

CITY OF PALOS HEIGHTS



ZONING BOARD OF APPEALS Public Hearing Minutes August 19, 2019

Call to Order

The public hearing held by the Zoning Board of Appeals was called to order by Chairman Tom Stuchly on August 19, 2019 at 7:00 p.m.

Roll Call

The following board members were present: Chairman Thomas Stuchly, Mark Foster, Jerry Keller, John Hanley, Jim Hughes, and Shannon Harvey.

Also present were Community Development Coordinator Ken Busse, Recording Secretary Abby Wieggers, 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 June 17, 2019 meeting as presented, seconded by Commissioner Hughes. All in favor and motion carried.

Commissioner Foster moved to hear Docket 2019-07 prior to Docket 2019-06. Motion seconded by Jim Hughes. All in favor and motion carried.

Docket 2019-07: Petition filed by Santos Gonzales and Anna Moore to allow a 19-foot Front Yard Set-Back along Comanche Drive for a fence, a 23-foot Front Yard Set-Back along Comanche Drive for a pool, and a 3-foot Side Yard Set-Back along the northwesterly lot line for a pool at the residence located at 7400 W. Kiowa Lane, and contained on PIN: 23-36-214-027-0000.

Chairman Stuchly asked the petitioner to come forward and state their reason for their request.

Petitioner Anna Moore stated that they would like to move their fence forward toward Comanche Drive to match the neighbor's fence line. She presented pictures to the board. Anna Moore stated that the fence would be made out of PVC material and would be approximately 6 feet high.

Ken Busse also mentioned that the petition for set-back variances was also for a pool. Commissioner Hanley inquired whether the trees to the north of the lot would be removed. Petitioner Moore stated that they would not. Discussion ensued. Several Commissioners mentioned that they had spoken to the neighbors in the area, and they did not have issues with the petition.

Alderman Jack Clifford requested the plans be made available on the screens in the Council Room. He hoped that it would be more visible and accessible for the audience members attending the ZBA Meetings. Discussion ensued.

Motion

Commissioner Hanley moved to recommend approval of Docket 2019-07: to allow a 19-foot Front Yard Set-Back along Comanche Drive for a fence, a 23-foot Front Yard Set-Back along Comanche Drive for a pool, and a 3-foot Side Yard Set-Back along the northwesterly lot line for a pool at the residence located at 7400 W. Kiowa Lane, and contained on PIN: 23-36-214-027-0000. Seconded by Gerald Keller.

On a roll call, the vote was:

AYES: 6 – Stuchly, Foster, Keller, Hanley, Harvey, Hughes

NAYES: 0

ABSENT: 0

There being 6-0 vote, the motion carried.

Finding the Facts on #Docket 2019-07

- None Discussed

Commissioner Harvey asked Ken Busse to describe the role of the ZBA prior to proceeding with Docket 2019-06.

Ken Busse gave a brief explanation of the role of the Zoning Board of Appeals. He also stated that the ZBA is a recommending body, and ZBA motions that fail still go to the City Council for consideration.

Docket 2019-06: Petition filed by Paul Behrman to allow a Small Residential-Care Home to operate as a Special Use within the residence located at 12313 S. 74th Avenue, and contained on PIN: 23-25-406-002-0000.

Chairman Stuchly asked the petitioner to come forward and state their reason for the request.

The following statement was submitted to the ZBA, and read into the record by petitioner Paul Behrman:

“My wife and I purchased this home as the primary residence for our son, Andrew, and three other young adult men. Andrew, Ethan, and Michael are here tonight. Like any young adult, these men welcome the opportunity to be independent and to take on adult responsibilities. The only distinction is that Andrew, Ethan, and Michael have different abilities and need 24/7 support to help them manage their lives. We intend to provide that support through UCP Seguin of Greater Chicago.

We purchased this home to ensure these men live in a good community and in a home which is fully accessible and accommodates their needs. This home will be their personal residence as renters with me as landlord.

With our intent that this home be a residence for these young men, we did not anticipate the need for a special use permit. I am not aware of any Palos Heights ordinance requiring a special permit to own and rent a home to unrelated individuals. This permit requirement seems to be based on their need for support services – a need not uncommon to disabled and senior citizens of the community. We appreciate the Board clarifying the specific community interests this ordinance and permit are meant to assure. We would also like to understand the requirements this Board considers in its decision to approve our application.

Again, our house at 12313 S. 74th Avenue will be a residence – a home – for Andrew, Ethan, and Michael to live and become good members of the Palos Heights community.

We look forward to your approval. Thank you.”

Chairman Stuchly inquired whether the petitioner was aware that the home would most likely require extensive remodeling to support the disabled occupants. Paul Behrman stated that he was fully aware of that, but did not proceed with permit requests for remodeling without a confidence that the special use would be approved. Discussion ensued. Commissioner Harvey mentioned that many homes in that neighborhood have been remodeled recently.

Paul Behrman explained that caregiving would be provided 24/7 for the young men. He mentioned that many homes in Palos Heights receive care or elderly support, but that the discussion of the care needed was a private matter.

Commissioner Harvey stated that she was unsure if the Zoning Board of Appeals is the correct body to respond to several of the questions presented in Mr. Behrman’s statement. Mr. Ken Busse stated that the Small Residential-Care Home special use requirements had been approved by the City Council many years ago (1990). Petitioner Behrman told the Board that the home would be owned by him and his wife, thereby providing for a controlled situation for both his son and his son’s friends. He emphasized that it would not be a business enterprise.

Chairman Stuchly asked the qualifications of the caregiving staff. Joe Mengoni, the Vice President of Residential Services for the United Cerebral Palsy Seguin of Greater Chicago, stated that the caregivers will have minimum of a high school diploma, 40 hours of medical care training, on-site training, and an extensive background check. He stated that there are over 74 similar residential care homes throughout the west and southern suburbs of Chicago that service 294 people on a 24-hour basis. He also mentioned several similar organizations that provide this type of care.

Commissioner Harvey inquired about who would be caring for the upkeep of the home. Mr. Mengoni stated that it is agreed upon between the owner of the property and the agency, but generally the minor issues such as snow removal are taken care of by the agency. Mr. Behrman stated that he does live nearby (in Orland Park) along with other family members.

Joe Mengoni stated that UCP Seguin is funded by the state and it will have a service contract with the petitioner. Commissioner Harvey asked Mr. Mengoni if he has found, in his experience, that this type of home care has helped the residents. Mr. Mengoni responded by stating that they definitely do become a part of the community and feel permanently at home.

John Hanley made it clear that if the motion is approved, and the home is sold, the zoning would terminate.

Commissioner Hughes asked for any questions, comments, or concerns from the audience.

Bob Jankowski, residing at 12312 S. 74th Avenue, expressed concern over the amount of traffic that will be generated by the resident families and care givers. He stated that he does not want there to be vehicles pulling in and out of the driveway 24 hours a day. Chairman Stuchly assured him that the care would be taking place in eight-hour shifts, so vehicles would be moving at shift changes. The petitioner stated that the young men do not drive, but that transportation would be provided when they need to leave the house. He stated that they would be building a garage to ensure that the vehicle would not be parked on the street.

Alderman Dolores Kramarski, residing at 7645 Carmichael Drive, expressed concern over the state funding of the UCP, wondering if the home would still pay property tax. Paul Behrman reminded her that because he is the owner of the home, not UCP, property taxes would still be paid. She also expressed concern over the training required of the UCP caregivers, asking whether there would be any medical training. Joe Mengoni reminded her that they have 40 hours of medical training.

Mark Oganovich, residing at 12342 S. 73rd Court, stated that it seemed like a business, which would take away from his children meeting new friends and families who would otherwise move into that house.

Mona Jankovich, residing at 12232 S. 74th Avenue, questioned why the matter was deemed special use and inquired about the City ordinances. Chairman Stuchly explained that because there are zoning rules, and because this did not fit into those rules, this process must be carried out.

Diana Lester, residing at 12243 S. 73rd Court, was worried changing the zoning would allow for other boarding homes in the area. She mentioned that on 76th Court there was a boarding home that went underground. Commissioner Harvey stated that there is an ordinance that permits this type of use. Discussion ensued. Mr. Ken Busse asked for the address of the home that purportedly went underground. She stated that it was at 126th and 76th Avenue.

Patty Schwartz, residing at 12612 Harold Avenue, stepped forward to explain that the group home on 76th Avenue has been there for a while. She began to describe the state of the girls who currently live in the home. Chairman Harvey reminded the audience that there are rules in place that forbid the discussion of the medical state of others. Ken Busse stated that the special use of that property was approved through the proper channels, and that the use was not operating underground.

Commissioner Hanley inquired where the attached garage would be placed. Paul Behrman stated that it would most likely be placed on the south side of the lot.

Commissioner Hughes inquired as to whether or not the hearing would even be taking place if UCP Seguin had not been contracted. Commissioner Harvey inquired if there was an ordinance that permits how many cars may be allowed in a driveway. Discussion ensued.

Motion

Commissioner Foster moved to recommend approval of Docket 2019-06: to allow a Small Residential-Care Home to operate as a Special Use within the residence located at 12313 S. 74th Avenue, and contained on PIN: 23-25-406-002-0000. Seconded by John Hanley.

Gerald Keller asked to amend the motion to add that UCP Seguin will be the contracted caregiving facility. However, others expressed concern over taking away the choice from the petitioner. Gerald Keller withdrew the amendment.

On a roll call, the vote on the original motion was:

AYES: 6 – Stuchly, Foster, Keller, Hanley, Harvey, Hughes
NAYES: 0
ABSENT: 0

There being 6-0 vote, the motion carried.

Finding the Facts on #Docket 2019-07

- Commissioner Hughes stated that he did not view the proposed use as a business enterprise, but rather as giving these individuals their next step in life with some independence.
- Commissioner Keller agreed with Hughes.
- Commissioner Hanley stated that he was in favor of the Docket passing.
- Commissioner Harvey wanted to welcome the petitioner to the community. She stated that she believes the community will be a better place because they are in it.
- Commissioner Foster agreed with everything that had been stated.
- Chairman Stuchly commented that it was an honorable act for the parents of the young men to seek out a home for their sons.

Adjourn

There being no further business, Commissioner Foster motioned to adjourn the meeting, seconded by Commissioner Hughes. All in favor.

Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Abby Wiegers
Recording Secretary