIDGE)

WHEREAS, an application has been filed with the Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, for rezoning of certain real estate, as set forth below, and for the granting of certain variations for said real estate, as more fully described below; and

WHEREAS, the Zoning Board of Appeals of this Village held a public hearing on whether the requested rezoning and variations should be granted, at which time all persons present were afforded an 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 days nor less than 15 days prior to said meeting in the Burr Ridge Doings, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

NOW, THEREFORE, Be It Ordained by the Acting 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 Acting President and Board of Trustees, which report and findings are herein incorporated by reference as findings of this Board of Trustees, as completely as if fully recited herein at length.

Also, all exhibits submitted at the aforesaid public hearings are also hereby incorporated by reference as fully as if attached hereto.

Section 2: That the Burr Ridge Zoning Ordinance, as amended, be further amended by classifying and rezoning the property legally described in EXHIBIT A, attached hereto and made a part hereof, from R-1 Single Family Residence District to the R-3 Single Family Residence District under the Burr Ridge Zoning Ordinance, as amended.

Section 3: 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 above finds as follows in relation to the requested variations:

a. The properties cannot yield a reasonable return if the variation is denied. The variations to lot size and lot width are needed for certain of these properties. These properties were development in compliance with the Codes and Ordinances of DuPage County and either involuntarily annexed to the Village or annexed some time ago with no assignment of a proper zoning classification in the Village of Burr Ridge to establish proper development guidelines.

b. The plight of the owners is due to unique circumstances. These properties were either force annexed by the Village of Burr Ridge by action of the Board of Trustees which rendered the uses nonconforming or have been annexed to the Village for an extended period of time without assignment of a zoning classification which is appropriate for these lot sizes and configurations to establish proper development guidelines.

c. The variations, if granted, will not alter the essential character of the locality. These densities and uses were approved in DuPage County and have existed in unincorporated DuPage County or in Burr Ridge for some time. These properties would have continued as conforming uses had the Village not force annexed the properties or if appropriate zoning and variations had been addressed by the Village at the time these properties were annexed into the Village.

d. The property owners constructed the various uses under the Zoning and development requirement provisions of Dupage County. It was the involuntary annexation by the Village or annexation some time ago without rezoning and necessary variations which caused the need for most of these variations.

e. That conditions upon which the petition for variation is based would not be applicable generally to other properties within the same zoning district. These variations will only be applicable to properties which are force annexed by the Village or properties with similar annexation history, whose uses were constructed prior to annexation.

f. That 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. These uses existed in compliance with DuPage County ordinances prior to annexation to the Village.

g. 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 4: That the request for variations for the real estate commonly known as 15W737 79th Street, legally described in **EXHIBIT B**, be and are hereby granted to permit:

a. A lot area of approximately 16,463 square feet, rather than 20,000 square feet as required by Section VI.D.3.a of the Burr Ridge Zoning Ordinance; and

b. A lot width of approximately 75 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 5: That the request for variations for the real estate commonly known as 15W727 79th Street, legally described in **EXHIBIT C**, be and are hereby granted to permit:

a. A lot area of approximately 16,463 square feet, rather than 20,000 square feet as required by Section VI.D.3.a of the Burr Ridge Zoning Ordinance; and

b. A lot width of approximately 75 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 6: That the request for a variation for the real estate commonly known as 15W765 80th Street, legally described in **EXHIBIT D**, be and are hereby granted to permit:

a. A lot width of approximately 91.39 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 7: That the request for a variation for the real estate commonly known as 8005 S. Madison Street, legally described in **EXHIBIT E**, be and are hereby granted to permit:

a. A lot width of approximately 90 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 8: That the request for a variation for the real estate commonly known as 9S141 Madison Street, legally described in **EXHIBIT F**, be and are hereby granted to permit:

a. A lot width of approximately 90 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 9: That the request for a variation for the real estate commonly known as 9S155 Madison Street, legally described in **EXHIBIT G**, be and are hereby granted to permit:

a. A lot width of approximately 90 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 9: That the request for a variation for the real estate commonly known as 9S165 Madison Street, legally described in **EXHIBIT H**, be and are hereby granted to permit:

a. A lot width of approximately 90 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 10: That the request for a variation for the real estate commonly known as 9S177 Madison Street, legally described in

FAS
01/07/93

EXHIBIT I, be and are hereby granted to permit:

a. A lot width of approximately 91.38 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 11: That the request for a variation for the real estate located at the southeast corner of 81st and Madison Streets, legally described in EXHIBIT J, be and are hereby granted to permit:

a. A lot width of approximately 99.07 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 12: That the request for a variation for the real estate located at the northeast corner of 82nd and Madison Streets, legally described in EXHIBIT K, be and are hereby granted to permit:

a. A lot width of approximately 99.06 feet, rather than the 100 feet as required by Section VI.D.4.a of the Burr Ridge Zoning Ordinance.

Section 13: That the zoning map of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, be amended so as to be in conformance with the rezoning and granting of the variations.

Section 14: That the Village Clerk is hereby ordered and directed to publish this Ordinance in pamphlet form and this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this 11th day of January, 1993 by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

FAS
01/07/93

AYES: 5 - Trustees Irmien, Santacaterina, Cizek, Marshall & Acting President
McGirr

NAYS: 0 - None

ABSENT: 1 - Trustee Jacobs

APPROVED by the Acting President of the Village of Burr Ridge
on the 11th day of January, 1993.


Acting Village President

ATTEST:


Village Clerk

EXHIBIT A

Tracts C, D, E and the West 25 feet of Tract F in "D.D. Davis Plat of Survey" of Lots 4, 5, 6, 7, 8 and 9 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal Meridian, all in DuPage County, Illinois, recorded as Document No. 705838.

and

Lots 2, 11, 12, 13, 24, 25, 26, 27, 28, 29, 46, 47 and 48 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal Meridian, all in DuPage County, Illinois, according to the plat thereof, recorded as Document No. 501930.

and

Lot 1 in Jaros Resubdivision of the North Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 36, Township 38, North, Range 11, East of the Thrid Principal Meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 814237.

EXHIBIT B

Tract C in "D.D. Davis Plat of Survey" of Lots 4, 5, 6, 7, 8 and 9 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal Meridian, all in DuPage County, Illinois, recorded as Document No. 705838.

EXHIBIT C

Tract D in "D.D. Davis Plat of Survey" of Lots 4, 5, 6, 7, 8 and 9 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal Meridian, all in DuPage County, Illinois, recorded as Document No. 705838.

EXHIBIT D

Lot 11 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal Meridian, all in DuPage County, Illinois, according to the plat thereof, recorded as Document No. 501930.

EXHIBIT E

Lot 12 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal Meridian, all in DuPage County, Illinois, according to the plat thereof, recorded as Document No. 501930.

EXHIBIT F

Lot 13 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 501930.

EXHIBIT G

Lot 24 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 501930.

EXHIBIT H

Lot 25 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 501930.

EXHIBIT I

Lot 26 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 501930.

EXHIBIT J

Lot 27 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 501930.

EXHIBIT K

Lot 48 in South Hinsdale Estates, being a Subdivision of parts of Sections 25 and 36, Township 38 North, Range 11, East of the Third Principal meridian, all in DuPage County, Illinois, according to the plat thereof recorded as Document No. 501930.



VILLAGE OF
BURR RIDGE
A VERY SPECIAL PLACE

V-02-2024: 15W627 89th Street (Eshghy); Variations and Findings of Fact; Requests for three (3) variations from Zoning Ordinance Section IV.J, IV.I.34, and IV.H.4 to permit (1) a fence within the corner side yard setback, located 2' off the property line deviating from the 40' minimum regulation, (2) a patio within the corner side yard setback, and (3) a swimming pool within the corner side yard setback.

HEARING:

March 4, 2024

TO:

Plan Commission
Greg Trzupek, Chairman

FROM:

Ella Stern, Planner

PETITIONER:

Curtis Eshghy

PETITIONER STATUS:

Owner

PROPERTY OWNER:

Curtis Eshghy

EXISTING ZONING:

R-2B Single-Family
Residential

LAND USE PLAN:

Recommends Single-
Family Residential

EXISTING LAND USE:

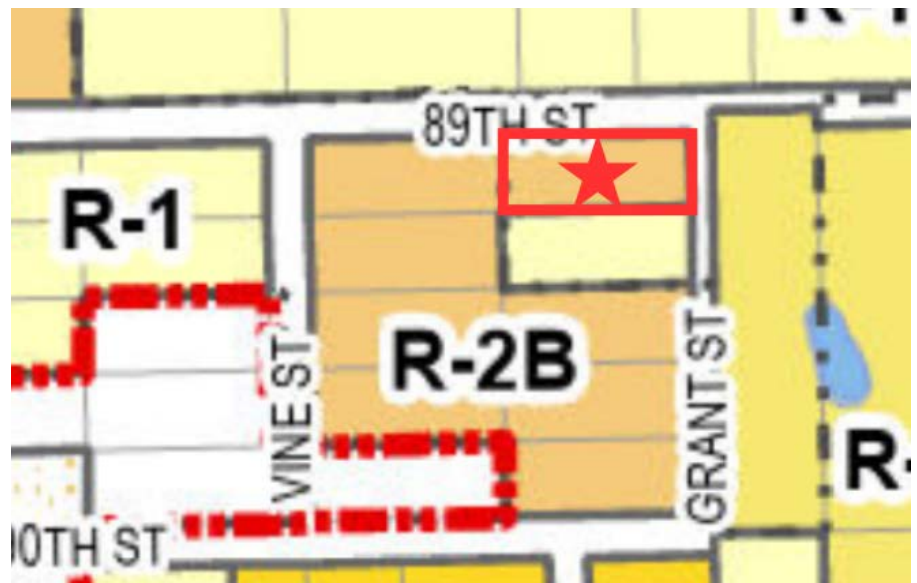
Single-Family Residence

SITE AREA:

± 35,283 sq. ft. / 0.81 acres

SUBDIVISION:

N/A



The petitioner is Curtis Eshghy, the owner. The petitioner requests three variations from Zoning Ordinance section IV.J as detailed below. The petitioner requests three (3) variations from Zoning Ordinance Section IV.J, IV.I.34, and IV.H.4 to permit (1) a fence within the corner side yard setback, located 2' off the property line deviating from the 40' minimum regulation, (2) a patio within the corner side yard setback, and (3) a swimming pool within the corner side yard setback. Grant Street serves as the front property line, and 89th Street serves as the corner side yard. The property was annexed into the Village of Burr Ridge in 2015. It is important to note that the house does not comply with the R-2B Single-Family Residence setback regulations. The house is setback 30' from the property line, deviating from the 40-foot minimum regulation. The house was constructed in 2004 according to Downers Grove Township Assessor records, when the property was unincorporated.



Aerial of the property with the property lines.

The pool, patio, and fence currently exist on the property and were built without a permit. On August 4, 2023 a stop work was posted on the property for the petitioner constructing this fence without a building permit. The petitioner violated the stop work order and completed the construction. The petitioner applied for a permit on September 11, 2023, but the permit was denied. On October 24, 2023 staff and the petitioner meet 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/or complete without filing for or receiving an approved permit with the Village of Burr Ridge after a stop work order was posted. On December 6, 2023 and on January 3, 2024 the petitioner was scheduled for adjudication and did not appear. On January 25, 2024 the petitioner applied for a variance.

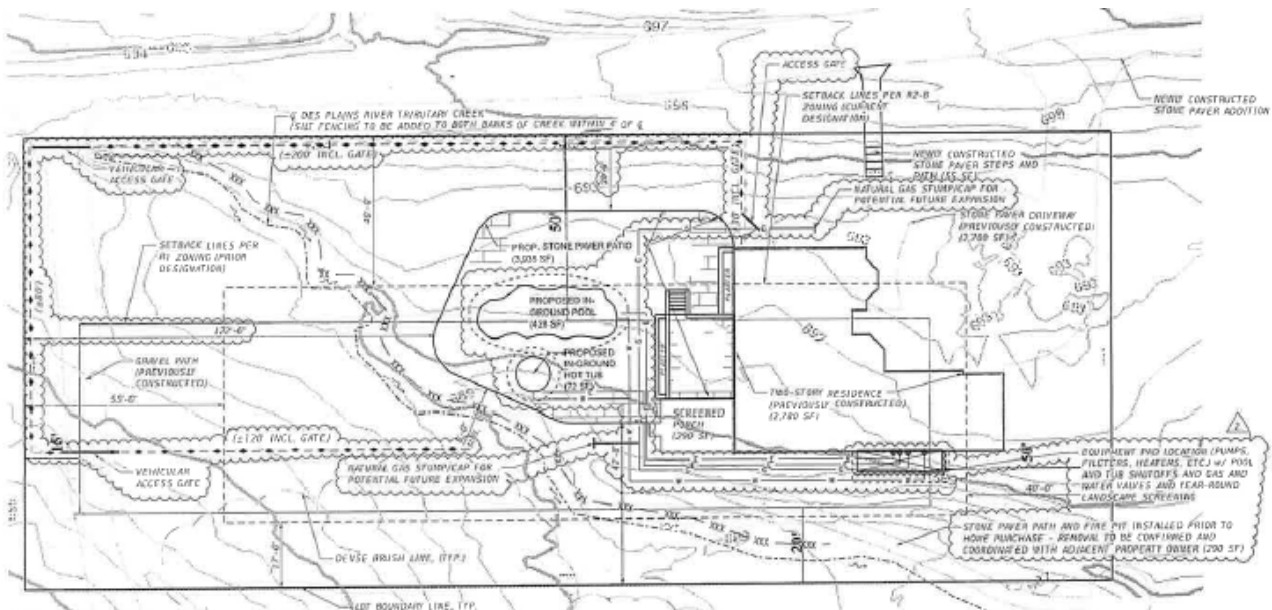


Illustration of the existing fence, patio, and pool.

Variations Requested (existing regulations with the variations detailed in red italics)

- Zoning Ordinance Section IV.J:
 - Fences (IV.J.1.b.):
 - 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. *The fence is 5' and complies.*
 - 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). *The petitioner is requesting a 2-foot setback on the corner side yard, deviating from the 40-foot minimum regulation.*
 - All fence posts and all supports must face the interior of the property on which it is located. *The fence faces the interior of the property and complies.*
 - 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. *The fence is wooden and complies.*
 - 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. *The fence is 50% open and complies.*
 - Terraces, Patios, and Decks (IV.I.34)

- Terraces, patios, and decks may be located in a side buildable area, a rear buildable area or a courtyard and are also permitted in the required rear yard, but not closer than 10 feet to the lot line.
The petitioner is requesting a 20-foot setback on the corner side yard, deviating from the 40-foot minimum regulation.
- Zoning Ordinance Section IV.H:
 - Setback and Location of Accessory Buildings and Structures (IV.H.4):
 - Accessory buildings and structures shall be setback a minimum of 10 feet from a rear lot line and shall comply with the minimum interior side and corner side yard setback of the zoning district in which the accessory building or structure is located except as may otherwise be specifically permitted in Section IV.I of this Ordinance. *It appears the swimming pool is directly on the 40' setback line. Staff included the variation request in the event that the pool is slightly over the setback line.*



Site plan of the existing fence, patio, and pool.

Public Hearing History

Z-01-2003: Pre-Annexation agreement (Ordinance 950)

The property was annexed into the Village of Burr Ridge in 2015. (Ordinance 1145)

The property was rezoned from R-1 Single Family Residence to R-2B Single Family Residence. (Ordinance #A-834-06-23)

Public Comment

One public comment was received and is included as an attachment.

Findings of Fact and Recommendation

The petitioner has provided findings of fact, which the Plan Commission may adopt if in agreement with those findings. The Plan Commission may wish to make one motion for the three variation

requests or separate them into individual motions. If the Plan Commission chooses to recommend approval of V-02-2024, a request for three (3) variations from Zoning Ordinance Section IV.J, IV.I.34, and IV.H.4 to permit (1) a fence within the corner side yard setback, located 2' off the property line deviating from the 40' minimum regulation, (2) a patio within the corner side yard setback, and (3) a swimming pool within the corner side yard setback., staff recommends the following condition:

1. The fence, patio, and pool shall substantially comply with the plans submitted by the petitioners and included as Exhibit A.

Appendix

Exhibit A - Petitioner's Materials and Public Notifications

- Application
- Findings of Fact
- Proposed site plan and illustrations
- Public Notifications

Exhibit B – Public Comment

Exhibit C - Ordinance 950, Ordinance 1145, & Ordinance #A-834-06-23



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): Curtis Eshghy

STATUS OF PETITIONER: Homeowner

PETITIONER'S ADDRESS: 15w627 89th St.

ADDRESS OF SUBJECT PROPERTY: 15w627 89th St.

PHONE: 331-775-6666

EMAIL: cnroofs@gmail.com

PROPERTY OWNER: Curtis Eshghy

PROPERTY OWNER'S ADDRESS: 15w627 89th st PHONE: 331-775-6666

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

DESCRIPTION OF REQUEST:

Setback variances

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 0.81 acres EXISTING ZONING: R-2B

EXISTING USE/IMPROVEMENTS: Single-Family Residence

SUBDIVISION: N/A

PIN(S) # 10-01-102-000-0000

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

01/24/24
Date of Filing



**Findings of Fact - Zoning Variation
Burr Ridge Zoning Ordinance**

Address:

15w627 89th St.

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

Due to the zoning, it appears that the home prior to my purchases of it, violated certain setbacks. Because of this, many inquiries were made to determine where the patio unit should be. It was decided and Village engineering that a variance would be required to build the patio to be built much further from the south. It was discussed that a variation/variation would be required in order to gain approval to build the patio to the stream that crosses the property in the backyard, and the setbacks imposed by the zoning have really made the property unbuildable, however, I respectfully request that a consideration be made for this special case. I look forward to elaborating on this point, if consideration of my case is made.

- 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 property is zoned as a corner lot, however, the as built conditions of the site are not that of a corner lot. It seems that historically the residence has been used and built upon while widely ignoring the bulk zoning requirements. I had purchased this property legally, and the home extended beyond the northerly setback line prior to me constructing the patio. I request this variation because it doesn't seem. Reasonable to build a patio, such constraint and geometry of the setbacks would really make the use of the property incredibly limited.

- 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 geometric constraints are definitely specific at this residence, and the uniqueness of the property Have caused me to seek the variation to allow me to maintain what I've mistakenly built at great expense to

The erroneous, early beginning of the construction was my fault, and I am happy, making good on any fees due to the village as a result of this.

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

The purpose of the variation request is to build a beautiful residence in a beautiful and to provide an Commentating backyard for my growing family. I believe that all of the improvements should satisfy all Residence, and Village Personnel. My intent is to be in this community to raise a family and contribute to it.

- 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.

I accept that this was done the wrong way, and the improvements should've followed proper channels. I acknowledged the statement above and can assure you that the variation request is not the result Of other parties, having interest in the property.

- 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.

During the past 20 years, the Burr Ridge Zoning Ordinance has been a very successful tool to ensure that the village remains a beautiful and safe place to live. The ordinance has been a very successful tool to ensure that the village remains a beautiful and safe place to live. The ordinance has been a very successful tool to ensure that the village remains a beautiful and safe place to live.

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

The improvements are in line with Jason properties. Prior to the improvements, the property Functionality and beauty, that the adjacent properties maintain

- 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.

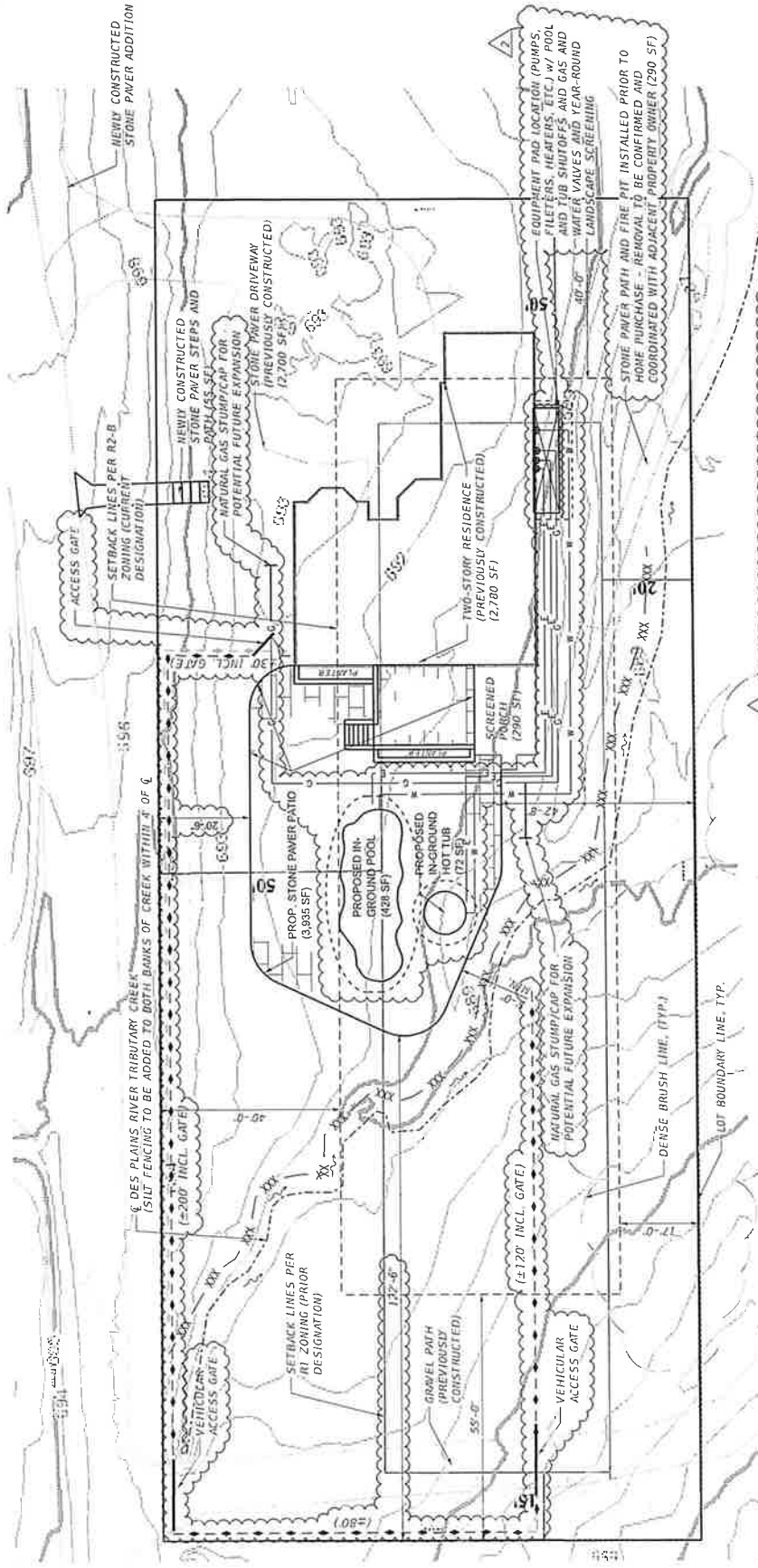
The statement above is 100% accurate

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

True

LEGAL DESCRIPTION

LOT 1, IN URBAN DAKDALE MANOR, A SUBDIVISION ON THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 25, 1931, AS DOCUMENT 316521, IN DUPAGE COUNTY, ILLINOIS.



GENERAL NOTES

- ALL WORK SHALL BE DONE PER 2012 INTERNATIONAL RESIDENTIAL CODE, 2011 NATIONAL ELECTRIC CODE AND THE 2014 ILLINOIS PLUMBING CODE.
- LANDSCAPE RESTORATION WITH SOIL OR SEED AND EROSION CONTROL BLANKET, WILL BE INSTALLED IF REQUIRED UPON CLOSING THE PERMIT.
- ANY EXCAVATED MATERIAL REMAINING, AFTER INSTALLATION OF CONSTRUCTION FENCING, SHALL BE REMOVED FROM THE SITE BY THE CONTRACTOR PERFORMING THE WORK. FINISHED GRADING WILL FOLLOW THE CONTOURS OF THE EXISTING YARD.
- THE WEST TERMINATION POINT OF TEMPORARY CHAIN LINK CONSTRUCTION FENCING IS WHERE THE SITE ACCESS IS PROPOSED. IF SITE IS VACATED, ACCESS SHALL BE LOCKED OFF.

PLAN

- TOTAL LOT AREA (PER PROPERTY RECORDS) = 35,284 SF
- 10,510 SQUARE FEET (29.8% OF TOTAL LOT AREA COVERED) INDICATED FOR PORTIONS OF IMPERVIOUS AREAS WITHIN THE PROPERTY LIMITS ONLY

LEGEND

- E BURIED ELECTRIC (1" DIA. PVC, 20" MIN. BELOW GRADE)
- G BURIED GAS (1" DIA. BLACK PEX, INSIDE PVC CONDUIT, 20" MIN. BELOW GRADE)
- W BURIED WATER (1" DIA. PVC, INSIDE PVC CONDUIT, 20" MIN. BELOW GRADE)
- S SOLID GROUNDING WIRE (5" BELOW GRAVEL BASE (AROUND POOL, AND EQUIPMENT))
- PERMANENT POOL SAFETY FENCING (5' H. BLACK PICKET ALUMINUM)
- TEMPORARY 7' CHAIN LINK CONSTRUCTION FENCING



1) Yard Requirements
2) Permitted Uses

Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
40' Feet	10' Feet	40' Feet	55' Feet

Source: Google's declassified Aerial Imagery

ISSUE #	DATE	DESCRIPTION
1	10/20/2023	SUBMITTED FOR APPROVAL
2	10/20/2023	REVISION 1 (UPDATED 10/20/23 W/ NEW CLOUD)

PREPARED BY WILLIAM BAKOS
229 GINGERBROOK LANE BARTLETT, IL 601
IL P.E. NO. 062071134

PROPOSED PLAN FOR PERMITTING
AT 15W627 89TH ST.
BURR RIDGE, IL
DUPAGE COUNTY

DWG BY	DATE	CHKD BY	SCALE	SHEET NO
WSB	10/20/2023	WM	1" = 25'	S-01

58 FEB

THE

50¢

20.

50

10

THE
MUSEUM
OF
THE
CITY OF
NEW YORK

AUG 14 2023

VILLAGE OF ELIZABETH

205

February 23, 2024

Village of Burr Ridge

Plan Commission

RE: 15W627 89th Street

PIN 10-01-102-006-0000

V-02-2024 Variance Request

Neighbor's Response

We as neighboring property owners strongly object to any unauthorized and unpermitted construction on the subject site.

We do not agree with the three variance requests made by the property owner, Mr. Curtis Eshghy, because the pool development was never permitted by the Village of Burr Ridge.

We also want to take this opportunity to list herein other issues and disturbances associated with the Owner's current use of the subject site:

The current pool development has two locations for pool equipment which includes pumping, filtration, and heating equipment. The pool equipment is running constantly, and it is noisy. It disturbs the adjacent residents while in their house and while they are in their yards. We want this annoying sound to be muffled.

During the construction of the pool the Owner's contractor built a haul path on the adjacent neighboring property to the south of the subject lot without that property owner's permission. We want this area restored to the prior condition.

The centerline of the creek that traverses the property appears to very close to the pool and adjacent patio. Because the pool was built without a permit we assume the 100 year flood plain area of the creek nor the DuPage County Stormwater Special Management Area regulations were taken into consideration when laying out the pool development. We are concerned about flooding of upstream and downstream properties due to the narrowing of the floodplain area on the subject property due to the pool development. We want verification that the pool development hasn't impacted the flood plain.

The increase of impervious area on site has significantly increased since the pool development was installed. Pervious vs. impervious lot area on the subject lot needs to be calculated to determine if it is conformance with local codes.

February 23, 2024

Village of Burr Ridge

Plan Commission

RE: 15W627 89th Street

PIN 10-01-102-006-0000

V-02-2024 Variance Request

Neighbor's Response

Page two of two

A gravel shoulder 5-6' wide on the south side of 89th Street has been added by the Owner to allow for parking by visitors to the property. At times vehicles are parked overnight in this gravel area where part of the vehicle is on the paved roadway and part is on the added gravel. When vehicles are parked there, they don't allow enough roadway width for trucks and snowplows on 89th Street to drive entirely on the pavement. At times vehicles must drive off the roadway to pass the parked cars. We want verification that the added gravel shoulder parking area and its use is in accordance with local codes.

In summary, we are concerned that the applicant, Mr. Curtis Eshgby, has not abided by the rules and regulations of our community.

We all request he make amends to get along with his neighbors and abide by the rules and regulations of our community so we can return to the peaceful neighborhood we had prior to his moving into the neighborhood.

Respectfully submitted,

Five Concerned Neighborhood Families.



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, March 4, 2024, at Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527.**

PURPOSE OF HEARING

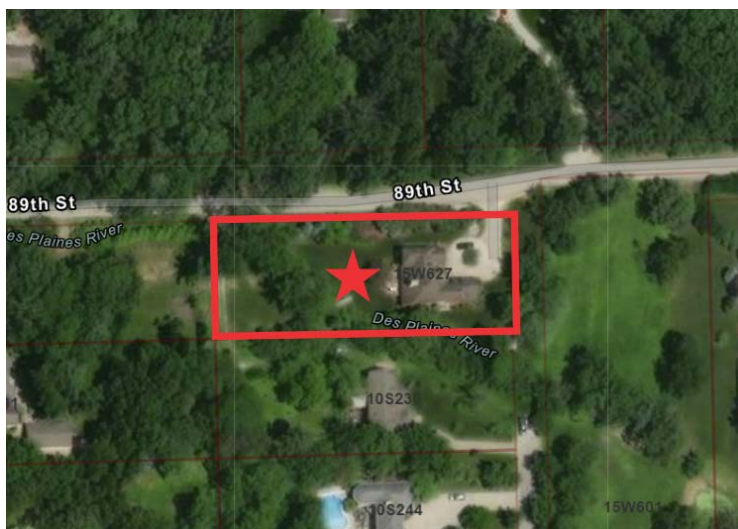
The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider a request by Curtis Eshghy for three (3) variations from Zoning Ordinance Section IV.J, IV.I.34, and IV.H.4 to permit (1) a fence within the corner side yard setback, located 2' of the property line deviating from the 40' minimum regulation, (2) a patio within the corner side yard setback, and (3) a swimming pool within the corner side yard setback. The petition number and address of this petition is **V-02-2024: 15W627 89th Street** and the Permanent Real Estate Index Number is **10-01-102-006-0000.**

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, February 27, 2024. All public comment may be emailed to Planner Ella Stern (estern@burr-ridge.gov) or mailed to Ms. Stern'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.

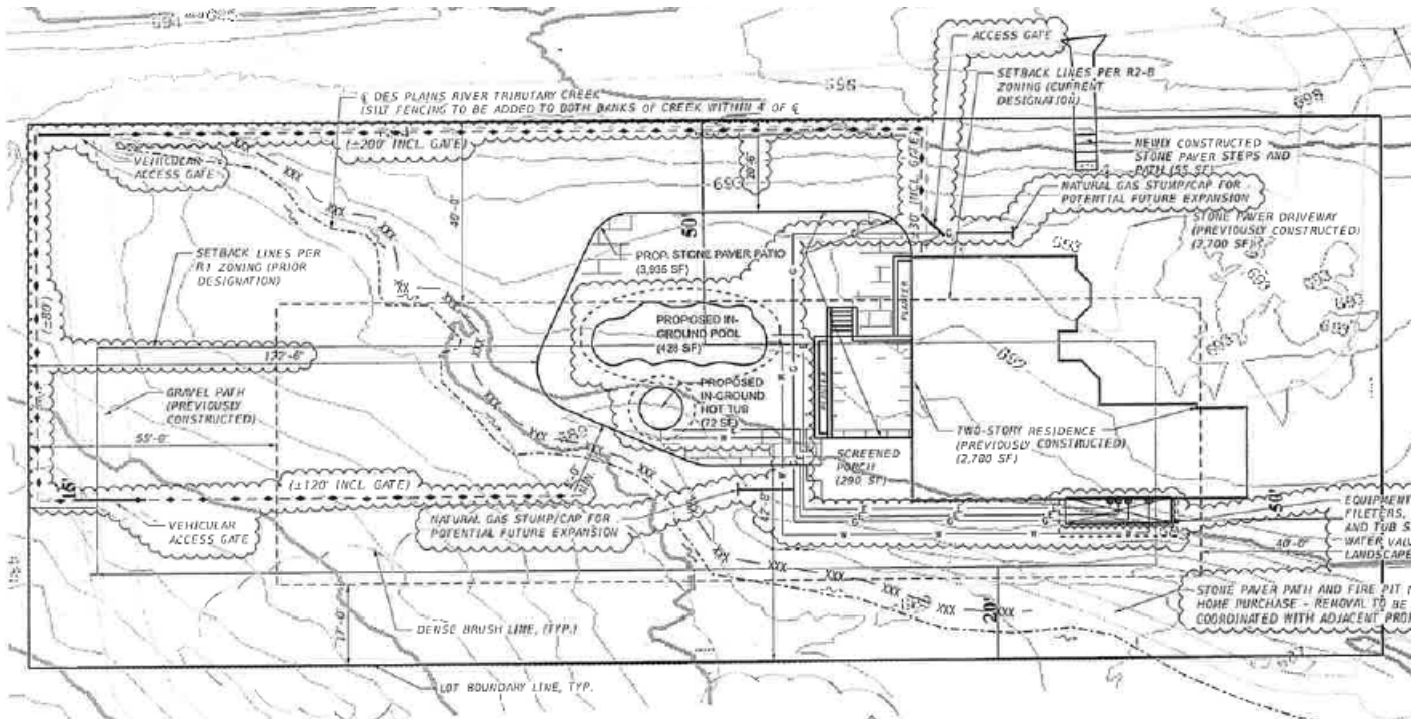
Greg Trzupek, Chairman

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



The site is outlined in red

www.burr-ridge.gov
630.654.8181



Proposed site plan of the fence, patio, and pool.

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 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

KOENIG TR, MARY ELLEN
1310 SLEEPY HOLLOW LN
DARIEN, IL 60561

SALVINO, KEVIN & COLLEEN
15W531 89TH ST
BURR RIDGE, IL 60521

STATE BANK OF COUNTRYSIDE
190 S LA SALLE APT. 1700
CHICAGO, IL 60603

PICKARD, GLENN & V GAHTAN
9040 TURNBERRY DR
BURR RIDGE, IL 60527

DUPONT, MICHAEL & PAULA
8810 GRANT ST
BURR RIDGE, IL 60521

CHIN, ALAN Y
530 DEVON DR
BURR RIDGE, IL 60527

PAYNE, RICHARD & DORIS
15W680 89TH ST
HINSDALE, IL 60521

FALCONE, SCOTT A
8877 S MADISON ST
BURR RIDGE, IL 60527

PAYNE, KENNETH &CHRISTINE
15W630 89TH ST
BURR RIDGE, IL 60527

THALAMARLA, MOHAN & SASI
15W599 89TH ST
BURR RIDGE, IL 60521

OEDZES, EDWARD & E C
10S125 MADISON ST
BURR RIDGE, IL 60527

ESHGHY, CURTIS
1233 NAPERVILLE DR
ROMEDEVILLE, IL 60446

CHITNIS, SANJIV & RASHMI
5 TURNBERRY CT
BURR RIDGE, IL 60527

HERATH, SAM
510 DEVON DR
BURR RIDGE, IL 60527

DOYLE, PATRICK
8814 AINTREE LN
BURR RIDGE, IL 60521

GREULICH, ROBERT C
10S135 MADISON ST
BURR RIDGE, IL 60521

PIZZUTO, JOSEPH
10S231 VINE ST
BURR RIDGE, IL 60527

KULKARNI TR, TAMMAJI & S
15W700 90TH ST
BURR RIDGE, IL 60521

DAVIS, RODNEY
10S244 GRANT ST
BURR RIDGE, IL 60527

TWARDOWSKI, JANUSZ
3 TURNBERRY CT
BURR RIDGE, IL 60521

PALMIOTTI, GIUSEPPE & N
15W510 91ST ST
BURR RIDGE, IL 60527

SURY, JOHN & LINDA
540 DEVON DR
BURR RIDGE, IL 60527

BOCKHOLDT, B & E CHMIEL
8811 S GRANT ST
BURR RIDGE, IL 60521

MUZZARELLI, ARNOLD & S A
15W660 90TH ST
BURR RIDGE, IL 60527

PLIOPIENE, DILARAM
10S230 GRANT ST
BURR RIDGE, IL 60527

STYKA, PAMELA J
15W731 90TH ST
BURR RIDGE, IL 60527

SCHOOL DISTRICT NO 180
15W451 91ST ST
BURR RIDGE, IL 60521

RAMZEY D LLC
620 DEVON DR
BURR RIDGE, IL 60527

RAMIREZ, FILEMON
9000 TURNBERRY DR
BURR RIDGE, IL 60527

WARE, KENNETH
10S265 S VINE ST
BURR RIDGE, IL 60527

KHAN, SUNNIE & S NAWAZ
9020 TURNBERRY DR
BURR RIDGE, IL 60527

FAWCETT, JOHN
8802 AINTREE LN
BURR RIDGE, IL 60521

STETTIN SR, PAUL & RITA
600 DEVON DR
BURR RIDGE, IL 60521

AKHRAS, ABDULBARI & FAYHA
9001 TURNBERRY DR
BURR RIDGE, IL 60521

TSIONES, JOHN
500 DEVON DR
BURR RIDGE, IL 60527

WEINBERGER, JOHN & JULIE
15W720 89TH ST
BURR RIDGE, IL 60527

MALININ, JERRY & MARGARET
15W730 90TH ST
BURR RIDGE, IL 60527

REBACZ, RALPH
930 S PENNSYLVANIA ST
DENVER, CO 80209

SCHLEHOFER, KARL J
10S260 GRANT ST
BURR RIDGE, IL 60521

DE GRAFF, RANDY & SUSAN
520 DEVON DR
BURR RIDGE, IL 60521

SUBBARAJU, NANDINI & T
577 N EMROY AVE
ELMHURST, IL 60126

MONCAYO, RUTH
15W560 91ST ST
HINSDALE, IL 60521

REDDY, GIRIDHER
5327 S KIMBARK AVE
CHICAGO, IL 60615

MALININ, MARGARET
15W730 90TH ST
BURR RIDGE, IL 60527

MURRAY, CHARLES & VIDA
10S245 MADISON ST
BURR RIDGE, IL 60527

KUDARI, MADHUSUDHAN & A
15W520 89TH ST
BURR RIDGE, IL 60527

THALAMARLA, MOHAN R &SASI
15W599 89TH ST
BURR RIDGE, IL 60527

OTTO, SANDRA V TR
15W760 89TH ST
BURR RIDGE, IL 60527

JACOBS, LOIS
5001 CAROLINE AVE
WESTERN SPRING, IL 60558

TICHY, IVAN & MICHELLE
8765 POLO RIDGE CT
BURR RIDGE, IL 60527

HRAJHOHA, STEPHEN J
15W696 90TH ST
BURR RIDGE, IL 60527

ZIEMBA, JOLANTA
4155 W 58TH PL
CHICAGO, IL 60629

DAUGIRDAS, JOHN & ONA
15W560 89TH ST
BURR RIDGE, IL 60527

PIZZUTO, JOSEPH A
10S231 VINE ST
BURR RIDGE, IL 60527

REDIEHS, RICHARD & P L
15W620 89TH ST
HINSDALE, IL 60521

ZOLNIERZOW, ZBIGNIEW
10S261 MADISON ST
BURR RIDGE, IL 60527

HAMMER, DUANE A & ROSE P
15W450 89TH ST
BURR RIDGE, IL 60527

FERGUSON, KIMBERLY H
610 DEVON DR
BURR RIDGE, IL 60521

HAMMER, DUANE A
15W450 89TH ST
BURR RIDGE, IL 60527

MC DERMOTT, WILLIAM D & K
8781 POLO RIDGE CT
BURR RIDGE, IL 60527

DODD, LOUIS P & ALMA L
8740 GRANT ST
BURR RIDGE, IL 60521

NITTI, JOHN & JANET TRS
521 DEVON DR
BURR RIDGE, IL 60521

COLONNA, BERNARD & S
8762 AINTREE LN
BURR RIDGE, IL 60527

WILSON, SCOTT & ELIZABETH
549 DEVON DR
BURR RIDGE, IL 60527

MANKARIOUS, MICHAEL
531 DEVON DR
BURR RIDGE, IL 60527

DREMONAS, JAMES P
8750 AINTREE LN
BURR RIDGE, IL 60527

RUIZ, FRANCISCO
8749 POLO RIDGE CT
BURR RIDGE, IL 60527

CHUGH, VINEET & NEENA
541 DEVON DR
BURR RIDGE, IL 60521

MC CORMACK, COLLEEN M
8750 S GRANT ST
BURR RIDGE, IL 60527

KOZLOWSKI, DUSTIN
8749 AINTREE LN
BURR RIDGE, IL 60527



**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:

15w627 89th St.

Property Owner or Petitioner:

Curtis Eshghy

(Print Name)

(Signature)

Feb 13, 2024 at 10:13:26 AM
15W627 89th St
Burr Ridge IL 60527
United States



Village of Burr Ridge

NOTICE

There will be a public hearing to
consider zoning changes or approvals
for this property.

For further information,
please call or visit:

Burr Ridge Village Hall
7660 County Line Road
(630)654-8181, Extension

Ask for Information Re: ZC V-02-2024 3

Further details are available at:

www.burr-ridge.gov

(see Public Hearing/Plan
Commission Agenda)

ORDINANCE NO. 950

ORDINANCE AUTHORIZING PREANNEXATION AGREEMENT
(KOWALEWSKI - 15W627 89th STREET)

WHEREAS, the Corporate Authorities of the Village of Burr Ridge, Du Page and Cook Counties, Illinois, did hold a public hearing to consider a preannexation agreement for the future annexation of certain property not presently within the corporate limits of any municipality at such time as said property becomes contiguous to the Village of Burr Ridge, said Agreement being entitled "Preannexation Agreement (Kowalewski - 15W627 89th Street)" a true and correct copy of which is attached hereto and made a part hereof as **EXHIBIT A**; and

WHEREAS, the aforesaid public hearing was held pursuant to legal notice as required by law, and all persons desiring an opportunity to be heard were given such opportunity at said public hearing; and

WHEREAS, the Corporate Authorities of the Village of Burr Ridge, Du Page and Cook Counties, Illinois, have determined that it is in the best interests of said Village of Burr Ridge that said Agreement be entered into by the Village of Burr Ridge;

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

Section 1: That this President and Board of Trustees of the Village of Burr Ridge hereby find that it is in the best interests of the Village of Burr Ridge and its residents that the aforesaid "Preannexation Agreement (Kowalewski - 15W627 89th Street)" be entered into and executed by said Village of Burr Ridge, with said Agreement to be substantially in the form attached hereto and made a part hereof as **EXHIBIT A**.

Section 2: That the President and Clerk of the Village of Burr Ridge, Du Page and Cook Counties, Illinois, are hereby authorized to execute for and on behalf of said Village the aforesaid Agreement.

Section 3: That this Ordinance shall take effect from and after its passage, approval and publication in the manner provided by law. That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 24th day of February, 2003, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Sodikoff, Pallat, Derma, Paveza and Rohner.

NAYS: 1 - Trustee Cizek.

ABSENT: 0 - None.

APPROVED this 24th day of February, 2003, by the President of the Village of Burr Ridge.



Village President

ATTEST:



Village Clerk

ORDINANCE NO.1145

ORDINANCE ANNEXING CERTAIN REAL ESTATE
(Esposito - 15W627 89th Street)

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 this President and Board of Trustees find as follows:

- (a) A petition has been filed with the Village Clerk and presented in proper form to the President and Board of Trustees of the Village of Burr Ridge, requesting that the territory described in Section 2 of this Ordinance be annexed to the Village of Burr Ridge, DuPage and Cook Counties, Illinois.
- (b) Said petition was signed by all of the owners of record of such territory and all electors who reside within said territory.
- (c) Such territory is not within the corporate limits of any municipality, but is contiguous to the Village of Burr Ridge, DuPage and Cook Counties, Illinois, a municipality existing under the laws of the State of Illinois.
- (d) That the Village of Burr Ridge, DuPage and Cook Counties, Illinois, does not provide either fire protection or public library services.
- (e) That notice of the proposed annexation has been given to the Cook County Highway Department.

Section 2: That the territory referred to by the Permanent Parcel Identification Number of 10-01-102-006, be and the same is hereby annexed to the Village of Burr Ridge, DuPage and Cook Counties, Illinois, all in conformance with and as shown on the plat of annexation of said territory prepared by a registered land surveyor of the State of Illinois, attached hereto and made a part hereof as Exhibit A.

Section 3: That the Village Clerk is hereby and herewith instructed to record with the Recorder of Deeds of DuPage County, Illinois, and to file with the County Clerk of DuPage County, Illinois;

- (a) a copy of this Ordinance certified as correct by the Clerk of said Village of Burr Ridge; and
- (b) a plat of the land included in this annexation, as required by law, said plat to be attached to the afore-said certified copy of this Ordinance.

Section 4: That this Ordinance shall be in full force and effect from and after its adoption and approval as required by law.

ADOPTED this 12th day of January, 2015, by a majority of the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

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

APPROVED by the President of the Village of Burr Ridge on the 12th day of January, 2015.



Village President

ATTEST:



Village Clerk

PLAT OF ANNEXATION

TO
THE VILLAGE OF BURR RIDGE
OF

P.L.N. 10-01-102-006

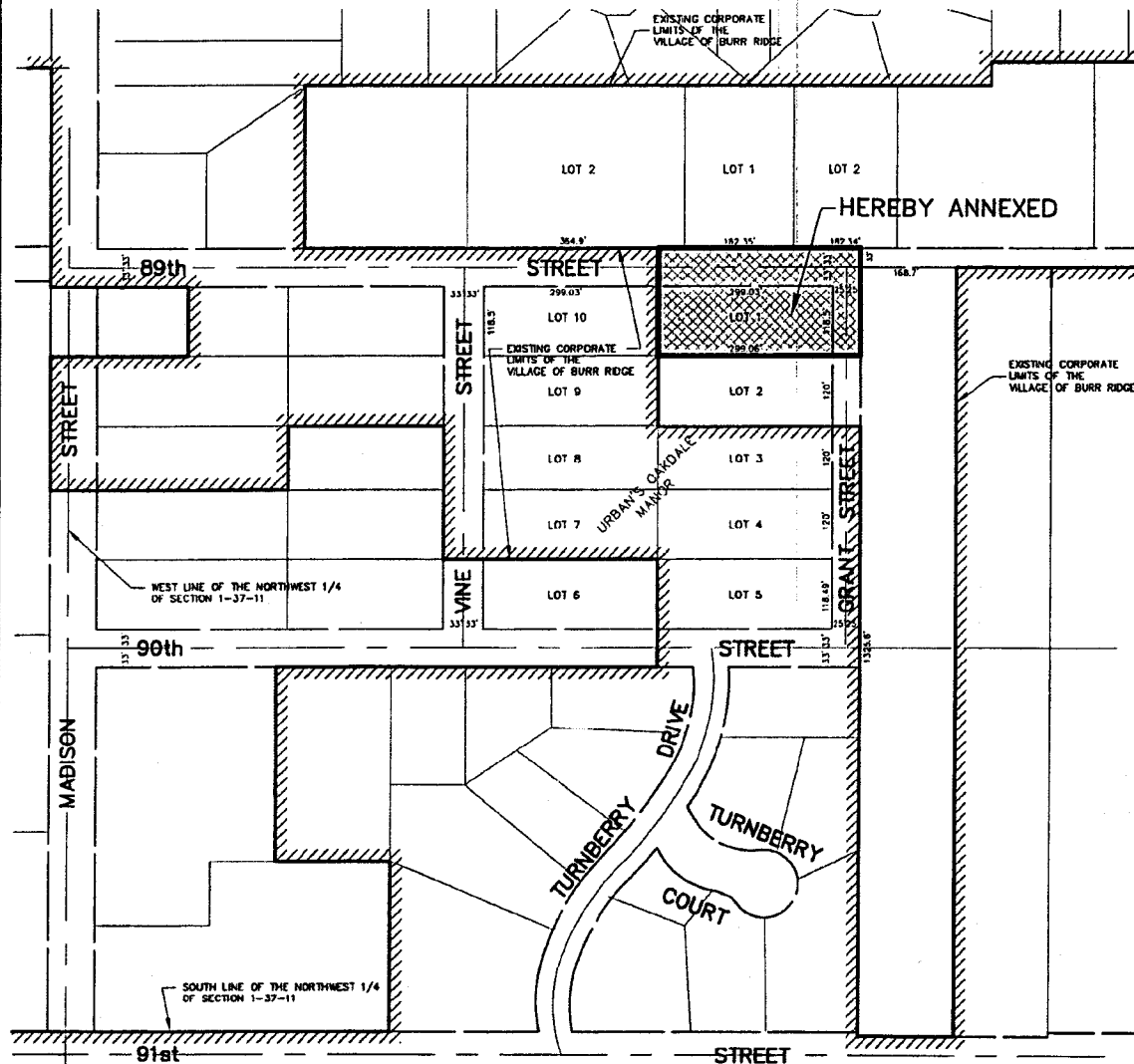
LOT 1 IN URBAN'S OAKDALE MANOR OF PART OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS:
15W527 89th STREET
BURR RIDGE, ILLINOIS 60527

THE NEW BOUNDARY OF THE AREA ANNEXED SHALL EXTEND TO THE FAR SIDE OF ANY ADJACENT HIGHWAY AND SHALL INCLUDE ALL OF EVERY HIGHWAY WITHIN THE AREA ANNEXED.

SCALE: 1"=200'

ANNEXED AREA COMPRISES APPROXIMATELY 1.484 ACRES, MORE OR LESS



SURVEYORS CERTIFICATE

STATE OF ILLINOIS) S.S.
COUNTY OF DUPAGE)

I, JAMES L. CAINKAR, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT AS HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED IN THE FOREGOING CAPTION.

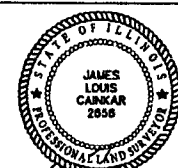
FURTHERMORE, I DESIGNATE THE VILLAGE OF BURR RIDGE TO ACT AS MY AGENT FOR THE PURPOSES OF RECORDING THIS DOCUMENT.

DATED AT WILLOWBROOK, ILLINOIS, THIS 11th DAY OF DECEMBER A.D., 2014.

JAMES L. CAINKAR
ILLINOIS PROFESSIONAL LAND SURVEYOR
No. 2656
EXPIRES 11-30-16

AFTER RECORDING PLEASE RETURN TO:

THE VILLAGE OF BURR RIDGE
7660 COUNTY LINE ROAD
BURR RIDGE, ILLINOIS 60527



SIGNATURE

12-11-14

DATE

JAMES L. CAINKAR, P.E.
IL. P.L.S. NO. 2656
EXPIRES 11-30-2016

DATE: 12-11-14

PROJECT NO. 14497

SHEET 1 OF 1

ORDINANCE NO. A-834-06-23

AN ORDINANCE REZONING PROPERTY FROM R-1 SINGLE FAMILY RESIDENCE
DISTRICT TO R-2B SINGLE FAMILY RESIDENCE DISTRICT

(Z-01-2003: 15W627 89th Street - Krzysztof Kowalewski/Village of
Burr Ridge)

WHEREAS, an application for rezoning certain real estate 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 a public hearing on the question of rezoning on January 6, 2003 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 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 rezoning, 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 rezoning 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, and is in compliance with the Village of Burr Ridge Comprehensive Plan 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 Petitioner for the rezoning of the property located at 15W627 89th Street, Burr Ridge, Illinois, was originally Krzysztof Kowalewski and is now the Village of Burr Ridge (hereinafter "Petitioner"). The Petitioner requests the rezoning of certain real property.
- B. The Village of Burr Ridge Comprehensive Plan recommends single-family residential uses for the subject property and the surrounding area and the R-2B District zoning is appropriate.
- C. The R-2B zoning district is compatible with the surrounding zoning in the area.
- D. The existing R-1 zoning district is not suitable for the property due to its lot size and lot width. The lot meets the minimum lot area requirement for the R-2B zoning district.

Section 3: That the property at 15W627 89th Street *is hereby*

rezoned from R-1 Single Family Residence District to R-2B Single-Family Residence District of the Burr Ridge Zoning Ordinance with the Permanent Real Estate Index Number of **10-01-102-006**:

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 26th day of June, 2023, by the Corporate Authorities
of the Village of Burr Ridge on a roll call vote as follows:

AYES: 6 - Trustees Schiappa, Snyder, Mital, Smith,
Franzese, Paveza

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the Mayor of the Village of Burr Ridge on this 26th
day of June, 2023.

ATTEST:

Village Clerk

Mayor



VILLAGE OF
BURR RIDGE
A VERY SPECIAL PLACE

Z-02-2024: 78 Burr Ridge Parkway (Patti's Sunrise Cafe); Requests 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. The petitioner is requesting to add outdoor dining to an existing restaurant.

HEARINGS:

March 4, 2024

TO:

Plan Commission
Greg Trzupek, Chairman

FROM:

Ella Stern, Planner

PETITIONER:

Michael Garber

PETITIONER STATUS:

Michael Garber of Patti's Sunrise Cafe

PROPERTY OWNER:

Bob Garber

EXISTING ZONING:

B-1 Business District

LAND USE PLAN:

Mixed-Use Shopping Center

EXISTING LAND USE:

Shopping Center

SITE AREA:

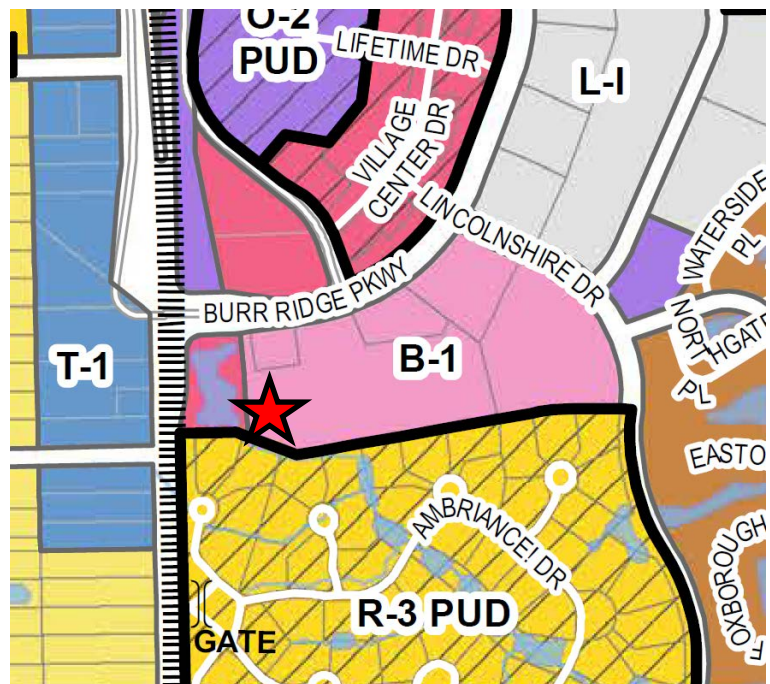
7.2 Acres

SUBDIVISION:

Burr Ridge Corporate Park

PARKING AVAILABLE:

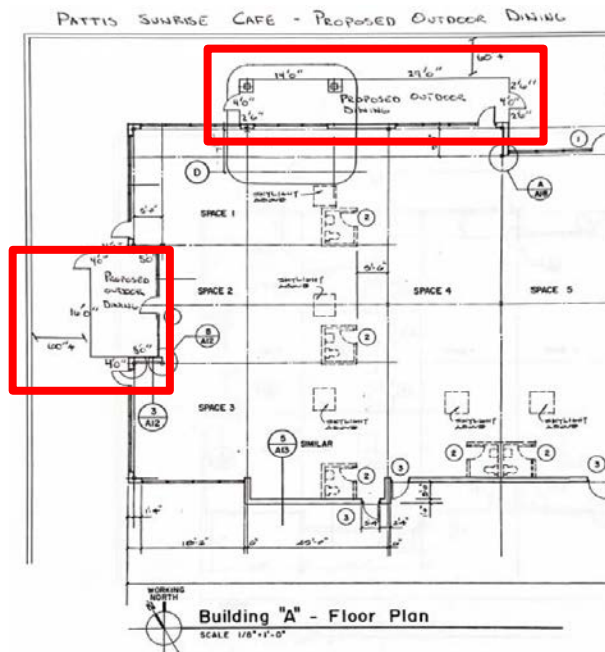
499 Parking Spaces



The petitioner, Michael Garber of Patti's Sunrise Cafe, requests 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. The petitioner requests to add outdoor dining at an existing restaurant. With the addition of these outdoor dining areas, the total square footage of the restaurant will be approximately 4,588 square feet.



Aerial of the property with the property lines and yards.



Proposed site plan of the outdoor dining areas.

The petitioner requests two outdoor dining areas. The outdoor dining area to the west contains three (3) tables and twelve (12) seats, and the outdoor dining area to the north contains ten (10) tables and thirty-eight (38) seats. The outdoor dining areas will have a 48" aluminum fence with a self-closing gate, similar to the other businesses in County Line Square. The petitioner requests to add approximately 488 square feet of outdoor dining space. The proposed expansion of Patti's Sunrise Cafe would increase the parking requirement by three additional spaces. According to the

parking information on file for County Line Square, the parking three additional spaces can be accommodated during business hours.

The petitioner provided the following example images of the proposed fence, umbrellas, and furniture.



Illustration of the proposed 48" aluminum fence.



Illustration of the proposed seating.



Illustration of the proposed tables.



Illustration of the proposed umbrellas.

Section VIII.A of the Zoning Ordinance stipulates several regulations related to outdoor dining at all places of eating in the Village within the Business Districts (B-1 and B-2). The petitioner's compliance with these regulations is noted in red. The petitioner has submitted a plan and information about the proposed outdoor dining area, included as Exhibit A.

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. 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;
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.

County Line Square 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 curb line 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.

Public Hearing History – Related to Patti's Sunrise Cafe

Z-01-2023: Zoning Ordinance Amendments for Outdoor Dining (Ordinance #A-834-05-23)

Z-03-2021: A special use approval for a restaurant with sales of alcoholic beverages. (Ordinance #A-834-06-21). This special use allowed for the expansion of Patti's Sunrise Café and the serving of alcohol.

Public Comment

No public comments were received.

Findings of Fact and Recommendation

The petitioner has provided findings of fact, which the Plan Commission may adopt if in agreement with those findings. If the Plan Commission chooses to recommend approval of the special use, staff recommends 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 submitted site plan.
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.

Appendix

Exhibit A - Petitioner's Materials and Public Notifications

Staff Report and Summary

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

Page 6 of 6

- Application
- Findings of Fact
- Proposed site plan and illustrations
- Public Notifications

Exhibit B – Ordinance #A-834-19-21, & #A-834-06-21



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): MICHAEL GACBER

STATUS OF PETITIONER: OWNER

PETITIONER'S ADDRESS: 78 BURR RIDGE PKWY, BURR RIDGE, IL 60527

ADDRESS OF SUBJECT PROPERTY: 78 BURR RIDGE PKWY, IL 60527

PHONE: 312-259-5225

EMAIL: PATISSUNRISECAFE1@GMAIL.COM

PROPERTY OWNER: REEGS PROPERTIES

PROPERTY OWNER'S ADDRESS: 11 N. GRANT ST PHONE: 630-920-9612

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

DESCRIPTION OF REQUEST:
OUTDOOR DINING

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 315,976 Sq. Ft. EXISTING ZONING: B-1

EXISTING USE/IMPROVEMENTS: Business

SUBDIVISION: Burr Ridge Corporate Park

PIN(S) # 18-30-305-003

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 – Special Use
Burr Ridge Zoning Ordinance

Address:

78 BURR RIDGE PKWY

As per Section XII.K.7 of the Village of Burr Ridge Zoning Ordinance, for a special use to be approved, the petitioner must confirm all of the following findings by providing facts supporting each finding.

- a. The use meets a public necessity or otherwise provides a service or opportunity that is not otherwise available within the Village and is of benefit to the Village and its residents.

yes

- b. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

Correct

- c. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.

Correct

- d. The establishment of the special use will not impeded the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Correct

- e. Adequate utilities, access roads, drainage and/ or necessary facilities have been or will be provided.

Yes

- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

Yes

- g. The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village of Burr Ridge as amended.

Correct

- h. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.

Correct



**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:

78 BURR RIDGE PKWY

Property Owner or Petitioner:

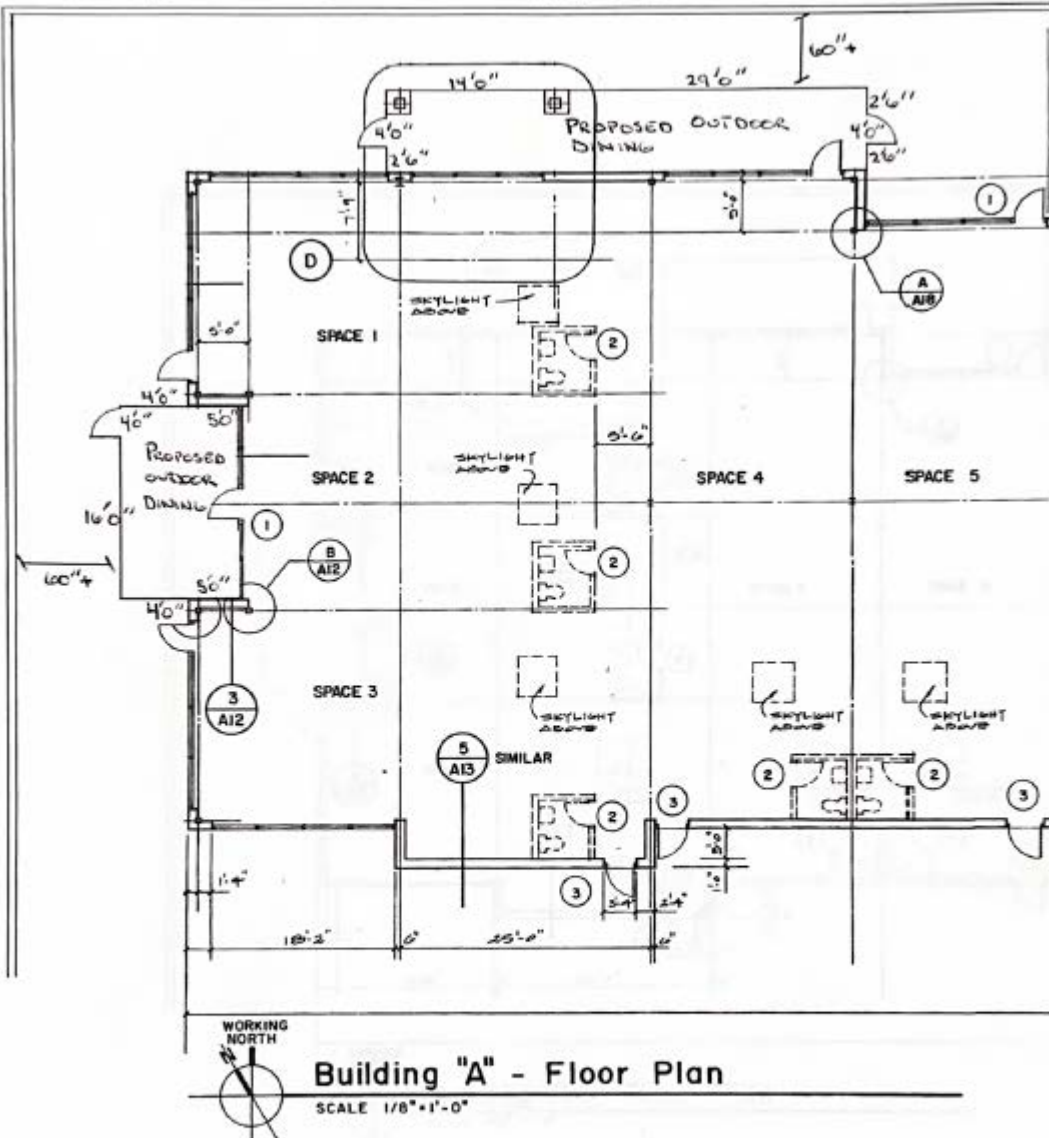
MICHAEL GARBER

(Print Name)

[Signature]

(Signature)

PATTIS SUNRISE CAFE - PROPOSED OUTDOOR DINING











PAT'S SUNRISE CAFE

NO
PARKING
LOADING
ZONE
←→

PATTY'S SUNRISE CAFE





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, March 4, 2024, 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 Michael Garber of Patti's Sunrise Cafe 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. The petitioner is requesting to add outdoor dining to an existing restaurant. The petition number and address of this petition is **Z-02-2024: 78 Burr Ridge Parkway (Patti's Sunrise Cafe)** and the Permanent Real Estate Index Number is **18-30-305-003-0000.**

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, February 27, 2024. All public comment may be emailed to Planner Ella Stern (estern@burr-ridge.gov) or mailed to Ms. Stern'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.

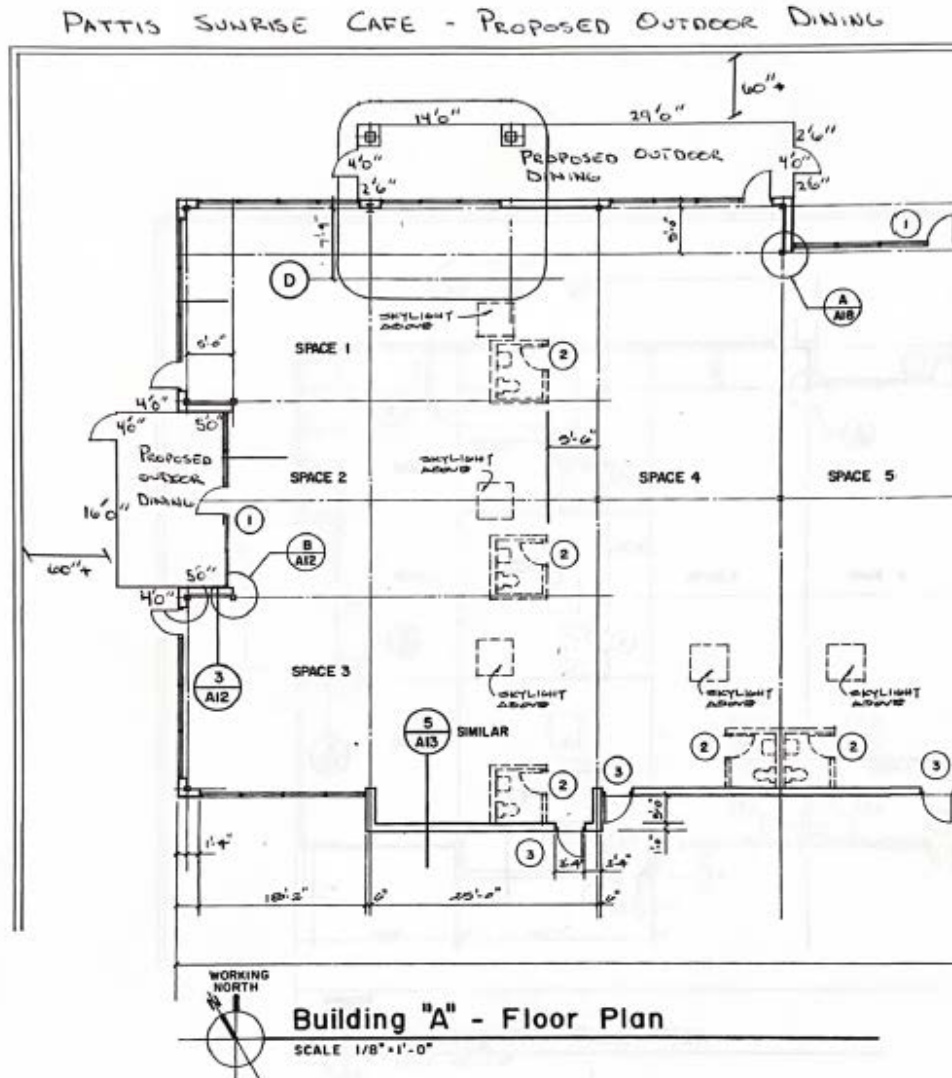
BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

Greg Trzupek, Chairman

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



The site is starred in red.



Proposed outdoor dining areas.

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 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

KARL J VAN CURA
20 38TH STREET
SIOUX CITY, IA 51104

HETALKUMAR PATEL
202 AMBRIANCE DR
BURR RIDGE, IL 60527

FERN INC
15 AMBRIANCE
BURR RIDGE, IL 60527

RANJBAR, DONNA A
7734 S COUNTY LINE RD
BURR RIDGE, IL 60527

T & M KELLY
802 AMBRIANCE DR
BURR RIDGE, IL 60527

KUKUC, FRANK & MARGARET
7603 S DREW AVE
BURR RIDGE, IL 60521

SUNIL SURI
103 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

DANA SHINNEMAN
207 AMBRIANCE DR
BURR RIDGE, IL 60527

GEETHA PUNDALEEKA
502 AMBRIANCE DR
BURR RIDGE, IL 60527

ANDREW J MOORMANN
50 BURR RIDGE PKWY
BURR RIDGE, IL 60527

KUKUC, STANLEY & IRENE
7615 S DREW AVE
BURR RIDGE, IL 60527

PARRIS SZOT
301 AMBRIANCE DR
BURR RIDGE, IL 60527

101 BRP LLC
20 DANADA SQ W #274
WHEATON, IL 60189

TERRELL PATTERSON
407 AMBRIANCE DR
BURR RIDGE, IL 60527

ASTA KAUPAITE
201 AMBRIANCE DR
BURR RIDGE, IL 60527

S SINGHAL
405 AMBRIANCE DR
BURR RIDGE, IL 60527

MAGDALENA KOLOSA
303 AMBRIANCE DR
BURR RIDGE, IL 60527

BREYMEYER, WILLIAM G
7711 DREW AVE
BURR RIDGE, IL 60527

KRISHNA & ARUNA REDDY
406 AMBRIANCE DR
BURR RIDGE, IL 60527

HOSPITALITY PROP TRUST
255 WASHINGTON ST
NEWTON, MA 2458

GYTIS ARANAUSKAS
402 AMBRIANCE DR
BURR RIDGE, IL 60527

KENSINGTON PARK LLC
743 MCCLINTOCK DR
BURR RIDGE, IL 60527

NABEEL JABRI
204 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

CERVANTES, LAURA
7619 DREW AVE
BURR RIDGE, IL 60527

GARY R MURINO
18 AMBRIANCE
BURR RIDGE, IL 60527

JAMES M SNYDER
807 AMBRIANCE DR
BURR RIDGE, IL 60527

PAULIUS, ANDRIUS
1815 W IOWA ST
CHICAGO, IL 60622

EDWARD T PRODEHL
104 AMBRIANCE CT
BURR RIDGE, IL 60527

AN UNDIVIDED ONE HALF
801 AMBIANCE DRIVE
BURR RIDGE, IL 60527

TRP 745 MCCLINTOCK LLC
1700 W HIGGINS RD 280
DES PLAINES, IL 60018

CHRISTIAN BROTHER MIDWEST
7650 S COUNTY LINE RD
BURR RIDGE, IL 60527

LIFE TIME FITNESS 130
2902 CORPORATE PLACE
CHANHASSEN, MN 55317

YANAHAN, PARTICK 0013505
7754 S COUNTY LINE RD
BURR RIDGE, IL 60521

FIRST MIDWEST S19733
703 AMBRIANCE DR
BURR RIDGE, IL 60527

NILUFAR KABIR
304 AMBRAINCE DR
BURR RIDGE, IL 60527

KALEEM MALIK
101 AMBRIANCE CT
BURR RIDGE, IL 60527

PABIJANSKI, HENRYK
7626 DREW AVE
BURR RIDGE, IL 60521

FIRST MIDWEST BANK AS
704 AMBRIANCE DR
BURR RIDGE, IL 60527

SHARAD GANDHI
403 AMBRIANCE DR
BURR RIDGE, IL 60527

KORFIST, CHRISTIAN
7611 DREW AVE
BURR RIDGE, IL 60527

SPENCER LEE & MI Y WON
205 AMBRIANCE
BURR RIDGE, IL 60527

RIVERA, RUDOLPH & L TR
7607 DREW AVE
BURR RIDGE, IL 60527

SALVATORE QUATRUCHI
404 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

REEGS PROPERTIES
PO BOX 639
HINSDALE, IL 60522

MOINNUDDIN, ABID & S
7623 S DREW
BURR RIDGE, IL 60521

TCF BANK
1405 XENIUM LN PCC00PD
PLYMOUTH, MN 55441

GEORGE S SPINDLER
7344 LAKESIDE CIRCLE
BURR RIDGE, IL 60527

L PETERSON & J KENNEDY
117 NORTHGATE PL
BURR RIDGE, IL 60527

MONA GHOBRIAL & SONIA
450 VILLAGE CENTER DR3
BURR RIDGE, IL 60527

R & N KAPOOR TR KNR TR
302 AMBRIANCE DR
BURR RIDGE, IL 60527

SPIRIT MASTER FUNDING
2727 N HARWOOD ST#300
DALLAS, TX 75201

ALAN JOHNSON
17 AMBRIANCE DR
BURR RIDGE, IL 60527

MPG RIC BURR RIDGE LLC
71 S WACKER DRIVE APT. 3725
CHICAGO, IL 60606

ATHIHALLI NAGARAJ
102 AMBRIANCE DR
BURR RIDGE, IL 60527

BRVC OWNER LLC
PO BOX 1243
NORTHBROOK, IL 60065

FAROUK B ASAAD
705 AMBERIANCE
BURR RIDGE, IL 60527

PATRICIA FORKAN
305 AMBRIANCE DR
BURR RIDGE, IL 60527

GIADLA HOLDINGS LLC
7702 CASS AVE APT. 220
DARIEN, IL 60561

BREYMEYER, WILLIAM
7701 DREW AVE
BURR RIDGE, IL 60527

RGT FAMILY LLC
501 AMBRIANCE DR
BURR RIDGE, IL 60527

D BEKTESHI
14 AMBRIANCE DR
BURR RIDGE, IL 60527

ANNE E MICALETTI TRUST
203 AMBRIANCE DR
BURR RIDGE, IL 60527

OPUS NORTH MGMT CORP
701 VILLAGE CENTER DR
BURR RIDGE, IL 60527

NANCY GATTUSO
401 AMBRIANCE DR
BURR RIDGE, IL 60527

KONDA REALTY LLC
10 ORCHARD APT. 200
LAKE FOREST, CA 92630

STRZELEC, WM E
7750 S COUNTY LINE RD
BURR RIDGE, IL 60527

SHAHID HUSSAIN
11 AMBRIANCE DR
BURR RIDGE, IL 60527

MANSOUR AMIRAN
16 AMBRIANCE DR
BURR RIDGE, IL 60527

AMBRIANCE TRUST
1 AMBRIANCE DR
BURR RIDGE, IL 60527

SUZANNE DEYOUNG
12A AMBRIANCE
BURR RIDGE, IL 60527

ANTONIJE KELJEVIC
803 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

MOHRE LLC
1 CLUBSIDE CT
BURR RIDGE, IL 60527

VILLAGE OF BURR RIDGE
7660 S COUNTY LINE RD
BURR RIDGE, IL 60521

MUDJER, STEPHEN & MARGARET
15W700 81ST ST
BURR RIDGE, IL 60527

DR GHASSAN ABOUD
206 AMBRIANCE DR
BURR RIDGE, IL 60527

Feb 13, 2024 at 9:49:49 AM
78 Burr Ridge Pkwy
Burr Ridge IL 60527
United States

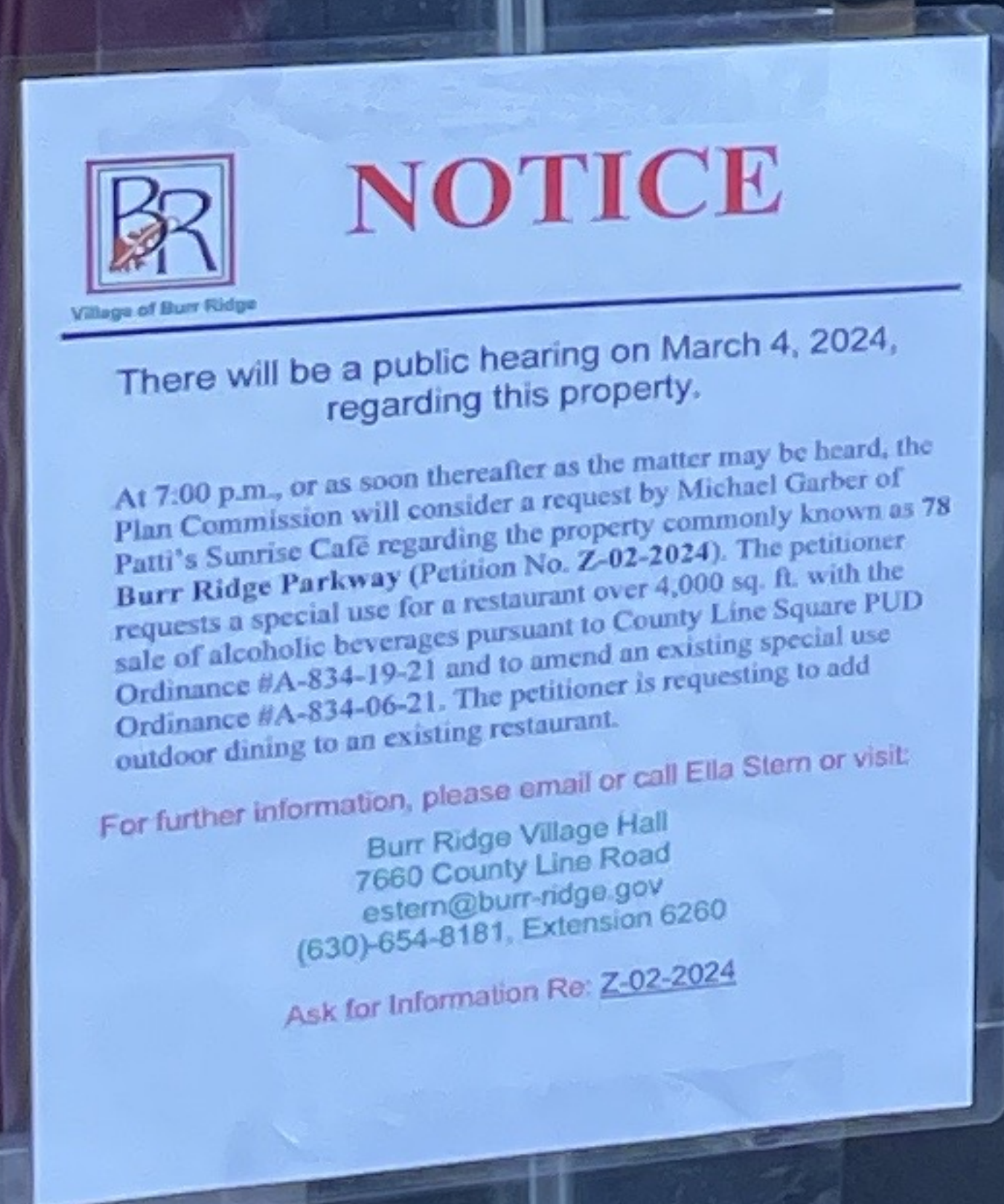
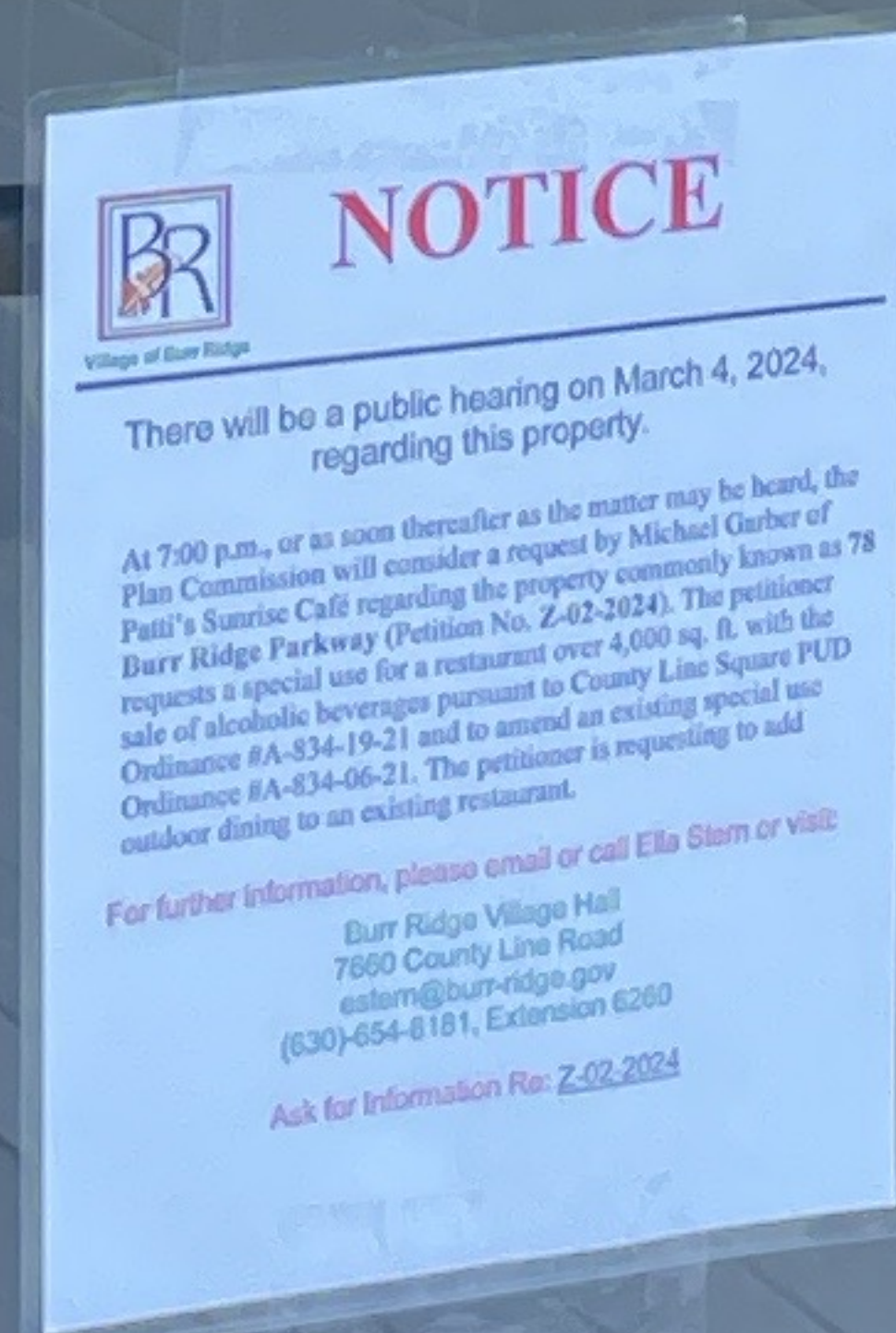


PATTI'S SUNRISE CAFE

Monday thru Friday
7:00AM - 2:00PM

Saturday & Sunday
7:30AM - 2:00PM

630-455-5504
pattissunrisecafe.com





**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.

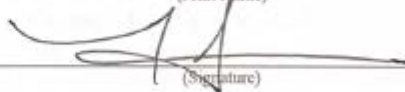
Street Address of Subject Property:

78 BURR RIDGE PKWY

Property Owner or Petitioner:

MICHAEL GARBER

(Print Name)



(Signature)

ORDINANCE NO. A-834-06-21

AN ORDINANCE GRANTING SPECIAL USE APPROVAL PURSUANT TO THE
BURR RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH SALES OF
ALCOHOLIC BEVERAGES

(Z-03-2021: 78-80 Burr Ridge Parkway - Manderscheid)

WHEREAS, an application for special use approvals for certain real estate has been filed with the Village Planner 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 special use approval on March 15, 2021, 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 Doings, 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 special use approvals, 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 special use approvals 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 Petitioner for the special use for the property located at 78-80 Burr Ridge Parkway, Burr Ridge, Illinois, is John Manderscheid (hereinafter "Petitioner"). The Petitioner requests special use approval as per Section VIII.B.2.ff to permit the expansion of an existing restaurant with alcoholic beverage sales.
- B. That the proposed restaurant expansion is in a shopping center with a variety of commercial tenants including other restaurants.
- C. That the subject property is appropriate for restaurants with sales of alcoholic beverages.

Section 3: That special use approvals for a restaurant with sales of alcoholic beverages *is hereby granted* for the property commonly known as 78-80 Burr Ridge Parkway and identified by the Permanent Real Estate Index Numbers of 18-30-301-001; and 18-30-305-003.

Section 4: That the special use is subject to the following terms and conditions:

1. The special use shall be limited to John Manderscheid and shall be null and void should Mr. Manderscheid no longer have ownership interest in the restaurant.
2. Hours of operation for the restaurant shall not exceed 6 AM to 2:30 PM.

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 Acting Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

PASSED this 26th day of April 2021, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

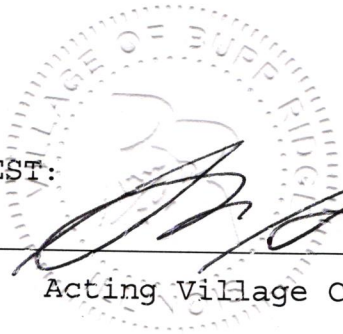
AYES: 5 - Trustees Snyder, Schiappa, Paveza, Mital,
Franzese

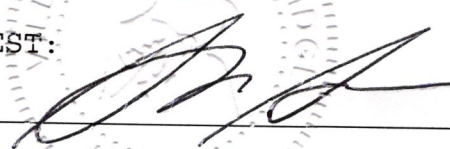
NAYS: 0 - None

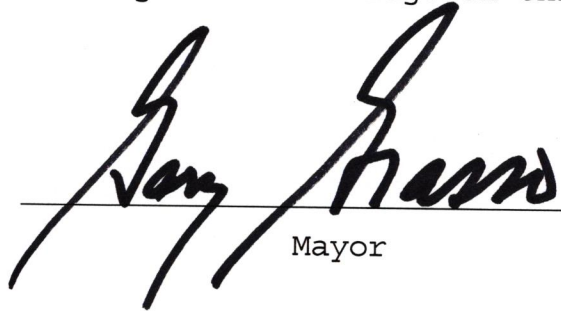
ABSENT: 1 - Trustee Mottl

APPROVED by the Mayor of the Village of Burr Ridge on this
26th day of April 2021.

ATTEST:




Acting Village Clerk


Mayor

STATE OF ILLINOIS)
COUNTY OF C O O K) SS.
COUNTY OF DU PAGE)

CLERK'S CERTIFICATE

I, Sue Schaus, the duly appointed, qualified, and Acting Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of that Ordinance now on file in my office, entitled:

ORDINANCE NO. A-834-06-21

AN ORDINANCE GRANTING SPECIAL USE APPROVAL PURSUANT TO THE BURR RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH SALES OF ALCOHOLIC BEVERAGES

(Z-03-2021: 78-80 Burr Ridge Parkway - Manderscheid)

which Ordinance was passed by the Board of Trustees of the Village of Burr Ridge at a regular meeting held on the 26th day of April, 2021 which meeting a quorum was present, and approved by the Mayor of the Village of Burr Ridge on the 26th day of April, 2021.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Burr Ridge was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Burr Ridge, and that the result of said vote was as follows, to-wit:

**AYES: 5 - Trustees Snyder, Schiappa, Paveza, Mital,
 Franzese**

NAYS: 0 - None

ABSENT: 1 - Trustee Mottl

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Burr Ridge, this 26th day of April, 2021.



Acting Village Clerk

(Faint circular seal of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, is visible in the background.)

PAMPHLET

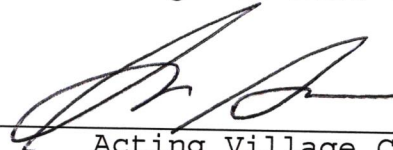
FRONT OF PAMPHLET

ORDINANCE NO. A-834-06-21

AN ORDINANCE GRANTING SPECIAL USE APPROVAL PURSUANT TO THE BURR
RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH SALES OF ALCOHOLIC
BEVERAGES

(Z-03-2021: 78-80 Burr Ridge Parkway - Manderscheid)

Published in pamphlet form this 26th day of April, 2021 by Order
of the Corporate Authorities of the Village of Burr Ridge, Cook
and DuPage Counties, Illinois.



Acting Village Clerk

PAMPHLET

BACK OF PAMPHLET

ORDINANCE NO. A-834-06-21

AN ORDINANCE GRANTING SPECIAL USE APPROVAL PURSUANT TO THE BURR
RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH SALES OF ALCOHOLIC
BEVERAGES

(Z-03-2021: 78-80 Burr Ridge Parkway - Manderscheid)

Published in pamphlet form by Order of the Corporate Authorities
of the Village of Burr Ridge, DuPage and Cook Counties, Illinois.

**PLANNED UNIT DEVELOPMENT REGULATIONS RELATED TO THE
SHOPPING CENTER AT 50-324 (EXCLUDING 150) BURR RIDGE PARKWAY**

The following regulations are intended to govern the current use, scope, as well as present and future conditions of the subject property at 50-324 (excluding 150) Burr Ridge Parkway, known at this time as “County Line Square Shopping Center”, as described in Exhibit A (Plat of Survey).

Operation within Enclosed Buildings

All business, service, storage, merchandise display, repair, and processing, where allowed, shall be conducted within a completely enclosed building, except as follows:

- a. Outdoor activities are permitted for uses which by definition require outdoor activities such as parking and loading areas, automobile service stations, or recreation areas for child care centers and nurseries.
- b. Outdoor activities listed as special uses may be approved by the Board of Trustees upon recommendation from the Plan Commission subject to the Zoning Ordinance.
- c. Temporary (less than or equal to 72 hours in total duration) outdoor activities may be permitted subject to written approval by the Village Administrator or their designee. Such activities shall not include any permanent improvements, buildings, or structures. Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales.

Signs

Building Signs located at the subject property are subject to the issuance of a sign permit by the Village. Building Signs are subject to the following regulations:

- a. Each tenant shall be permitted one Building Sign on the building façade.
- b. Each Building Sign shall not exceed one square foot for each lineal foot of the storefront or tenant space width with a minimum area allowed of 20 square feet and a maximum area allowed of 40 square feet.
- c. All tenants are permitted to affix Storefront/Window Signs, defined as any covering of the front window for advertisement purposes, without need for a sign permit and in adherence to the following regulations:
 1. The sum total of all Storefront Signs shall not exceed 30 percent of the total area of the windows in which they are located.
 2. Storefront Signs shall not have any moving parts.
 3. A series of windows that are separated by frames and supporting material of less than six inches in width shall be considered as a single window for the purpose of computation.
 4. Storefront Signs must be hung from some appurtenance of the tenant space and may not be taped or suction-cupped to the window, except if the advertisement is not related to the business' primary functions and is equal or less than 8 ½ x 11 inches in size and laminated.

Design guidelines for Building Signs shall be defined as follows:

- a. Signs are limited to trade names and logo (as identified in the lease). Listing of merchandise or descriptions of categories are not permitted. Signs may not include payment options or the terms “We Accept” in any form or variant.
- b. Iridescent and flashing signs, flashing lights, animated elements, formed plastic, injection molded plastic, and internally illuminated box signs are prohibited.
- c. Exposed raceways, exposed transformers, and visible sign company labels are not allowed. Transformers should not be visible and installed within a tenant’s frontage. Animated components, formed plastic, or non-durable signs are not allowed. All signage materials shall be UL-Rated.
- d. No sign maker’s labels or identifications may be visible on the exterior of the sign.
- e. No signs with a visible back are permitted and fasteners should be concealed. All supports and fasteners must be of a non-ferrous metal of a quality material and finish.
- f. Exposed neon is not permitted.
- g. All signs must include a seven-day, 24-hour clock to control illumination of storefronts.
- h. All signs must not be more than 12 inches in depth.

Non-Internally Illuminated Individual Letter Signs

- a. Dimensional letter or graphics, pin-set or otherwise applied directly to the face of storefront area with external illumination. Signage types include metal, acrylic, or wood letters.
- b. Signs shall not be placed on background material.
- c. All signs must be lit with either a concealed fixture or as a design element i.e. decorative gooseneck fixture.

Silhouette (Halo) Reverse Channel Lettering

- a. Background surfaces of the sign shall be opaque and not reflect the illumination of image of the neon lamps within the letters.
- b. All neon tubing must be fully concealed within the letter to not be visible to the public.
- c. The rear edge of the letter shall be approximately one inch from the background surface.
- d. Standoff brackets shall be mounted in the least visible location to support the letters.
- e. Standoff brackets and fasteners visible within the one-inch dimension between the background surface and the back of the letter shall be painted to match the background surface.
- f. P-K transformer housings shall be provided to feed the neon to each letter of the sign.
- g. Halo-type signs must have clear Lexan backing on the rear of the letters.

In all instances, signs must not exceed three total colors, including white.

Shopping Center Ground Sign

Shopping center signs are subject to the approval of the Board of Trustees upon review by the Plan Commission. One shopping center ground sign may be allowed subject to the following:

- a. Shopping center ground signs shall be consistent in design and materials with wall signs.
- b. Shopping center ground signs shall be a maximum area of 100 square feet in area.
- c. Shopping center ground signs shall not exceed a maximum height of 8 feet except as allowed by paragraph e below.

- d. Shopping center ground signs shall be setback a minimum of 10 feet from all property lines except as required by paragraph e below;
- e. The height of shopping center ground signs may be increased up to 12 feet provided that the sign is setback an additional 3 feet for each 1 foot increase in height. For example, a 9 foot high sign would require a 13 foot setback from all property lines, a 10 foot high sign would require a 16 foot setback.

Landscaping and Buffering

Any element of the subject property which adjoins or is across the street from a Residential District, a fence or wall of architectural design approved by the Village and not less than five nor more than six feet in height, or a densely planted tree or shrub hedge, initially not less than five feet in height, shall be provided along the entire length of the property line which adjoins or is across the street from the Residential District. The proposed method of buffering shall be considered as part of the site plan review process herein set forth. The decision whether to require a wall, fence, trees, or shrub hedge shall be made by the Village based on site considerations.

Hours of Operation for Business Uses

- a. The hours of operation for all uses within this Ordinance shall not exceed 7 A.M. to 10 P.M. on a permitted basis.
- b. Any use may request special use approval in accordance with the procedures and requirements outlined in the Zoning Ordinance to exceed these permitted hours.
- c. Any previously-approved special use shall be considered a use's permitted hours of operation until and unless revisions are specifically made to this extent.

Permitted and Special Uses

Permitted Uses

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than any of the following uses:

- a. Antique shops
- b. Art stores, including galleries, custom art studios, art supplies, and related functions
- c. Bicycle sales, including rental and repair and service functions
- d. Book, stationery, card, and related gift shops
- e. Camera and photographic supply stores
- f. Carpet and rug stores with retail component
- g. China, glassware, and household goods stores
- h. Computer, business machine, and office equipment and supply stores
- i. Dry cleaning or laundry receiving establishment (with majority of cleaning done off-site)
- j. General apparel stores, including furriers, leather shops, jewelry stores with repair services, shoe stores with repair services, tailor and dressmaking shops, and clothing rental stores
- k. Financial services offices, including financial planning, real estate, or insurance offices
- l. Florists

- m. Food stores, including grocery stores, supermarkets, bakeries, health food stores, fruit and vegetable stores, delicatessens, butchers, bulk food stores, candy stores, and other similar establishments
- n. Furniture stores
- o. Home improvement stores, including hardware stores, interior decorating stores, locksmiths, and paint and wallpaper stores
- p. Hobby shops, including toy stores, coin/philatelic stores, and craft/fabric/sewing stores
- q. Home contracting sales and services, including homebuilders
- r. Household appliance and electronics stores including repair and service functions where incidental to retail sales
- s. Medical, dental, and optical offices and clinics without ambulance or emergency services
- t. Movie and video game stores, excluding movie theaters
- u. Music stores, including the sale of music-related items and the teaching of music skills
- v. Offices for use by government agencies, except those related to the services provided by the Secretary of State's Vehicle Services Division
- w. Orthopedic and medical appliance stores
- x. Outdoor dining areas accessory to any permitted or special restaurant use subject to compliance with the regulations herein
- y. Personal improvement services, including health and fitness, barber shops and beauty and health services studio or instructional, and physical therapy offices, excluding fortune-telling or psychic and tattoo or body piercing establishments
- z. Pharmacies and drug stores
- aa. Photography and picture framing studios
- bb. Post offices or business service stores without outdoor parking or storage
- cc. Restaurants under 4,000 square feet (including specialty restaurants such as donut shops and ice cream shops), with or without sales of alcoholic beverages
- dd. Studios for teaching of art, martial arts, music, dance, gymnastics, etc.
- ee. Sporting goods stores, excluding uses whose primary functions are related to gun and ammo sales and/or shooting ranges
- ff. Temporary outside sales display accessory to a permitted or special use
- gg. Travel agencies
- hh. Tutoring centers for pre-school, primary, and secondary education
- ii. Wine shops and services without any on-site consumption except for sampling

Special Uses

The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section XIII of the Zoning Ordinance, as appropriate:

- a. Banks and financial institutions
- b. Banquet halls and catering establishments
- c. Child care centers and nursery schools
- d. Clubs or lodges, private, fraternal, or religious
- e. Drive through facilities accessory to a permitted or special use

- 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 curbline 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

be designated near the traffic intersection (as shown in Exhibit C in red). It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, groceries, or freight in any place along the curblin. It is prohibited to park a vehicle, whether occupied or not, along the curblin at the subject property. Parking or excessive standing/loading shall be defined as five (5) consecutive minutes. Signs shall be erected every 100 feet along the curblin to this effect. Additionally, restaurants may exclusively operate valet services in areas shown in Exhibit C in blue between 5:00pm-10:00pm from Thursday-Sunday if they provide written notice to the Village and the property owner. Blue-designated areas shall serve as yellow-designated standing and loading zones outside of these hours. All employees of and agents or parties directly affiliated with a business must provide or receive deliveries in the rear of the property; third party agents may provide or receive deliveries in the front of the property.

All restaurant uses over 4,000 gross square feet must provide and continually operate a parking management plan, which shall include, at minimum, valet service to be present on Thursday-Saturday evenings after 5:00pm.

Employees at all businesses shall park behind the primary building (articulated in Exhibit B), except when cases when all legally permitted spaces behind the building are occupied.

Parking of trucks in the open shall be prohibited. Trucks making deliveries to the business premises shall make deliveries only at loading docks where provided and, if there is no loading dock, such trucks may park only for such time as is necessary to complete the delivery.



VILLAGE OF BURR RIDGE

MEMORANDUM

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

FROM: Janine Farrell, AICP, Community Development Director

DATE: March 4, 2024

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

On December 19, 2023, the Village received a new business license application for Ridge Precision Gunsmithing, LLC located at 15W303 61st St. The petitioner, Mark Osgood, intends to operate a gunsmithing business from his residential property. On the application, the business description included gun cleaning, grip adjustments, and making wooden stocks for firearms (Exhibit B). To operate a gunsmithing business, a Federal Firearms License (FFL) is required from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The petitioner submitted an FFL application to the ATF separately when he submitted his business license application to the Village. Burr Ridge Police Chief John Madden also received a copy of the petitioner's FFL application (Exhibit B).

There are several different types of FFL with full descriptions on the ATF's website. A link with this information is available here: <https://www.atf.gov/firearms/federal-firearms-licenses>. The petitioner, Mark Osgood, is requesting a "01 Dealer" type. According to the ATF's website, "any person engaged in the business of selling firearms at wholesale or retail; repairing firearms or fitting barrels, stocks, or trigger mechanisms to firearms (gunsmiths); or a pawnbroker (taking or receiving firearms by pledge or pawn as security for the payment or repayment of money)" are classified under this license type. While the petitioner states that his business activities will only fall within the "repairing firearms or fitting barrels, stocks, or trigger mechanisms to firearms (gunsmiths)" description, with this license type, the individual is able to perform all the aforementioned activities, including buying and selling firearms.

Community Development Division and Police Department staff reviewed the business license and FFL applications, the permissible activities under a 01 Dealer license type, and Zoning Ordinance regulations. It was determined that the business operations would violate the Home Occupation regulations as detailed in section IV.R of the Zoning Ordinance and included following this paragraph. Additionally, the Zoning Ordinance has a "gun club and gun store" use classification which requires a special use in the B-1 zoning district. This is the most similar and

compatible use which would permit the buying and selling of firearms and would not be permitted in the residential zoning districts. The permissible activities under the 01 Dealer FFL exceed what is allowed under Zoning Ordinance Home Occupation regulations. It is important to note that the Village cannot condition or continuously monitor the petitioner's home occupation to ensure compliance with the regulations. It is also challenging from an enforcement perspective to verify if the individuals coming to the premises are customers or guests. On December 22, 2023, the petitioner was sent a letter explaining the denial of the business license application (Exhibit C).

The Home Occupation regulations (Zoning Ordinance section IV.R) are detailed below with the exception of numbers 8-10. These were omitted since they deal specifically with performing religious rites, teaching musical instruments and dance, and day care centers. The sections of the Home Occupation regulations which it was determined that the petitioner's proposal violated are underlined with staff's commentary in red italics.

1. It is conducted entirely within the dwelling by a member of the family residing in the dwelling and when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.
2. It is not conducted from a detached or attached accessory building or require internal or external alteration, or involve construction features or use of equipment not customary, either as to its use or size, in a dwelling (except one copying machine and one FAX machine shall be allowed), and the entrance to the space devoted to such occupation shall be from within the dwelling and not more than one-fourth of the floor area of a story including also a cellar of the dwelling is devoted to such home occupation. *The petitioner is proposing to conduct the business from an attached garage or workshop, which is not permitted. The equipment used for the petitioner's gunsmithing activities may not be customarily found in dwellings.*
3. There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling.
4. Only a member of the family residing on the premises, plus only one additional person, whether or not a member of such family conducts it. *The petitioner indicated that there will be one part-time employee, which complies.*
5. No mechanical equipment (except as provided above and except any personal computer) is used, except such as is customarily used for purely domestic or household purposes. *The equipment used for the petitioner's gunsmithing activities may not be customarily found in dwellings.*
6. No stock in trade is kept or sold including also such as are made on the premises, or services rendered on the premises that require receipt or delivery of merchandise, goods or equipment by other than U.S. letter carrier mail service or the passenger automobile of

the person conducting the home occupation. *The petitioner provided business hours which indicate that the public may come to the residence to drop-off or pick-up firearms. The petitioner stated that he does not intend for the public to come to his home, and he will pick up firearms at gun shops which is not permitted under the FFL. According to the ATF, the license holder must take possession of the firearm at the location as shown on the license.*

7. No home occupation shall be allowed which is of a nature that will necessitate customers and/or personal deliveries to come to the dwelling either for goods, services and/or the business product (either goods or written products), except home day care as regulated herein. *The petitioner provided hours of operation, Monday, Tuesday, and Thursday 1:00p-4:00p, which indicates that customers may come to the dwelling for the service or business product.*

On December 26, 2023, Mr. Osgood sent correspondence asking that his denial be reconsidered (Exhibit C). On January 16, 2024, the Village received an email from Alexander Dennis of the ATF seeking the Village's approval of Mr. Osgood's FFL application. Mr. Dennis confirmed that with this license, Mr. Osgood will be able to buy/sell, transfer, and gunsmith firearms. Staff spoke with Mr. Dennis on January 18, 2024 and followed up with email correspondence confirming that this would not be permitted as a Home Occupation (Exhibit D). Following this discussion, staff had email correspondence with Mr. Osgood further detailing the denial of the business license application and the appeal process (Exhibit E).

On February 8, 2024, the Village received the petitioner's appeal application (Exhibit A). The petitioner is appealing the determination by staff that his proposed business violates the Home Occupation Zoning Ordinance regulations. Zoning Ordinance section XIII.I outlines the appeal process. "An appeal may be taken to the Zoning Board of Appeals from any order, requirement, decision or determination made by the Community Development Director or by any person aggrieved by action taken under the regulations of this Ordinance." The Alternate Plan Commissioner does not vote on Zoning Board of Appeal matters. For appeals, the Zoning Board of Appeals makes the final ruling; the matter does not proceed to the Board of Trustees.

There are some differences between the petitioner's December 19, 2023 business license application and the appeal application dated February 6, 2024 (received February 8), as detailed on the following page:

	December 2023	February 2024
Business Operations	Firearm cleaning, grip adjustments, making wooden stocks	Making firearm cases
Location	Workshop/attached garage	Workshop/attached garage or basement
Sq. Ft. of Activity	600 sq. ft.	60 sq. ft.
Hours of Operation	Mon, Tues, Thu 1:00p-4:00p	Mon-Fri 9:00a-4:00p
Receipt of Firearms	Gun shops	U.S. Postal Service (USPS)*

*According to the ATF and USPS websites (links below), a nonlicensee (individual without an FFL) may mail a shotgun or rifle to a resident of their own state or to a licensee (individual with an FFL) in any state. A nonlicensee cannot mail a handgun through USPS; a common or contract carrier must be used to ship a handgun. The USPS only allows shipment of handguns between parties which meet certain criteria and must sign an affidavit.

https://pe.usps.com/text/pub52/pub52c4_009.htm

<https://www.atf.gov/firearms/qa/may-nonlicensee-ship-firearm-through-us-postal-service>

Motion

The petitioner is appealing the determination by Village staff that his proposed business violates the Home Occupation Zoning Ordinance regulations as detailed in section IV.R; staff provided clarity on the potential motions below. As stated previously, the Alternate Plan Commissioner does not vote on Zoning Board of Appeals requests and the Zoning Board of Appeals is the final decision-making authority.

- **Motion to approve the appeal:** Village staff was incorrect in their determination and the petitioner's proposed business complies with the Zoning Ordinance Home Occupation regulations.
- **Motion to deny the appeal:** Village staff was correct in their determination to deny the proposed business since it does not comply with the Zoning Ordinance Home Occupation regulations.

Attachments

Exhibit A – Petitioner’s Appeal Materials received February 8, 2024 (for security reasons, portions were redacted and the floor plans omitted)

Exhibit B –Business License applications received December 19, 2023 and FFL application dated December 20, 2023 (pages 3-4 of the ATF application were omitted since they contained sensitive personal information)

Exhibit C – Denial letter dated December 22, 2023 and Petitioner’s appeal letter dated December 26, 2023

Exhibit D – Email correspondence with ATF dated January 18, 2024

Exhibit E – Email correspondence with petitioner from January 18-22, 2024



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): MARK OSGOOD

STATUS OF PETITIONER: BURR RIDGE RESIDENT

PETITIONER'S ADDRESS: 15W303 61ST PLACE, BURR RIDGE, IL 60527

ADDRESS OF SUBJECT PROPERTY: SAME

PHONE: 630-272-9430

EMAIL: MARKOSGOOD@AOL.COM

PROPERTY OWNER: SAME

PROPERTY OWNER'S ADDRESS: SAME PHONE: SAME

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

DESCRIPTION OF REQUEST:

APPROVAL OF HOME OCCUPATION

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

Mark Osgood

2-8-2024

Date of Filing

RECEIVED

FEB 08 2024

VILLAGE OF BURR RIDGE

RECEIVED

FEB 07 2024

VILLAGE OF BURR RIDGE

Re: Osgood request for approval of Home Occupation and Fed. Firearm License

Mark M Osgood
Ridge Precision Gunsmithing
ridgeprecisiongunsmithing@gmail.com
15W303 61st Place
Burr Ridge, IL 60527

February 6, 2024

Janine Farrell and
Burr Ridge Plan Commission/Zoning Board
7660 County Line Rd.
Burr Ridge, IL 60527

Main Points and Revision of business plan to meet Village's requirements for Home Occupation:

1. Business purpose to make firearm cases. Total number/year=no more than 6
2. Location of home occupation activity, Options 1,2,or 3 (please see orig. constr. prints)
3. No traffic to dwelling, deliveries by USPS.
4. Location of cameras and alarms (Please see orig. constrctn prints)
5. Current location of Gun Safe in [REDACTED]
6. All locations covered by fire extinguishers, smoke, and CO2 detectors.
7. Square footage of activity= 60 sq ft
8. Hours of operation, 9am-4pm weekdays

Expanded request:

Hello Ms Farrell,

Thank you for pointing out the requirements for submitting an appeal. I have included two construction prints of our house, showing the 3 possible locations for my **home occupation**. One location is in my existing woodshop which I would prefer. Options number 2 and 3 are in our garage or basement shop. My hope is that I will be approved to make cases for firearms in one of these three locations

Also included are some photos of our house; a view from the street, and a view of the woodshop which is not visible from the street.

In a previous communication, I provided some examples of my work. There was a series of guitar cases and a photo of one of my wooden bikes. I have included some photos of these in this packet as well. I teach at the Marc Adams School of Woodworking in Indiana every year and have given lectures at many woodworking clubs in Illinois and Indiana. My work has received national and international awards. As a personal hobby, I have been studying gunsmithing. This is for my own satisfaction and at 71, I have no interest and will not work on

other peoples' firearms. My hope is that I can expand my woodworking to include unique cases for firearms.

To make the cases, I must have the customers' firearm on hand to fit it correctly in the case. In order to keep a gun overnight, a **Federal Firearm License(FFL)** is required by the Alcohol, Tobacco and Firearm Agency(ATF). I have submitted the proper paperwork to the ATF and to Chief Madden of the Burr Ridge Police. In preliminary discussions with the ATF agent, Alexander Dennis of the Downers Grove office, the way seems clear for approval, but this is dependent on his examination of my shop and clearance from the Village of Burr Ridge.

I will receive the firearms through the US Postal Service and return them to the owner by US Mail. **There will be no customer traffic to our property. This will not be a high volume activity. I foresee making no more than 6 cases/year.**

More on the Federal Firearm License as requested by Ms. Farrell

An FFL entitles the licensee to work on firearms that are owned by other people. It also allows the licensee to buy, sell, or transfer firearms between individuals. The prospective licensee goes through an extensive background check. The preceding is the expansive definition of the FFL. In practice, licensee's operate in a very narrow band of activity. In my situation, making cases for firearms.

More on the activity of a Gunsmith as requested by Ms. Farrell

From Wikipedia, "A gunsmith is a person who repairs, modifies, designs, or builds guns. The occupation differs from an armorer, who usually replaces only worn parts in standard firearms. Gunsmiths do modifications and changes to a firearm that may require a very high level of craftsmanship, requiring the skills of a top-level machinist, a very skilled woodworker, and even an engineer."

A gunsmith might be compared to a clock repairman. They work to restore worn parts and correct timing issues.

In my home occupation, there will be no discharging of firearms. Firearms will be kept in a locked safe when not being handled.

Application to the Alcohol, Tobacco, and Firearms Agency(ATF)

The ATF requires an FFL to handle and keep other peoples' firearms overnight. I have made application to the ATF, providing fingerprints and a photo of myself. I have sent the same to Chief Madden as required in the application process.

Copy of FFL application to ATF and Burr Ridge Police Dept. included.

Photos of Location included.

Photos of Woodworking examples included.











EXHIBIT B



Date: / /

Business License Application

All fields required, unless otherwise noted - ANNUAL COST \$100

Business Name (Corporate)	RIDGE PRECISION GUNSMITHING, LLC		
Business Name (Trade/DBA)			
Business Address	15W303 61 ST PLACE, B.R., IL 60527		
Billing Mailing Address <input checked="" type="checkbox"/> Use Address above			
Business Phone	(630) 272-9430		
Business Website	NONE YET		
FEIN			
IL Sales Tax Number			
Primary Business Contact	Name	MARK OSBOOD	
	Phone	(630) 272-9430	
	Email	MARK@RIDGEPRECISIONGUNSMITHING.COM	
Is Property Owner same as Business Owner	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If no, please complete	Property Owner Name		
	Property Owner Address		
	Property Owner Phone	() -	
	Property Owner Email	@	
Brief Description of Business	CLEANING, GRIP ADJUSTMENTS, MAKING WOODEN STOCKS	Number of Employees: Full _____ Part <u>1</u> Seasonal _____	
Type of Business Exempt? Y / N (see reverse side for list)	<input type="checkbox"/> Hotel <input type="checkbox"/> Industrial <input type="checkbox"/> Manufacturing <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Office <input type="checkbox"/> Research <input type="checkbox"/> Restaurant <input type="checkbox"/> Retail Sales <input type="checkbox"/> Retail Services <input type="checkbox"/> School <input type="checkbox"/> Warehouse <input checked="" type="checkbox"/> Other <u>GUNSMITHING</u>		
Business Square Footage	600		
Maximum Staff on Premises	1		
Business Start Date this Location	01/01/2024		
Have you submitted MSDS sheet to the Fire District?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - Provide Link to Current Floor Plan _____		
Would you be interested in a Confidential business visit with Village Staff?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

BL APP v.1.2 rev 05/21

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0018

Application for Federal Firearms License

Part A		
1. Applicant's Business/Activity is: <input type="checkbox"/> Individual Owner (Sole Proprietor) <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> Collector (which can be an individual/partnership/corporation or LLC) <input type="checkbox"/> Other (specify) _____		
2. Licensee Name (Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name) RIDGE PRECISION GUNSMITHING, LLC		
3. Trade or Business Name(s), if any 	4. Employer Identification Number (EIN), if any (see definition #17) [REDACTED]	5. Name of County in which Business/Activity is Located DUPAGE
6. Business/Activity Address (RFD or Street Number, City, State, and ZIP Code) (NOTE: This address CANNOT be a P.O. Box.) 15W303 61ST PLACE BURR RIDGE, IL 60527		7. Mailing Address (if different from address in item #6) SAME
8. Contact Numbers (Include Area Code) Business/Activity Phone [REDACTED] Fax Number [REDACTED] Cell Phone SAME Business Email RIDGEPRECISIONGUNSMITHING@GMAIL.COM		
9. Describe the specific activity applicant is engaged in or intends to engage in, which requires a Federal Firearms License (sale of ammunition alone does not require a Federal Firearms License). GUNSMITHING		
10. Application is made for a license under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box(es). Multiple license types may be selected- see instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See instruction #5 for payment information).		
Type	Description of License Type	Fee
01	Dealer in Firearms Other than Destructive Devices (Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons) (see instruction #10)	\$200 <input checked="" type="checkbox"/>
02	Pawnbroker in Firearms Other than Destructive Devices (Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons) (see instruction #10)	\$200 <input type="checkbox"/>
03	Collector of Curios and Relics (NOTE: This is not a license to conduct business, see instruction #8)	\$30 <input type="checkbox"/>
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition (see instruction #11)	\$30 <input type="checkbox"/>
07	Manufacturer of Firearms Other than Destructive Devices (see instruction #11)	\$150 <input type="checkbox"/>
08	Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #9)	\$150 <input type="checkbox"/>
09	Dealer in Destructive Devices (see instruction #10)	\$3000 <input type="checkbox"/>
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (see instruction #11)	\$3000 <input type="checkbox"/>
11	Importer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (see instruction #9)	\$3000 <input type="checkbox"/>
Total Fees		\$0

12. Hours of Operation and/or Availability of Business/Activity (please provide at least one hour in which you can be contacted by ATF personnel)

Hour(s): Please indicate AM or PM	Sun	Mon	Tues	Wed	Thu	Fri	Sat
		1 PM - 4 PM	1 PM - 4 PM		1 PM - 4 PM		

IF YOU ARE ONLY APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18.
FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number) ☐ Yes ☒ No

Name of Previous Business

Federal Firearms License Number

14. Indicate type of business premises

Zoned Residential:

- ☒ Single Family Dwelling
☐ Condominium/Apartment
☐ Hotel/Motel
☐ Public Housing

Zoned Commercial:

- ☐ Store Front
☐ Office
☐ Rod & Gun Club
☐ Military Installation (see instruction #13-additional information required)
☐ Other (specify) _____

15. Applicant's business premises is:

☒ Owned Premises

☐ Rented/Leased Premises- provide name, telephone number, and address of the property owner:

☐ Military Installation

Name

Street Address

Telephone Number (with area code)

City, State, and ZIP Code

16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? ☐ Yes ☒ No

17. Do you intend to use your license ONLY to acquire firearms to enhance your personal collection? ☐ Yes ☒ No

18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. See instruction #4 and definition #1.)

CHIEF JOHN W. MADDEN, JR.

19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code)

7700 COUNTY LINE RD
BURR RIDGE, IL 60527

county:

DUPAGE

ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. Applicant Certification (Please read **AND INITIAL** each box)

- ☒ a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in item 6. This includes compliance with zoning ordinances. (Please contact your local zoning department PRIOR TO submitting application)
- ☒ b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.
- ☒ c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.
- ☒ d. A completed copy of this application has been sent (mailed or delivered) to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in item 6 is located (see instruction #4 and definition #1).
- ☒ e. As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. (See definition #4) (If applying for a Type 03, Collector of Curios and Relics License ONLY, write "N/A" instead of initialing this certification box.)
- ☒ f. Part B of this application has been completed and will be submitted for EACH responsible person (RP) (See definition #3)

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief, they are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person (see instruction #2 and definition #3).

MARK MORRISON OSGOOD

Print Applicant Name (First, Middle, Last)

Signature

12-20-2023

Date

Check Application Status (For ATF Use Only) ☐ Approved ☐ Abandoned ☐ Withdrawn ☐ Denied Reason for Denial:

Signature of Licensing Official:

Date:

CLEO Copy - Page 2

ATF Form 7(5310.12)/7CR(5310.16)
Revised October 2020



Mark Osgood
Ridge Precision Gunsmithing LLC
15w303 61st Place
Burr Ridge IL 60527
(630) 272-9430
markosgood@aol.com
ridgeprecisiongunsmithing@gmail.com

RE: Ridge Precision Gunsmithing LLC Business License

Mr. Osgood,

In reviewing your application, the location of your business - 15w303 61st Place - is in a residential area. As such, it would fall under the definition of a Home Occupation as described in Municipal Code Chapter 22.01, and under Chapter 22.03 would not require a business license as it would be Exempt.

Home Occupations are required to comply with Zoning Ordinance Section IV.R. In reviewing your business license in conjunction with the Burr Ridge Police Department's review of your ATF FFL application, your operations would not be in compliance with the following two parts of Section IV.R:

6. No stock in trade is kept or sold including also such as are made on the premises, or services rendered on the premises that require receipt or delivery of merchandise, goods or equipment by other than U.S. letter carrier mail service or the passenger automobile of the person conducting the home occupation.

Your business license states that firearms would be cleaned, grips adjusted, and making wooden stocks.

7. No home occupation shall be allowed which is of a nature that will necessitate customers and/or personal deliveries to come to the dwelling either for goods, services and/or the business product (either goods or written products), except home day care as regulated herein.

As per your FFL application, you would accept customers on Monday, Tuesday, and Thursdays between the hours of 1:00PM – 4:00PM.

As such, it has been determined that Ridge Precision Gunsmithing LLC does not qualify as a Home Occupation, and cannot legally operate at that location.

Thank you,

Andrez Beltran
Assistant to the Public Works Director
451 Commerce Street
Burr Ridge IL 60527

CC: Janine Farrell, Community Development Director
CC: John Madden, Police Chief

Mark M Osgood
Ridge Precision Gunsmithing, LLC
15W303 61st Place
Burr Ridge, IL 60527
EIN: 93-4915890

Dec. 26, 2023

Andrez Beltran
Assistant to the Public Works Director
451 Commerce St
Burr Ridge, IL 60527

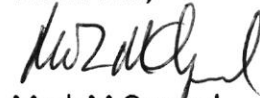
RE: Ridge Precision Gunsmithing, LLC Business License

Dear Mr. Beltran,

I agree with your objections based on my last communication. The process of application for the Federal Firearm License requires that the applicant provide hours of operation for the ATF to visit and inspect the premises. In compliance with that requirement, I provided some hours of operation: namely, Monday, Tuesday, and Thursday, 1pm to 4pm. I have no desire for individuals to visit our residence. My business model is to work with gun shops for pickup and delivery of work to their locations. As such, I respectfully request that you reconsider my submission.

If you have further questions or concerns, I am more than happy to work with you.

Thank You,



Mark M Osgood

EXHIBIT D

From: [Dennis, Alexander J. \(ATF\)](#)
To: [Janine Farrell](#)
Subject: RE: Federal Firearms Licensee - 15W303 61st Pl, Burr Ridge, IL 60527
Date: Thursday, January 18, 2024 3:39:49 PM
Attachments: [image001.jpg](#)

Hi Janine,

Thank you for the response, I spoke with Mr. Osgood just now and reiterated the village's decision. Sounds like he disagreed with it and may try to challenge the decision. Either way, we will not issue a license without zoning approval. If anything changes or you need further clarification on anything, please reach back out to me!

Best,
Alex

From: Janine Farrell <jfarrell@burr-ridge.gov>
Sent: Thursday, January 18, 2024 2:51 PM
To: Dennis, Alexander J. (ATF) <Alexander.Dennis@atf.gov>
Subject: [EXTERNAL] RE: Federal Firearms Licensee - 15W303 61st Pl, Burr Ridge, IL 60527

Hello Alex,

Thank you for taking my call today. As we discussed and in responses to your questions below, the FFL Type 1 Dealer license would permit activities which violate the Village's Home Occupation guidelines. The most similar use would be a gun shop which is not permitted in the residential districts (which is what the property is zoned). As you stated, the license would only permit the activities/transfer to occur at the site, meaning that Mr. Osgood cannot go to gun shops and pick up the firearms then bring them to his home; individuals would need to bring their firearms directly to him. The specific Home Occupation section of the Zoning Ordinance which this violates is the following (IV.R.7): "No home occupation shall be allowed which is of a nature that will necessitate customers and/or personal deliveries to come to the dwelling either for goods, services and/or the business product (either goods or written products), except home day care as regulated herein."

There are three other sections of the Home Occupation guidelines where the use would not comply, below:

- No stock in trade is kept or sold including also such as are made on the premises, or services rendered on the premises that require receipt or delivery of merchandise, goods or equipment by other than U.S. letter carrier mail service or the passenger automobile of the person conducting the home occupation. – It is unclear how the merchandise is being delivered and if it is through US letter carrier mail service or not.
- No mechanical equipment (except as provided above and except any personal computer) is used, except such as is customarily used for purely domestic or household purposes. – It is unclear what mechanical equipment will be used in gunsmithing and it is likely that this equipment is not customarily used for household purposes.

- It is not conducted from a detached or attached accessory building or require internal or external alteration, or involve construction features or use of equipment not customary, either as to its use or size, in a dwelling (except one copying machine and one FAX machine shall be allowed), and the entrance to the space devoted to such occupation shall be from within the dwelling and not more than one-fourth of the floor area of a story including also a cellar of the dwelling is devoted to such home occupation. – It is unclear what mechanical equipment will be used in gunsmithing and it is likely that this equipment is not customarily used for household purposes.

If you have any questions, please let me know.

Thank you,

Janine Farrell, AICP
Community Development Director

From: Dennis, Alexander J. (ATF) <Alexander.Dennis@atf.gov>
Sent: Tuesday, January 16, 2024 11:20 AM
To: Janine Farrell <jfarrell@burr-ridge.gov>
Subject: Federal Firearms Licensee - 15W303 61st Pl, Burr Ridge, IL 60527

Good morning,

Mark Osgood from Ridge Precision Gunsmithing, LLC is applying for a Type 1 Dealer of Firearms license with the Bureau of Alcohol, Tobacco, Firearms & Explosives. With this license he will be able to buy/sell, transfer, and gunsmith firearms.

The applicant intends to engage in the business at:

**15W303 61st Pl
Burr Ridge, IL 60527**

As part of the application process, we require applicants to be compliant with all local zoning requirements before we approve a license. If you can, would you please let me know if:

- A firearms business can be conducted at this location?
- Are there any restrictions at this location (storage of firearms, signage, walk-in customers etc.)?
- Are there are any other local licenses/permits required?

If you have any questions, please call me at (630) 390-4764 or respond to this email.

Thanks for the help!
- Alex

Alexander Dennis

Industry Operations Investigator

Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)

Chicago Field Division, Downers Grove III FO

630-390-4764 (Cell) Alexander.Dennis@atf.gov



EXHIBIT E

From: [Ridge Precision Gunsmithing](#)
To: [Janine Farrell](#)
Subject: Re: Federal Firearm License for Mark Osgood
Date: Monday, January 22, 2024 4:28:10 PM

Thank you. Mark

On Mon, Jan 22, 2024 at 8:25 AM Janine Farrell <jfarrell@burr-ridge.gov> wrote:

Hello Mr. Osgood,

The definition is within the Zoning Ordinance, section XIV. I've also included the definition for "garage".

https://burrridge.municipalcodeonline.com/book?type=zoning#name=XIV_RULES_AND_DEFINITIONS

GARAGE, PRIVATE: A detached accessory building, structure, or portion of a main building housing the motor vehicles of the occupants of the premises and in which no occupation or business for profit is conducted.

GARAGE, ATTACHED: A garage connected to a principal building by a party wall or by a roof. If connected by a roof, the roof shall be of a similar pitch, architectural character, and elevation as the rest of the primary residence. The area underneath the roof shall count towards the total attached garage square footage.

Thank you,

Janine Farrell, AICP

Community Development Director

From: Ridge Precision Gunsmithing <ridgeprecisiongunsmithing@gmail.com>
Sent: Saturday, January 20, 2024 9:29 AM
To: Janine Farrell <jfarrell@burr-ridge.gov>
Subject: Re: Federal Firearm License for Mark Osgood

Hi Ms Farrell,

Would you please direct me to the definition of an "attached accessory building" and is an attached garage an "attached accessory building". Thank you, Mark

On Fri, Jan 19, 2024 at 9:46 AM Janine Farrell <jfarrell@burr-ridge.gov> wrote:

Hello Mr. Osgood,

In my conversation with Alex Dennis from the ATF yesterday, he informed me that you must take possession of the firearms at the residence; you are not able to pick-up at the shop unless they do a transfer to you and then you do a transfer back to them upon return. I've included the full Home Occupation guidelines from the Zoning Ordinance below. Additionally, from what you are describing, you cannot conduct the home occupation from your workshop which would be classified as an attached accessory building.

If you still disagree with staff's interpretation that your proposed gunsmithing operation does not comply with the Home Occupation guidelines, the next step would be to submit an Appeal (information on that process below and the application attached). There is a \$200 fee for that application. As part of the application, we will need detailed information about the business operations including your application to the ATF, hours of operation, information on the nature of gunsmithing, what other activities your FFL license would allow you to do (i.e. transfers/buy/sell), where this activity is occurring in the home, how much square footage dedicated to the use, security being provided (cameras, safes, alarm systems), etc. Should you submit an appeal, this item would then be placed on the next available Plan Commission meeting agenda. Please note that this is the process to formally appear before the Commission as an agenda item and for them to make a determination on your request. Please also note that these are public meetings and the public may submit comments on your request or appear in person.

HOME OCCUPATIONS

In all Residence Districts and for all residential uses in non-residential districts (Amended by Ordinance A-834-13-11), any customary home occupation shall be permitted provided that it meets the regulations as detailed below. Short-term rentals are expressly prohibited as a home occupation use.

1. It is conducted entirely within the dwelling by a member of the family residing in the dwelling and when such home occupation is incidental and secondary to the use of the dwelling for dwelling purposes.
2. It is not conducted from a detached or attached accessory building or require internal or external alteration, or involve construction features or use of equipment not customary, either as to its use or size, in a dwelling (except one copying machine and one FAX machine shall be allowed), and the entrance to the space devoted to such occupation shall be from within the dwelling and not more than one-fourth of the floor area of a story including also a cellar of the dwelling is devoted to such home occupation.

3. There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling.
4. Only a member of the family residing on the premises, plus only one additional person, whether or not a member of such family conducts it.
5. No mechanical equipment (except as provided above and except any personal computer) is used, except such as is customarily used for purely domestic or household purposes.
6. No stock in trade is kept or sold including also such as are made on the premises, or services rendered on the premises that require receipt or delivery of merchandise, goods or equipment by other than U.S. letter carrier mail service or the passenger automobile of the person conducting the home occupation.
7. No home occupation shall be allowed which is of a nature that will necessitate customers and/or personal deliveries to come to the dwelling either for goods, services and/or the business product (either goods or written products), except home day care as regulated herein.
8. A home occupation conducted by a professional person shall be only for consultation or performance of religious rites, but not for the general practice of the professional.
9. Teaching of musical instruments and dancing shall be conducted only in a single-family detached dwelling and then to not more than two pupils at one time, and academic or religious instruction may be given to not more than six pupils at one time in a single-family detached dwelling, not more than one pupil at one time in any other type dwelling unit.
10. Day care centers, subject to site plan review and the following provisions:
 1. That no more than six (6) children are permitted, including the children of the home day care operator aged 16 or under.
 2. That the type and ages of children cared for and the provision of service minimally conforms to the current limitations and requirements of the Illinois Department of Children and Family Services and other applicable law for this use.
 3. That outside activity is permitted for this use. The outside activity area shall be fenced, said fence to be otherwise in compliance with Village zoning requirements, or if not fenced, then adult (18 or older) supervision is required at all times.
 4. That this use is permitted in single family detached dwellings only and not in multi-family units such as condominiums or townhomes.
 5. That the hours of operation shall be between 7:00 a.m. and 6:00 p.m.
 6. Unless otherwise specifically provided in this subparagraph 10, all other requirements related to home occupations shall apply to this use

APPEALS

1. Authority

An appeal may be taken to the Zoning Board of Appeals from any order, requirement, decision or determination made by the Community Development Director or by any person aggrieved by action taken under the regulations of this Ordinance. The Zoning Board of Appeals shall review and make a final ruling on the appeal.

2. Initiation

An appeal may be taken to the Zoning Board of Appeals by any person, firm or

corporation, or by any office, department, board, bureau, or commission (including any of the Village), aggrieved by an administrative order, requirement, decision or determination under this Ordinance by the Community Development Director or other authorized official of the Village of Burr Ridge. For purposes of this Section, an aggrieved person shall include any person who is in opposition to the original decision.

3. **Processing**

An appeal shall be filed with the Community Development Director, with a copy to any other authorized official of the Village of Burr Ridge involved in the matter being appealed. The Community Development Director shall forward such appeal, including all papers from any other authorized official which constitute the record upon which the appeal action is taken, to the Zoning Board of Appeals for review. The Zoning Board of Appeals shall fix a reasonable time for the review of the appeal and shall give due notice thereof to the party filing the appeal and to the Community Development Director.

4. **Stay of Proceedings**

Once an appeal is taken, such appeal shall stay all proceedings and all construction or development which is the object of the appeal, unless the Community Development Director certifies that a stay would cause imminent peril, and in that event, the specific directions of the Community Development Director shall be followed until the appeal has been finally decided.

5. **Decisions**

All decisions by the Zoning Board of Appeals, after its deliberation, from any order, requirement, decision, or determination relating to this Ordinance made by the Community Development Director shall in all instances be final administrative determinations.

Thank you,

Janine Farrell, AICP

Community Development Director

From: Ridge Precision Gunsmithing <ridgeprecisiongunsmithing@gmail.com>

Sent: Thursday, January 18, 2024 5:11 PM

To: Janine Farrell <jfarrell@burr-ridge.gov>

Cc: John Madden <JMADDEN@burr-ridge.gov>

Subject: Federal Firearm License for Mark Osgood

Hello Ms Farrell,

I would like to help you appreciate how benign my request is for a Federal Firearm License. I'm a woodworker and wood artist who has won national and international awards for my work. I teach every year at the largest woodworking school in America.

I've attached a few photos of my work. I'm a retired business person who has lived in Burr Ridge for 33 years with my wife, raising two children along the way.

In 2009(thereabouts), I appeared before the Zoning commission for a permit to build a woodshop on the back of my garage. My petition was approved and my shop has given me a fulfilled life along with our other interests in gardening. You may visit our house and shop any time you'd like to inspect what goes on here.

My request for approval of a Federal Firearm License(FFL) is so that I can receive by mail or pickup at various shooting ranges, firearms to be fitted to custom gun cases or to have a new wood stock made. A FFL is necessary to keep a firearm overnight. I do not want people coming to my house. I had to include business hours on the FFL application as requested by the ATF so that their agents may visit and inspect my shop--not to open my shop to street traffic. I respect that the Village of Burr Ridge has restrictions on traffic to residences.

As for the equipment in my shop, it is the same equipment that I have had since my shop was approved for construction in 2009. I have had all the equipment for 23+ years. It runs in my shop and is silent outside because the shop is climate controlled. My neighbors have no problem with my work and affidavits can be supplied if requested.

I would like to expand my interests to building rifle cases and to do rifle stock work. As a law abiding person, I have applied to the various authorities for the correct permits. If you would like, I can appear before the Zoning Committee with my request. It looks like the Committee meets every 2 weeks on Monday. Can you tell me how to get on the schedule? I think the meeting on Feb. 12 is doable for me.

Thank you for your patience, Mark Osgood

PS The image of Jimi Hendrix is all done with small pieces of natural and dyed wood in an art form called marquetry.