

**VILLAGE OF RIVER FOREST  
ZONING BOARD OF APPEALS MEETING MINUTES  
October 17, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, October 17, 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, Gerald Dombrowski, Tagger O'Brien, Michael Smetana, David Berni, Joanna Schubkegel and Ronald Lucchesi

Absent: None

Also Present: Secretary Clifford Radatz, Assistant Village Administrator Lisa Scheiner and Village Attorney Gregory T. Smith

**II. APPROVAL OF SEPTEMBER 19, 2019 ZONING BOARD OF APPEALS MEETING MINUTES**

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the minutes of the September 19, 2019 Zoning Board of Appeals meeting.

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

Nays: None

Abstain: Member Smetana

Motion passed.

**III. TEXT AMENDMENT REQUEST – PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE VILLAGE OF RIVER FOREST ZONING ORDINANCE REGARDING CERTAIN CANNABIS BUSINESS ESTABLISHMENTS OPERATING UNDER THE ILLINOIS CANNABIS REGULATION AND TAX ACT, 410 ILCS 705/1, ET SEQ., AND MEDICAL CANNABIS ESTABLISHMENTS UNDER THE ILLINOIS COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT, 410 ILCS 130/1, ET SEQ.**

Chairman Martin stated that the next item on the agenda was a request for consideration of text amendments regarding cannabis business establishments. All those present at the meeting who planned to testify were sworn in.

Lisa Scheiner, Assistant Village Administrator for the Village of River Forest, presented the application on behalf of the Village President and Board of Trustees. Ms. Scheiner explained the State laws regulating the growing, processing and sale of cannabis. Ms. Scheiner explained that State law prohibited the Village from prohibiting the growing and sale of medical cannabis, but that establishments which grow and sell medical cannabis may be required to be located farther away from certain sensitive uses.

Ms. Scheiner explained that State law was recently amended to allow recreational cannabis to be grown and sold in municipalities, if the municipality allows those uses. Ms. Scheiner noted that regardless of how the Village of River Forest zones the uses of growing and selling recreational cannabis, as of January 1, 2020, it will be legal for people to possess and consume recreational cannabis, within the limits set in State law. Ms. Scheiner summarized other aspects of the State law regarding recreational cannabis, including revenue generated by recreational cannabis establishments. She noted that the Village's Police Department will continue to enforce laws regarding driving under the influence and other laws that relate to the use of cannabis that have not been changed by the State law.

Ms. Scheiner noted that there are two medical cannabis dispensaries near the Village, one in Oak Park and one in Elmwood Park. She said that the Police Departments in Oak Park and Elmwood Park have not seen an increase in calls for service from those dispensaries. Ms. Scheiner said that before the public hearing tonight, the Village President and Board of Trustees held two public meetings, publicized the meetings online and the Village has created and updated a website with information about the issues presented.

Ms. Scheiner explained that the request from the Village President and Board of Trustees was for consideration to allow certain recreational and medical cannabis business establishments as special uses in certain commercial districts, with restrictions noted in the application. She reviewed the four groups of proposed amendments before the Zoning Board of Appeals. Ms. Scheiner explained that Amendment One defined the uses allowed under State law, and explained the different types of cannabis business establishments allowed under State law.

Ms. Scheiner explained that Amendment Four would amend the land use chart in the Zoning Ordinance to allow medical cannabis establishments as special uses in certain commercial districts, and to allow recreational cannabis dispensaries and craft growers as special uses in certain commercial districts. She explained the purpose and process for consideration of applications for special uses, including review by the Board at a public hearing.

Ms. Scheiner explained that Amendment Two would prohibit cannabis lounges from operating in the Village, and that the Village would require cannabis business establishments operating in the Village to be in strict compliance with the State laws under which they are licensed. She explained the distance restrictions for certain cannabis business establishments under State law and as proposed in the application, including sensitive uses set forth in the application.

Ms. Scheiner reviewed the potential locations in the Village where certain cannabis business establishments could be located, if the application was granted. She discussed maps drawn by Village staff that show the proposed locations in the Village's commercial corridors. She mentioned that distance requirements in State law at this time would prohibit the placement of a cannabis business establishment in the River Forest Town Center development because of an existing medical cannabis dispensary in Oak Park near the intersection of Lake Street and Harlem Avenue. She noted that there are a few locations on Madison Street, North Avenue and Lake Street in which a cannabis business establishment could be located given distance requirements, however, she stated that it is unlikely that several establishments would be opened given market forces and limitations on licensing in State law.

Ms. Scheiner noted that the Village does not expect to have to hire additional staff if a cannabis business establishment opens in the Village. She explained that the Village will receive some revenue from the sale of recreational cannabis, whether or not a cannabis business establishment opens in the Village, but that a greater revenue stream would occur if retail cannabis sales occur in the Village, which would be subject to a 3% excise tax previously approved by the Village President and Board of Trustees. She then offered to answer questions from the Board.

Chairman Martin asked what uses cannot be banned by the Village. Ms. Scheiner explained that medical cannabis dispensaries and medical cannabis cultivation centers cannot be banned using the Village's zoning authority, and that the Village cannot ban the adult use and possession of recreational cannabis within the limits of State law. Attorney Smith confirmed that the Village cannot ban medical cannabis dispensaries and medical cannabis cultivation centers from locating in the Village. Ms. Scheiner clarified that medical cannabis dispensaries and medical cannabis cultivation centers could be classified as special uses, however.

Member Lucchesi asked whether the 3% excise tax applied to medical cannabis sales as well as recreational sales. Ms. Scheiner confirmed that the tax only applies to recreational cannabis sales.

#### Public Comment with Regard to the Request

Chairman Martin asked if any members of the public wished to comment on the proposed text amendments.

Peter Zeh stated that he is a high school student who lives in the Village. He expressed concerns about the health effects of cannabis usage on the youth. He asked the Board to recommend cannabis business establishments not be allowed in the Village, and urged the Village to wait and see the effects of cannabis dispensaries in other communities before allowing them in the Village.

Nate Mellman said that he is against cannabis businesses in the Village because of concerns he has over their costs to the Village, the immorality of the uses and the impractical locations the uses could be located in the Village. He explained each of his three issues in detail and

asked the Board to recommend cannabis business establishments not be permitted in the Village. He stated that there is no appropriate place in the Village for these uses to be located.

Marilyn Thomas said that she is against cannabis businesses in the Village.

Leslie Huzick said that she is against cannabis businesses in the Village. She discussed articles and studies related to the negative impacts of cannabis use. She explained that there is no test she is aware of to test for impairment of people who have consumed cannabis.

Maryann Zeh stated that she is opposed to cannabis businesses in the Village. She asked the Board to recommend that such businesses not be allowed in the Village.

David Smith asked whether the Village would prohibit the use of cannabis in any business in the Village. He said that he is opposed to cannabis business establishments and believes there will be increased crime if such establishments operate in the Village.

Deb Wolkstein said that she is in favor of cannabis businesses. She stated that tax revenue from the sales of cannabis would be a benefit for taxpayers.

Victoria Sustard Koch said that he is not in favor of cannabis businesses. She said that these establishments would devalue properties in the Village. She stated that the tax revenue benefits are not enough to offset the negative aspects of cannabis business establishments.

Dorel Nicole Miller said that she is in favor of cannabis businesses. She said that the fear against cannabis is unfounded and that it can be used for valid medicinal purposes.

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

#### Discussion and Deliberation of the Request

Member Berni asked about the revenue effects of having a recreational cannabis dispensary. Ms. Scheiner and Attorney Smith explained the revenues related to recreational sales of cannabis, includes sales tax and Local Government Distributive Fund distributions.

Attorney Smith explained that the application proposed that cannabis consumption would not be allowed in any public place, including cannabis business establishments and other businesses in the Village.

The Board discussed how to vote on the different parts of the application, as certain parts of the application are required by State law, such as medical cannabis establishments, while other parts are discretionary, such as recreational cannabis business establishments.

Chairman Martin suggested the Board go through each of the four amendments and take separate votes on them, to come up with a recommendation for the Village Board.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that "Amendment One" in the application, defining cannabis business establishments, be approved.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi  
Nays: None

Motion passed.

Chairman Martin asked Attorney Smith to explain Amendment Three in the application. Attorney Smith said that Amendment Three was standard zoning language that the Village's Zoning Ordinance should have, but did not have.

A MOTION was made by Member O'Brien and SECONDED by Member Smetana to recommend to the Village Board of Trustees that "Amendment Three" in the application be approved.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi  
Nays: None

Motion passed.

Chairman Martin then suggested the Board split Amendment Four into a series of votes, and asked Attorney Smith to confirm that medical cannabis business establishments must be allowed in the Village. Attorney Smith confirmed that such uses were required under State law.

A MOTION was made by Member Smetana and SECONDED by Member Berni to recommend to the Village Board of Trustees that medical cannabis dispensaries and medical cannabis cultivation centers be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi  
Nays: None

Motion passed.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that recreational cannabis dispensaries be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Members Dombrowski, Smetana, Schubkegel and Lucchesi



Nays: Chairman Martin and Members Berni and O'Brien

Motion passed.

A MOTION was made by Chairman Martin and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that recreational craft growers be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Members Dombrowski and Smetana

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

Motion failed.

A MOTION was made by Chairman Martin and SECONDED by Member Lucchesi to recommend to the Village Board of Trustees that recreational cannabis craft growers, recreational cannabis cultivation centers, recreational cannabis infusers, and recreational cannabis processors be prohibited from operating in the Village, as set forth in "Amendment Four" in the application.

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

Nays: None

Motion passed.

At Chairman Martin's request, Attorney Smith explained the specifics of Amendment Two as referred by the Village President and Board of Trustees, which are time, place and manner restrictions on cannabis business establishments operating in the Village. The Board discussed the specifics of the proposals and reached a consensus to recommend that Amendment Two as proposed by the Village President and Board of Trustees be modified (1) to increase the distance between medical cannabis dispensaries and recreational cannabis dispensaries and preexisting schools from one hundred feet (100') to one thousand feet (1,000'), (2) to increase the distance from recreational cannabis dispensaries to existing medical cannabis dispensaries and existing recreational cannabis dispensaries from fifteen hundred feet (1,500') to three thousand feet (3,000'), (3) to increase the distance between medical cannabis cultivation centers to preexisting schools, child care facilities and areas zoned for residential use from two thousand five hundred feet (2,500') to three thousand feet (3,000'), (4) to limit the number of recreational cannabis dispensaries to one (1), (5) limiting the hours of operation of cannabis business establishments to the hours of 10 AM to 7 PM, and (6) to eliminate the limitations on operations of recreational cannabis craft growers because the Board does not recommend that use be allowed in the Village.

A MOTION was made by Member O'Brien and SECONDED by Member Berni to recommend to the Village Board of Trustees that "Amendment Two" in the application be approved, with

the modifications discussed above, as stated in the approved findings of fact and recommendation.

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

Motion passed.

**IV. VARIATION REQUEST – PUBLIC HEARING REGARDING MAJOR VARIATIONS TO SECTIONS 10-9-5 AND 10-9-6 OF THE ZONING ORDINANCE (FLOOR AREA RATIO AND BUILDING HEIGHT) AT 535 MONROE AVENUE**

Chairman Martin stated that the next item on the agenda was a request for variations related to an addition built on a home at 535 Monroe Avenue. All those present at the meeting who planned to testify were sworn in.

Architect Steven Ryniewicz presented the application on behalf of the homeowners. He explained that a third story of an addition was built too tall, requiring variations for floor area ratio and building height. The home is currently under construction, to add about 1,000 square feet and to renovate most of the structure. He said that during construction the carpenter discovered that the existing roof plane had sagging roof rafters and was warped, so the carpenter could not get the new roof rafters to line up with the existing rafters. He stated that during construction, one of the homeowners asked that the roof be raised higher than designed and permitted by the Village. He said that the roof was raised during construction as requested by the homeowner.

Mr. Ryniewicz said that as a result of increasing the roof height, what would have been a half story on top of the house was now a third story, requiring variations for floor area ratio and building height to allow the third story.

In response to questions from Chairman Martin, Mr. Ryniewicz admitted that the application seeks after-the-fact approval of unpermitted work, and that the Village-issued building permit did not allow for the three and half feet (3.5') knee walls. Mr. Ryniewicz said that the homeowner and carpenter were focused on the overall height requirements for the structure, not the knee wall height.

In response to a question from Chairman Martin, Mr. Radatz confirmed that the increased height of the knee wall made the addition a full third story, as opposed to being a half story on top of the two existing stories. Mr. Radatz explained in detail how the Zoning Ordinance addresses these issues.

Owner Michelle Elfvig spoke about the circumstances leading to the increase in height of the third floor. She explained that the construction was stalled waiting for the Village to decide on their application for variations. She asked the Board to recommend that the variations be granted, so the work can be completed.

Public Comment with Regard to the Request

Chairman Martin asked if any members of the public wished to comment on the proposed variation. Hearing no public comment, Chairman Martin closed the public portion of the hearing.

Discussion and Deliberation of the Request

The Board deliberated on the application, and it was noted that the addition on the home was under the thirty-five feet (35') height limit. Member Dombrowski stated that he believes there was an honest mistake by the petitioner and that it would be a hardship if the variations were denied and the addition had to be removed and rebuilt.

Member Berni asked how the addition caused the problem. Mr. Ryniewicz said that during construction it was discovered the roof had to be rebuilt, and when that occurred, the homeowner asked that the roof be raised higher since it was going to be rebuilt anyways.

There was a discussion regarding inspections by the Village during construction. Ms. Scheiner noted that inspections done by the Village's consultant are for the purpose of identifying compliance with the building code, not the Village's zoning regulations. Ms. Scheiner noted that the inspector requested the approved drawings when he was on site and the drawings showing the increased building height were represented as the approved drawings to the inspector, but they had not been submitted to the Village for review and were not approved. Ms. Scheiner noted it is the homeowner's responsibility to keep Village-approved permit drawings onsite for use by the inspectors.

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that the variations requested in the application be approved.

Ayes: Members Dombrowski, Berni, O'Brien, Schubkegel, Smetana and Lucchesi  
Nays: Chairman Martin (finding that Standards 1, 4 and 8 were not met)

Motion passed.

**V. ADJOURNMENT**

A MOTION was made by Member Schubkegel and SECONDED by Member Berni to adjourn the meeting 10:07 p.m.

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

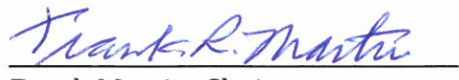
Motion passed.



Respectfully Submitted:



Clifford Radatz, Secretary



Frank Martin, Chairman  
Zoning Board of Appeals

11/14/2019  
Date