

**VILLAGE OF NORTH RIVERSIDE  
BOARD OF TRUSTEES MEETING MARCH 17, 2014  
COUNCIL ROOM 7:00 PM**

Mayor Hermanek called the meeting to order with a Pledge of Allegiance and a Roll Call. In attendance were Trustee Bianco, Trustee Czajka, Trustee Decosola, Trustee Demopoulos, Trustee Mengoni and Trustee Wilt.

Others in attendance were Attorney Hayes, Finance Director Scarpiniti, Police Chief Niemann, Fire Chief Basek, Public Works Director Kutt and interim Recreation Director Penny Devin.

**APPROVAL OF AGENDA**

Trustee Demopoulos moved seconded by Trustee Mengoni to approve the agenda for this meeting as presented. Roll Call Vote:

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wilt

NAYS: None. Motion carried

**BIDS**- None

**CASH RECEIPTS REPORT**

Trustee Wilt moved, seconded by Trustee Demopoulos to accept the Cash Receipt Report for the month of February, 2014 in the amount of \$1,453,934.20

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wilt

NAYS: None. Motion carried

**APPROVAL OF MINUTES**

Trustee Demopoulos moved, seconded by Trustee Wilt to approve the March 3, 2014 Village Board Meeting Minutes as presented. Roll Call Vote:

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wilt

NAYS: None. Motion carried

## REPORT OF TRUSTEES

### Trustee Bianco- (Streets, Alleys, Sidewalks & Refuse)

Trustee Bianco had no report but wanted to thank the Public Works Department once again for a job well done on the snow removal this winter.

### Trustee Czajka- ( Buildings, Public Grounds, Lights, Public Services & Transportation)- No report

### Trustee Decosola- ( Judiciary, Ordinances, Recreation)

Trustee Decosola read the following report from the Recreation Department:

St. Patrick's Senior Luncheon was held March 12<sup>th</sup> with 65 in attendance. A delicious corned beef lunch was served followed by entertainment by the Hauser Jr. High Chamber Choir directed by Laura Lynch.

Twenty four (24) people enjoyed a trip to the Backstage Bistro Culinary School at the Art Institute and the Chicago Cultural Museum and another 20 are going for a two-day trip to the Riverside Casino in Iowa.

Youth Basketball program has ended and we want to thank the 40 coaches that so willingly volunteered their time to help us. Their ability to teach, motivate and guide the young people in the program provided all the necessary ingredients for a successful program. Our 4 on 4 Basketball League came to a conclusion this past Sunday with 24 teams participating.

We are currently working on our summer book and hope to have it to residents the first week of May.

### Trustee Demopoulos( Water, Sewers, Drainage & Zoning)

Trustee Demopoulos filed the March 12, 2014 Brookfield-North Riverside Water Commission Meeting Minutes with the Clerk's office.

Trustee Demopoulos gave a brief summary on the January 30, 2014 Zoning Board of Appeals Meeting Minutes regarding the Scottish Home. (**Exhibit A**) After reviewing the ZBA minutes, Trustee Demopoulos made the following motion:

Trustee Demopoulos moved, seconded by Trustee Mengoni to concur with the Findings and Recommendations of the ZBA to amend Section 12.07.E.4 of the North Riverside Zoning Ordinance to change the time limitation for granted variances from 6-months to 12-months and to have the proper ordinance to be prepared for the next Village Board Meeting. Roll Call Vote:

**REPORT OF TRUSTEES (continued)**

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wllt  
NAYS: None. Motion carried

Trustee Demopoulos also gave a brief summary of the February 27, 2014 Zoning Board of Appeals Meeting Minutes regarding the Riverside Country Club. **(Exhibit B)** After reviewing the minutes, Trustee Demopoulos made the following motion:

Trustee Demopoulos moved, seconded by Trustee Bianco to concur with the Findings and Recommendations of the ZBA to grant variances from Section 5.08.C, 5.08.D, 5.08.E and 6.02.B of the North Riverside Zoning Ordinance to allow an accessory structure and tennis courts in a front yard and to Section 15.20.030 for the North Riverside Municipal Code to allow a 12' fence around the tennis courts and for the proper ordinance to be prepared for the Village Board Meeting.

Trustee Mengoni- ( Police, Fire & License)

Trustee Mengoni submitted the Fire and EMS calls for the month of February 2014 as follows:

Fire.....83	YTD....202
EMS.....94	YTD....204
Inspections...101	YTD....178
Compliances....54	YTD....106

Due to the amount of snowfall, fire department personnel shoveled out fire hydrants in case they needed to gain access to a water source.

The Fire Department was denied for the Office of the of the Illinois State Fire Marshall Small Tool grant. Reason being our request was considered a Tier 2 request and Tier 1 requests exceeded the funds that were appropriated of Grant Disbursements. An Appeal Letter has been sent to the Illinois State Fire Marshal for reconsideration.

Blood Pressure Screenings were provided for the seniors at the North Riverside Village Commons the first Wednesday of the month from 9-11 am. Blood Pressure Screenings were also provided Monday- Friday 1-5 pm at the fire station.

Trustee Mengoni also mentioned that Police Chief Niemann and Attorney Hayes have been working on a revision of our Emergency Mutual Aid – Major Case Assistance Law Enforcement Team agreement easier known as MCAT. The Village along with 11 other communities established this agreement years ago to assist one another in a disaster/civil disorder. Due to the changes in Mayors and Presidents of a number of participants, it was felt that a revised agreement be passed by each community. Later in the meeting we will address the resolution covering this matter.

## **REPORT OF TRUSTEES (continued)**

### **Trustee Wilt ( Finance, Health & Appropriations)-**

Trustee Wilt called for a Finance Committee Meeting on Monday, March 24, 2014 at 6:00 pm. The agenda will include current year financial report and police and fire pension contributions.

## **MAYORAL REPORT**

Mayor Hermanek announced the grand opening for Chic-fil-A will be March 27<sup>th</sup> at 6:00 am.

Mayor Hermanek presented Police Officers Christopher Devine and Officer Kyle Pinelli with awards from the Illinois Department of Transportation.

Clerk Ranieri swore in Joseph Coia as a Probationary Police Officer.

## **CORRESPONDENCE**

Couples for Christ submitted a request to use the Commons Park on April 20<sup>th</sup> from 1pm-4pm for their Easter Egg Hunt.

A request from The American Legions to solicit funds on the corners of 1<sup>st</sup> Avenue and Cermak Road on May 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup>.

Sherri Belmonte sent a thank you letter to the Mayor stating how grateful her and her family was for the quick response from the police and fire department and how they saved her grandfather's life.

Riverside Police Chief Thomas Weitzel sent two letters to Chief Niemann. The first was thanking North Riverside Police Officers for their assistance at Riverside Brookfield High School during a soft lock down and possible shooting. The second letter was in regards to a full still alarm fire in which Police Officer Devine ran into a burning building to alert the residents in the building

Trustee Mengoni moved, to grant permission to the above request, Motion carried unanimously.

**APPROVAL OF BILLS**

A motion was made by Trustee Wilt, seconded by Trustee Demopoulos to approve the list of bills submitted for this meeting totaling \$261,417.46 and to have them paid out of proper funds when such funds become available. Roll Call Vote:

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wilt  
NAYS: None. Motion carried

**ORDINANCES AND RESOLUTIONS**

Trustee Mengoni moved, seconded by Trustee Wilt to approve a Resolution Authorizing the Execution of a Revised Emergency Mutual Aide Agreement. **(14-R-02)** Roll Call Vote:

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wilt  
NAYS: None. Motion Carried

**UNFINISHED BUSINESS-** None

**NEW BUSINESS**

Mayor Hermanek thanked interim Recreation Director Penny Devin for reorganizing and modernizing the Recreation Department within the past six months. Mayor Hermanek also announced that after a thorough search, Teresa Michalik will be appointed as the new director.

Trustee Decosola moved, seconded by Trustee Mengoni to hire Teresa Michalik as Recreation Director effective April 1, 2014. Roll Call Vote:

AYES: Trustees Bianco, Czajka, Decosola, Demopoulos, Mengoni, Wilt  
NAYS: None. Motion carried

**AUDIENCE-** None

**ADJOURNMENT**

Trustee Bianco moved, seconded by Trustee Mengoni for adjournment at 7:30 pm. Motion carried unanimously.

Respectively Submitted,

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VILLAGE CLERK



**ZONING BOARD OF APPEALS  
VILLAGE OF NORTH RIVERSIDE  
2401 South Desplaines Avenue  
North Riverside, IL 60546**

March 3, 2014

**FINDINGS AND RECOMMENDATIONS**

Mayor Hermanek and Board of Trustees  
Village of North Riverside, Illinois

Re: Zoning Ordinance Amendment

Mayor/Board:

The Zoning Board of Appeals ("ZBA") sitting as the Zoning Commission (ZC), of the Village of North Riverside hereby provide their findings and recommendations relative to an amendment to Section 12.07.E.4 of the North Riverside Zoning Ordinance to increase the time limit for terminating a granted variance. Relative hereto, please note the following:

**A. Application and Procedural History**

The Village of North Riverside, acting as Applicant, seeks an amendment to Section 12.07.E.4 of the North Riverside Zoning Ordinance, to increase the time limit to allow variances granted to petitioners twelve (12) months to make application for a building permit or obtain an occupancy certificate. In addition, the amended language will allow the board of trustees to grant an extension of time not to exceeding twelve (12) months without further notice or hearing.

Per Section 12.10 "Amendments" of the North Riverside Zoning Ordinance, an amendment shall be granted or denied by the Board of Trustees only after a public hearing before the Zoning Board of Appeals sitting as a Zoning Commission and a written report and a statement of its reasons for its findings and recommendations has thereafter been submitted to the Board of Trustees.

On January 30, 2014 a public hearing was held before the ZC pursuant to notice regarding amending the time limit. The Applicant was given the opportunity to speak at the hearing, with no audience present to speak. After hearing pertinent testimony to the amendment, the ZC made a motion to grant the amendment to Section 12.07.E.4 of the North Riverside Zoning Ordinance.

**B. Notice**

Notice of the January 30, 2014 hearing was published in the Landmark Newspaper.

**C. Members Present**

Members of the ZBA who were present at the January 30, 2014 public hearing: 4

**D. Description of Adjoining Properties**

Does not apply to subject of public hearing.

## **F. Description of Public Hearing**

The ZC conducted the hearing, which began on January 30, 2014 at approximately 7:10 p.m. in the Village Commons at 2401 S. Desplains Avenue, North Riverside, Illinois. The following individuals presented testimony on behalf of Applicant:

- . Karyn Byrne, Code Enforcement Officer

No audience present to give testimony.

## **H. Summary of Applicant's Evidence**

Applicant researched several municipalities, confirming the majority invalidates a variation after one year from the date it is granted, unless a building permit is obtained within that period and maintained in effect until the erection or alteration is complete. Applicant feels that the current six (6) month time limit creates a hardship to petitioners and is not reasonable for large developments that may be seeking a variance or have received a variance within the past twelve (12) months.

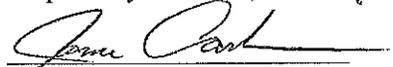
## **I. Staff Comments**

Staff recommends the Zoning Board of Appeals, sitting as the Zoning Commission review the draft ordinance for passage and recommendation to the Board of Trustees. Staff further recommends that the findings and recommendations to the Board include language to allow variances granted to all petitioners over the past 12 months that have not yet commenced and/or are completed be included in the amended time limit.

## **J. Findings and Recommendation**

The ZC unanimously recommend an amendment to Section 12.07.E.4 of the North Riverside Zoning Ordinance, to change the time limitation for a granted variance from six month to 12 months and for extensions to be granted without further notice or hearing. The ZC unanimously recommend to grant the request for the amendment and to extend the amended time limit to variances that have been granted over the past twelve (12) months.

Respectfully submitted,



James Cashin, Chairman

North Riverside Zoning Board of Appeals

exhibit B

**ZONING BOARD OF APPEALS  
VILLAGE OF NORTH RIVERSIDE  
2401 South Desplaines Avenue  
North Riverside, IL 60546**

March 10, 2014

**FINDINGS AND RECOMMENDATIONS**

Mayor Hermanek and Board of Trustees  
Village of North Riverside, Illinois

Re: Riverside Golf Club Variance

Mayor/Board:

The Zoning Board of Appeals ("ZBA") of the Village of North Riverside hereby provide their findings and recommendations relative to an amendment to Section 12.07.E.4 of the North Riverside Zoning Ordinance to increase the time limit for terminating a granted variance. Relative hereto, please note the following:

**A. Application and Procedural History**

On or about January 21, 2014, the Applicant filed an Application for a Variation or Amendment ("Application") with the Village. In the Application, the Applicant seeks a variation from Sections 5.08.C, 5.08.D, 5.08.E and 6.02.B.5 of the Village's Zoning Code and Section 15.20.030 of the North Riverside Municipal Code to allow an accessory structure and two side-by-side tennis courts and a 12 foot fence to be constructed in the front yard, said lot being located in an R-1 Single-Family Detached District.

On February 27, 2014, a public hearing was held before the ZBA pursuant to notice regarding the requested variance. The Applicant as well as residents were given the opportunity to speak at the hearing. After the hearing, the ZBA made a motion to grant the variances to Section 5.08.C, 5.08.D, 5.08.E and 6.02.B.5 of the North Riverside Zoning Ordinance to allow an accessory structure to be located in a front yard and within 150' of an exterior boundary line, and to allow tennis courts in a front yard. A variance was also granted to Section 15.20.030 of the North Riverside Municipal Code to allow a twelve foot (12") fence to be erected around the tennis courts. The applicant was to follow all conditions and requirements listed in Karyn Byrne's memorandum, dated February 27, 2014. The motion was seconded and approved unanimously by the ZBA.

**B. Notice**

Notice of the February 27, 2014 hearing was published in the Landmark Newspaper.

**C. Members Present**

Members of the ZBA who were present at the May 9, 2013 public hearing: 7

**D. Description of the Property**

The subject property was established and has operated as a golf course since 1893, and prior to the development of single-family residential homes that adjoin the north and south side. The subject property is located on 125 acres of predominantly green space, with the proposed development to be located in the northwest corner of the southern area of the entire parcel. The exterior boundary is adjacent to Desplaines Avenue, a four-lane street, with an 18-foot buffer and landscaping proposed along the north property line to screen the tennis courts and accessory structure from the single-family properties along the south side of Country Club Lane.

**E. Description of Adjoining Properties**

North:	R1 – Single-Family Detached
South:	R1 – Single-Family Detached R2 – General Residence B3 – Service Business
East:	R2 – General Residence B2 – General Business
West:	R1 – Single-Family Detached B1 – Retail Business

**F. Description of Public Hearing**

The ZBA the hearing, which began on February 27, 2014 at approximately 7:00 p.m. in the Village Commons at 2401 S. Desplaines Avenue, North Riverside, Illinois. Applicant was represented by Kevin Pack. The following individuals presented testimony on behalf of Applicant:

- Mr. Kevin Pack, General Manage, Riverside Golf Club;
- Mr. Don Leone, Architect, ;

Residents Wendy Winkler, Mike Winkler, and Linda Kintner were presented at the hearing and gave testimony. Karyn Byrne, the Village’s Code Enforcement Officer, also gave testimony.

**G. Summary of Applicant’s Evidence**

*Kevin Pack* - Testified as follows: We are looking to put in some tennis courts on the northwest side of our current facility. One of biggest things we have noticed over the past five years since 2008, our membership is down quite a bit and the surrounding golf country clubs that are around us all carry tennis courts. Our membership is down, it is the lowest it has been since 1988 with our regular golf members. We are looking to do, is obviously one of the reasons that most of the members do not join us is for the fact that other clubs do offer tennis. We think this will help us in gaining more members by offering the tennis courts and having more member retention. I also brought with me today to show the Zoning Board and anyone else these are the five years I have in my hand of our financial statements. Basically, in the past five years the Riverside Golf Club just because we are a golf club doesn’t mean we have a boat load of money. Every year we have lost money. Between will \$140,000 to \$250,000 a year. That turn around is assessed to our membership and they have to pay for that operating assessment. We think that building the tennis courts and getting more membership will ultimately relieve this burden for the golf club. If you have any questions I would also like to bring up Don Leone, who is our architect to explain any of the technical portions for the tennis courts.

*Don Leone* - Testified as follows: Basically, we looked at the club and the areas where we could put the tennis courts. Everything west of the area is a flood zone, floodplain, and west of the Des Plaines, which leaves us with this area here. We can't build on the floodplain according to the FEMA regulations that the Village has adopted in the zoning code. So we look at the remaining area of the club, which is this portion that is to the east side of the river. We have the clubhouse that is set closer to the river. The clubhouse, bathhouse and the pool. We have the parking lots which were moved approximately 10 years ago. The configuration of that was changed. The other area to the south of the access drive is the driving range, the 18<sup>th</sup> hole, the first tee and the practice range, teaching areas and the maintenance buildings and the service drive. We really don't have any area there that is usable for the tennis area, so we have one section where we've shown it there at the northeast corner. It fits in the corner, we've put a set back off Desplaines Avenue of 32.5 feet, where the front yard set back is required at 20 feet; and, we put a set back on the north side of the property of 18 feet where the typical side yard set back is set at 10 feet. We know it is in the front yard and that is the purpose for asking for the variance. We feel that in keeping with the overall use of the property and what the club has available and within the parameters of being acceptable to the neighborhood and within the same use or primarily within the same use as recreation within the golf club use that is currently in place. Along each side of the court, against both the residential area and Desplaines, we proposed to put a landscape buffer. Without any formal civil engineering done at this point, the intent at this point is to keep the court down as low as possible, depending on the grade, with a swale and drainage around it for the runoff into one current catchbasin there and other catchbasins and direct into the storm runoff sewers. That would be done under a permit from the Metropolitan Water Reclamation District. This area has already been permitted last time the work was done at the parking area. In general, we feel it is in keeping with the use and would be an allowed variance here.

#### **H. Public Comments/Objections**

**WENDY WINKLER:** I'm here on behalf of Teresa McCormick who is the block captain for our block. She was unable to make it. Some of the concerns she brought up were addressed, such as the no lighting. One thing that came up when this gentlemen, Don, was talking this would be set down under the ground for drainage.

**KEVIN PACK:** Yes it is already set down, but as far as the grading goes, once we get the soil samples, it will go down lower.

**WENDY WINKLER:** Okay, so it will go lower and the height of the fence is 12? Okay so as it is, it is not 12 feet from ground level? It is probably nine feet or eight feet, then?

**KEVIN PACK:** Depending on engineering grading.

**WENDY WINKLER:** From what would be the houses on Country Club Lane? The houses that are affected, the three that backup to are not going to be the only ones that will be effected as far as balls coming into their yards. I am approximately, I think we are at the 9<sup>th</sup> hole and we get golf balls and they built a berm, which helps some, but we still get golf balls. That is just part of where we are living. I have a feeling tennis balls will be more prevalent in that case, especially if they are set down, they can go over a fence, because the fence will be down low. The next issue would be sound. Between Theresa house, which is my neighbor, there are echos. It echos just the way our block is set up sounds echo in that area. I can just imagine the sound of balls between two courts going back and forth during this time, especially being they are creating an alleyway between the houses that exist or the garages that exist and the tennis courts that will be there. So sound will just bounce right back and forth and will just be echoed. So that is a major issue of people who are living on the street. We do have a lot of elderly people on our street, some who are housebound who can't come here and voice their concerns. But there are other concerns and before you bring this to a vote, I don't know if it is possible to put something out to those people on the other homes that they could bring their concerns to you because I know that they weren't able to get out.

**CHAIRMAN CASHIN:** What do you mean take to their homes? What do you mean?

**WENDY WINKLER:** Well I received a letter and that's probably because I use to be the block captain that this was happening. I contacted Linda and several other people and they did not know this was coming up. They didn't see it, they didn't catch it in the Life newspaper and it greatly affects the people on our block and the value of their home. I just don't think that some of the people on the block are aware of everything that would be affected by this proposal. If there's a way that you can bring this to their attention those that are homebound, I think that would be useful.

**CHAIRMAN CASHIN:** Okay.

**KARYN BYRNE:** Everyone on Country Club Lane was sent a notice about the meeting. They may not have received it, but everyone on Country Club was sent letters from our office.

**WENDY WINKLER:** Therese McCormick who is now the current block captain did not receive one and she is my next door neighbor. I do believe or understand that the mail may have been bad at the time, but I think other people need to be brought up to this and there are other things in my opinion could have probably been included.

**CHAIRMAN CASHIN:** As far as your question on the fence so the fence is still 12 feet from the courts

**KEVIN PACK:** 12 feet from the courts.

**CHAIRMAN CASHIN:** But the land behind them might be a little higher.

**KEVIN PACK:** Right, so it is still 12 feet from the court.

**CHAIRMAN CASHIN:** All the way around?

**KEVIN PACK:** Right.

**CHAIRMAN CASHIN:** Your name:

**LINDA KINTNER:** Linda Kintner

**CHAIRMAN CASHIN:** Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

**LINDA KINTNER:** Yes.

**CHAIRMAN CASHIN:** Sign in please.

**LINDA KINTNER:** Okay I am the 4<sup>th</sup> property from Desplaines. I'm not really going to be impacted by this but my neighbor will. They are both elderly people and they love to sit out there back window and look out there back window and all they see is room. Now when they look out their back window they are going to see a net. Am I right?

**KEVIN PACK:** Yes, they will. Obviously we are going to put shrubbery in front of all that.

**LINDA KINTNER:** Okay. Another issue that is happening is the fence that separates our property from the course is your fence. Am I right?

**KEVIN PACK:** Right.

**LINDA KINTNER:** My section of the fence behind my garage and down the line is starting to collapse and how is that going to be addressed.

**KEVIN PACK:** Right. That will be addressed and is already being talked about by the Board of Directors. Currently, there is nothing we can do with the fence right now with the weather is.

**LINDA KINTNER:** Okay, but if you're going to be doing all this landscaping you are going to be disrupting it.

**KEVIN PACK:** Disrupting?

**LINDA KINTNER:** Right now the fence is falling in toward the golf course. There is nothing left there.

**KEVIN PACK:** Right, but the fence isn't even near the tennis courts.

**LINDA KINTNER:** I understand that, but if you are going to be putting in trees and shrubbery you are going to be disrupting the land, the ground that is there. Am I right?

**KEVIN PACK:** Right. The shrubbery and stuff isn't even near the fence.

**LINDA KINTNER:** So here's another proposal. Why can't we strengthen that fence that is falling over?

**KEVIN PACK:** I think that is a completely different topic, as to what we are talking about the tennis courts and that is not necessarily anything to do with the fence.

**LINDA KINTNER:** I guess since you are doing all this digging you might as well

**KEVIN PACK:** Like I said the Board of Directors. I have presented, the superintendent has presented to the Board of Directors that that fence has been around for awhile and is starting to come down. The reason it was put up was because of the parking lot.

**LINDA KINTNER:** About the parking lot and none of that was even addressed. About getting it painted because it looks like crap. I'm sorry I know that. I was here for the parking lot ordeal. That was a done deal. There was nothing the residents could say or do anything about. It was going to happen regardless. So, I know this is going to happen regardless, I'm just about my neighbor who is going to be looking at a 12 foot fence. There is nothing we can do about it. I believe it is going to go through. I hope it increases your membership, but I just can't believe there is no other place to put this.

**KEVIN PACK:** Well, there isn't. Obviously, we did the driving range, the other side of the river is a floodplain. When we purchased the property over Number 5,6,7,8 and 9 by the library from the Forest Preserve there was an agreement that we cannot build anything over there except for golf course. There is nothing else that can go over there, so this is actually the only place for us to put it.

**LINDA KINTNER:** As long as it is maintained, I guess, there is nothing we can do about it.

**KEVIN PACK:** And with your concern about the fence, and I understand it is not what we are talking about today, it has been brought up to the Board of Directors. Jim Hubert, who is one of our Board Directors and our one of the house directors, we have brought up to the Board of Directors because of the storms we have recently had, I mean obviously there is a section of fence missing, but currently there is not a whole lot we can do. Obviously, with the ground being completely frozen we cannot put in new posts or anything.

**LINDA KINTNER:** Maybe this will have the area taken care of a little better, because there are times that the landscapers don't seem to hit that corner or hit behind our houses to clean up from the leaves and it will sit there for weeks and weeks and weeks and it looks like crap. So maybe by doing this they might pay more attention and clean up the whole area. I see how meticulous the other grounds are, but when you come to the residences on the south side, none of that is taken care of. It looks bad come fall because it is all nothing but dead leaves out there. So that's it. Good luck, but maybe it will be better maintained.

**CHAIRMAN CASHIN:** Ms. Winkler go ahead. You are still under oath.

**WENDY WINKLER:** Is there any way that we can address that fence issue as far as aesthetics towards the community? That you can fix those fences as part of this because you are asking a lot of our neighbors and not just one small part either, this is for years to come. We are now opening a barn door to you. We are saying okay we allow this. What is to say that 10 or 15 years now they are not going to want nighttime tennis. Can we have a variance on nighttime tennis? That is my greatest fear.

**KEVIN PACK:** I think the variance says there will not be any lights put in there.

**CHAIRMAN CASHIN:** Yes, it is already in there.

**WENDY WINKLER:** There is also not supposed to be anything built here, either.

**KEVIN PACK:** That is why we are asking for the variance. It is not saying that we can't build it.

**WENDY WINKLER:** Right. So wouldn't that be the same thing of lights? You know to say further down the line, "you know what? For the safety of our members, or whatnot, why can't." I feel like we are opening a barn door that cannot be shut. So, if we are going to agree to this and can you not help out the people that are backing up to you that do experience parties. You have wonderful music. Great parties. We love the music. We do have our fair share. We have a beautiful block and we just want it to remain that way. So, I think as a concession from the country club is to include the property fences that are budding up to the property should be fixed as well, because many, these are peoples homes and property values right now have dropped. I think that putting a tennis court and making sound and noise and extra tennis balls in there yards, I think this is all things that these residents are going to have to endure for a time to come, if this goes through. It is not going anywhere for awhile and it cannot be undone. So I think the Board needs to take that into consideration that this is not just about the country club, and I do feel for your membership, because I love having you as a neighbor, but this is about the people who are in your community, who are living on the block making this their home, not their business.

**KEVIN PACK:** I understand that completely. Like I said, the fence is going to be addressed. That is a concern of ours but we are talking about the tennis courts. The fence is something we do have to fix as the club, which we know that we are going to take care of. As far as the fence goes,

**LINDA KINTNER:** I have been in my house 11 years and nothing has ever been done. Now if I were a resident that lived on the street with a fence that was ready to fall over, I have to fix it because of whatever issue the town might have.

**KARYN BYRNE:** Well so does the club under property maintenance codes.

**LINDA KINTNER:** For 11 years it has been like that.

**KARYN BYRNE:** But I don't know that, as I have never received a complaint about the fence. Under the property maintenance code so do they. They are under the same code residents are for maintaining their property. This is the first I'm hearing about the fence. So, they will have to fix it.

**LINDA KINTNER:** I'm saying, can this be part of

**KEVIN PACK:** This is the first I've heard anybody ask about the fence.

**LINDA KINTNER:** I'm saying this because as time has gone on, the rains and everything has washed the dirt away. If you look behind my house you can see the cements that the post is in and over time it just keeps washing away and washing away. What is happening is that it is now affecting the foundation of my garage. I don't know if this is because it is on the right of way, so is that Commonwealth Edison or AT&T problem because it is on the right of way? I don't know. My thought, okay we are doing all this digging

and putting in all this dirt, why not try to fix the section of that fence, maybe just adding another couple of cubic yards of dirt as a temporary fix until you guys can address it. I mean it is really bad.

**KEVIN PACK:** Now we are talking about going from the fence to grading. Now you are asking us to grade the entire area.

**LINDA KINTNER:** Because it drops down. I mean there is. How can I say it. If you look behind my house you can see that the fence is tilting towards your property.

**KEVIN PACK:** Right.

**LINDA KINTNER:** It was just a thought.

**KEVIN PACK:** I know. I understand. That is the whole point. This is the first time any neighbor has ever brought anything to my attention about the fence. We have brought it to the attention of our Board of Directors back in November because I don't know if you will remember recently a large tree went down over there just on the corner by the bathhouse. It almost hit a couple of cars and took out a quarter of the fence. Then we looked at the fence and saw that the fence was getting to be pretty bad and with the trees that have come down in the past two years.

**LINDA KINTNER:** The fence was addressed with the parking lot. The parking lot has been eight years? Nine? Been in my house 11 years. It is just a thought, I guess.

**KEVIN PACK:** No absolutely. We are going to take care of the fence. Obviously, it has been a brutal winter.

**LINDA KINTNER:** We love it that it is a dull color and not a bright shiny silver.

**KEVIN PACK:** Right. It has just been a brutal winter. Obviously you've seen we got our guys out there plowing the parking lot 90 % of the time. But absolutely, it is something that we planned as club to take care of. It is not just your concern, we've heard it more from our membership saying that it doesn't look right.

**LINDA KINTNER:** My husband said that maybe we should do it, but I was like but wait, why should we do it.

**CHAIRMAN CASHIN:** Do you have a comment?

**WENDY WINKLER:** I just think that it will work, but I'm feeling sorry my neighbor who is going to have to look out their back window and see this.

**KEVIN PACK:** I understand that it is nice when you do that, but from the other side of it we are trying

**CHAIRMAN CASHIN:** I feel that both of you brought up valid points and obviously they are going to address them. Your name?

**MIKE WINKLER:** Mike Winkler.

**CHAIRMAN CASHIN:** Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

**MIKE WINKLER:** I do. So, the question at hand right now is whether or not a tennis court can be built in the front yard of a residentially zoned area. That's really what the question is. If I wanted a hot tub in my front yard what would your answer be to me?

**CHAIRMAN CASHIN:** I don't know, you would have to come in.

**MIKE WINKLER:** Realistically, you don't have to consider it. You know. It's ridiculous. It's absolutely ridiculous.

**CHAIRMAN CASHIN:** I don't know, but go ahead.

**MIKE WINKLER:** So the position of the golf club, and I understand that times are hard and membership is low. But, you need to consider potentially the membership is low because the economy is bad and has been bad for quite some time. You're assessing your members for the cost that you are losing every year. Putting in a tennis court is not going to save them any money. It is going to cost them money. It is going to cost them assessments and will continue to cost them as is going to raise your cost for new members. So attracting new members is not going to be for tennis courts. Tennis is not the sport it was in the 70s. Billy Jean King and Bobby Riggs are not out there playing making their heyday. People aren't doing this the way they were in years past. So your proposition here to gain new members I don't think you are going to get what you think you can get out of it. And when you don't think you get out of it what you think you are going to get, what's next? Are we going to have a waterpark in the front yard? I don't know you're grasping at straws for members and I don't think it is going to serve you well.

**KEVIN PACK:** Well, the thing is you have Oak Park Country Club, Edgewood Valley, Butterfield, these clubs that are around that have tennis courts, they're at full membership. One of exiting polls when we ask members that are potentially looking at our golf club one of the biggest things is that we do not have tennis courts.

**MIKE WINKLER:** What are your costs compared to your competitors?

**KEVIN PACK:** A little bit lower and as far as saying the expenses to this. It is going to cost us about \$150,000 that we are getting from individual members that are willing to donate the money. The increase would be what we would call a sports membership, which would just above a social membership, which would include the pool and the tennis facilities. A regular golf membership it would be a yearly addition on the membership that finance would gain for use. say that we are grasping at straws you are absolutely right. When we are down to our lowest membership since 1988, yes, we are sitting there and looking at ways to bring in new members.

**MIKE WINKLER :** So it is interesting, I've been in this community for 47 years and I've never seen club try to recruit members. I've never received mail

**KEVIN PACK:** That is because it is illegal. We are a not-for-profit organization which cannot advertise.

**MIKE WINKLER:** Oh, that is interesting. That is sad.

**KEVIN PACK:** Exactly, we can't advertise.

**MIKE WINKLER:** Fair enough. Understood. So when this facility was built and the tennis courts were put and the playground was put in, it was done under zoning. We have tennis court in the back that is in disrepair and nobody uses it. Ever. I just don't see this being any different. It is going to go idle 90% of the time and it is going to be in the front yard and it is going to be an eye sore.

**KEVIN PACK:** You know what? Just based on the report from different organizations like the McMahon Group and the Club Managers Association of America, this is what is trending. I mean, the thing is, you look at Butterfield Country Club just spent \$280,000 putting in paddle boards and then spending another million dollar building just for a warming center. They are now at full membership and have increase their revenue in the winter months for it. Their tennis is used year round. Oak Park Country Club, their tennis is used in season. Oak Park Country Club they have specific tennis members, and that is what we are look to attract. We are just looking to compete and put our hat in the ring with the other clubs that are in the area.

**MIKE WINKLER:** Was it considered, ever, to relocate the driving range?

**KEVIN PACK:** No, because of expense. You are talking about 2 million dollars and I just explained and if you would like to see, I would be happy to sit there and give you a copy of our financial statements, of how we lose money. The club cannot sit there and absorb another 2 million dollars. We will go under.

**MIKE WINKLER:** I understand your position and it would be very sad for me if that were to happen. I do appreciate the club as a neighbor, I'm just very concerned about the aesthetics and noise that my neighbors are going to have to endure as result of a tennis court. And their property values. Realistically, specifically, those three neighbors their property values go down.

**KEVIN PACK:** I don't know, I'm not a real estate guy. One of our members

**MIKE WINKLER:** My wife and I are both realtors so I can tell you, yes they will go down.

**KEVIN PACK:** Number 2 on that board is one of our oldest members.

**MIKE WINKLER:** Yep, I like Danny, he is a great guy.

**KEVIN PACK:** And he is open to it and he understands the demographics of what the club is going through. Obviously, because is one paying the assessments when we lose money.

**MIKE WINKLER:** Right.

**KEVIN PACK:** I understand that it is not as pretty as what you look out at right now with the pine trees and snow. But, you know we are looking to sit here and help our club. The club that has been here since 1893, which we are the oldest private club in the entire Chicagoland area on its original ground. The only one older than us is the Chicago Club and they moved. The way we have seen what is trending over the past 5 years since 2008, we need to start thinking outside the box. This was the largest, the biggest thing we have noticed because since you live next door you have noticed we improved our pool Put in a nicer baby pool. We gained some more social members, which was huge for us. The golf membership has not increase, it has actually gone down. So once again, the biggest thing we hear on an exiting from the potential members that come in is "Oak Park has tennis." Butterfield has tennis. Edgewood has tennis. And that is the number one thing we hear from people that don't join our club is that we don't have tennis.

**MIKE WINKLER:** It is not finance?

**KEVIN PACK:** No it is not finance. Because you look at all the other clubs, we are still the lowest dues among those clubs. We did do a dues increase this year, but the thing is we are starting to creep up to where we are catching up to them in dues, but we don't have any more to offer. When you start doing that then the next thing is cutting services and then what are you going to do then? Then members will leave.

**CHAIRMAN CASHIN:** Ms. Winkler one more comment?

**WENDY WINKLER:** Yes. So what I am hearing from you is the bottom line is about money and getting members into a club. You are comparing yourself to these other clubs who are probably recruiting members as well?

**KEVIN PACK:** It is illegal to recruit. We are all non-for-profit organizations.

**WENDY WINKLER:** So, you are all vying for the same small group, especially in this small economy, I understand that and you mentioned there are probably \$150,000-\$200,000 in costs. You are looking at one, two, three, maybe a million dollars worth of home values that you are willing to drop for that \$150,000. Those people

**KEVIN PACK:** I'm talking that is what it's going to cost us to build the court, not what we are going to make.

**WENDY WINKLER:** I understand that. So in exchange for these one, two, three possibly four, five six with sound and I don't know how many and across the way values of their homes. I think that is a major issue for the people on this block. Nobody wants the tennis court right in their back yard. Now, you talked about grading. There is an existing grade right now. Existing. Maybe 2', 3' lower right now? So then add another 3' that is 5'. It's a 12' foot fence, so now the fence is technically lower.

**KEVIN PACK:** But the court is the same. The fence is the same 12' above the court.

**WENDY WINKLER:** The court goes down with the fence. Correct? So the fence is now five feet lower.

**KEVIN PACK:** No, it is 12' no matter what above the court.

**WENDY WINKLER:** Right, but from our end.

**KARYN BYRNE:** You are saying that if you are higher up, it is only going to be seven feet (7') because your grade is higher.

**WENDY WINKLER:** Exactly.

**KARYN BYRNE:** So, because their grade is higher, that if you put the court down here and measure 12', it may only be seven feet (7') and that is why she is thinking the balls will go over the fence.

**KEVIN PACK:** No the fence is still 12' no matter what from the bottom of the courts.

**PAT FERRITER:** You will only see seven feet (7') of fence, but there will still be 12' of fence.

**CHAIRMAN CASHIN:** Put bushes in front of it and you won't see the fence.

**WENDY WINKLER:** But there will still be neighbors looking at a fence.

**DON LEONE:** Over here is the elevation at five foot. Here is the property line and the adjacent property. Here is a rear structure on the rear property line. There are a couple garages on Lots 3 and 4 that are nominally 12' high off the grade. The existing grade on the golf course property from the property line to the access road goes down like this. To build the courts we need a level area with a slope for drainage. The intent is to take that down as far as we can and to have drainage, a swale all around the court to new catchbasins and that would be a drainage swale here and there and that would keep the court down as low as we can. We have to excavate anyway, because the tennis court has to be built up from flooding. We have to take it down to clay and then build it back and engineer it back. We will try to keep it down as much as possible. The way the ground is graded now since 2004 it has a big depression there. We want to keep it down because we have to account for drainage around it and keep the drainage around it on the property and direct the water into the stormwater sewer. Yes, the fence, as a tennis court fence, still has to be nominally 12' above the court to catch the balls. We don't want the balls going into the adjacent neighbors' property. The other thing that we are trying to do, along Desplaines and the residential area, which is a rear yard there, a tennis court would be allowed anyway as an allowed use. The size of the golf course we could make an argument and say it is a rear yard, but that is where the clubhouse is now. It counts as a front yard. The point is we would still look to be putting a heavy landscape screen between the property and the court that will have a mixture of plant types and tree types that will provide both summer and winter visual screening. We would look to do that both on Desplaines and along the residential area. To put the court there, yes there are a number of existing trees that have to come down, but we would be looking to replace anything that comes down with continuous screening, with arborvitae and evergreen

**KEVIN PACK:** Primarily, just so you know, those trees that you see up in the northwest corner are ash trees. They are coming down. Someone said earlier that they saw paint on there, that is because we had an architect come out and Chris Botel from the Morton Arboretum who is an arborist. Basically, we had an entire tree plan done for our entire golf course because of the fact that we have 270 ash trees on our golf

course and with having forest preserve on each side of the golf course, it is just eminent that ash bore was going to set in. We had a lot of our trees treated with a triage treatment that has helped to keep them alive and is going to keep them alive for a little while, but up there in that area they are coming out.

**WENDY WINKLER:** Well thank you. I see you have gone through to make a plan of this. I think the underlying theme to this is that the people who have their properties there, their property values will drop. In today's market, they have dropped already. I don't think it is fair to the people who live in those homes and it is a small minority of the block, but they are still our neighbors and they are still our friends and family members. I think that the issues here are not just about a tennis court. Like I said, I think we are opening up a barn door for many more, much more. I think that by approving this variance I think you are going to be hurting the people that live on Country Club Lane.

#### **I. Findings and Recommendation**

The ZBA unanimously recommend that Applicant be granted variances from Section 5.08.C, 5.08.D, 5.08.E and 6.02.B.5 of the North Riverside Zoning Ordinance to allow an accessory structure to be located in a front yard and within 150' of an exterior boundary line, and to allow tennis courts in a front yard, and to Section 15.20.030 of the North Riverside Municipal Code to allow a twelve foot (12") fence to be erected around the tennis courts of the Zoning Code. In making this recommendation, the ZBA considered all the evidence and testimony presented to them at the hearing and, pursuant to Section 12.07(E)(1) of the Zoning Code, determine that:

1. The Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located;
2. The plight of the Applicant is due to unique circumstances; and,
3. The proposed variations will not alter the essential character of the locality.

The ZBA and PC further find pursuant to Section 12.07(E)(2) of the Zoning Code that the evidence presented at the hearing established that the following facts are favorable to Applicant:

1. The particular physical surroundings, shape, and topographical conditions of the Property would bring a particular hardship upon the Applicant as distinguished from a mere inconvenience if the strict letter of the Code were to be carried out here;
2. The conditions upon which the petition for the variations was based would not be applicable generally to the other property within the same zoning classification;
3. The granting of the variances will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the Property is located; and,
4. The proposed variances 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.

Pursuant to Section 12.07(E)(3) of the Zoning Code, the ZBA and PC suggest the following conditions and restrictions be placed upon the Property, in order to reduce or minimize any injurious effects that the proposed variances may have:

1. The applicant shall develop the site in substantial conformance with the plans submitted as part of this petition.
2. The applicant shall receive building permits for the proposed development.

3. Applicant will maintain all trees and shrubs planted pursuant to the Landscape Plan in accordance with the Landscape Plan. At a minimum, applicant will remove all dead trees and shrubs and replace them with plantings of same species and height required by the Landscape Plan within a reasonable time.
4. Applicant will restore all existing landscaping affected by construction of the proposed additional structures within a reasonable time.
5. All construction activities on the proposed additional structure will satisfy all applicable laws and ordinances of the Village of North Riverside.
6. No additional exterior lighting, other than what is currently present and approved on the exterior premises, may be installed in the area of the proposed development.
7. The fence and mesh screening enclosing the tennis courts must be maintained in good repair and in a clean, safe and sanitary condition.
8. The tennis courts must be locked and secured at sundown each night; and during off-season.
9. Applicant will ensure that such proposed use, both during and after hours, will not be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

In addition, the ZBA and PC unanimously find, pursuant to Section 12.11(D) of the Zoning Code, that the applicant established by a preponderance of the evidence that:

1. The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
2. The proposed use will not, under the circumstances of the particular case and subject to the conditions set forth below, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property values of improvements in the vicinity; and,
3. The proposed use will comply with the regulations and conditions specified.

Therefore, the ZBA unanimously recommend that the request for a variance to Applicant to build two side-by-side tennis courts, an accessory structure and a twelve foot (12') fence on the Property be granted.

Respectfully submitted,



James Cashin, Chairman  
North Riverside Zoning Board of Appeals