

VILLAGE OF WHITEHOUSE
BOARD OF ZONING APPEALS MINUTES
April 5, 2017

Board members present: William Kidd, Leroy Ryerson, Mike Walters, and Robert Werner.
Absent: Thomas Spears. Also present: Daniel, Shirley and Savannah Schaller and Barbara Knisely, Community Development Coordinator.

The Board of Zoning Appeals (BZA) meeting was called to order by Robert Werner at 7:32 p.m.

The first order of business was to elect officers for the 2017 calendar year. Leroy Ryerson nominated Robert Werner as Chair and Mike Walters as Vice Chair. William Kidd seconded the nomination. 4-0

William Kidd nominated Leroy Ryerson as Secretary and Mike Walters seconded the nomination. 4-0

Motion by Leroy Ryerson, seconded by Mike Walters to approve the October 5, 2016, Minutes as written. 4 ayes

Chair Werner stated he acknowledges and wants the record to show that Mr. and Mrs. Schaller's name was misspelled on the Agenda and Staff Report. The correct spelling is Schaller, not Shaller. He confirmed that the applicants, Mr. and Mrs. Schaller live at 6338 Finzel Road, Whitehouse, Ohio.

Chair Werner swore in Daniel, Shirley and Savannah Schaller who were about to give testimony concerning the request for a variance to allow the keeping of chickens at their residence at 6338 Finzel Road.

Mr. Schaller stated prior to buying the chickens and coup, he researched the Whitehouse Codified Ordinances and found Section 505.15 Keeping of Animals. He based his decision on that as to whether or not chickens were allowed in the Village. As the chicks grew, he called the Village offices to inquire about a fence permit to contain the chickens in the yard and was, at that time, told they were not allowed. He was later contacted by Mr. Jacob Barnes, the Zoning Inspector, who confirmed that information and explained the process to request a variance through the Board of Zoning Appeals.

Mr. Werner confirmed that livestock is allowed in an "A" district, according to the Zoning Code.

Mr. Schaller stated that the chickens and eggs are not for profit, but only for their personal use. He added that they grow fresh vegetables and fruits and want to eat their own eggs.

Mr. Ryerson confirmed that livestock is only allowed in an "A" district or a "C-3" district with a special use permit, but not in an "R-2" district, such as this section of Finzel Road.

Mr. Schaller stated their residence is located on 2.2 acres of land and he can't even measure the distance to the nearest neighboring residence. Mrs. Schaller added that Section 505.15 says livestock has to be located at least 100' from a neighboring residence – they have no neighbors, just a cemetery, Blue Creek, the Wabash Cannonball Bike Trail, and Finzel Road. Mr. Schaller shared pictures of the property with the BZA members. Mrs. Schaller said they have a unique home on 2.2 acres in the middle of all the newer developments.

Mr. Ryerson stated that the purpose of the Zoning Code is to limit what happens in residential areas, such as sanitation issues, flies, and rodents. Mr. Schaller stated the chickens will be free range in a moveable fenced area. They must protect them from raccoons and a busy Finzel Road. Mr. Ryerson added that the waste will draw flies.

Mr. Schaller stated that the family has less food waste because the chickens eat it. He said they generally have no smell, and won't be running around the entire property. He also added that his property was not zoned R-2 when he moved there, but was changed later.

Mr. Walters asked if there were other residential parcels in Whitehouse that are 2+ acres? He also asked Mr. Schaller to describe "moveable fencing." Mr. Schaller stated they are using his daughters old playhouse as a coup now and would like to be able to move the fence around the rear yard, but never place it in the front yard.

Mrs. Schaller stated her daughter, Savannah, is interested in animals and will be taking agricultural classes when she reaches the 8th grade. She's interested in FFA and 4-H and it can't get any better than having your own chickens to care for. She stated they will use the chicken waste as fertilizer in the garden and that the entire family loves eggs.

Mr. Walters asked how many chickens the Schaller were proposing. Mr. Schaller stated they have 22 now, but only want to keep 13. They would not keep any roosters and already have a home for the extra ones.

Mr. Kidd stated that he appreciates everything that has been said, but the Code states you cannot have livestock in an R-2 district. He doesn't know when the Schaller property was rezoned to an R-2 district, as Mr. Schaller stated, and understands that the Schallers thought they were abiding by the rules. However, the BZA needs to be cautious about granting a variance to allow livestock.

Mr. Werner added that if the BZA grants them a variance, they would have to grant variances for other residents who want to have livestock on their property, and suddenly it would be difficult to determine what is acceptable. Rules are in place for a reason.

Mr. Schaller stated the BZA could set down rules and work something out with him... to allow it because of the size of his property and the distance he could place the coup from the lot lines.

Mr. Kidd added that he would be abstaining from the vote since he is a distant relative of Mr. Schaller.

Leroy Ryerson moved to deny the request for a variance to allow the keeping of chickens at 6338 Finzel Road. Bob Werner seconded the motion.

Discussion followed as to the unique size of this property and should exceptions be allowed.

Chair Werner called for a vote to deny the request for a variance as previously moved and seconded. 3 ayes (Kidd abstaining)

Mr. Schaller stated that they would likely appeal the decision to Village Council. Mrs. Schaller asked if they could get the \$100 filing fee returned and added that they've already spent a lot of money on the chickens.

Mr. Schaller added that he does not think chickens fit the definition of livestock and wonders what that is. Board members added that other communities are having the same issues and know that Maumee and Swanton recently denied requests to allow chickens and that Perrysburg is studying the matter.

The Board then discussed changing the start time of the monthly Board of Zoning Appeals meeting from 7:30 pm to 6:00 pm. Ms. Knisely will discuss this matter with the Administrator to see if that is acceptable.

With no further business to come before the Board, William Kidd moved to adjourn, Leroy Ryerson seconded the motion. Motion passed 4-0 and the meeting was adjourned at 8:00 pm.

Respectfully submitted,

Barbara Knisely
Community Development Coordinator