

# Village of Lombard

*Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org*



## Meeting Agenda

**Thursday, December 2, 2010**

**7:30 PM**

**Village Hall Board Room**

### **Village Board of Trustees**

*Village President: William J. Mueller*

*Village Clerk: Brigitte O'Brien*

*Trustees: Greg Gron, District One; Keith Giagnorio, District Two;*

*Zachary Wilson, District Three; Peter Breen, District Four;*

*Laura Fitzpatrick, District Five; and Bill Ware, District Six*

**I. Call to Order and Pledge of Allegiance****II. Roll Call****III. Public Hearings****IV. Public Participation**

[100659](#) Proclamation - National Drunk and Drugged Driving Prevention Month

Attachments: [procdrunkdruddgedprevent2010..doc](#)

**V. Approval of Minutes****VI. Committee Reports**

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

Finance Committee - Trustee Zachary Wilson, Chairperson

Public Works Committee - Trustee Greg Gron, Chairperson

Transportation & Safety Committee - Trustee Keith Giagnorio, Chairperson

Board of Local Improvements - Trustee Greg Gron, President

Community Promotion & Tourism - President William J. Mueller, Chairperson

Lombard Historical Commission - Clerk Brigitte O'Brien

**VII. Village Manager/Village Board Comments****VIII Consent Agenda**

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**Payroll/Accounts Payable**

- A. [100649](#) Approval of Accounts Payable  
For the period ending November 19, 2010 in the amount of  
\$377,445.54.

- B. [100654](#) Approval of Village Payroll  
For the period ending November 20, 2010 in the amount of \$859,539.43.
- C. [100655](#) Approval of Accounts Payable  
For the period ending November 26, 2010 in the amount of \$720,816.79.

### Ordinances on First Reading (Waiver of First Requested)

- D. [100646](#) Sale of Surplus Equipment  
Declaring five Village-owned vehicles as surplus equipment and authorizing their sale at the Tri-State Automobile Auction of Chicago. Staff is requesting a waiver of first reading.  
*Attachments:* [100646.pdf](#)  
[Ordinance 6553.pdf](#)
- E. [100647](#) Sale of Surplus Equipment  
Declaring one Village-owned ambulance as surplus equipment and authorizing its sale. Staff is requesting a waiver of first reading.  
*Attachments:* [100647.pdf](#)  
[Ordinance 6554.pdf](#)

### \*F. Tax Levy Ordinance (Moved to IX-A)

### Other Ordinances on First Reading

- G. [100648](#) Ordinance Amending Village Code  
Amending Chapters 39 & 40 of the Village Code creating the Department of Public Works and the Department of Community Development.  
*Attachments:* [100648.pdf](#)  
[Ordinance 6559.pdf](#)
- H. [100653](#) Amending Title 9 - Emergency Medical Services Fees  
Amending the Lombard Village Code with regard to the fees charged for EMS services for residents within the Glenbard Fire Protection District.  
*Attachments:* [bluecoverGlenbardFPDfees.DOC](#)  
[memoGlenbardFPDfees.DOC](#)  
[OrdGlenbardFees.DOC](#)  
[Ordinance 6560.pdf](#)  
[100653.pdf](#)  
[110653-Coverpage-11-3-11](#)

### \*I. On-line Disposal of Seized and Recovered Property (Moved to VIII-L1)

## Ordinances on Second Reading

- J. [100596](#) ZBA 10-12: 544 S. Highland Ave  
Requests that the Village grant a variation from Section 155.212 of the Lombard Zoning Ordinance to allow an unenclosed roofed-over front porch to be set back to twenty-two and a half (22.5) feet where twenty-five (25) feet is required in the R2 Single-Family Residence District. (DISTRICT #5)

**Attachments:** [100596.pdf](#)  
[apoletter 10-12.doc](#)  
[Cover Sheet.doc](#)  
[PUBLICNOTICE 10-12.doc](#)  
[Referral Let.doc](#)  
[Report 10-12.doc](#)  
[Ordinance 6556.pdf](#)

*Tom Mack, 544 S. Highland, presented the petition. Mr. Mack stated that they wanted to add the front porch to the house for a couple of reasons. First, Mr. Mack said that the existing porch is too small to accommodate wheelchair access for his mother-in-law. Second, you have to step off the porch in order to open the front door. He added that the mailman had fallen off his front porch at one time because of this. Lastly, Mr. Mack stated that they have been residents for 25 years and they plan to retire in their current residence. He stated that the front porch would allow them greater access and safety for the years to come.*

*Patty Mack, 544 S. Highland, stated that the front porch would provide wheelchair access for her mother and also mentioned the mailman incident. She then stated that they need the extra room on the porch.*

*Michael Toth, Planner I, presented the staff report. The property contains a one-story single family residence. The petitioner is proposing to construct an unenclosed roofed-over front porch on the front of the residence, twenty-two and a half (22.5) feet from the eastern property line, which is considered the front yard of the subject property. The Zoning Ordinance allows unenclosed roofed-over front porches as a permitted encroachment into the required front yard, provided that a minimum of twenty-five (25) feet is provided. As the proposed porch is set back only twenty-two and a half (22.5) feet, a variation is required.*

*The Zoning Ordinance allows roofed-over porches, which are unenclosed and projecting not more than seven (7) feet, as a permitted encroachment in the front yard, provided that a minimum twenty-five (25) foot front setback is maintained. The principal structure on the subject property is situated twenty-nine feet nine inches (29'9") from the eastern property line at its closest point. Under the permitted obstructions provision, an unenclosed roofed-over porch could be constructed on the subject property approximately four feet three inches (4'3") from the principal structure as a matter of right. The petitioner is proposing to construct an unenclosed roofed-over porch that will extend (eastward) six feet ten inches (6'10") from the principal structure. This would result in a setback deficiency of two feet one inch (2'1") as the structure would only be set back a distance of twenty-two feet eleven inches (22'11") from*

*the eastern property line, where twenty-five feet (25') is required.*

*The existing porch consists of a concrete landing with no roof or overhang over the landing. In the response to standards, the petitioner indicates that the existing stoop is very small and when the door opens out, there is no room for anyone to stand. Moreover, constructing a wider porch would allow greater clearance around the door area, creating safer and easier access to/from the home. While staff recognizes this issue, staff believes that the hardship for the variation has more to do with the location of the principal structure in relation to the eastern property line.*

*As previously mentioned, the principal structure on the subject property is situated less than thirty (30) feet from the eastern property line at its closest point. Staff notes that this setback is considered legal non-conforming with respect to the front yard setback. Although this setback deficiency is minimal, it does reduce the property owner's ability to construct an unenclosed roofed-over front porch to a usable standard.*

*There is also precedent for setback variations to allow roofed-over porches within required yards. Recently, the property owners at 322 E. Elm (ZBA 10-08) received approval to fully enclose a stoop, which was located in the required corner side yard. As the porch was built with the house in 1924 it was also considered legal non-conforming. Although this case involved a corner side yard, staff believes that the relevance is similar in nature as it involves a required yard that is visible from the right of way.*

*A variation was also granted in 2006 (ZBA 06-03) to allow a roof over an existing stoop within the front yard. ZBA 06-03 (121 N. Lincoln Ave.) was similar in nature as the existing front yard setback of the principal structure was also considered legal non-conforming at approximately twenty-eight and one half feet (28.5') from the front property line. ZBA 06-03 received approval to construct an unenclosed roofed-over front porch that only maintained a twenty-three and one half foot (23.5') setback from the front property line.*

*Staff finds that the requested relief can be supported, as the proposed porch will be setback two feet one inch (2'1") less than what is allowed by code. Staff is also able to support the requested variation based upon established precedence for unenclosed roofed-over porches in required yards on properties with legal non-conforming setbacks. Furthermore, the proposed improvements will not increase the visual bulk within the front yard as the setback of the house itself will remain the same and the porch itself would be unenclosed. Lastly, the proposed porch would not alter the essential character of the neighborhood as there are a number of homes in the immediate area with non-conforming front yard setbacks that have constructed either enclosed or unenclosed front porches.*

*Concluding, Mr. Toth stated that staff is recommending approval of ZBA 10-12, subject to the four conditions outlined in the staff report.*

*Chairperson DeFalco then opened the meeting for discussion by the ZBA members.*

*Mr. Tap asked if the front steps are included in the setback measurement.*

*Mr. Toth stated that the steps are actually a separate item; however, they are considered a permitted encroachment in the required front yard.*

*Chairperson DeFalco stated there are a number of homes in the neighborhood that have deficient front setbacks that have porches constructed on the front of the house. He then stated that a condition of approval would require the house to meet the current setback requirement. He then mentioned the new average setback provisions. He asked staff if there was a minimum setback.*

*Mr. Toth stated that the house would be required to be setback a minimum of thirty (30) feet.*

**K. [100618](#)**

**Garbage Collection and Disposal Test Amendments**

Staff recommendation to amend the Village Code to reflect the definitions and fee rates in the Solid Waste contract that was approved on August 19, 2010. The amendments would also set a 30-day time limit for dumpsters kept on properties unless regularly serviced or associated with building permits.

**Attachments:** [100618.pdf](#)

[Ordinance 6557.pdf](#)

**Resolutions**

- L. [100657](#) St. Charles Road Road LAPP Resident Engineering Amendment No. 1 Authorizing an increase in the amount of \$35,026.95 to the contract with V3 Companies of Illinois. (DISTRICTS #1 & #4)

**Attachments:** [100657.pdf](#)  
[R 52-11.pdf](#)  
[Amendment to Agreement LAPP.pdf](#)

- \*L1. [100656](#) On-line Disposal of Seized and Recovered Property Resolution authorizing the signature of the Village President on two agreement with PropertyRoom.com for the disposal of seized and recovered property.

**Attachments:** [pdpropertyroomcover.doc](#)  
[pdpropertyroommemo.doc](#)  
[pdpropertyroomres.doc](#)  
[100656.pdf](#)  
[R 53-11.pdf](#)

**Other Matters**

- M. [100651](#) 2011 Insurance Program Recommendation from the Finance Committee to approve the 2011 Insurance Renewal.

**Attachments:** [Finance Committee Insurance Renewal 10.PDF](#)  
[Insurance Renewal 11.doc](#)  
[100651.pdf](#)

**IX. Items for Separate Action**

- \*A. [100652](#) Tax Levy Ordinance Providing for the levy and assessment of taxes for the fiscal year beginning June 1, 2010 and ending May 31, 2011 for the Village of Lombard.

**Attachments:** [Property Tax Ord Submittal.doc](#)  
[Tax Levy.pdf](#)  
[TAXLEVYVILLAGE-2010.doc](#)  
[2010 Tax Levy Revised Ordinance.doc](#)  
[100652.pdf](#)  
[Power Point.pdf](#)  
[Ordinance 6561.pdf](#)

**Ordinances on First Reading (Waiver of First Requested)**

## Other Ordinances on First Reading

## Ordinances on Second Reading

## Resolutions

## Other Matters

## X. Agenda Items for Discussion

- A. [100601](#) Proposal to Allow Chickens in Residential Areas  
Discussion regarding allowing chickens to be kept within the Village limits. (DISTRICTS - ALL)

**Attachments:** [#100601.pdf](#)  
[#100601A.pdf](#)  
[100601.pdf](#)

*Gorman summarized that at the last meeting the Committee heard a proposal from Citizens of Lombard for Urban Chickens (CLUC). Since then the Village received a petition with 142 signatures asking that the code be amended to allow chickens. The Committee is being asked to send a recommendation to the Board of Trustees. He informed the Committee and the public in attendance that the meeting is not being televised but is being recorded.*

*Stilling gave a presentation outlining the pros and cons of allowing chickens.*

*He pointed out that most of the communities that do allow chickens do not have restrictions that could apply in Lombard with the exception of Naperville and West Dundee. Naperville requires a 25' setback and West Dundee requires a 10' setback. The other communities have such severe restrictions that they would limit eligibility in Lombard.*

*Cooper asked Stilling for clarification of his mention that the Village received numerous complaints. Bartt asked in what time frame the complaints were received. Stilling answered that it was since 2001. Lyons commented that she has heard from people of a chicken walking around Hammerschmidt and Norbury. Which she felt goes to show that it would be difficult to restrict. Durdic commented that he saw a dog running around, his daughter grabbed it and people thanked her. Stilling responded that the Village does have stringent rules for dogs. Durdic went on to say that chickens are unique in that they can provide eggs and food. They're not that much different from any other domestic pet. Lyons interjected that chickens are farm animals, dogs are not. Chickens are outside all the time clucking. Dogs are not. Dogs are licensed and easier to catch. Cooper commented that he has lived here for 5 years and has had several interactions with dogs. Dogs present a much greater danger in town than chickens. Nobody is in danger of being attacked by a chicken and the noise they make is not as much as dogs. He added that he didn't see why the Village wouldn't permit and he is hopeful that it can also be addressed from an environmental standpoint. This committee has a specific charge. Although the Village does need to protect adjacent properties rights so they are not infringed upon, staff also must look at the environmental issues. Industrial agriculture*



puts a huge burden on the environment and, in his opinion, infringes upon the rights of animals. The local food movement is taking on some steam. A part of the responsibility should be taken on by our communities. He went on to say that he does a lot of work in Iowa and sees what's happening to air and water quality. It's not going to happen if communities like Lombard don't find a way to allow raising local food without infringing on the neighbors. In general this is a good thing. It doesn't have to be large quantities of chickens. Bartt added that the environmental issue and moral issue should take precedence. Realistically, if the Village allows chickens you're not going to have every household in Lombard raising chickens. Chairperson Moreau commented that she has received an equal number of emails for and against. A major concern is additional predators. She asked Stilling how the Village regulates koi ponds. Stilling answered that staff is aware of a few ponds in town. Other than individuals asking to build a structure to keep the pond from freezing there has not been much contact. It was not a serious discussion or concern that came up in talking to other towns.

Lee Stahl, 440 E. Maple Street

Mr. Stahl introduced himself. He has 8 years as a licensed wildlife specialist. He works with the Forest Preserve District and works as a bird specialist at Brookfield Zoo. He mentioned that people are still concerned about the topic of diseases. Consider cats and dogs; you don't hear things in the paper regarding hookworm, giardia, rabies or the numerous other parasites these animals can transmit, because it doesn't usually happen. There were rumors about concerns regarding salmonella or avian flu. Avian flu has not been in the United States yet, and regarding Salmonella, any raw product you buy has a label telling you to wash your hands after handling and cook thoroughly. That's because they can not guarantee that it's disease free. These animals are housed very differently than urban chickens would be. You would hear it from a neighboring community quickly if that were an issue. As far as predators, coyotes are already here. All of the methods used to eradicate them did not help and have allowed the numbers to increase. The urban environment allows younger ones to have a niche. Having chickens in a predator proof coop is not going to increase the population. There was one case of a person being bitten by a fox because someone stuck their hand in the den. There are hundreds of dog and cat bites, but you are not going to hear of anyone being bitten by a chicken or chased down by one. He would be far more concerned about a dog. The likely hood of a chicken harming anyone, it's not going to happen. The people that want to do this are serious about it and they are going to be very mindful of the regulations. There are very easy ways of building structures that are very attractive. (He showed pictures of structures) They don't need a huge amount of space. Regarding smell, four chickens can't compete with the amount of output three dogs can do in the backyard. They are also quieter than dogs and they are not nocturnal.

Mary Beth Lynch, 500 W. Maple Street

Ms. Lynch stated that she had chickens until the late 70's. They were wonderful. They were never a nuisance. They recycle by eating food scraps and egg shells. She does remember one chicken getting out, she walked out and picked it up. They were very tame. When her husband came home they would come up to the fence to be fed. They did slaughter a couple. She went on to say that in this economy she thinks if people want to recycle and get fresh eggs everyday, why not. Just because we haven't done it does not mean it's not right.

Harold Hoffman, 1157 S. Ahrens Avenue

Mr. Hoffman said that his hometown is a small town downstate. He spent a lot

*of time on farms. Chicken coops are noisy, messy and stinky, and unless you put something in the code they can be ugly. A chicken can't be housebroke. If he saw a neighbor had a chicken coop he would not look for a house in Lombard. It will detract from property values and will stop people from moving into the community.*

*Ben Peinsipp, 439 N. Lombard Avenue*

*Mr. Peinsipp suggested that since we have garden plots for rent in Madison Meadow, perhaps there could be chicken coops as well. That would take care of the setbacks and smell.*

*Dan Hildebrand, 312 S. Lodge Lane*

*Mr. Hildebrand commented that during high school and college, he lived in the far southern suburbs by Dutch Farms. They stink, they're messy and they're noisy. If you put four chickens in a coop and have 2-3 coops in a neighborhood it would be bad. Yes, we have predators in the area but they roam, if you give them a destination that's where they will go. He went on to say that you're going to have rats, mice, coyotes and snakes. If you're by Madison Meadows the predators will be coming to that location.*

*Emily Prasad, 340 W. Maple Street*

*Ms. Prasad started by asking if anyone knows a cat lady, her house stinks. She went on to say that there is a huge difference between living next to Tyson or four hens in a chicken coop. This is a chance for Lombard to make a decision based on facts, evidence and forward thinking instead of fear. All of the potential nuisances are all very well regulated by our village ordinances. Four hens produce less waste than a medium size dog. You could go get three Bull Mastiffs. Flock is the technical term for two or more birds. Nobody is looking for large amounts of birds, nobody wants to slaughter them, they are pets. If you look at the pictures the coops are attractive well built and well maintained. Municipalities that adopt these ordinances do not have problems.*

*Robert Ripper, 1061 S. Fairview Avenue*

*Mr. Ripper explained that he is there on behalf of a group that is opposed to chickens. They feel strongly that there is a considerable amount of downside to allowing chickens. Oakbrook requires 10 acres. The key seems to be separation. One reason the group is opposed is that they are concerned about property values. The house next door has two dogs and the waste smells and the barking does go on continuously. He questioned the resources of the village to be able to properly monitor and inspect these. 20-25 residents doing this would require at least three staff members. A coop requires daily maintenance. Although the group here sounds like they are dedicated, you're opening this up to the whole population. If people don't do the right thing it's hard for the village to deal with it. In this time of tight budgets, the money has to come from somewhere for the increase in cost. The group also thinks this type of activity is overwhelmingly a public health issue. There could be criminal activity; who is going to deal with it if people are selling eggs. Overall the group is asking the committee not to pass this. Not to change the ordinance. Lombard is an urban community and we have residential zoning. What's happening here is by passing this, it would take away a residential zones peace and tranquility by allowing agriculture.*

*Mr. Stahl spoke again. He has been researching the real estate issues online and came across articles stating that it did not lower property values because someone has kept some birds on their property. Regarding predators, chickens would not impact the number of predators because they're already here. They*

are very territorial. They don't live much past six years, most only make it to three years. Nobody can deny that they wouldn't be attracted and check out a coop, but they're not going to be able to get to it. Even if they got an occasional chicken it's not going to suddenly magnify the coyote population. They also see cats and small dogs as possible prey, so would we need to get rid of cats and dogs. 90% of their diet is rodents. They are actually a useful predator. People will have to deal with them as they move into the area, they have even trapped coyotes in downtown Chicago. Same with the fox. We haven't heard statistics on the real estate, nor facts or figures.

Mary Beth Lynch pointed out that she sells real estate and is very successful in this town. Four chickens in a backyard would never devalue a property. There are houses with school buses in front all day, teenagers hanging out in parks with loud music or dogs next door. Those are things that would deter people from looking at a house. She doesn't believe that four chickens are going to give off the smell or noise like a chicken farm or a stockyard. Most people would not slaughter their chickens, they would be using them for eggs.

Frances Gockman, 703 S. Stewart Avenue

Mrs. Gockman spoke in regard to property being devalued. She stated that she has lived in Lombard for over 40 years and would not want to live next door to chickens. Cats and dogs are domestic animals that are kept in the home, chickens are kept outdoors. She asked who is going to monitor how many chickens there are. You hear of people with 30-40 cats. She asked if she would have to monitor her neighbors chickens. Animals would be attracted to chickens. If she had a small child she would be afraid to leave them in the yard. Chickens will devalue property simply because who is to know that everybody on the block is going to have chickens. She thinks it's a nuisance. She went on to say that she moved into the community to have a nice peaceful existence and does not want to have the zoning changed.

Dan Hildebrand stated that he is also a realtor and obviously not in favor. He further stated that he agrees with the boy scout who suggested putting a community coop in an industrial area. It would be easier to maintain and control.

Durdic thanked the public in attendance for stating opinions in a peaceful and eloquent manner.

Chairperson Moreau asked if fencing is required in the communities that do allow chickens, in case the chickens do not remain in the coop. Stilling replied that the other communities were not specific.

Schukat asked for clarification of a comment from Jendras that chickens only lay eggs for a few years. Jendras answered that they live about 15 years, but they only lay for 18 months-3 years. Mr. Stahl added that it really depends on their health and the breed that they are. Breeds that don't lay as many may have longer production. Schukat said that if they're pets, it's not really for the eggs then. Mr. Stahl replied that some people have them for pets and some people will have them for dinner when they are done with their egg laying. Lyons commented that if in fact you do want them for egg laying, but they are pets, you may want to get more so you have eggs. Then you have a dozen eggs. Mr. Stahl answered that every person would have their own set of rules to deal with that. The other option is people are forced to buy eggs from the grocery store which is hormone and antibiotic laced.

Cooper discussed the permitting issue. He pointed out that if a resident has a dog they have a license, but there is no inspection. If there is an issue it comes upon the neighbor to call the police. The issues that could potentially happen with a dog are more severe than with a chicken. He has no fear of letting kids out next to chickens. For enforcement purposes, it could be set up that in order to get a permit, you have to get a building permit for the coop then the Village could charge a fee and monitor the set backs and require predator proof installations. Stilling added that at a minimum the Village would want to inspect the coops.

The resident that resides at 1045 S Norbury interjected asking what they would do with the dead chickens. She also said that she has a condemnable house that the Village does not check on, so how are they going to check chicken coops. She asked if people wanted a goat for the milk could they get that.

Schukat asked if there would be a big expense to the Village to put these things into place. Stilling replied that it would depend upon what parameters were approved. If this does get approved, staff would prefer a private service to do this. The Village would have to have a mechanism in place to account for that particular item and then costs would be passed back to the applicant.

Adams commented that there's pros and cons to every issue. One of the reservations he has is the enforcement. This could lead to neighborhood spats. He further commented that he was not sure what parameters would be set for licensing/permitting, but this would be getting back to our roots again.

Jendras said that she did not think that we should not allow things just because some people can not meet requirements, however, chickens technically are farm animals and there would have to be serious restrictions on the ability to keep them. She suggested that there should be a fenced yard, set back should be a minimum of 50' from a property line, should limit to two hens, no roosters and the code should not be amended to say poultry, it should say chickens only. Durdic responded that he was concerned with restricting it to two. If you lose one then you're down to one and they are a social creature. He prefers allowing four. Jendras replied that she thinks lots in Lombard are too small for four. Chairperson Moreau pointed out that by requiring a 50' set back, that would be a large lot. Jendras responded that Lombard is not set up to be agricultural. She added that she did not know if people would take the time to clean the coop everyday so there might be an odor. In that situation not sure that 50' is enough to keep the smell away in the summer when its steaming hot. Barti interjected that as far as odor issues, if you have three bull mastiffs that has to be more of a concern than four chickens. She also pointed out that if these coops are moveable it would be hard to enforce a setback. Durdic asked if a moveable coop would still be an accessory structure. Stilling answered that it would fall under accessory use. Chairperson Moreau asked what percentage of lots would qualify if there were a 50' setback. Stilling replied that there are 11 lots in town that are 150'. The average lot size is 60'.

General discussion ensued regarding setbacks.

Cooper pointed out that there are a lot of things that neighbors do that you don't prefer. This is not distinctly different to the degree that we would restrict someone. He stated that he thinks four chickens is reasonable and 25' is a reasonable setback.

Lyons commented that the majority of towns that they researched all have wide

*lots, so there must be a reason. If everyone of them thinks that way why should we be different. Cooper replied that the committee should make a decision that is best for our town not just do what everyone else does.*

**XI. Executive Session**

**XII. Reconvene**

**XIII Adjournment**

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