

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
May 9, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, May 9, 2019 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Chairman Frank Martin, Members David Berni, Gerald Dombrowski, Ronald Lucchesi, Tagger O'Brien, and Joanna Schubkegel

Absent: Member Michael Smetana

Also Present: Secretary Clifford Radatz, Assistant Village Administrator Lisa Scheiner, Village Attorney Carmen P. Forte, Jr.

II. APPROVAL OF APRIL 11, 2019 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member Berni and SECONDED by Member Schubkegel to approve the minutes of the April 11, 2019 Zoning Board of Appeals meeting.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, Martin

Nays: None.

Motion passed.

III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS FOR 755 WILLIAM STREET FROM THE MEETING OF THE ZONING BOARD OF APPEALS OF APRIL 11, 2019

A MOTION was made by Member O'Brien and SECONDED by Member Dombrowski to approve the Findings of Fact and recommendation for the proposed Zoning Variations for 755 William Street from the meeting of the Zoning Board of Appeals on April 11, 2019.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin

Nays: None.

Motion passed.

IV. VARIATION REQUEST FOR 910 FOREST AVENUE – SIDE YARD SETBACK

Chairman Martin stated that the next item on the agenda was a Variation Request for the property at 910 Forest Avenue. All those present at the meeting who planned to testify were

sworn in. Chairman Martin invited the applicant and/or their representatives to present their application for the Variation Request.

William Piper, 910 Forest, spoke first regarding his application for a variation from the side yard setback requirement. Mr. Piper is seeking to build a new garage on the same footprint as the garage currently existing on the property. He would like to maintain a setback of 4.45 feet from the side yard lot line, which is less than the five-foot setback minimum for this zoning district. There is a large crack in the middle of the existing garage pad, and he believes it needs to be replaced. Mr. Piper noted that his proposal would not cause any harm to anyone, as it would stand in the same footprint as the existing garage. Mr. Piper explained that he is unable to situate the garage elsewhere on the property, largely due to water accumulation in the backyard. He noted that his neighbor was pleased to hear that his new garage would stand in the same footprint, so as not to create additional water issues. He noted that he brought copies of written correspondence from neighbors expressing that they had no opposition to his proposed plan. He also brought photographs of the existing garage door's positioning relative to his concrete driveway.

Chairman Martin requested copies of the correspondence from the neighbors to add to the record when the Zoning Board of Appeals makes its recommendation to the Village Board.

Member Berni confirmed with Mr. Piper that he was planning to install an entirely new concrete pad for his garage, along with a new garage on the same footprint as the existing garage. Mr. Piper confirmed the same, and also explained that the new garage might actually be smaller than the current garage. Mr. Piper explained that the new garage would be the same height; a standard Danley's garage with a gable roof.

Member Lucchesi confirmed that the proposed garage would rest on the existing footprint. Mr. Radatz confirmed the same.

Public Comment in regard to the Variation Request

Chairman Martin asked if any members of the public wished to comment on the proposed variation. Since no one came forward to speak, Chairman Martin closed the public portion of the hearing.

Discussion and Deliberation of the Variation Request

Chairman Martin stated he supports the variation given that the garage is being replaced on the same footprint with the same size. He observed that if it were not for the crack in the floor of the existing garage, the applicant would not be here, and further noted that the variation does not seek to move the proposed garage any closer to the lot line than the existing garage and the proposed garage will not be any larger than the existing garage.

A MOTION was made by Member Lucchesi and SECONDED by Member Berni to recommend to the Village Board of Trustees that the requested variation be granted.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin
Nays: None.
Motion passed.

Chairman Martin stated that the recommendation of the Zoning Board of Appeals to the Village Board will be 6-0 that the variation be granted. He stated that Village staff would let the applicant know when this matter will be on the schedule of the Board of Trustees and that anyone is welcome to appear before the Board.

V. VARIATION REQUEST FOR 910 PARK AVENUE – FENCE VARIATION REQUEST

Chairman Martin stated that the next item on the agenda was a Variation Request for the property at 910 Park Avenue. All those present at the meeting who planned to testify were sworn in. Chairman Martin invited the applicant and/or their representatives to present their application for the Variation Request.

Chairman Martin noted that he has a close and longstanding friendship with the applicant, but that he nonetheless feels he can conduct the meeting impartially and make an appropriate recommendation on the merits of the application. Hearing no objection from the members, the meeting proceeded with Chairman Martin presiding over the public hearing.

Michael Hartmann, Jr., son of the applicants, presented the request for a variation to construct a new chain link fence in the rear yard of his family's home. The family was seeking to replace its existing four-foot tall fence with a new fence that is 8½ feet tall. The Village Code permits fences up to seven feet in height. Mr. Hartmann advised that the fence would be discrete; a black chain-link fence that would run from the end of the house to the rear lot line, and across the back of the lot. The fence would not be visible from the street, and would blend in with the surrounding vegetation. Mr. Hartmann noted that his brother Patrick's only means of egress from the home that doesn't involve stairs is in the rear of the home. His parents frequently have to sweep the area due to the abundance of deer droppings left by the large amount of deer that wander onto the property, and wish to build a fence to keep the deer away from the property.

Member Berni asked about the height and size of the existing and proposed fence. Mr. Hartmann confirmed that the fence would be constructed on the same location as the current fence, but would be 8½ feet tall instead of the current 4-foot-tall fence. Member Berni asked how they arrived at the proposed height of 8½ feet. Mr. Hartmann explained that, according to his family's research, deer could jump up to eight feet. It would be a chain-link fence.

Chairman Martin invited Mr. Hartmann to explain for the record his brother Patrick's circumstances. Mr. Hartmann explained that Patrick uses a wheelchair, and needs to use the rear door to enter and exit the house. The deer congregate near this door and leave large amounts of droppings nearby, creating difficulties for Patrick and his parents.

Member Berni asked whether screening material would be installed on the fence. Mr. Hartmann explained that the fence would be entirely see-through, and no screening would be installed.

Chairman Martin clarified that it would be an open chain link fence and the applicants agree that they will not block it off or shield it in any way.

Chairman Martin asked the applicant whether any deer are larger than his brother. Mr. Hartmann confirmed that the deer could be very large.

Member Dombrowski asked whether any neighbors opposed the application. Mr. Hartmann stated that there was no opposition from their neighbors of which they were aware.

Public Comment in regard to the Variation Request

Deborah Hill, 908 Park, whose home is directly west of the house and whose lot will abut the new fence in two locations, noted the deer problem. She indicated that she does not have a specific objection to the application, but asked that the zoning code be applied in the right way.

With no further comment from the public, the public portion of the hearing was closed.

Discussion and Deliberation of the Variation Request

Chairman Martin asked Mr. Radatz about fence heights elsewhere in the Village. Mr. Radatz stated that there were no 8½ foot fences in the Village, but some eight-foot fences, all of which were allowed by ordinance, based on their location in and proximity to Commercial zoning districts.

Member Berni did not object to the fence, so long as light passes through. He noted the deer problem, and feels this could be a proper solution.

Member O'Brien noted that the Hartmann's have an especially deep backyard. She noted the deer problem, and agreed with Member Berni that the chain-link fence was desirable relative to screened fences.

Member Lucchesi agreed that the deer are a plague, and wondered if 8½ was tall enough.

Member Schubkegel suggested that the fence might cause the deer to find other yards.

Chairman Martin acknowledged that the deer problem is not unique to the property, but the occupant of the home is in a wheelchair and the only way he can get to his car is to traverse the back yard and the current condition of the yard makes it difficult to access his vehicle. For this reason, he finds the application satisfies the "uniqueness" requirement.

A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that the requested variation from the Fence code be granted provided they leave the fence open to view.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin
Nays: None.
Motion passed.

Chairman Martin stated that the recommendation of the Zoning Board of Appeals to the Village Board will be 6-0 that the variation be granted.

There was no additional new business on the agenda.

VI. PUBLIC COMMENT

None.


VII. ADJOURNMENT

A MOTION was made by Member Schubkegel and SECONDED by Member Berni to adjourn the meeting at 7:57 p.m.

Ayes: Members Berni, Dombrowski, Lucchesi, O'Brien, Schubkegel, and Martin
Nays: None.
Motion passed.

Respectfully Submitted:


Clifford Radatz, Secretary


Frank Martin, Chairman
Zoning Board of Appeals

Date: 6/13/2019