

## Variance Review Letter 12/19/25 - Response

The applicant respectfully requests a variance from the strict application of Section 1107.06(a)(5)(C) of the Unified Development Ordinance (UDO), which caps the total number of poultry/domestic fowl at 12 regardless of acreage. The property complies fully with all other provisions of Section 1107.06(a)(5), including limits on roosters (one per five acres), chickens/turkeys/ducks/geese (five per acre), structure setbacks (100 feet from adjoining residences), storage of droppings/odor control, fencing setbacks, and applicable state/federal regulations. The owner daily maintains and manages the property and chickens, and is currently in the active process of constructing a personal residence onsite. The sole area of non-compliance is the absolute cap of 12 birds on a 40+ acre parcel.

This narrative addresses each required Standard of Approval:

**A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.**

The property consists of over 40 acres of rural land, significantly larger than typical lots in the zoning district where the 12-bird cap is more reasonably applied to smaller parcels. This exceptional size provides ample space for dispersion, natural odor dissipation, and low-density animal keeping without impacting neighbors. Additionally, historic fenced chicken coops have existed onsite for approximately 80 years, predating modern zoning restrictions and representing a longstanding, low-impact agricultural use peculiar to this property. These coops and the scale of the land allow for responsible management of a larger flock in a manner not feasible on smaller lots.

**B. The special conditions or circumstances that exist did not result from the actions of the applicant.**

The oversized acreage is an inherent characteristic of the property, not created by the applicant. The historic chicken coops (present for 80 years) and the established egg-laying operation predate the applicant's ownership and current zoning enforcement. The applicant has not expanded the flock or structures beyond this preexisting use but seeks to maintain it responsibly.

**C. There cannot be any beneficial use of the property without the variance.**

While the property has other potential uses, the longstanding poultry operation contributes meaningfully to community welfare through free donation of eggs to homeless shelters, providing nutritional support without any commercial profit. Reducing to 12 birds would eliminate this charitable benefit and render the historic coops largely unusable for their intended purpose, diminishing the property's reasonable agricultural and philanthropic utility on such expansive rural land.

**D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.**

The requested variance applies only to the arbitrary 12-bird cap, while full compliance is maintained with density-based limits (five birds per acre, easily accommodated on 40+ acres) and all other safeguards (setbacks, confinement, odor control). Given the property's size, allowing continuation of the existing ~80 birds represents minimal deviation from the ordinance's intent, preserving reasonable use of the historic structures and land without exceeding per-acre guidelines.

**E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.**

Alternative compliance—reducing to 12 birds—would unnecessarily halt the charitable egg donations and underutilize the vast acreage and historic coops. No rezoning, subdivision, or other adjustment is practical or needed, as the property already meets every other regulatory requirement. Although Section 1107.06(a)(5)(G) prohibits poultry on vacant lots unless the owner lives on a contiguous lot, the owner is actively constructing a personal residence onsite and provides daily onsite maintenance, rendering the property effectively non-vacant for purposes of this use. A variance is the only mechanism to align the absolute cap with the property's unique scale, history, and transitional residential status.

**F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance.**

The rural neighborhood is characterized by large parcels suitable for agricultural activities. The operation is confined, well-maintained, and produces no odors, dust, or noise issues (full compliance with 1107.06(a)(5)(E) and (F)). Eggs are donated charitably with no sales or traffic increase. The ongoing construction of the owner's residence further integrates the property into the residential-agricultural fabric. Adjoining properties experience no detriment, as setbacks and management practices have prevented issues for decades.

**G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.**

The non-commercial, low-impact poultry keeping generates negligible additional demand on public services. No increased water/sewer usage, trash, or infrastructure strain is associated with the existing flock on this large parcel.

**H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.**

The ordinance's intent is to prevent nuisances on typical lots while allowing appropriate rural agricultural uses. On 40+ acres with full compliance elsewhere and active residential development underway, maintaining the existing flock supports this intent by enabling

sustainable, charitable food production without health/safety risks. The operation enhances public welfare through free egg donations to homeless shelters, promoting community nutrition and food security.

**I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.**

Properties of similar large acreage can accommodate far more birds under per-acre limits alone (e.g., 200+ on 40 acres at five per acre). The variance merely waives the redundant absolute cap that disproportionately affects oversized rural parcels, ensuring equitable application without granting undue privilege.

In summary, this variance request aligns with the ordinance's protective goals while accommodating the property's unique size, history, transitional residential construction, and charitable contributions. Approval would uphold the spirit of rural zoning without compromising neighborhood or public interests.

Respectfully submitted,

Joshua Agricola