

To Whom it May Concern,

In response to Case number 23-00002192, Violation 714, we appeal for the violation to be dismissed.

1. Article 3.

a. Section 1.E

- i. Lot Size - The lot size is objectively large enough for 5 chickens. We also believe that the lot measurements are incorrect. More details below.
- ii. Number of chickens - We have 5 chickens. Not an issue.
- iii. Registered - Done. Not an issue. *Reg.# 3572*
- iv. Coop size - larger than required. Not an issue.
- v. Odor - None. You should have received a letter from our closest neighbor (49 Sherwood Ct) to that effect. Not an issue.
- vi. Roosters - We don't have a rooster. Not an issue.

All that remains is property size. Councilman Bill Hare has been kind enough to inspect our land and the footprint of the chicken coop and is equally baffled that we would be penalized because of square footage. Further, I believe the property measurement to be incorrect.

Per Kent County Online Mapping - Public Site, we measured our square footage. We measured our property up to the edge of New Burton Rd. Why? We were told that we own that land beyond the fence and in fact we are responsible for the upkeep of that land. We've actually been fined in the past because of insufficient mowing of the land beyond our fence.

First, here is our property (designated as '24') without my measurements:



Note the sq footage at the bottom-right of this picture: 11,137.5 sq feet. Also, this doesn't include the strips of land between the sidewalk and the street. When all land that is ours is properly included, we have enough square footage.

Thank you for your consideration,

Jason and Joanna Francis
59 Sherwood Ct
Dover, DE., 19904



Next is our land with measurements beyond the fence to include the land that is part of our lot.

Chickens in Dover!

To billh2323@comcast.net <billh2323@comcast.net>

Good afternoon,

My name is leashia Harmon. I am located at 49 Sherwood Ct. My neighbors recently acquired chickens and I wanted to reach out to someone about it. Joanna mentioned that someone wants her to get rid of them, but I promise you it isn't me! I have enjoyed going into my own back yard and being able to watch and share in the growth with my own children. The chickens are a Peaceful addition to the neighborhood. They don't have any noticeable odor and they definitely aren't a bother. Please don't make them get rid of them.

If you have any questions for me please let me know. It would be a great loss if they had to remove their chickens.

Thank you,

leashia

About my chickens

To billh2323@comcast.net <billh2323@comcast.net>

I drew this on the Kent County website regarding the size of my property. When we bought the house we were told that we own the land that is beyond the fence that borders New Burton road. When you include that strip of land beyond the fence we have more than enough property for the chickens as shown in the bottom right hand corner of the attached map. We are responsible for the upkeep of that strip of land and we get fined if we let the grass grow too long so it wouldn't make sense for that to not count as our property.

Thank you,
Joanna Francis



DELAWARE DEPARTMENT OF
AGRICULTURE

2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

Dear Delaware Poultry Owner:

Thank you for registering your flock with the Delaware Department of Agriculture. Your poultry registration will be very valuable in case of a disease outbreak. Enclosed is your Delaware Poultry Registration card. Please keep this card for your records.

Delaware poultry owners must be registered in order to sell poultry at sales such as Dill's Auction, or to exhibit birds at any show or fair. If you do sell or exhibit poultry, you will need to carry your card with you to verify that your flock is registered with the Department of Agriculture.

Thank you again for your cooperation and continued support of Delaware Agriculture.

Regards,

Dr. Karen M. Lopez, DVM, MPH, Dipl. ACVPM
State Veterinarian

VIOLATION: 714
DESCRIPTION: 714 CHICKEN/ROOSTER
LOCATION: REAR YARD

QUANTITY: 1
DATE: 4/21/23

NARRATIVE :

VIOLATION DETAIL

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CASE NUMBER 23-00002192
PROPERTY ADDRESS 59 SHERWOOD CT

NARRATIVE :

REMOVE ALL CHICKENS/ROOSTERS FROM PROPERTY. KEEPING CHICKENS SHALL NOT BE PERMITTED ON LOTS SMALLER THAN 10,890 SQUARE FEET. YOUR LOT IS 10,018 SQUARE FEET.

ORDINANCE DESCRIPTION :

ARTICLE 3. - DISTRICT REGULATIONS
Section 1. - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)].
(e) Keeping of chickens for individual domestic purposes subject to the following restrictions:
i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.
ii. No more than five (5) chickens shall be permitted on a residential lot.
iii. Chickens shall be registered with the Delaware Department of Agriculture.
iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.
v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.
vi. Any odor associated with the chickens shall not be discernable from property lines.
vii. Keeping of roosters shall be prohibited.
viii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.

CORRECTIVE ACTION REQUIRED :

Make all necessary corrections to ensure the keeping of chickens is in accordance with code.