

CITY OF PALOS HEIGHTS



ZONING BOARD OF APPEALS

Public Hearing Minutes

July 12 2021

Call to Order

The public hearing held by the Zoning Board of Appeals was called to order by Chairman Tom Stuchly at 7pm, July 12, 2021.

Roll Call

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

Approval of Minutes

Commissioner Hanley made a motion to approve the minutes from the March 15, 2021 Zoning Board of Appeals meeting as presented, seconded by Commissioner Foster. All in favor and motion carried.

DOCKET 2021-04: a petition filed by William Shaughnessy to allow a 6 foot-privacy fence to extend 15 feet, in lieu of 0 feet, beyond the front building line and into the 30-foot Front Yard Setback along the primary street of 75th Avenue for the, principal residence located on the corner lot at 11950 S 75th Ave and contained with PINs 23-25-201-028 and 23-25-201-039. The fence variance shall commence at the northeast corner of the principal residence building, thence 15 feet easterly, thence northerly to the north property line, thence westerly along the north property line to the west property line.

William Shaughnessy, the petitioner, approached the podium and stated that there is already a fence in place, however the new fence would extend 15 feet farther out beyond their current fence. They would like more space in their backyard as well as provide safety for their children. The intersection is also a concern as there have been accidents and traffic violations

Commissioner Stuchly confirmed that they would be extending the fence 15 feet out into the front yard of the primary street of 75th Avenue. He also inquired why they chose wood instead of PVC or a picket fence. Mr. Shaughnessy stated that at the time, PVC was out of their budget, and he would maintain the wood fence.

Commissioner Harvey asked if there were stop signs at that intersection. Mr. Shaughnessy confirmed that there are not any and that is a safety concern.

Commissioner Hanley asked if there would ever be plans for a pool, Mr. Shaughnessy stated, not at this time, but it could be a possibility at some point. Commissioner Hanley is concerned about the a 6-foot privacy fence being extended 15 feet beyond the building line and into the front yard along the primary street of 75th Avenue.

Public Comment

- David O'Malley, of 11929 S Harold Ave, stated that he is concerned about the aesthetic of the neighborhood by allowing 6-foot front yard fences. He understands the concern for safety, but tall privacy fences take away from the character and beauty of the neighborhood. He is also concerned about the long-term maintenance of a wooden fence.
- Mary Houlihan, of 11923 S 75th Ave, has been a resident of Palos Heights for almost 40 years. She agrees with the previous speaker and it's all about the aesthetic of Palos Heights. She feels that having a 6-foot privacy fence that far out into the front yard will be a danger to the intersection. She understands that safety is important, but a 6-foot tall privacy fence is not the solution.
- Cheryl Skender, of 11912 S Harold Ave, concerned that if this variance is approved, then we will be setting a precedent in the community for allowing large fences in the side lot.
- Leo Peikosz, of 11937 S. 75th Ave, stated that one of the attractive things about Palos Heights is the open yards and tall trees. He understands the reason for wanting a fence. However, he feels that a 6-foot privacy fence isn't the right plan.
- Mike Larocko, of 11932 S. 75th Ave, stated that while he doesn't fully support, nor fully object to building a fence, he understands why neighbors are opposed to it. He also stated he would not like his property affected by the fence.
- Nancy O'Malley, of 11929 S Harold Ave, does not believe that the fence would provide safety and that a fence would not stop a car from going through the yard. She is concerned that the fence would be an eye sore and does not match the aesthetic of Palos Heights.

Motion

Commissioner Hanley made a motion to recommend approval of Docket 2021-04: to allow a 6 foot-privacy fence to extend 15 feet, in lieu of 0 feet, beyond the front building line and into the 30-foot Front Yard Setback along the primary street of 75th Avenue, seconded by Commissioner Gregory.

On a roll call, the vote was,

Ayes: 0

Nays: 5 - Stuchly, Hanley, Harvey, Hughes, Gregory

There being a 0-5 vote, motion failed.

Community Development Coordinator Ken Busse, advised Mr. Shaughnessy that even though this motion failed, this Docket will still go to the Planning and Zoning Committee meeting that will be held on July 21, 2021 at 6pm at the Palos Heights City Hall.

The petitioner stated that at this time, he would like to withdraw his petition.

Finding of Facts on Docket 2021-04

- Commissioner Harvey stated there are certain standards that the board needs to consider in order to approve petitions. She stated that it is not typical to have this many neighbors come to disapprove a petition. She stated that part of the job of the board is to listen to the community and then also decide if the petition fits the visual image of Palos Heights. She reiterated that a fence can be built, but perhaps they need to go back the drawing board.
- Commissioner Hanley stated he understands the need for safety, but the 6-foot privacy fence does not fit in aesthetically with the neighborhood.

- Commissioner Gregory understands the safety concern. However, a 6-foot privacy fence, extending 15 feet into the front yard does not fit in with the aesthetics of the neighborhood. He believes a different, less obtrusive fence may have received a more favorable ruling.
- Commissioner Hughes agrees with the above statements. He understands safety, but pushing a 6-foot privacy fence 15 feet into the front yard of the primary residential street of 75th Avenue may create even more issues at the intersection.

Docket 2021-05: A petition filed by Craig & Julie Demakes to allow a 3 foot Side Yard Setback along the east property line, in lieu of the required 10 foot Side Yard Setback, which variance is limited to the distance of the length of a detached garage in the rear yard of the residential property located at 6819 W Evergreen Avenue, and contained within PIN 24-31-108-013-0000.

Mr. Demakes approached the podium and stated that the house does not have, and has never had a garage. He has moved back here to Palos Heights and would like to have a garage at his home. The current ordinance requires a 10-foot setback between the east property line and the garage, which leaves a large "dead space." It also would push the garage toward the middle of the yard, as well as require the driveway to turn into the middle of the yard. Mr. Demakes states it looks and is functionally better to have the driveway go straight back to a garage closer to the lot line.

Commissioner Hanley stated that he understands exactly what Mr. Demakes is trying to do. I understand why there is a need for a garage and does not see any issues with the presented plan.

Commissioner Stuchly confirmed that the plan is to extend the driveway and add a two car garage.

Commissioner Gregory stated that this design and plan will go along well with the rest of the neighborhood and appearance-wise will blend into the neighborhood.

Public Comment

None

Motion

Commissioner Hughes made a motion to approve a 3-foot Side Yard Setback along the east property line, in lieu of the required 10-foot Side Yard Setback, which variance is limited to the distance of the length of a detached garage in the rear yard of the residential property located at 6819 W Evergreen Avenue, seconded by Commissioner Harvey.

On a roll call, the vote was,

Ayes: - Stuchly, Hanley, Harvey, Hughes, Gregory

Nays: 0

There being a 5-0 vote, motion carried

Finding of Facts on Docket 2021-05

- Commissioner Hanley believes this will be a great improvement to the property.
- Commissioner Stuchly stated having a garage would certainly make life easier.
- Commissioner Hughes and Harvey agree with the above statements.

Community Development Coordinator Ken Busse, advised Mr. Demakes that this Docket will now go to the Planning and Zoning Committee meeting that will be held on July 21, 2021 at 6pm at the Palos Heights City Hall, and plan to attend.

Docket 2021-06: A petition filed by Samir Nijmeh to allow a 6-foot privacy fence to extend beyond the southernmost building line to the south property line along the one-lot block of 126th Street, in lieu of the required 0 feet beyond the front building line, thence easterly to the east property line, thence northerly along the east property line to the north property line for the principal residence located on the corner lot at 12561 S. 68th Ct, and contained within PIN 24-30-325-007-0000.

Mr. Nijmeh stepped to the podium and stated that his family has been living in the house for about three weeks. He proposes putting up a fence on the side of the house, which is technically the front yard of a one-lot block that is not a through street. The fence would extend to the south lot line, and then east to the east lot line.

Commissioner Hughes asked if he would be building the fence to the lot line or to the neighbor's fence. Mr. Nijmeh responded that he cannot go to the neighbor's rear fence until the 68th Avenue right-of-way is vacated. Commissioner Hughes confirmed that, for practical purposes, since this is a one-lot block it would be a side lot fence, and he did not see a problem with it.

Commissioner Harvey asked if he had spoken with the neighbors regarding the fence. Mr. Nijmeh responded that one neighbor has been out of town, and another adjacent neighbor did not object or have any concerns.

Commissioner Gregory asked how far the fence would extend from the house to the lot line. Mr. Nijmeh stated the fence would extend approximately 22 feet from the house.

Commissioner Hanley inquired about the type of fence. Mr. Nijmeh state it will be a 6-foot white vinyl composite privacy fence.

Public Comment

None

Motion

Commissioner Harvey made a motion to allow a 6-foot privacy fence to extend beyond the southernmost building line to the south property line along the one-lot block of 126th Street, in lieu of the required 0 feet beyond the front building line, thence easterly to the east property line, thence northerly along the east property line to the north property line for the principal residence located on the corner lot at 12561 S. 68th Ct, seconded by Commissioner Hanley.

On a roll call, the vote was,

Ayes: Hanley, Harvey, Hughes, Gregory

Nays: Stuchly

There being a 4-1 vote, motion carried

Community Development Coordinator Ken Busse, advised Mr. Nijmeh that this Docket will now go to the Planning and Zoning Committee meeting that will be held on July 21, 2021 at 6pm at the Palos Heights City Hall, and plan to attend.

Finding of Facts on Docket 2021-06

- Commissioner Harvey stated she believes this will look very nice and that the house looks like it needs a fence.
- Commissioner Hanley believes that it will not detract from the character of the neighborhood, and be a great addition to the neighborhood.

- Commissioner Hughes and Commissioner Gregory agree with the previous statements.

Docket 2021-07: A petition filed by Jeff Welsh to allow an oversized detached garage containing an enclosed area of 1,200 square feet in lieu of the maximum 660 sf, with a height of 17 feet in lieu of the maximum 15 feet, and a 6-foot Side Yard Setback along the west property line, in lieu of the required 10-foot Side Yard Setback, which Side Yard Setback variance is limited to the distance of the length of a detached garage in the rear yard of the residential property located at 7620 Carmichael Drive, and contained within PIN 23-25-301-095-0000.

Mr. Welsh approached the podium and stated that he and his wife bought their house with the intent of fixing it up. One of the best features of the house is its very large backyard. There is a lot of work to be done on the property and a priority is building a garage in the backyard. They have a large backyard, and the garage would take up approximately 10% of the backyard space.

Commissioner Gregory asked about plans for a driveway. Mr. Welsh explained that they would like to connect the existing driveway to the side part where there is space to have a driveway connect to the garage.

Commissioner Hughes stated that many of the houses on Carmichael have large backyards and several have oversized garages in their rear yards.

There were some questions regarding the height of the garage, the garage would be slightly higher than their house, but not by much.

Mrs. Welsh then approached the podium and stated she is from Germany, she loves the Palos area, and feels it is most like home for her. She knows there is a lot of work to be done at the house. The garage would really provide more space for them to be able to work on the house as well. The neighbors have no issues with building the garage.

Public Comment

None

Motion

Commissioner Gregory moved to allow an oversized detached garage containing an enclosed area of 1,200 square feet in lieu of the maximum 660 sf, with a height of 17 feet in lieu of the maximum 15 feet, and a 6-foot Side Yard Setback along the west property line, in lieu of the required 10-foot Side Yard Setback, which Side Yard Setback variance is limited to the distance of the length of a detached garage in the rear yard of the residential property located at 7620 Carmichael Drive, seconded by Commissioner Harvey.

On a roll call, the vote was,

Ayes: Stuchly, Hanley, Harvey, Hughes, Gregory

Nays: 0

There being a vote 5-0, motion carried.

Community Development Coordinator Ken Busse, advised Mr. & Mrs. Welsh that this Docket will now go to the Planning and Zoning Committee meeting that will be held on July 21, 2021 at 6pm at the Palos Heights City Hall, and plan to attend.

Finding of Facts on Docket 2021-07

None

Docket 2021-08: A petition filed by Jaya Vargheese, on behalf of Birch Hill Realty LLC, to allow a management office to operate as a B-1 Use in a B District, specifically at 11855 Southwest Highway, and contained within PIN 23-24-300-336-0000.

Ms. Vargheese approached the podium and stated that the current location is vacant. The intention is to have a retail space, however they have not been able to secure a retail tenant yet. In the interim, they would like to use the space for their management office. They have a space in downtown Chicago, but they do not have a space in the suburbs to conveniently manage and train those locations. The plan is to vacate the office space as soon as a national retailer is secured for the space.

Commissioner Hughes asked that this would be a temporary usage until they find a national tenant. Ms. Vargheese confirmed that this would be the case.

Commissioner Gregory confirmed that they just want to rent it to themselves until they can find a tenant.

Commissioner Harvey asked if they would be doing any construction to make it more like an office space. Ms. Vargheese answered that they would have a very minimalistic approach inside.

Commissioner Hanley stated that if it were to be approved, could they limit it to just the Seva Brands management company. Mr. Ken Busse confirmed that the board could move to amend the motion to reflect that.

Public Comment

None

Motion to Amend

Commissioner Gregory made a motion to amend Docket 2021-07 as follows: to allow a Seva Brands Management Office to operate as a B-1 Use in a B District, specifically at 11855 Southwest Highway, seconded by Commissioner Harvey.

On a roll call, the vote was,

Ayes: Stuchly, Hanley, Harvey, Hughes, Gregory

Nays: 0

There being a vote 5-0, the motion carried

Motion to Approve

Commissioner Harvey made a motion to allow a Seva Brands Management Office to operate as a B-1 Use in a B District, specifically at 11855 Southwest Highway.

On a roll call, the vote was,

Ayes: Stuchly, Hanley, Harvey, Hughes, Gregory

Nays: 0

There being a vote 5-0, the motion passes

Finding of Facts on Docket 2021-08

- Commissioner Hughes stated that this is going with the current trend - small retail is hard right now, so we have to be flexible.
- Commissioner Harvey stated that they are making an effort to find a tenant, and in the meantime will bring employees to Palos.