

BZA

June 18, 2019

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The Pendleton Board of Zoning Appeals met on June 18, 2019 at 7:00pm at the Pendleton Town Hall, 100 W State Street, Pendleton, Indiana. The meeting was called to order at 7pm. Board Members present were Tammy Bowman, Jerry Kelly, Mike Romack, Kirby McCrocklin and Tim Pritchard. A quorum was established with five of five members present. Representing the Town were Planning and Zoning Administrator Kayla Hassett.

Others in attendance included petitioner Chris Brownell of 312 Franklin St Pendleton, Henry, Paul, Eleanor, Anne and Julian Stover of 631 S Broadway Pendleton, and Bruce Seal of 636 S Broadway Pendleton.

MINUTES

TIM PRICHARD MOTIONED, SECONDED BY JERRY KELLY, TO APPROVE THE MINUTES OF THE MARCH 19 2019 MINUTES. MOTION CARRIED.

OLD BUSINESS - none

NEW BUSINESS

V06182019-01 – Land Use Variance allowing chickens on a lot zoned Single-Family – 631 S Broadway (Stover)

Hassett presented on Google Drive. The presentation included the Application for Variance of Use, Warranty Deed, Zoning Districts Map, Aerial Picture, Site Plan, Photos, and Staff Findings & Recommendation.

Raising of livestock, chickens designated as livestock by ordinance, is not permitted in Single-Family zoned lots. The petitioners sent out a notice of this meeting about the intent to have chickens on this property and also reached out to their neighbors. No negative feedback was received.

Hassett reported that other communities have allowed chickens in residential neighborhoods, such as Bloomington, South Bend, Lebanon and Goshen.

Staff Recommendation

Approve as presented with the following conditions:

- The petitioner may keep up to 6 hens. No roosters allowed.
- Chickens must be securely contained in a chicken run and must have access to a chicken coop within the run.
- The chicken run and coop must be located in the rear yard, at least 20 feet from any neighbor's house, and at least 6 feet from any property line.

- The chicken run (fenced area) must be at least 10 square feet per chicken. The chicken coop (enclosed shelter) must be at least 2 square feet per chicken.
- Chickens may not be kept on property until coop and run are constructed according to above space requirements. The chicken run and coop are subject to the zoning ordinance, meaning they must abide by all existing permit, size, the setback requirements for accessory structures and fencing.
- The chicken run and coop must be kept clean and in good repair. Waste must be disposed of in a manner that minimizes odor. Supplies and equipment related to chickens must be kept in an enclosed storage area, not visible from neighboring property or public right-of-way.

Hassett explained there are not special circumstances in this case. Hassett advised we have allowed chickens once before within the past couple of years and there has been no negative feedback from counsel or otherwise. She added that if the Stovers do not abide to the conditions, the variance can be revoked.

Kelly asked what is to stop other residents from thinking they can have chickens and they move forward with getting chickens. Hassett agreed and reported there are already residences with chickens in town, but the correct path is to get a Variance.

Hassett shared that she had looked at addressing other animal types in our Ordinance because of the popularity of hobby farms and backyard farms and chickens in urban settings. Additionally something she feels our Ordinance has overall failed to take into account is that our town limits include a lot of area that is not urban. So Planning is looking at addressing that in our Ordinance update.

McCrocklin asked if the plan was to let the chickens run the entire backyard. Mrs. Stover responded only if they are out there with them, otherwise they will be enclosed.

Bowman noted the adjacent property is zoned agricultural and asked if there was anything different planned for that property. Hassett advised nothing was in the works for that property.

Hassett shared there are three or four properties with approved chickens. Kelly restated that the BZA has approved chickens in the past. Hassett advised, hopefully by the end of this year, she foresees an end to the BZA getting Variances for this particular situation due to the updated Ordinance.

MIKE ROMACK MOTIONED, SECONDED BY TIM PRICHARD, TO APPROVE V06182019-01. MOTION CARRIED.

FINDING OF FACT FOR V06182019-01 SIGNED BY ALL MEMBERS AND ATTESTED BY KAYLA HASSETT.

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Next meeting is scheduled for July 16, 2019 at 7:00pm.

Meeting adjourned at 7:10pm.

Kate Edwards
Planning Clerk
Town of Pendleton