

August 10, 2021

Dear Village Board members,

I wanted to weigh in as a private citizen of Tower Lakes regarding the variance request to keep and house backyard chickens. My husband Steve and I moved to Tower Lakes for its pastoral, semi-rural setting 27 years ago, and the regular squawking of our neighbors' chickens at various times throughout the day has been a jarring departure from that peaceful vision.

As you know, a great deal of time and money was spent studying the issue and crafting the Village Ordinances regarding backyard chickens, based on Village Zoning, and considering existing Covenants. The revised Ordinance standardizes the restrictions on backyard chickens to protect the community, its residents, and the local environment — especially the lakes and waterways. Outbuildings required to house backyard chickens are also not in compliance with Village Ordinances in most of Tower Lakes.

It has been disappointing and frustrating that our neighbors have continued to house backyard chickens in an illegal outbuilding all these years, even after they were given a firm deadline and then an extension for removing them. This family has been aware of and involved in the legal process all along the way, participating in various Village Board Meetings and Plan Commission and Zoning Board of Appeals (ZBA) Hearings, as well as receiving personal Village communications regarding restrictions on raising and keeping chickens in Tower Lakes.

It was erroneously stated at the recent ZBA Hearing that the Village Ordinance in place prior to the Ordinance written to replace it in 2019 was unclear and only mentioned livestock. See the wording from the previous Ordinance below, which clearly states that poultry would only be allowed on parcels/plots of at least 20 acres:

Zone F: Farming

On a lot or plot of not less than twenty (20) acres in area, the growing of usual farm products, such as vegetables, fruits, trees and grain and their storage, and the raising of usual farm poultry and livestock and other customary uses of agricultural land.

One aspect of putting so much effort into the updated chickens Ordinance was to eliminate the need for countless variances, which create enforcement issues. Granting variances should not reward residents for existing infractions but should allow reasonable future exceptions for the betterment of residents and the community.

Granting a variance on backyard chickens would disregard the work of the Village Board, the Plan Commission, and the ZBA, as well as the extensive community resources that have already been spent on it. The Village Board has voted to disallow chickens on properties including this parcel twice within the last five years. Other residents have been required to remove illegal outbuildings, including a chicken coop, in the recent past. In addition, I believe that granting one variance will open the door to additional variances. Picture 12 chickens on every tiny lot in Tower Lakes. Approving this variance could also create a host of other issues. What would stop residents from getting a few pigs and claiming that they were their beloved pets?

Although, as Trustee Spiess pointed out at the ZBA Hearing, the Village Board depends on community members to notify the Board of Ordinance infractions, community members also depend on the Village Board to address violations in a uniform manner with a similar sense of urgency. Please help me understand the perceived lack of a sense of urgency in dealing with this issue in comparison to addressing issues like above-ground swimming pools appearing overnight and piles of garbage left sitting at the curb of a vacant house.

One of the attendees at the recent ZBA Hearing mentioned that the Merkle's are a "legacy" family, implying that this gives them additional rights not afforded to other residents. I have heard this term used informally over the years, but it was shocking to hear it brought up at an official ZBA Hearing as justification for disregarding Village Ordinances. Our Village Board weighs all decisions with integrity and thoughtfulness. Extending special privileges to certain residents would not be a legal method of enforcing ordinances in *any* community. All Village residents should have equal rights as well as equal responsibilities. I ask the Village Board to clarify this issue for the community and put it to rest.

If this variance is approved, allowing chickens on an illegal outbuilding on this property, how would this be monitored and enforced? Would these residents need to register their chickens, pass annual inspections, and retrofit their coop to align with the specifications detailed in the updated Ordinance? How would any deadlines be handled since they have been ignored in the past? In the end, what message would this be sending to the rest of the community?

Finally, as someone who dearly loves animals, I also feel that animal owners are ultimately responsible for their animals and for any self-imposed predicaments they create for themselves and their pets, not the Village Board or their neighbors.

I am hopeful that the existing Ordinances will be enforced in a uniform and timely manner.

Thank you for all you do on behalf of the Village and its residents. I also want to thank ZBA Chairman John Schmidt and the ZBA members for their thoughtful consideration of this matter. Please contact me if you have any questions.

Best regards,
Kathy Pattengale
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