

Beaver, Adam

From: Eric Rush [REDACTED]
Sent: Wednesday, July 12, 2023 5:00 PM
To: Planning
Subject: Opposition to Notice of Public Hearing (Case 23-1-033)
Attachments: IMG_0.MOV

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

To Planning & Zoning Commission:

We are providing this letter in response to the Notice of Public Hearing (Case 23-1-033) on the 7/19 PZC meeting agenda regarding the chicken coops / farm located at 2300 Flambeau Drive. Unfortunately, we will be out of the country at the time of the meeting and will not be able to represent ourselves at the hearing. We are the neighbors directly to the east of the property and the most impacted by this operation. We oppose the requested variances to the city code that are being presented in this case.

We have been in communication with Naperville Code Enforcement since October 2021. Over that time, Enforcement Officers have requested that the chickens be removed from the property and have issued various citations to the residents due to City Code infractions. As a result of the citations / violations not being resolved, the City of Naperville initiated a court filing in 12/2022. The case remains open and continues to get delayed monthly with no resolution.

The Montalbano's initiated this project with a single chicken coop in 2020. Over the past 3 years they have continued to build new structures and add onto existing structures. However, during the past 8 weeks construction has drastically increased and the property has significantly changed. It is our understanding that a permit for these chicken coops has never been approved by the city. The permit should have been acquired prior to any coop was added to the property in 2020. It is also our understanding that there hasn't been a filing for the modifications and additions to the coops.

Attached please find current photos to compare with the Coops and Runs Footprint document that has been submitted as part of the variance request. One item that we do not have a photo of is the structure that they have built / expanded behind our shrubs. That area used to be an open pen, but they have now extended the structure with the roof to the end of our shrubs. An area of concern is that neither of the documents that have been filed for the meeting that was to be held on June 21st or the documents for the upcoming July 19th meeting, reflect the ongoing building or accurately represent the current state of the property. We aren't quite sure how the entire process of requesting a variance works. However, since they have been continuously building every day, we aren't sure

how the documentation they submitted is verified, updated and submitted for the PZC to review at the meeting.

The other discrepancy is the document "Exhibit B - Coop Screening". It says: "This neighbor likes to walk to the back of their property to "visit" the chickens". I think they might have mistakenly assumed that when we are neighborly or kind when we see them, that means we are happy with what they are doing. We don't "walk the back of the property to "visit" the chickens". In actuality, we use our yard / deck much less than ever due to the noise of the chickens and noise and lack of privacy from the groups of people they have over there. The document also indicates that our shrubs cover 60% of the coops. As you see in our pictures, they cover approximately a 1/3 of the length of the property. Either way, the code says they should have either a 6 foot fence or shrubs/screening of at least 75% opacity around the perimeter of the lot where the pen/coop/enclosure is located or around the perimeter of the pen/coop/enclosure itself. As the top of the roofline is currently 8' above the ground, a 6' fence would not block the structures from the view. In addition, our shrubs are nearing the end of their life and we have been considering removing them. However, since they are our only barrier blocking a small portion of our view of the coops/runs, it gives us a little bit of privacy from the groups of people they have over and might be blocking some of the noise from the groups and the chickens themselves, we don't want to risk taking them out.

I am also including a video that provides the sound of the chickens during certain times of the day. During warmer times of the year, the odor from the chickens can also be an issue in our yard. Which raises the questions around issues related to health and environmental concerns from having that many chickens on a residential property.

Regarding the variance to Home Occupation Regulation (Section 6-2-8), the size of groups of people / volunteers that go through the property has been very unexpected. We are not sure how this type of business can be supported in a residential environment. In addition, they have permanently installed a port-a-pot on the side of their house which we would think is outside of city code.

We appreciate and respect the Monalbano's desire to provide a service to the community. However, an operation of this magnitude should not be in a neighborhood of Naperville. It should be located in rural setting with larger lots to accommodate the number of chickens they currently have, and the amount and size of coops/runs needed for that many chickens, and enough space to allow the groups of people and volunteers frequenting their current location. Since they built their first coop in 2020, they have continuously talked about acquiring land to relocate their operation. We kept hoping those plans would come to fruition. We could have never imagined then that it would become what it is now or how much of an impact it would have on us.

Thanks,
Eric & Stacy Rush











Beaver, Adam

From: Curt Riemer [REDACTED]
Sent: Friday, June 30, 2023 2:10 PM
To: Planning
Subject: Case #23-1-033

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

To whom it may concern,

As a 20+ year resident of Naperville, living at [REDACTED], I have had the honor and pleasure of knowing and working with Rick and Wendy Montalbano. They live across the street from me, and are involved in a terrific outreach ministry, Touch My Heart. TMH, as it is know by those of us involved, is setup to serve the special needs community, which are primarily adult age. The work they do with many organizations is nothing less than amazing, and I hope that you take all of this into consideration as you make a decision on their petition for approval of variances which would be listed in case #23-1-033.

My wife and I ask you to honor their request for approval on all variances involved, so they can move forward with any and all plans to enhance their outreach. This would be a show of good faith, that Naperville does care about the special needs community!

I know about all the hard work that was involved with assisting Little Friends when they decided to move from Naperville to Warrenville, now is time to help an organization that is planning on staying and serving Naperville and beyond.

Thank you for you consideration!

Curt and Sabrina Riemer

Sent from my iPad

Beaver, Adam

From: DANIEL KOYS [REDACTED]
Sent: Monday, July 10, 2023 5:55 PM
To: Planning
Subject: Montalbano Petition

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Blue Category

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

I DO NOT SUPPORT Richard Montalbano's petition seeking variances:

Variance to "waive then screening requirement for coops." I DO NOT SUPPORT this because screening requirements are important for maintaining quality of the neighborhood.

Variance "to increase the allowable number of fowl on the property from eight to twenty." I DO NOT SUPPORT this because the neighborhood is zoned residential. A large number of fowl do not belong in a residential neighborhood. I think that eight fowl is even too many for a residential neighborhood.

Variance "to allow an accessory structure to be located less than five feet from the rear property line." I DO NOT SUPPORT this because granting this request may encourage other people in this neighborhood to request such a variance. In addition, I do not think this request shows consideration for the immediate neighbors of the property.

Variance "to allow class sizes of up to twelve for a home occupation." I DO NOT SUPPORT because a residential neighborhood is not appropriate for a home business that attracts twelve people.

July 11, 2023

Re: Case # 23-1-033 – Richard Montalbano (Petitioner)

To Whom It May Concern:

Our property lies southeast of the Montalbano's. When we first were told about the hens, we were informed that there would be restrictions to how many hens and the size of the coups and run. But over the years, their coups and run have turned into a monstrosity. They just keep building and growing. We have put up with the noise, the smells, the crowds of visiting people and now they are requesting to increase the count of their hens and no restrictions on the coups. We live in a residential neighborhood. Not a farm. They should not be allowed to have what they have in their backyard and we as their neighbors should not have to endure this any longer.

Listed below are our concerns:

- Documents mention "illness" of the chickens. What kind of "illness" are talking about and can it spread? Do we need to be concerned about 'bird flu.' Can these illnesses affect the wild life?
- The Montalbano's talk about looking for other property to house these hens. But they have been looking for three years. What is taking so long and if they are looking for another facility then why are they asking to increase the amount of hens and coups?
- Depending on the direction of the wind, we get the smell of the hens.
- I work from home and we have a four season room that I would like to work in but I can't open my windows on nice days because I endure the noise and smell of the hens and the noise of the people visiting.
- This is bringing down the value of our property. Anyone who visits and we go outside the first thing they see and ask about is the monstrosity that is in their backyard. If our friends see it immediately, I cannot imagine what it would be like if we tried to sell. This is an eyesore. Even worse for the neighbor whose view of their yard includes their porta potty.
- They mentioned that it would be expensive to move but over the last six weeks they have been building and adding to the structure. So I don't believe they have any intentions in moving the structure.
- With the amount of people coming through their backyard, we are concerned about the security of our neighborhood.

We understand what they are trying to achieve and it is admirable BUT their backyard is not the place for this to be housed. It needs to be taken down and moved. It definitely should not be allowed to continue to expand. If the structure is allowed to stay then they need to install a 6 – 10 ft. fence around their property. It would help with the noise and let us have our privacy.

Sincerely,

John & Barb Buzzelli



Beaver, Adam

From: Teresa Rogers [REDACTED]
Sent: Wednesday, July 12, 2023 10:11 AM
To: Planning
Cc: Rick Montalbano, Jr.
Subject: Touch My Heart Request For Variance

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green Category

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

July 10, 2023

To: City of Naperville Planning Services Team

Re: Approval of Variances for Touch My Heart, NFP, 2300 Flambeau Drive, Naperville, IL

Touch My Heart NFP (TMH) makes therapeutic and educational resources available to multiple entities including but not limited to organizations serving adults and post-secondary students with special needs without said organizations having to create such programs and facilities themselves and having to dedicate staff and resources in this current era where budgets are already “stretched thin”.

TMH provides opportunities to “destress and unplug” with a carefully planned environment and programming for not only the adults and students with special needs but also for the staff who work with them. Relaxing, calming activities in an intentionally soothing sensory setting allow both the staff and those they care for to connect with nature and enjoy a respite from their regular routines and stressors. (I have observed in my ten years of working part time for District 203 the value of providing a dedicated space or classroom that minimizes distracting stimuli for students who become overstimulated, overwhelmed or anxious. The same principle applies here. Additionally, the State of Illinois recognizes the value of outdoor education and has required it as part of all fifth graders’ curriculum. That same value is afforded to the people TMH serves.)

TMH also provides similar benefits to its volunteers who appreciate the opportunity to “decompress” from their jobs and also from demands at home. Additionally, TMH provides opportunities for Eagle Scouts to complete their service projects, for individuals to put in required community service hours, and for young adults to gain experience, skills and confidence to utilize in their future endeavors.

Lastly, TMH is a peaceful presence in the neighborhood as evidenced by the neighbors who occasionally stop by with their grandkids or who leave an ornament on the “community holiday tree” that graces the front lawn during the winter holiday season. This is much needed in our increasingly turbulent culture to maintain the social health of our community.

In consideration of the points set forth above, please approve the request for variance as it is financially and therapeutically beneficial to grant the variance so that multiple entities may continue to utilize the resources of TMH NFP, allowing these said entities to focus their own resources on their own internal supports and programming.

Respectfully submitted,
Teresa Rogers, Volunteer TMH NFP