



CITY OF WASHINGTON, ILLINOIS
City Council Agenda Communication

Meeting Date: May 27, 2020

Prepared By: Jon R. Oliphant, AICP, Planning & Development Director

Agenda Item: First Reading Ordinance – Romanie Lehman Poultry Special Use Request, 607 Westgate Road

Explanation: UPDATE

Attached is a revised site plan to include the location of the existing swimming pool. Also included is a description of the proposed run. The run would be 25 square feet and the total square footage of the enclosure, including the coop, would be 58 square feet.

Current

Romanie Lehman has submitted a special use application for the allowance of chickens on her property at 607 Westgate Road. Chickens are allowed to be considered on residential properties upon approval of a special use. There has only been one other such request following City Council adoption of a zoning code text amendment in October that allows for poultry to be located on certain residential properties.

Some of the conditions are as follows: No more than five chickens are allowed per lot, they are only allowed on owner-occupied properties, roosters or other loud species of chickens are prohibited, chickens must be kept at all times in an enclosure in the rear yard, any poultry enclosure (including outdoor runs) cannot exceed 60 square feet, and any enclosures cannot be placed closer than ten feet from any side or rear property line and must be at least 25 feet from any residential structure on an adjacent lot. The complete list of the regulations is attached.

The coop would be located near the southwest corner of the lot near an existing 5' tall privacy fence. Because the subject property is a corner lot, the rear yard would be closest to the 600 Devonshire property and the side yard would be closest to the 609 Westgate property. The total area would be about 33 square feet in size. The enclosure would be approximately 17 feet from the rear property line and 30 feet from the house at 600 Devonshire Road. It would be approximately 15 feet from the side property line and about 50 feet from the 609 Westgate house. The proposed location would meet the setback regulations.

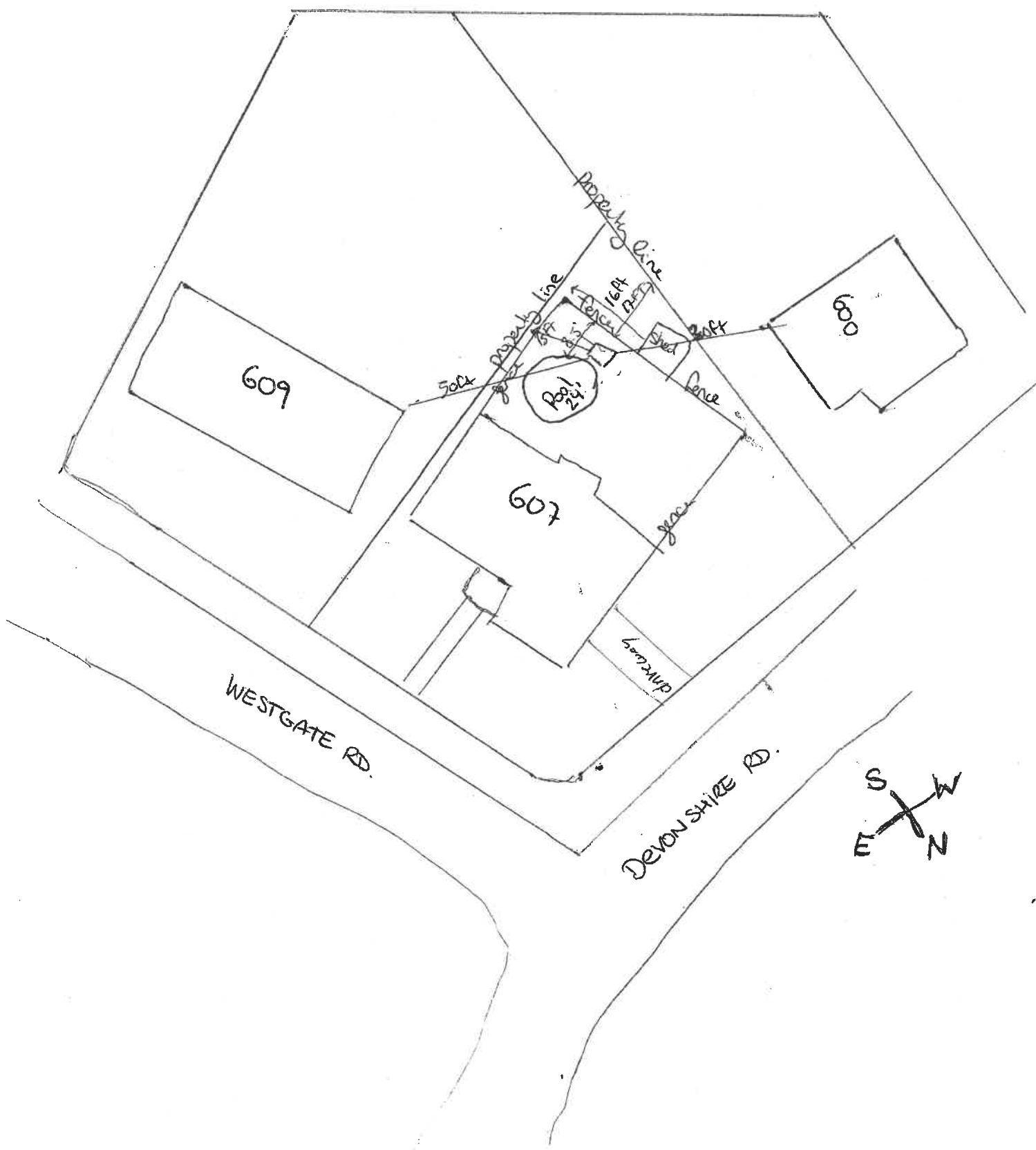
The property and enclosure plan look to be sufficient for the housing of poultry. It would not appear to be detrimental to the public's health, safety, or general welfare if properly cared for nor would it substantially diminish or impair property values.

Fiscal Impact: None

Recommendation/

Committee Discussion Summary: Staff recommends approval of the special use request to allow for up to five chickens. It would not appear to be detrimental to the public's health, safety, or general welfare nor would it substantially diminish or impair property value. The Planning and Zoning Commission held a public hearing at its meeting on May 6 and unanimously recommended approval. Four negative comments received at the PZC meeting are attached as background information.

Action Requested: Approval of the attached ordinance. A second reading is scheduled for the June 1 meeting.





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ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would allow for poultry to be housed at 607 Westgate Road.)

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FOR POULTRY
TO BE HOUSED AT 607 WESTGATE ROAD**

WHEREAS, the City of Washington Zoning Ordinance adopted February 20, 1961, as amended, provides for a special use for the allowance of poultry within §154.056 where conditions are met; and

WHEREAS, a petition has been filed with the City of Washington and referred to the Planning and Zoning Commission requesting such a special use for the allowance of chickens at 607 Westgate Road; and

WHEREAS, public notice in the form required by law was given of the public hearing, and the Planning and Zoning Commission held such a public hearing on May 6, 2020, and has unanimously recommended such a special use; and

WHEREAS, the Planning and Zoning Commission has made its findings and recommendations concerning the special use permit and the corporate authorities have duly considered said findings and recommendations and find that the special use procedures have complied with the Washington Zoning Code:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, that:**

Section 1. The reports, findings, and recommendations of the Planning and Zoning Commission are herein incorporated by reference as the findings of the City Council, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. The City Council further finds that the proposed special use is in the public good and in the best interest of the City and its residents and is consistent with and fosters the purposes and spirit of the City of Washington Zoning Code. The special use granted will not be detrimental to the public health, safety, morals, comfort and general welfare, nor shall it be injurious to the use and enjoyment of other properties in the vicinity, nor substantially diminish or impair property values within the neighborhood.

Section 2. That the following described property owned by Joseph and Romanie Lehman be granted a special use permit for the allowance of chickens and legally described as follows:

SEC 14 T26N R3W DEVONSHIRE ESTATES 2ND ADDN LOT 123 NE 1/4

PIN: 02-02-14-203-021

Section 3. That the City Zoning Officer be directed to issue any permits to allow for a coop and run on the above-described property in compliance with this special use ordinance.

Section 4. That the Zoning Map of the City of Washington, Tazewell County, Illinois, be amended so as to conform to the Special Use Permit granted herein.

Section 5. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

AYES _____

NAYS _____

ATTEST:

Mayor

City Clerk

The raising of poultry may be established subject to the following general requirements and such other restrictions as the Planning and Zoning Commission or City Council believe proper under the particular circumstances:

- (a) Chickens shall only be permitted on owner-occupied properties.
- (b) Not more than five (5) chickens may be kept on any lot.
- (c) No roosters or unreasonably loud species of chicken shall be kept on the lot.
- (d) No chickens shall be slaughtered.
- (e) Chickens shall be kept at all times within an enclosure in the rear yard constructed and consistent with a plan submitted and approved by the Planning and Zoning Commission and City Council. The enclosure shall be kept and built in such a manner as to allow for easy ingress and egress for the chickens and shall offer protection from weather elements. Wire or other materials can only be used if a permanent six-foot (6') high opaque fence entirely encloses the rear yard. In lieu of a fence, a permanent enclosure housing the chickens shall be constructed subject to the recommendation of the Planning and Zoning Commission and approval of the City Council. The enclosures shall not be visible from the street on which the house faces.
- (f) The area of any enclosure for the purpose of housing chickens including any outdoor runs shall not exceed sixty (60) square feet.
- (g) Any enclosure housing chickens shall require a building permit.
- (h) All enclosures housing chickens shall not be located closer than ten (10) feet from any side or rear property line and twenty-five (25) feet from any residential structure on an adjacent lot.
- (i) No person shall allow the accumulation of any waste material resulting from the keeping of chickens which creates any offensive odor or nuisance.
- (j) All food sources and other items that are associated with the keeping of chickens that are likely to attract rats, mice, or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
- (k) The fee for the housing of chickens shall be twenty-five dollars (\$25) for a one calendar year permit.
- (l) Special use permits shall not run with the land.

CITY OF WASHINGTON, ILLINOIS

APPLICATION FOR SPECIAL USE

To have a complete application for a special use, you must submit the following:

- Signed and completed application
- Plat showing subject property and all adjacent properties – See below for plat requirements
- Ownership documentation (lease, deed, mortgage, etc.)
- Accurate legal description obtained from the Warranty Deed
- Application fee of \$100 payable to the City of Washington

Address or location of property: 607 Westgate rd Washington IL 61571

Property Tax ID (PIN) number: 02-02-14-203-021

Current zoning classification of the property: residential

Current use of the property: residential

What is the Special Use for? chicken permit

How will you meet other requirements of the zoning code (such as parking or landscaping, if applicable)?

placing coop in back of lot next to shed entrance w/in privacy fence

Name of Applicant: Rommie Lehman Phone Number of Applicant: [REDACTED]

Address of Applicant: Same

Owner of Property: Same

Address of Owner: Same

I would like to receive correspondence by: Mail Email Email address: [REDACTED]

PLAT REQUIREMENTS: Your special use plat must show:

- Building or site plan layout and locations of proposed special uses, including square footage
- Adjacent properties, rights-of-way, streets, roads, railroads, waterways, and other physical features

PUBLIC HEARING: Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission meeting for a public hearing. The Planning and Zoning Commission meets the first Wednesday of every month at 6:30 p.m at the Washington District Library meeting room at 380 N. Wilmor Road. At the Planning and Zoning Commission meeting, you will present your request. A special use cannot be recommended by the Planning and Zoning Commission unless the Commission finds, based upon the application and evidence presented at the public hearing, that all of the following conditions have been met:

- 1) The special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- 2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity, or substantially diminish or impair property values;
- 3) The special use will not impede development of surrounding property;
- 4) Adequate utilities, access roads, drainage, or necessary facilities will be provided;
- 5) Adequate ingress and egress provided to minimize traffic congestion in public streets;
- 6) The special use will conform to all other application regulations of the zoning district;
- and 7) If the special use would not otherwise be acceptable, the Planning Commission may recommend certain conditions be met to make the use acceptable, such as, but not limited to: landscape screening or fencing, specific hours of operation, night lighting or lighting restrictions, parking area requirements, signage restraints, outdoor storage limitations.

Certification: To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Special Use

[Signature]
Signature of Applicant

3/2/20
Date

[Signature]
Signature of Owner

3/2/20
Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Jon Oliphant, Planning & Development Director at (309) 444-1135.

FOR OFFICE USE ONLY Case No.: _____
Plat Submitted? Y / N Date: _____
Documentation of Authority Submitted: _____
Commission Action: _____

Fee Paid? Y / N / N/A Amount: \$100 Date: 3/4/2020
Landscaping Plan Submitted? Y / N / N/A Date: _____
Date to go before the Planning and Zoning Commission: _____
Ordinance Review: (first reading) _____ (second reading) _____

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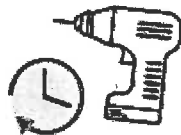
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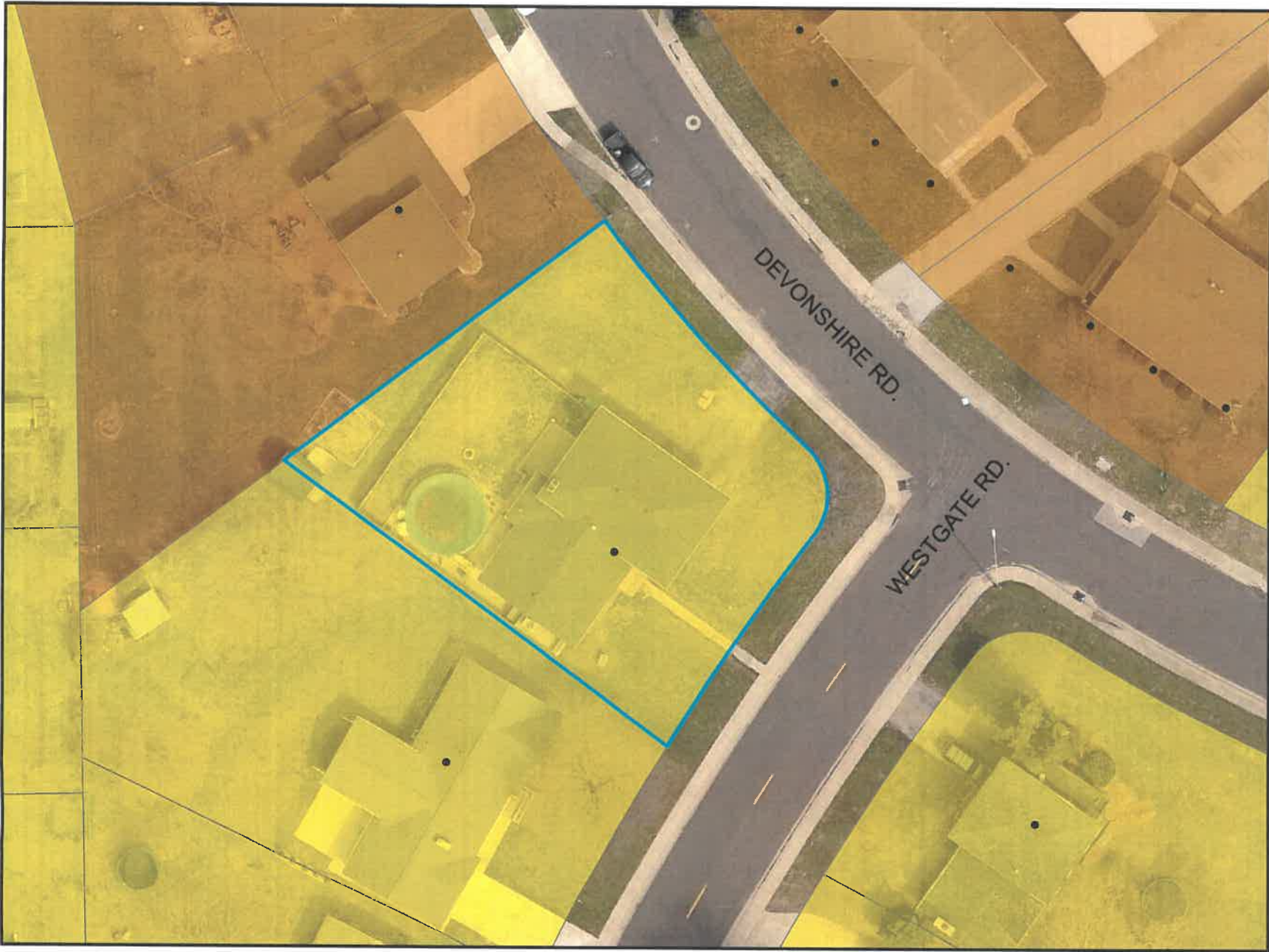
**CITY OF
WASHINGTON**
TAZEWELL COUNTY, ILLINOIS

LOCATION MAP



*Prepared by the City of Washington
Department of Planning and Development*

Printed: April 24, 2020



**CITY OF
WASHINGTON**
TAZEWELL COUNTY, ILLINOIS

LOCATION MAP



Legend

- AG-1 (Agriculture)
- CE (Country Estates)
- R-1A (Single Family Residential)
- R-1 (1-2 Family Residential)
- R-2 (Multifamily Residential)
- C-1 (Local Retail)
- C-2 (General Retail)
- C-3 (Service Retail)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)



*Prepared by the City of Washington
Department of Planning and Development*

Printed: April 24, 2020



CITY OF WASHINGTON, ILLINOIS

Planning & Zoning Commission Meeting – May 6, 2020

Special Use Request, 607 Westgate Road

PUBLIC COMMENTS ATTACHED

Here is our list of reasons against Joseph & Romanie Lehman's request for chickens.

- Chicken coops are known for terribly strong Ammonia odors, especially during summer months. We like to have our windows open and enjoy fresh air. Their fence is approx. 18ft from our kitchen window and dining table and could possibly be closer if they decide to move their fence onto their property line. It currently sits a few feet off of the line. Who wants to smell manure while eating dinner?
- Our bedroom window along with our daughter's is right above our kitchen window. Who wants to wake up hearing chickens squawking and smelling chicken manure?
- My daughter and I also have allergies and chicken dander is known to cause reactions.
- Chicken coops are known for nuisance, noise, and sanitation issues. It will be pretty hard to enjoy our own backyard when there will be an abundance of chickens squawking, flies, mice and rodents along with other predators finding their way in to try and get their food.
- What about our property value? I don't think too many people looking at a house in town are going to want to buy a house with all of the above living 18 ft. or closer next to them.
- Our homes are on a very busy intersection already, what will happen when the chickens get out (and they will) and their dog starts chasing them and they run into the street? People speed down our road already and I am concerned they will cause an accident.

Our thoughts on their request is that it's selfish and not very neighborly, when you live in very close proximity to your neighbors, to request raising poultry in the center of town when homes are already close together.

Eric Sutton & Nicole Fehr

Patricia Brown

From: Dave Stambaugh
Sent: Tuesday, May 5, 2020 12:14 PM
To: Patricia Brown
Subject: Objection to permit to raise poultry at 607 Westgate Road

I live approximately 200 yards straight line distance from the Westgate Road property in question. I believe it would be detrimental to the neighborhood to approve this zoning request. It is not in keeping with the general nature of the other residences in this and neighboring subdivisions.

David Stambaugh


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Patricia Brown

From: Becky Holmes
Sent: Wednesday, May 6, 2020 9:06 AM
To: Patricia Brown
Subject: FW: Variance request of 607 Westgate

From: James Saunders
Sent: Tuesday, April 21, 2020 11:05 AM
To: Becky Holmes <bholmes@ci.washington.il.us>
Subject: Re: Variance request of 607 Westgate

Hello Becky

Thank you for the opportunity to voice our concerns regarding the city of Washington issuing a variance to allow poultry to be raised at our immediate neighbor's house(607 Westgate Road).

As a point of context, the backyard privacy fence that would most likely be the area the chicken coops are located in is literally a few feet from our lot line with 607 Westgate. Our homes are very much right next to each other.

We have concerns and fears regarding this possibility:

1) This one is in the concern category. We love to sleep with the windows open in the summer to enjoy the fresh air. If the chickens begin rustling around at sunrise(a very early hour in the summer) this would be disturbing to us. If a rooster is involved, this rises to a higher level. Our house is very close to the wooden fence that would probably be the containment area for the animals so noise would not be muffled by distance.

2) This one is in the fear category. Would the storage and/or feeding of the poultry draw in vermin. Rats and mice are always drawn to grains and the like that would be used to feed chickens. They will eat open bags that may be stored in the outside shed that is on the property. If the feeding process involves food being spread on the ground or is dropped on the grass by mistake as feeding trays are filled, the rats will find that quickly and are smart enough to come back again and again for a free meal

Rats and mice are a real health and sanitation risk. They carry diseases. Their feces lead to bacteria spread.. The topography of the land between our houses will bring rain water runoff onto our property as drainage runs between our two houses. We have a dog, she would be at risk as she walks in this area of the yard. I maintain our yard in the summer, I would also be at risk as I mow and maintain our yard. This is a serious potential risk.

Would the spread of waste from the chickens result in foul smells that we would have to put up with during the hot central Illinois summers? I think this is a real issue also.

Lastly on this point. During the winter, rats and mice look for safe and warmer homes. Would this be in our basement? I think they would end up there. Farms address this problem by having farm cats so this is a very real issue.

3) This one is also in the fear category. We moved into our home at 609 Westgate right after the tornado in 2013. We have spent many thousands of dollars upgrading our abode with a new sun room, new patio, remodeled kitchen, moving the laundry room from the basement to the first floor to name the major items. Other smaller improvements have been done.

Having poultry being raised immediately next door will negatively effect the value of our home and the effect would be drastic. Imagine if you were shopping for a home and your realtor told you the house next door to one you are interested in buying was raising chickens, would you even take the time to view the property. Many would not.

This fear falls in the probability of a decrease of tens of thousands of dollars being lost.

Raising poultry in a yard that is in fact a few feet from our property line is really a bad situation. I strongly encourage the City to not grant the variance for the above reasons and for other concerns that may have been brought to the fore by other neighbors.

Thank you for your understanding.

James and Tamara Saunders
609 Westgate Road
Washington, IL 61571

On Mon, Apr 20, 2020 at 1:37 PM Becky Holmes <bholmes@ci.washington.il.us> wrote:

James,

The variance request to allow chickens at 607 Westgate will be heard at the May 6, 2020 Planning and Zoning Meeting. We will be holding a zoom remote web meeting. You had called me back on March 31 and expressed your opposition to the variance. I would like to be able to share your concerns at the meeting and can include an email from you in my packet to the Board. Please respond with your concerns at your earliest convenience.

If you have questions or concerns, please feel free to contact me.

Thank you,

To: Washington City Council

From: The Baileys

Subject: Zoning variance request for 607 Westgate to raise chickens on property

Date: May 6, 2020

We love chickens, second only to the bald eagle as America's bird. We love the eggs chickens produce even more, and take a back seat to no one in our affection for a fluffy Denver omelet.

But we *hate* the idea of a chicken coop potentially coming next door, its inhabitants waking us up at dawn (if a rooster were to be in the mix), pooping on our property line, kicking up a constant stink, drawing flies and other unwelcome critters (who like the taste of chicken, too), creating a sanitation and potential health problem, and diminishing the value of the home in which we have invested a great deal of money over the years. We may want to sell this beloved home someday. Would it be worth less with chickens and the mess they make next door? Probably.

For now, we want to enjoy our back yard, too – to sit out in the fresh air on our deck and watch our grandkids play and have a chat with friends and family. That experience would likely be considerably less pleasant with the smell and the squawking and the predators lining up to eyeball a potential meal.

We've become accustomed to wearing face masks during this coronavirus. With chickens doing what they do next door, would we need to wear them all the time?

Chickens can't just fly away (at least not very far). We'd be stuck with them.

We understand the appeal of having a ready supply of farm fresh eggs, or a drumstick or a wing. And you know what? We already have that – at Lindy's, or at Kroger, or at Walmart, or at the farmers market. And they're inexpensive, to boot.

In short, chickens are cute – on a farm, which is where they belong, not in an urban or suburban neighborhood where people live in close proximity, and where the problems that will inevitably arise cannot be confined. We're not convinced it's good for the chickens, either.

We don't live on the same block as these petitioners do, but we're close, and our concern is that once this door is open to one, it can't be closed to others.

We respectfully urge you to weigh the pros and the cons of the zoning variance request before you that would allow poultry to be raised at 607 Westgate in Washington, to conclude that the cons have it, and to come back with a resounding "no."

Thank you for listening.

The Baileys

