

**CITY OF WASHINGTON, ILLINOIS
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, JULY 1, 2020
FIVE POINTS WASHINGTON BANQUET ROOM A – 6:30 P.M.**

Call to Order	Vice Chairman Brian Fischer called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:33 p.m. in Banquet Room A at Five Points Washington.
Roll Call	<p>Present and answering roll call were Commissioners, Brian Fischer, Louis Milot, Hans Ritter, Tom Reeder, and Steve Scott. Commissioners Mike Burdette and Lindsay Rodriguez were absent.</p> <p>Also present was P & D Director Jon Oliphant, B & Z Supervisor Becky Holmes and City Clerk Pat Brown.</p>
Appv min 6/3/20 PZC meeting as presented	<p>Commissioner Milot moved and Commissioner Reeder seconded to approve the minutes of the June 3, 2020 Planning and Zoning Commission meeting as presented.</p> <p><u>Motion carried unanimously by voice vote.</u></p>
Public Hearing: side yard variance request, Judy & Jim Coleman, 311 Madison Street	<p><u>Case No. 070120-V-1</u> – A public hearing was opened for comment at 6:34 p.m. on the request of Judy & Jim Coleman for a side yard variance at 311 Madison Street. Publication was made of the public hearing notice, and there were no “interested parties” registered.</p> <p>B & Z Supervisor Holmes provided a brief overview of the variance request noting the following: the petitioner is requesting a 2’4” side yard variance in order to replace their existing storage shed with a similar size structure in the same location using the existing concrete slab; and the current side yard setback is 5’.</p> <p>Petitioner comments: None.</p> <p>Public comments: None.</p>
Close Public Hearing	At 6:35 p.m. the public hearing was closed.
Approve Case No. 070120-V-1, side yard variance request	<p>Commissioner Scott moved and Commissioner Milot seconded to approve the variance request as presented.</p> <p>Commissioner comments: None.</p> <p>There was no additional discussion and on roll call the vote was: <u>Ayes: 5</u> Fischer, Milot, Reeder, Ritter, Scott <u>Nays: 0</u> <u>Motion carried.</u></p>
Finding of Facts	<p><u>Findings of Fact</u> – application was made by owners of property; fees were paid; property is zoned R-1; and a 2’4” side yard variance is requested to replace a storage shed. A public hearing was held on Wednesday, July 1, 2020, all present were given the opportunity to be heard; there were no ‘interested parties’; property cannot yield a reasonable return because the property was purchased with a storage shed; plight of the owner is due to unique circumstances as the lot is narrow; and character of the neighborhood would not be changed as the storage shed has been in its location 50+ years.</p>
Public Hearing: rear yard variance request, David Evans, 1112 Dixon Street	<p><u>Case No. 070120-V-2</u> – A public hearing was opened for comment at 6:35 p.m. on the request of David Evans for a rear yard variance at 1112 Dixon Street. Publication was made of the public hearing notice, and there were no “interested parties” registered.</p> <p>B & Z Supervisor Holmes provided a brief overview of the variance request noting the following: the petitioner is requesting a 10’ rear yard variance in order to construct a 10’x12’ deck; the deck would be on the second floor; would not encroach into usable back yard space; there will be no stairs from the deck to the rear yard with the only access being from the interior; and the current rear yard setback is 20’.</p> <p>Petitioner comments: David Evans provided a summary of his request noting he currently has no place on his property to place his grill and chairs to enjoy the outdoors. He shared there is a small concrete pad on the side of his house that is not large enough to do anything with and he has talked with his surrounding neighbors and no one had any concerns with the proposed deck.</p> <p>Public comments: Commissioner Fischer read a public comment received from Nerra Lersch, 1110 Dixon Street, that indicated she had no objections to the issuance of the variance request.</p>
Close Public Hearing	At 6:40 p.m. the public hearing was closed.
Approve Case No. 070120-V-2, rear yard variance request	<p>Commissioner Scott moved and Commissioner Reeder seconded to approve the variance request as presented.</p> <p>Commissioner comments: A brief discussion ensued on the deck placement and the shallowness of the rear yard due to the setback of the principal structure on the property and no concerns were mentioned.</p> <p>There was no additional discussion and on roll call the vote was: <u>Ayes: 5</u> Fischer, Milot, Reeder, Ritter, Scott <u>Nays: 0</u> <u>Motion carried.</u></p>

Findings of Fact – application was made by owners of property; fees were paid; property is zoned R-2; and a 10’ rear yard variance is requested to construct a deck. A public hearing was held on Wednesday, July 1, 2020, all present were given the opportunity to be heard; there were no ‘interested parties’; property cannot yield a reasonable return because the neighboring duplexes have first floor decks and will take away its fair market value; plight of the owner is due to unique circumstances due to the shallowness of the rear yard; and character of the neighborhood would not be changed as the rear yard usable space would not be affected.

Case No. 070120-V-3 – A public hearing was opened for comment at 6:44 p.m. on the request of Christopher & Linda Watson for a front yard variance at 120 W. Holland Street. Publication was made of the public hearing notice, and there were no “interested parties” registered.

B & Z Supervisor Holmes provided a brief overview of the variance request noting the following: the petitioner is requesting a front yard variance in order to construct a partially enclosed fence that is less than 50% open; the lot is a corner lot and has two front yards; the fence would be located in the front yard along the S. Market Street side of property; the house faces W. Holland Street; and the current front yard fence requirement is no more than 4’ high and at least 50% open.

Petitioner comments: Linda Watson provided a summary of their request noting they have been working to clean up this unattended portion of their yard and after clearing out the overgrown brush it left the 250’ of the property exposed. She added they are looking to continue enhancing the property with garden beds and are looking to have a little privacy from the roadway by adding the 4’ fence. She noted she did contact the manufacturer of the fence and the fence is about 3” off from being 50% open.

Public comments: None.

At 6:47 p.m. the public hearing was closed.

Commissioner Reeder moved and Commissioner Milot seconded to approve the variance request as presented.

Commissioner comments: A brief discussion ensued on the fence placement and design and no concerns were mentioned.

There was no additional discussion and on roll call the vote was:

Ayes: 5 Fischer, Milot, Reeder, Ritter, Scott

Nays: 0

Motion carried.

Findings of Fact – application was made by owners of property; fees were paid; property is zoned R-1; and a variance is requested to construct a partially enclosed fence. A public hearing was held on Wednesday, July 1, 2020, all present were given the opportunity to be heard; there were no ‘interested parties’; property cannot yield a reasonable return because privacy is valued in rear yards and this is a well-travelled street; plight of the owner is due to unique circumstances as the lot is over an acre; and character of the neighborhood would not be changed as the fence appears to be less intrusive than the overgrown vegetation on that side of the property.

A public hearing was opened for comment at 6:50 p.m. on the request of Bradley & Jewel Ward, 711 W. Jefferson Street, to permit the raising of poultry on a residential lot. Publication was made of the public hearing notice, and there were no “interested parties” registered.

P & D Director Oliphant gave a brief overview of the request noting the following: the petitioner has submitted a special use application for the allowance of chickens on their property at 711 W. Jefferson Street which is approximately 2.43 acres in size; a special use is required in order to allow for poultry on certain residential properties following approval of a special use; some of the conditions are as follow: no more than 5 chickens allowed on one lot, 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 enclosure including the run cannot exceed 60 s.f., and any enclosures cannot be placed closer than 10’ from any side or rear property line and must be 25’ from any residential structure on an adjacent lot; the proposed coop and run would be approximately 33’ from the west side of the property line, approximately 125’ from the east side of the property bordering 1 Hidden Acres, about 105’ from the lot bordering 709 W. Jefferson and 275’ from the rear property line; it is located roughly 75’ from a WCHS utility shed and approximately 225’ from neighboring houses; a 6’ privacy fence runs along much of the west property line; the location meets setback regulations; the property and enclosure plan look to be sufficient for housing poultry. He shared about the recent moratorium that City Council has placed on any new applications in order to have further consideration given to possibly repealing the ordinance that allows for residential poultry but noted the two cases this evening will be based on the existing regulations.

Petitioner comments: Jewel Ward provided a summary of their request noting they currently have chickens on their property, are meeting all the requirements of the ordinance, and want to follow the regulations in obtaining a special use permit.

Public comments: None.

At 6:54 p.m. the public hearing was closed.

Finding of Facts

Public Hearing: front yard variance request, Christopher & Linda Watson, 120 W. Holland Street

Close Public Hearing

Approve Case No. 070120-V-3, front yard fence variance request

Finding of Facts

Public Hearing: Special Use request, Bradley & Jewel Ward, raising poultry, 711 W. Jefferson Street.

Close Public Hearing

Recommend approval of Special Use request	<p>Commissioner Ritter moved and Commissioner Reeder seconded to recommend approval of the special use request as presented.</p> <p>Commissioner comments: A brief discussion ensued on the property size and its relation to neighboring properties, how it meets all the City’s requirements which closely follow other area community regulations, and no concerns were mentioned.</p> <p>There was no additional discussion and on roll call the vote was: <u>Ayes: 5</u> Fischer, Milot, Reeder, Ritter, Scott <u>Nays: 0</u> <u>Motion carried.</u></p>
Public Hearing: Special Use request, Pat & Annette Minasian, raising poultry, 1001 Wellington Drive.	<p>A public hearing was opened for comment at 6:57 p.m. on the request of Pat & Annette Minasian, 1001 Wellington Drive, to permit the raising of poultry on a residential lot. Publication was made of the public hearing notice, and there were no “interested parties” registered.</p> <p>P & D Director Oliphant gave a brief overview of the request noting the following: the petitioner has submitted a special use application for the allowance of chickens on his property at 711 W. Jefferson Street; a special use is required in order to allow for poultry on certain residential properties following approval of a special use; some of the conditions are as follow: no more than 5 chickens allowed on one lot, 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 enclosure including the run cannot exceed 60 s.f., and any enclosures cannot be placed closer than 10’ from any side or rear property line and must be 25’ from any residential structure on an adjacent lot; the lot is approximately .25 acres; the proposed coop and run is located in the backyard; the total area is about 38 s.f.; the enclosure would be approximately 15’ from the west property line, 60 feet from the east property line, 10’ from the rear property line; it is located roughly 36’ from the house at 1005 Wellington, 85’ from the house at 923 Wellington and 68’ from the house at 22 Holborn; a 6’ privacy fence encloses the backyard; the location meets setback regulations; the property and enclosure plan look to be sufficient for housing poultry.</p> <p>Petitioner comments: Annette Minasian provided a summary of their request noting they currently have chickens on their property, are meeting all the requirements of the ordinance, and want to follow the regulations in obtaining a special use permit. She went over how they used the project as a learning tool for their students and kids, did research in obtaining the quietest chickens, and have placed the coop in a location that is blocked from view from neighboring properties.</p> <p>Public comments: Mr. & Mrs. Bob Abel, next door neighbors, shared their concerns noting the following: the coop is not built within guidelines, disagree with some of the comments in the memorandum from City staff in that chickens are detrimental to property values and public health as reports are out that indicated differently; subdivision covenants stating residential uses only as well as no nuisances; their windows being 37’ from the coop and with health conditions can’t open windows; the smell of chickens; other animal infestations; they can see the coop from their property; when the Minasian’s made application the coop did not conform with the guidelines; and they strongly disagree with this request.</p> <p>Annette Minasian commented that they are within the ordinance guidelines; they are not trying to hide anything or deceive anyone; they take meticulous care of their property and have had a recent appraisal done that came back as \$412K; their property value has not been affected; and as long as they are following regulations chickens are not a health hazard.</p> <p>Commissioner Fischer read aloud two public comments that were submitted in support of the special use. The comments are attached and made part of these minutes.</p>
Close Public Hearing	At 7:21 p.m. the public hearing was closed.
Recommend approval of Special Use request	<p>Commissioner Milot moved and Commissioner Ritter seconded to recommend approval of the special use request as presented.</p> <p>Commissioner comments: A discussion ensued on the Planning & Zoning Commission’s role in making recommendation to the City Council in special use cases and how they base their recommendations on the parameter of how closely they meet the ordinance regulations, what is being learned as more requests come forward, and City Council having the ability to more closely look at the impact of the concerns and make modifications going forward. P & D Director Oliphant noted that as a special use request there are other things that can be considered to attach to the special use as well. Commissioner Fischer commented that the decision to allow for chickens in the community was not taken lightly, research was done, and chickens are fine and safe to have within a community as they are being allowed all over the United States.</p> <p>There was no additional discussion and on roll call the vote was: <u>Ayes: 5</u> Fischer, Milot, Reeder, Ritter, Scott <u>Nays: 0</u> <u>Motion carried.</u></p>
Commissioner/Staff Comments	P & D Director Oliphant shared that Lindsay Rodriguez was appointed to fill Joe Roberts term but was unable to make this meeting and will start next month. Commissioner Fischer commented that residents are following the requirements to request and follow the residential

poultry special use process, meeting the regulations that are in place, and the City has an obligation to stick with the code regulations that are in place.	Commissioner/Staff Comments, Cont.)
At 7:36 p.m. Commissioner Scott moved and Commissioner Ritter seconded to adjourn. <u>Motion carried unanimously by voice vote.</u>	Adjournment

Patricia S. Brown, City Clerk

June 30, 2020

To whom it may concern,

My name is Susan Moloney, of 920 Wellington Dr., and I am writing in regards to the hearing for a chicken permit as it pertains to my neighbors, the Minasian family.

I write in support of their permit application as I have lived across the street from them for over six years and in that time I have known them to be conscientious citizens on several levels – their yard, their pets, their vehicles, and above all, their interactions as friendly, caring neighbors who keep an eye out for others. I would not know that they own several chickens had I not heard from friends – I cannot smell them, hear them, nor see any unkempt materials from or for them. Frankly, I find other neighbors' dogs more disruptive than these chickens. Dogs that bark at inconvenient times, knock around metal food bowls, leave waste in my yard, and at times challenge my safety. In spite of these concerns for my neighbors' dogs, I would never ask that the city disallow these family pets nor fine them. These chickens, which provide many positives, and few to minimal drawbacks should also be allowed - on this Wellington Dr. property. I am confident that the Minasian family, as invested and responsible citizens, will maintain their chickens and I am confident that should these chickens begin to cause unforeseen issues, they would continue their conscientious ways and do what is best for all.

Please consider permitting these chickens.

Sincerely,

Susan Moloney

Washington resident, local school teacher, mother of four Washington panthers, and pet owner.

Patricia Brown

From: Kathy Capizzi-Shookman
Sent: Thursday, June 25, 2020 4:01 PM
To: Patricia Brown
Subject: Public Hearing on July 1, 2020

We received a letter from the City of Washington, Illinois, inviting us to attend a meeting on Wednesday, July 1, 2020 in Banquet Room A at Five Points Washington. The topic of the public hearing is a request made by our neighbors, the Minasians, to raise hens on their property. Due to the pandemic, we are unable to attend the meeting. However, we are providing the following response:

We live at 923 Wellington Drive, and have been next door neighbors of the Minasian family since 2013. Over the last seven years, we have found the Minasians to be kind, friendly, and respectful neighbors.

It was during a conversation with Annette Minasian on June 15, 2020 that we became aware of the fact that their family had hens in their backyard. We frequently leave our windows open and spend a lot of time in our backyard. Despite these facts, we had not heard their hens at all!

It is our understanding that the Washington City Council passed an ordinance in October, 2019, allowing chickens in the city's residential areas as long as several conditions are met. Based on the fact that Pat and Annette Minasian have followed the regulations outlined in your ordinance, we believe that it is only right and just that they be permitted to keep their hens.

We believe that the burden of proof of any wrongdoing should be the sole responsibility of any complainant. We can assure you, however, that any complaint with regard to the Minasian's hens is completely unfounded!

Sincerely,

Kathy and Dennis Shookman

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