

Pekin Zoning Board of Appeals
City Council Chambers
111 S. Capitol Street, 2nd Level
August 14, 2019
5:00pm

Present:

Chris Lang
Mary Lanane
Charity Gullett

Talena Michels
Kim Joesting

Staff Present: John Lebegue, Building Inspections/Development Director,
City Attorney, Kate Swise.

Acting Chair Mary Lanane led the pledge of allegiance.

Acting Chair Mary Lanane, called the regular meeting of the Zoning Board of Appeals to order.

Roll call was taken and a quorum declared.

Acting Chair Mary Lanane asked for approval of the Agenda.

MOTION by Chris Lang, seconded by Talena Michels to approve the Agenda as presented. On roll call vote, All present voted **AYE**. **MOTION APPROVED**.

Application #1:

Hearing #1: Application #1: Hearing #1: Consideration of a petition for a variance of Section 9-1-1, Definition of Family, of the City Code to allow applicant, Wendy McCready, of Fight the Fight, to increase the number of unrelated persons living together as a household unit from the allowed five, unrelated persons to up to ten unrelated persons for the purpose of establishing a sober living home, as stated in the current Zoning Code for the R-4(One-Family Residential District) located at 1120 S. Capitol Street, with a Legal Description of: SEC 3 T24N R5W Chestnut Addn. Hecker & Lashbrook Subd. Lot 4 Block 16 SE ¼ in Tazewell County, Illinois, with the following P.I.N. # 04-10-03-409-010.

Open Public Hearing: 5:05 p.m.

Acting Chair Mary Lanane asked the applicant to explain the nature of the variance request.

Corey Campbell, representing Fight the Fight, appeared before the members of the Zoning Board of Appeals and explained that they have been working on helping recovering addicts for the last four years. Mr. Campbell further stated that the proposed sober living home would be a place for recovering addicts to help them recover. Mr. Campbell explained that the sober living

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home would provide no services for addicts, but would provide a clean environment with rules and guidelines for the residents. Mr. Campbell stated that the variance to increase the number of unrelated residents from the allowed 5 to 10 residents was being sought because they needed more revenue to cover the operating expenses of the sober living home than could be generated by only 5 residents. Mr. Campbell further explained that the home at 1120 S. Capitol Street has the required square footage and is near a bus station and is in close proximity to the location of AA meetings.

Acting Chair Mary Lanane asked if Wendy McCready would be at the home full time.

Mr. Campbell stated that Wendy would not be at the home full time, but a house manager would be living in the home full time to oversee the operation of the sober living home.

A nearby resident came forward and asked how many vehicles would be parked on the property.

Mr. Campbell stated that the residents of the home would not have a car and would use the bus and only the house manager and guest would have cars and the property has a long driveway for parking.

The resident further stated that they still had concerns as to the number of cars that would be parked on the property and on the street.

Charity Gullett then asked if the residents of the sober living home were paying \$115.00 per week to reside in the home, why they needed the expense of cable TV.

Mr. Campbell stated that they wanted the residents to interact and felt that cable TV would aid in providing the needed interaction.

Charity Gullett stated she had concerns that the rules of the home would not be followed due to the lack of supervision.

Mr. Campbell stated that the rules are for accountability and not intended as baby-sitting of the residents.

Judy Kennedy appeared before the members of the Zoning Board of Appeals and stated that there is a definite need for the proposed sober living home, as there are not enough resources available to recovering addicts and have few options in dealing with their addiction.

A resident by the name of John appeared before the members of the Zoning Board of Appeals and stated that he had been in and out of treatment and spoke to the need for a sober living house and the benefits that it would provide to those fighting addiction.

Talena Michels asked how many people resided in the sober living home in Springfield.

Mr. Campbell stated that the sober living home in Springfield had 14 to 15 residents.

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Talena Michels asked how many people resided in the sober living home in Springfield.

Mr. Campbell stated that the sober living home in Springfield had 14 to 15 residents.

Chris Lang asked if the sober living home in Springfield was in a residential area.

Mr. Campbell stated that the home is in a residential area.

Charity Gullett asked what the zoning classification of the sober living home was in Springfield.

Mr. Campbell stated that he did not know what the zoning classification was, but explained that the home was a single family home.

Jackie Holmes appeared before the members of the Zoning Board of Appeals and stated that she had been a manager of a sober living home and stated that there were a lot of rules that the residents had to abide by and that she had enjoyed interacting and helping the residents of the home. Ms. Holmes further stated that if residents of the home did not follow the established rules that the main manager was contacted to address the matter.

Tim Wright appeared before the members of the Zoning Board of Appeals and stated that the restrictions of a single-family district made it a safer neighborhood and had concerns as to the parking and increase in traffic if the allowed number of nonrelated residents were increased.

The resident from 1115 S. Capitol Street appeared before the members of the Zoning Board of Appeals and explained that she nothing against what they were trying to accomplish, but had concerns about parking on the street and felt that allowing 10 unrelated persons to reside in the home would have a negative impact on property values.

Allan Johnson, 1113 S. 4th Street appeared before the members of the Zoning Board of Appeals and explained that he was a long-time resident and stated that he did not believe that this home should be located in the neighborhood. Mr. Johnson continued by stating that he did not feel that the testimony given tonight justified granting a variance to increase the number of unrelated residents. Mr. Johnson further stated that he had concerns for the safety of children in the area, as Jefferson School was only 1 ½ blocks from the home.

Acting Chair Mary Lanane advised Mr. Johnson to focus on the request for 10 residents.

Mr. Johnson continued by stating that he felt that it was not appropriate for 10 people to live in the home. Mr. Johnson ended by stating that he also had concerns regarding the number of vehicles that would be parked on the property and the street and increasing the number of allowed residents would only make the situation worse.

An area resident appeared before the members of the Zoning Board of Appeals and stated if the sober living home with 10 unrelated residents was allowed to be established he had concerns that the zoning district would be changed because of the requested variance.

Chris Lang asked if the sober living home in Springfield was in a residential area.

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Corey Campbell stated that the zoning district would not be changing and that the sober living home would have a stake in improving the neighborhood. Mr. Campbell explained that there are currently nine residents living in a residential group home in Sunset Hills and another group home in a residential district that has eight residents. Mr. Campbell ended by stating that it is not uncommon for more than five residents to reside in a single family home.

Resident Jim Mangan appeared before the members of the Zoning Board of Appeals and stated that residents of the City would be surprised to find out that five, unrelated individuals could live in a single-family residence. Mr. Mangan further stated that the Zoning Board of Appeals should know who owned the property at 1120 S. Capitol Street. Mr. Mangan then asked how far the nearest bus stop was from the home.

Corey Campbell stated that Fight the Fight was the owner of the home at 1120 S. Capitol Street and that the nearest bus stop was one block from the home.

Resident Terry Olsen appeared before the members of the Zoning Board of Appeals and explained that he was a long-time resident of Pekin and had gone thru rehab and noted that Pekin has virtually no resources for recovering addicts.

Corey Campbell stated that they take the concerns expressed by the neighbors very seriously and will establish rules to restrict parking at the property and will work with the neighborhood to address concerns.

Jim Mangan stated that he wanted the members of the Zoning Board of Appeals to be aware that a number of residents had signed a petition in opposition to the establishment of a sober living home when the Plan Commission had previously considered the matter.

Close Public Hearing: 6:14 p.m.

Charity Gullett asked the City Attorney to clarify the legal status of a sober living home.

City Attorney Kate Swise stated that under current state statutes and local ordinances, a sober living home of no more than five, unrelated residents can be legally operated in a single-family residential district. Ms. Swise further stated that whether a sober living home is an appropriate use is not before the Zoning Board of Appeals. Ms. Swise ended by stating that in rendering a decision the members of the Zoning Board of Appeals have to determine if sufficient reasons have been presented to justify granting a variance.

Acting Chair Mary Lanane stated that a variance is based on hardship.

Kim Joesting asked why a variance to increase the number of unrelated residents should be granted if no viable hardship exists.

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Corey Campbell stated that the cost of operating a sober living home requires more than five unrelated residents to make it financially feasible.

Charity Gullett asked if financial need qualified as a hardship.

Wendy McCready stated that the number of addicts in the community is a hardship and they need a safe place to live.

Charity Gullett asked what zoning districts would allow the sober living use.

City Attorney Kate Swise stated that a sober living home is allowed in all residential zoning districts. Ms. Swise continued by explaining that the other group homes that exist in the city are state licensed and regulated and that due to that regulation the number of allowed residents differs from that of the proposed sober living home, which is not state licensed or regulated.

Charity Gullett stated that she would want restrictions placed on the use if a variance were granted so that the variance could be revoked if found in violation of the restrictions.

City Attorney Kate Swise stated that any conditions placed on the use would require a hearing if the variance were to be revoked.

Charity Gullett stated that she felt that a condition of no pets should be placed on any approval.

Acting Chair Mary Lanane stated that a motion to approve would have to state the hardship and any conditions. Acting Chair Mary Lanane then called for a motion.

MOTION by Charity Gullett, seconded by Talena Michels, to approve a variance to increase the number of unrelated persons living together as a household unit from the allowed five, unrelated persons to up to ten unrelated persons for the purpose of establishing a sober living home, subject to the conditions that the variance only be granted to current owner, Fight the Fight, no code violations may exist at the property, no pets other than service animals and a restriction of no more than 5 vehicles be allowed at the property. On roll call vote, AYE: Charity Gullett and Talena Michels. Nay: Acting Chair Mary Lanane, Kim Joesting and Chris Lang. **MOTION DENIED by a vote of three to two.**

Acting Chair Mary Lanane asked motion to adjourn.

MOTION by Kim Joesting, seconded by Chris Lang to **ADJOURN** the meeting. All present voted AYE. **MOTION APPROVED.**

Meeting Adjourned at 6:35 p.m.

Zoning Board of Appeals
John R. Lebeque, Secretary

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Acting Chair Mary Lanane asked motion to adjourn.

MOTION by Kim Joesting, seconded by Chris Lang to **ADJOURN** the meeting. All present voted AYE. **MOTION APPROVED.**

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