

**VILLAGE OF RIVER FOREST  
ZONING BOARD OF APPEALS MEETING MINUTES  
July 11, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, July 11, 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, Joanna Schubkegel, Gerald Dombrowski, Tagger O'Brien, and Michael Smetana

Absent: Members David Berni and Ronald Lucchesi

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

**II. APPROVAL OF JUNE 13, 2019 ZONING BOARD OF APPEALS MEETING MINUTES**

A MOTION was made by Member O'Brien and SECONDED by Chairman Martin to approve the minutes of the June 13, 2019 Zoning Board of Appeals meeting.

Ayes: Members Martin, Dombrowski, O'Brien, and Smetana

Nays: None.

Motion passed.

**III. APPROVAL OF FINDINGS OF FACT FOR THE PROPOSED ZONING VARIATIONS FOR 7628 WASHINGTON BOULEVARD FROM THE MEETING OF THE ZONING BOARD OF APPEALS OF JUNE 13, 2019**

A MOTION was made by Member O'Brien and SECONDED by Member Smetana to approve the Findings of Fact and recommendation for the proposed Zoning Variations for 7628 Washington Boulevard from the meeting of the Zoning Board of Appeals on June 13, 2019.

Ayes: Members Martin, Dombrowski, O'Brien, and Smetana

Nays: None.

Motion passed.

#### **IV. VARIATION REQUEST FOR 1201 PARK AVENUE – SECONDARY FRONT YARD SETBACK FOR AN ACCESSORY BUILDING**

Chairman Martin stated that the next item on the agenda was a Variation Request for the property at 1201 Park Avenue. All those present at the meeting who planned to testify were sworn in. Chairman Martin explained the process to the applicant.

James Durham, 1201 Park Avenue, stated that he and his family rehabilitated their home after it had been neglected for approximately 30 years. He stated that there was a 10 foot by 10 foot shed on the property that was rusted out, and would not fit their lawn equipment. He said they use their garage to park their two cars. He said they require secondary shed space for storage. He said the previous shed was 15 feet off the southern lot line. He said a new shed cannot be built in a different location because of a tree stump that is approximately 8 feet in diameter. He said they have had two companies try to remove the stump, which was also located on a berm. He said when they replaced the concrete pad from the previous shed, they had to put it in the same location and that their contractor would not build the new pad on top of the old tree stump.

Mr. Durham walked the Zoning Board of Appeals through the application materials he provided. He said they are replacing a rusted aluminum 10 foot by 10 foot shed with an 11 foot by 16 foot shed with wood siding and a slate roof. The shed will be built to match the colonial style of their home. He said the old shed had a setback of 15 feet from their southern property line. Section 10-8-7.A.2 requires a 25-foot setback. Because the length of the shed is 16 feet, a 25-foot setback is not possible due to physical and topographical conditions of the property. He noted that the primary problem with the property which necessitates the variance is a natural occurrence; the presence of an 8-foot diameter tree stump and root ball which remains from a 170-year-old, 80-foot tall oak tree which formerly stood on the property. Any foundation poured in this location would be unstable as the remaining stump and root system continues to decompose. As the stump deteriorates, a void would be created as the dirt collapses under the foundation of the proposed shed. The foundation will have no support, would crack, and the shed would be structurally compromised.

Mr. Durham advised that they have had two stump grinding companies attempt to remove the stump but both were unsuccessful due to the width and depth of the stump. They also explored using an excavator, but the stump's proximity to overhead power lines prevented such work. Because the tree was on a berm, the space is just now down to grade with the rest of the yard. Mr. Durham predicted that the area surrounding the stump would continue to sink over the coming years.

Mr. Durham pointed out the location of the old shed to the Board. He stated that they would build the new shed in line with the old one, but would move it 4 feet further from the east lot line. He also pointed out the location of the stump, and other trees on the property. He showed the Board the impact the project would have on the property.

In response to a question from Chairman Martin, Mr. Durham clarified that south wall of the proposed shed will maintain the line of the south wall of the shed which formerly stood on the site.

Mr. Durham advised that the old metal shed and concrete pad have been removed. The proposed shed would have the same 15-foot setback from the south property line, with the setback from the east fence increased by 4 feet.

Mr. Durham advised that they are planning to construct a one-story, 14-foot tall shed. Mr. Durham reviewed the proposed shed's specifications in light of the Village's zoning regulations, and showed the Board a drawing of the proposed structure.

Mr. Durham showed proposed landscaping work that could be performed at the property after the new shed is constructed.

Mr. Durham asked the Zoning Board of Appeals if they had any questions. Hearing none, he stated that the application includes a narrative in response to the standards of review.

In response to a question from Chairman Martin, Mr. Radatz, confirmed that there were no other zoning variations required other than what was being requested.

Mr. Durham said this is a hardship versus an inconvenience. The family has no other options for the shed. Mr. Durham noted that he did nothing to create the conditions. This is unique to the property due to the size and age of the tree as well as its location under power lines. He said ComEd's tree pruning activities contributed to the death of the tree. He said they will gain no economic advantage by moving the shed 10 feet to the south. He said there is no visual impediment due to shrubbery surrounding the property. He said it will not impact neighboring properties. He said air and light will not be impacted. He said it will not unduly tax public utilities. He said there are no other means to do this. They looked at all other places where they might be able to build the shed, but they won't work. As a corner lot they cannot place the shed on the west side of the lot because it is not allowed under the Village's Zoning Ordinance. If the shed were located near to the northern property line, it would impact light and air of the adjacent properties. On the southern fence line, moving the shed more toward the west would situate it in the middle of the yard, which would not afford them reasonable use of their property.

Mr. Durham reviewed letters of support from neighbors Larry and Caroline Fox, 1200 Franklin Avenue, and Jack and Anita Friedman, 1147 Park Avenue, who are not opposed to the project.

Mr. Durham reviewed the photos attached to the application.

Chairman Martin asked whether Mr. Durham is seeking to build a concrete pad that is the same distance from the south property line as the old shed. Mr. Durham confirmed, and advised that they moved the pad 4 feet to the west so that the proposed shed will comply with the required setback from the east property line.

In response to a question from Member O'Brien, Mr. Durham confirmed that the pad had already been poured.

In response to a question from Chairman Martin, Mr. Durham stated there was nothing more he wished to share.

Public Comment with Regard to the Variation Request

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

Discussion and Deliberation of the Variation Request

Member Dombrowski shared that he thought the proposal was reasonable.

Chairman Martin shared that he has no objection to projects like this, where property owners are simply looking to make reasonable improvements to garages and sheds.

Mr. Smetana said he agrees with Chairman Martin.

Member O'Brien said she believes they have gone above and beyond to try to remove the stump.

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

Chairman Martin reminded the Zoning Board of Appeals members that if they vote in favor they are voting that all of the standards have been met.

Ayes: Members Martin, Schubkegel, Dombrowski, O'Brien, and Smetana  
Nays: None.

Motion passed.

Chairman Martin stated that the Board's recommendation to the Village Board would be 5-0 in favor of approving the applications. Chairman Martin advised that all documents submitted by Mr. Durham would be included in the record.

Ms. Scheiner indicated that, provided the Zoning Board of Appeals meets in August, this matter would appear on the August 26, 2019 Village Board of Trustees meeting agenda.

There was no additional new business on the agenda.

**V. PUBLIC COMMENT**

None.

**VI. ADJOURNMENT**

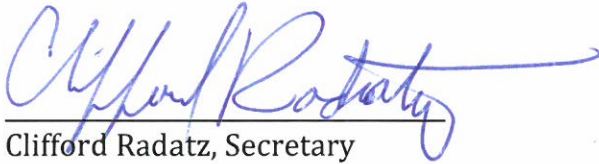
A MOTION was made by Member O'Brien and SECONDED by Member Schubkegel to adjourn the meeting at 7:56 p.m.


Ayes: Members Martin, Schubkegel, Dombrowski, O'Brien, and Smetana

Nays: None.

Motion passed.

Respectfully Submitted:

  
Clifford Radatz, Secretary

  
Frank Martin, Chairman  
Zoning Board of Appeals

Date: August 8, 2019