

**VILLAGE OF RIVER FOREST**  
**ZONING BOARD OF APPEALS MEETING MINUTES**  
June 11, 2020

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, June 11, 2020 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 7:31 p.m. Upon roll call, the following persons were:

Present: Members Berni, Lucchesi, O'Brien, Schubkegel, Smetana, and Chairman Martin.

Absent: Member Dombrowski

Also Present: Assistant Village Administrator Lisa Scheiner and Village Attorney Carmen Forte, Jr.

**II. APPROVAL OF MARCH 12, 2020 ZONING BOARD OF APPEALS MEETING MINUTES**

A MOTION was made by Member Schubkegel and SECONDED by Member Smetana to approve the minutes of the March 12, 2020 Zoning Board of Appeals meeting as amended.

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

Nays: None

Abstain: Member Berni

Motion passed.

**III. TEXT AMENDMENT REQUEST - PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT TO THE VILLAGE OF RIVER FOREST ZONING ORDINANCE REGARDING HOME BAKING OPERATIONS**

Chairman Martin called the public hearing to order regarding proposed text amendments to the River Forest Zoning Ordinance to modify the definition of "Home Occupations" to allow home baking operations.

Assistant Village Administrator presented the text amendment petition to the Zoning Board of Appeals.

In response to a question from Member O'Brien, Assistant Village Administrator Scheiner stated that there are no other home occupations within the dwelling unit that require a special use permit.

In response to a question from Member Berni, Assistant Village Administrator and Village Attorney Forte stated that the Village does not incur liability if a home kitchen operation is allowed to operate in River Forest and that liability ultimately lies with the operator.

In response to a follow-up question from Member Berni, Assistant Village Administrator Scheiner explained how Sugar Beet in River Forest is inspected.

Attorney Forte noted that residential dwellings cannot be modified or expanded to accommodate the home occupation and that the home occupation must be performed within the dwelling unit and not within an accessory structure.

In response to a question from Member Luchhesi, Assistant Village Administrator Scheiner stated that the cap on monthly sales is set by state statute.

In response to a question from Member O'Brien, Assistant Village Administrator Scheiner stated that, while home kitchen operations may have online presence, sales are not necessarily online.

Assistant Village Administrator Scheiner swore in all parties wishing to speak.

Chairman Martin noted that Laura Riff, 801 Clinton Place, submitted a letter to the Zoning Board of Appeals which they have received and reviewed. Laura Riff, 801 Clinton Place, addressed the Zoning Board of Appeals and the basis for her petition.

In response to a question from Member Berni, Ms. Riff stated that she has a state sanitation license and supports that requirement for home kitchen operators.

Hearing no further public comment, Chairman Martin closed the public comment portion of the hearing.

In response to a question from Member Berni, Assistant Village Administrator Scheiner stated that she would verify with the Village's contract sanitarian whether any training or certification is required.

Chairman Martin stated that at the March meeting, the Zoning Board of Appeals was asked to consider an amendment to the land use chart to take a permitted use and make it a special use. He read from the minutes of the March Zoning Board of Appeals meeting, highlighting the basis for the Village's petition. He stated that the special use process gives residents notice and an opportunity to express concerns about that use, to avoid clustering of similar uses in a zoning district, and to avoid impacts on neighboring property owners. He stated that he does not understand how the Village can come before them and say that a special use permit is needed to protect neighbors and now come in and ask for the opposite for a home kitchen operation. He stated that by making it a permitted use there will be no opportunity for the neighbors to address the Zoning Board of Appeals regarding their concerns about the use.

In response to a question from Member Schubkegel, Assistant Village Administrator stated that, to her knowledge, the Village has not received a special use application for a home occupation but Ms. Riff could apply for a special use permit.

In response to a question from Member Schubkegel, Ms. Riff explained that, without the Village's permission to operate a home kitchen operation, she is not permitted to sell directly to consumers.

In response to a question from Chairman Martin, Ms. Riff explained that the Village did not advise that she could apply for a special use permit.

In response to Chairman Martin's question, Village Attorney Forte clarified that the statute states that a home kitchen operation may only occur within municipalities that have adopted ordinances authorizing the use. The Village's home occupation definition and the code, as written, would not allow a home kitchen operation and that the proposed text amendment does that and goes a step further to say that it is a permitted use and that a special use permit is not required. Assistant Village Administrator Scheiner added that the Village could require a notice to the neighbors, but that a public hearing would not be required.

In response to a question from Member O'Brien, Assistant Village Administrator Scheiner and Village Attorney Forte noted that the state statute narrowly defines what items may be produced in a home kitchen operation.

Chairman Martin stated that the impact of the proposed text amendment is to make a home kitchen operation a permitted use.

Village Attorney Forte stated that these uses often go unnoticed and may already be going unnoticed in River Forest.

In response to a question from Chairman Martin, Village Attorney Forte confirmed that a customer could come to the home to purchase products. He and Assistant Village Administrator Scheiner reviewed the conditions on home occupations that exist within the definition of "home occupation" in the Zoning Ordinance.

Member Smetana stated that home occupation definition lead him to distinguish this from the previous text amendment request regarding massage uses since many of the conditions that would be incorporated into a special use permit already exist in the ordinance. He noted that he did not think a massage use should be a special use either.

A MOTION was made by Member Smetana and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that the proposed text amendment be approved.

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

Nays: Chairman Martin

Motion passed.

**IV. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED TEXT AMENDMENT RELATED TO HOME BAKING OPERATIONS FROM THE MEETING OF THE ZONING BOARD OF APPEALS ON JUNE 11, 2020 AS AMENDED**

Members Smetana and Chairman Martin asked that the basis of their positions be incorporated into the Findings of Fact.

A MOTION was made by Member Berni and SECONDED by Member Lucchesi to approve the Findings of Fact and recommendation as amended regarding the Proposed Text Amendment.

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

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

A MOTION was made by Member O'Brien and SECONDED by Member Lucchesi to adjourn the meeting at 8:14 p.m.

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

Respectfully Submitted:



Lisa Scheiner, Secretary



Frank Martin, Chairman  
Zoning Board of Appeals

Date: 9/10/2020