

CITY OF PALOS HEIGHTS



ZONING BOARD OF APPEALS

Public Hearing Minutes

February 3, 2020

Call to Order

The public hearing held by the Zoning Board of Appeals was called to order by Chairman Tom Stuchly on February 3, 2020 at 6:30pm.

Roll Call

The following board members were present: Chairman Thomas Stuchly, Mark Foster, Jim Hughes, Jerry Keller, John Hanley and Shannon Harvey. Also present were Community Development Coordinator Ken Busse, Recording Secretary Liz Gutierrez, the petitioners and members of the community. Chairman Stuchly swore all members in.

Approval of Minutes

Commissioner Foster moved to approve the minutes from the October 7, 2019 meeting as presented. All in favor and motion carried.

DOCKET 2020-01: a petition filed by Brian Dempsey to allow the construction of a new covered porch to extend 6 feet into the 30-foot Front Yard of the property located at 11943 S 71st Ave (PIN 24-30-102-004).

Chairman Stuchly asked the petitioner to come forward and state their reason for the request. Brian Dempsey stepped forward and stated they would like to construct a covered porch on the front of the house. His 82 year old mother-in-law lives at this address and they are trying to make it safer for her as there is only a slab of concrete currently there. He shared a picture with the board on what it will look like. Commissioner Hanley asked if there was a slab there currently or just rock. Mr. Dempsey stated it was currently a slab but would need to be replaced as it is unsafe for his mother-in-law to walk out the front door.

Motion

Commissioner Foster moved to recommend approval of Docket 2020-01: to allow for the construction of a new covered porch to extend 6 feet into the 30-foot Front Yard of the property located at 11943 S 71st Ave, seconded by Commissioner Hughes.

On a roll call, the vote was:

Ayes: 6 - Stuchly, Foster, Hanley, Harvey, Hughes, Keller

Nays: 0

There being a 6-0 vote, motion carried.

Ken Busse, Community Development Coordinator, informed Mr. Dempsey that he should plan on attending the next Planning and Zoning Committee meeting on February 25, 2020, followed by the City Council meeting on March 3, 2020.

Findings of Fact for Docket 2020-01

- Commissioner Foster stated that it will be a nice addition for the house as well as the whole neighborhood and the safety factors that were cited by the petitioner are reasonable and it is a minor variance for what is needed.
- Commissioner Hughes echoed Commissioner Foster's statement and thinks it's a win-win for owner and city
- Commissioner Keller agrees with both statements.
- Commissioner Hanley believes it will be a great addition to the home.
- Commissioner Harvey agrees with all of the above
- Chairman Stuchly believes it will be a great addition to the house

DOCKET 2020-02: a petition filed by Patrick & Sara Cummings to allow the construction of a new covered porch to extend 2.2 feet into the 30-foot Front Yard of the property located at 12201 S 71st Ave (PIN 24-30-127-001)

Chairman Stuchly asked the petitioner to come forward and state their reason for the request. Patrick Cummings stepped forward and stated that his wife Sara Cummings, grew up in Palos Heights, that their family has been here for many years and they had the opportunity to buy her grandmother's house keep it in the family. They have been doing a complete gut remodel and part of that remodel is to add a front porch. It would add esthetic value to the home as well as be useable. They are requesting the variance because the front porch extends 2.2 feet beyond the setback line and into the front yard. Mr. Cummings stated that there would be no changes to the foundation of the residence. To construct a front porch without the variance they would have to tear down the entire house to move the house 2.2 feet back, which would cost approximately \$250,000-300,000. Commissioner Hughes asked if they had talked to their neighbors about this issue. Mr. Cummings stated that they have, and their immediate neighbors have no issues.

Motion

Commissioner Foster moved to recommend approval for Docket 2020-02: to allow the construction of a new covered porch to extend 2.2 feet into the 30-foot Front Yard of the property located at 12201 S 71st Ave, seconded by Commissioner Hughes.

On a roll call, the vote was:

Ayes: 6 - Stuchly, Foster, Hanley, Harvey, Hughes, Keller

Nays: 0

There being a 6-0 vote, motion carried

Ken Busse, Community Development Coordinator, informed Mr. Cummings that he should plan on attending the next Planning and Zoning Committee meeting on Tuesday, February 25, 2020 and the City Council meeting on Tuesday, March 3, 2020.

Findings of Fact for Docket 2020-02

- Commissioner Foster stated it will be a great improvement for the home owner as well as the neighborhood.
- Commissioner Harvey stated it looks like it is going to be beautiful and thinks the history of the family and house is great.
- Commissioner Keller stated the variance is minor in comparison to the value of the addition to the neighborhood.
- Commissioner Hanley agrees and thinks it will be a great addition.
- Chairman Stuchly thinks neighboring property values will go up with their renovations.

DOCKET 2019-03: a petition filed by Jeffery Williams, on behalf of Joseph Cannella, Managing Partner of Palos Heights Properties, LLC to allow a martial arts training school to operate as a B-1 Special Use within a B District, located at 6501-6503 W 127th St (PIN 24-31-201-013)

Chairman Stuchly asked the petitioner to come forward and state their reason for the request. Jeffery Williams greeted the board and stated he is the owner and operator of the Xcellent Taekwondo Center for over 13 years and has been teaching martial arts for 25 years. Currently, Xcellent Taekwondo is located at 13427 S Ridgeland Ave. Moving to Indian Trails will double his space, as well as address safety concerns related to parking at the Ridgeland location. The new location will allow him to grow his business and add classes. Mr. Williams believes his clients will bring life back to Indian Trails since the closing of Dominick's. Mr. Williams also served in the Marine Corps.

Chairman Stuchly verified that the special use space is for 2 units. Mr. Williams confirmed it is 2 units, eleven and twelve on the illustration. Commissioner Keller asked the hours of operation. Mr. Williams stated the hours are the same as his current location, 5-9 pm. Mr. Williams hopes that the larger space will allow expanded hours.

Commissioner Harvey thanked Mr. Williams for his military service and thanked him for wanting to stay in Palos Heights. She questioned whether Mr. Cannella needed to be present, since he is the managing partner of Indian Trails Shopping Center. Community Development Coordinator Ken Busse stated that Mr. Cannella provided a letter of support for Mr. Williams to move his business to this location. Mr. Cannella further states in the letter that it is difficult to fill the property due to the vacant Dominick's store. Discussion ensued.

Commissioner Hughes asked how long his school has been located in Palos Heights, and if a special permit was required for the Ridgeland location. Mr. Williams stated he has been open for about 1.5 years, and that he did not need a special use permit for his current location.

Motion

Commissioner Foster moved to recommend approval for Docket 2020-03: to allow a martial arts training school to operate as a B-1 Special Use within a B District, located at 6501-6503 W 127th St, seconded by Commissioner Hughes.

On a roll call, the vote was:

Ayes: 6 - Stuchly, Foster, Hanley, Harvey, Hughes, Keller

Nays: 0

There being a 6-0 vote, motion carried

Ken Busse, Community Development Coordinator, informed Mr. Cummings that he should plan on attending the next Planning and Zoning Committee meeting on Tuesday, February 25, 2020, as well as the City Council meeting on Tuesday, March 3, 2020.

Findings of Fact for Docket 2020-03

- Commissioner Harvey stated that with the level of vacancies the city should allow service uses such as the martial arts school. Increasing occupancy will increase foot traffic, and enhance Indian Trails. She wished the landlord would have been present.
- Commissioner Hanley is thrilled they are staying in Palos Heights.
- Commissioner Hughes stated he thinks we are starting to see a trend - specialty small retail is hard to attract and service businesses can help feed other businesses in the area.
- Commissioner Foster is happy these units will no longer be vacant as they have been vacant for a long time.

DOCKET 2020-04: a petition filed by Alfonso & Kristin Restivo to allow a 6-foot, 4-inch side yard and a 11-foot, 8-inch rear yard for an addition to the principal residence located at 12423 S. 71st Ct (PIN 24-30-309-003)

Chairman Stuchly asked the petitioner to come forward and state their reason for the request. Mr. Alfonso Restivo stepped forward and stated he and his wife have been residents of Palos Heights since 2008, and their children attend Independence Jr High School. Recently, they moved to 12423 S. 71st Ct, which is 4 blocks north of their old residence. The existing 2-car garage has two small single-car garage doors that have a history of damage to their frames and doors. The openings are too small to allow adequate maneuvering for the size of current vehicles and SUVs. They are looking to enlarge their attached garage. The exterior will match the exterior of the residence. They would like to reconfigure the existing garage at the lowest cost while still preserving the green space in front of the house.

Commissioner Hanley asked the size of the garage. Mr. Restivo indicated it would be a 2 plus car garage. Chairman Stuchly stated that the proposed garage would be approximately 2,000 square feet. Community Development Coordinator Ken Busse, clarified that there is no existing city code that limits the size of attached garages.

Mr. Restivo pointed out there is a portion of the rear driveway that is not used, and the enlarged garage would place that area under roof. Commissioner Hughes asked if the expanded garage would be larger than the existing concrete slab. Mr. Restivo replied, no. Mr. Restivo said his children are getting older and will soon be driving their own vehicles, for which they will need parking. Street parking is difficult being across from the Lutheran church and preschool. Additionally, there is a fire hydrant in front of their house.

Commissioner Foster asked for the garage dimensions, Mr. Restivo acknowledged his attached garage is larger than a typical garage. He stated that it would be 33 feet x 65 feet, and confirmed that the existing garage would become part of the enlarged garage. Commissioner Stuchly asked about ceiling heights - the ceilings would be 12 feet high. Mr. Restivo stated that the new garage roof would be the same height as the other peak on the house.

Commissioner Foster remained concerned over the size of the garage compared with the square footage of the house itself. Commissioner Hanley and Stuchly also reiterated their concern over the size of the attached garage. Commissioner Harvey asked if they have spoken with their neighbors about their proposal and the size of the garage. Mr. Restivo replied, yes and that their neighbors are supportive. Discussion ensued.

Commissioner Hanley asked how many cars Mr. Restivo owns, and Commissioner Harvey asked if he was a car collector. He replied he currently owns 6 cars, including several vintage cars. He further stated it is a hobby he and his son enjoy together. He stated he previously owned an offsite garage, but would like to have something on his property. Commissioner Hanley asked if there would be overhead garage doors opening to the rear yard. Mr. Restivo replied, no. However, the design includes a standard door to access the rear patio.

Chairman Stuchly asked if he would consider revising his request to reduce the side yard setback variance, and eliminate the rear yard setback variance. Mr. Restivo said he would consider it. Commissioner Harvey suggested the ZBA take a vote on the current requested, and if it fails, the petitioner could then revise his variance request for this same evening. Commissioner Foster discussed the measurements again for the rear yard setback and the possible revision. Discussion ensued.

First Motion

Commissioner Harvey moved to recommend approval for Docket 2020-04: to allow a 6-foot, 4-inch side yard and a 11-foot, 8-inch rear yard for an addition to the principal residence located at 12423 S. 71st Ct., seconded by Commissioner Hughes.

On a roll call, the vote was:

Ayes: 3 - Harvey, Hughes, Keller

Nays: 3 - Stuchly, Foster, Hanley

There being a 3-3 vote, motion failed

Ken Busse informed Mr. Restivo that the motion failed due to a lack of four affirmative votes. He informed Mr. Restivo that he can continue to the City Council with this failed motion. However, Council approval will require a super majority, or 6 of 8 aldermen.

Chairman Stuchly asked if Mr. Restivo would like to revise his variance request. Mr. Restivo replied yes. Based on lengthy discussion, the revised variance request is to allow the following set back reliefs: a 3-foot, 4-inch relief on the rear yard setback, and a 1-foot, 8-inch relief on the north side yard setback. The net effect is that the setbacks, adjacent to the addition, would be as follows: a 21-foot 8-inch rear yard adjacent to the addition, and an 8-foot 4-inch north side yard adjacent to the addition. This requires moving the addition forward five feet, and removing five feet from the length of the addition.

Chairman Stuchly confirmed with Mr. Restivo that he is authorizing the ZBA to make a change to his original variance request. Commissioner Harvey further confirmed with Mr. Restivo that he understood the revision, and that his variance request would be changed. Furthermore, if the ZBA motion on the revised request passes, it would then move to the City Council and require a simple majority vote to be approved. Mr. Restivo understood, acknowledged the revision, and asked for another vote by the ZBA.

Second (Revised) Motion

Commissioner Harvey moved to recommend approval for the revised Docket 2020-04: to grant a 1'8" relief to the Side Yard setback, thereby allowing an 8'4" north Side Yard adjacent to the addition, as well as a 3'4" relief to the Rear Yard setback, thereby allowing a 21'8" Rear Yard adjacent to the addition to the principal residence located at 12423 S. 71st Ct., seconded by Commissioner Hughes.

On a roll call, the vote was:

Ayes: 6 - Stuchly, Foster, Hanley, Harvey, Hughes, Keller

Nays: 0

There being a 6-0 vote, motion carried.

Ken Busse, Community Development Coordinator, informed Mr. Restivo that he should plan on attending the next Planning and Zoning Committee meeting on Tuesday, February 25, 2020, as well as the City Council meeting on Tuesday, March 3, 2020.

Findings of Fact on Docket 2020-04 (revised)

- Commissioner Harvey stated that she knows the garage will be large, but believes the addition will be consistent in character and design with the house.
- Commissioner Hanley is remains concerned over the size of the garage.
- Chairman Stuchly is concerned over the precedence for such a garage large garage.
- Commissioner Hughes understands the issues of the size, but reminded the board that the variance is not for the size of the attached garage. He thinks the board should focus on standards for requested variance, in this case side- and rear-yard variances.

DOCKET 2020-05: a petition filed by Barbara & Clark Gabriello to allow a 3-foot, 8-inch side yard and a 5-foot, 11-inch rear yard for the construction of a detached garage at 6819 W 127th St (PIN 24-31-107-013)

Chairman Stuchly asked the petitioner to come forward and state the reason for their request. Ms. Gabriello stepped forward and stated that they tore down their existing 2-car garage and would like to replace it with a 3-car garage. She mentioned that because the existing garage was entirely removed, the previously established setbacks are replaced with the current side- and rear-yard setback requirements of 10 feet. Ms. Gabriello was not aware of that requirement at the time the garage was removed. Ms. Gabriello expressed her concern over the unkempt yard of their neighbor, and that it would be in total view from their house with a 10-foot setback. She is afraid the view of their neighbor's yard would detract from the enjoyment and value of their own yard and residence.

Chairman Stuchly confirmed that her variance request would allow them to pull straight into their garage instead of having an S shaped driveway in their back yard. Ms. Gabriello further stated that an existing concrete pad adjacent to their driveway allows them to turn around and drive forward onto 127th Street, which is much safer than backing out onto 127th St. Commissioner Hanley confirmed that when he visited the site it was difficult backing out of their driveway onto 127th Street.

Commissioner Foster asked whether the new garage setbacks would be the same as the old garage, with the exception of a slightly larger footprint. Ms. Gabriello replied yes. Commissioner Keller asked what the old garage looked like and the setback distances for the old garage. Discussion ensued.

Motion

Commissioner Foster moved to recommend approval for Docket 2020-05: to allow a 3-foot, 8-inch side yard and a 5-foot, 11-inch rear yard for the construction of a detached garage at 6819 W. 127th St, seconded by Commissioner Hanley.

On a roll call, the vote was

Ayes: 6 - Stuchly, Foster, Hanley, Harvey, Hughes, Keller

Nays: 0

There being a 6-0 vote, motion carried.

Ken Busse, Community Development Coordinator, informed Ms. Gabriello that she should plan on attending the next Planning and Zoning meeting on February 25, 2020 and the City Council meeting on March 3, 2020.

Old Business

DOCKET 2019-07: a petition filed by Santos Gonzales and Anna Moore to allow for a pool and fence to extend beyond the front building line of the principal residence located at 7400 W. Kiowa Lane (PIN 23-36-214-027)

Community Development Coordinator Ken Busse reviewed the original variance request. Since the first hearing, Public Works reviewed the plan and recommended the variance request be reconsidered. Due to the location of an 84-inch sanitary sewer under the 15-foot drainage easement, a pool should not be located within the 15-foot easement. The petitioner, Ms. Moore, stepped forward and stated they have revised their pool plan from a 24-foot round pool to a 12-foot by 17-foot pool that will not extend into the easement.

Commissioner Harvey asked if the fence would line up with their neighbor's fence to the north, and if the pool would be screened by the fence. Ms. Moore confirmed that this would be the case. Commissioner Harvey expressed concern over placing a pool near a drainage easement that serves the entire subdivision, and wanted to make sure the drainage contour would not be affected. Ms. Moore stated that they would have to remove 4-6 inches of soil under the pool, which is outside the drainage easement. Commissioner Harvey asked whether protections would be in place to ensure there would be no damage to the sewer drainage line. Mr. Busse explained that all excavated soil must be removed from the site and not placed within the 15-foot drainage easement. He explained that the reason for the revised request is that the 84-inch sewer is located underneath the easement. The pool will be at the edge of the easement.

Commissioner Harvey confirmed that the pool would not be placed over the easement. Commissioner Harvey wanted the petitioners to be aware that during heavy rains and snow melting, water accumulates and the ground can get soft and soggy along the drainage easement. Ms. Moore stated there were drain tiles and pipes in the yard and around the house. Ms. Moore stated that during the year they have lived there, they have not experienced flooding.

Chairman Stuchly confirmed that the pool will be located outside of the utility and drainage easement, and that the fence would be aligned with the neighbor's fence, and return to the north edge of the house. Commissioner Hughes stated that he spoke to the neighbors and they do not have any issues.

Motion

Commissioner Foster moved to recommend approval for Docket 2019-07: to allow a pool to extend 3' beyond the building line, and a fence to extend 10' beyond the building line, and in line with the neighbor's fence along Comanche Drive immediately north. Furthermore, neither the pool nor fence will extend into the required 20-foot Front Yard along this two-lot block of Comanche Drive, seconded by Commissioner Hughes

On a roll call, the vote was:

Ayes: 6 - Stuchly, Foster, Hanley, Harvey, Hughes, Keller

Nays: 0

There being a 6-0 vote, motion carried.

Ken Busse, Community Development Coordinator, informed Ms. Moore that she should plan on attending the next Planning and Zoning meeting on Tuesday, February 25, 2020, as well as the City Council meeting on Tuesday, March 3, 2020.

Findings of Fact on Docket 2019-07

- Commissioner Harvey expressed concern over the drainage easement, but as long as that issue has been cleared up and the city is there to oversee the work, then it should be ok

Adjourn

Chairman Stuchly thanked the petitioners for their time and patience. There being no further business, Commissioner Foster made a motion to adjourn the meeting, seconded by Commissioner Hughes. All in favor. Meeting adjourned at 8:15pm.

Reconvene

The board briefly reconvened to discuss the Findings of Fact for Dockets 2020-04 and 2019-07. The board also discussed scheduling regular monthly meetings rather than convening as needed. If no items are to be considered then the meeting can be cancelled. This way board members would know to place the regularly scheduled meeting on their calendars.

Adjourn

There being no further business, Commissioner Foster made a motion to adjourn the reconvening of the meeting, seconded by Commissioner Hanley. All in favor.

Meeting adjourned at 8:30pm

Respectfully submitted,

Liz Gutierrez
Recording Secretary