

Village of River Hills

IN THE MATTER OF THE HEARING FOR CONSIDERATION AND POSSIBLE DECISION ON THE APPEAL OF CHRISTINA AND JASON GREEN, RESIDENTS AT 1150 W RIVER CT, WHO ARE APPEALING THE APPROVAL BY THE BUILDING BOARD AT ITS DECEMBER 21, 2020 MEETING AN APPLICATION FOR INSTALLATION OF A CHICKEN COOP AT THE MILLER/WERTZ RESIDENCE, 1125 W RIVER CT.

The meeting of the Village of River Hills Board of Appeals was called to order March 2, 2021 at 4:00 p.m. by Chairman Steve Spector, with Board Members Rosalie Gellman, Billie Smith, Don Daugherty, Chris Beidel, and alternate Kieran Donohue present pursuant to a notice duly published and posted. Also present Village Attorney Bill Dineen, Building Inspector Tod Doebler, Village Manager Tammy LaBorde, and Deputy Clerk Stephanie Waala.

Appellant Christina Green addresses the Board with their contentions:

- 3 of the 4 adjacent neighbors opposed of the approval of the chicken coop
- The Fox Point and Glendale ordinances pertaining to chickens' states that when it comes to the neighbors the chickens should not interfere with the normal use and enjoyment of human life – the concern is that there will be additional wild animals, birds of prey, and predators. Additionally, the smell and potential disease that may be spread.
- The River Hills ordinance pertaining to chickens' states that any animal of any nature which by their nature or conduct shall constitute either private or public nuisance – this will affect the value of adjoining properties.
- The structure is not in keeping with the style of the neighborhood
- The way things were discussed at the Building Board is creating an upsetting pattern for them and the Village

Board member Smith asks for clarification on which fellow neighbors objected to the chicken coop proposal as well. Mrs. Green informs the board those neighbors were Christine Salamone and Tom and Karen Funk.

Board chairman Spector addresses the audience to see if other neighbors are present. Clarification is given by Deputy Clerk Waala that the following neighbors were notified of the current appeal: Miller/Wertz, Funk/Purcell, Dorf, Lloyd, Hinz, Lazewski, and Salamone.

Mr. Green asks for clarification from the Board as to where does it say that the people requesting a chicken coop, do they need a variance, is it a change to zoning, is it a special use permit, because it is not permitted by zoning currently. Village Attorney Dineen answers that chickens are permitted in the Village of River Hills because there is a specific ordinance that permits them. Secondly the Building Board has no authority to permit or prohibit chickens; their authority is to permit or prohibit a structure that is presented to them.

Board member Smith asks for clarification from Attorney Dineen that in the Green's appeal they reference a state statute which she was unable to find. She was only able to find a state requirement that chickens be registered. Attorney Dineen confirms that the only requirement from the State is that the chickens are registered with the Department of Agriculture Trade and Consumer Protection. Mrs. Green

clarifies that the regulation that she quoted was the Village of River Hills ordinance. Mr. Green informs the Board he was able to google for the state statute and isn't just making this up.

Board chairman Spector informs the meeting that the reason for this meeting is not to quote state statutes but the standard review of this hearing is did the Building Board error in approving of the Miller/Wertz chicken coop. Mr. Spector asks Mrs. Green to state her case as to why they feel the Building Board erred in their approval of the structure. Mrs. Green reiterates that the approvals from the neighbors were not ok, the intent of keeping of chickens was not clear, the structure is not in keeping with the style of the neighborhood and the types of houses around it.

Appellee Tamara Miller addresses the Board with her reasoning for the chicken coop:

- A 5' x 12' rehabilitated structure is being built to house chickens

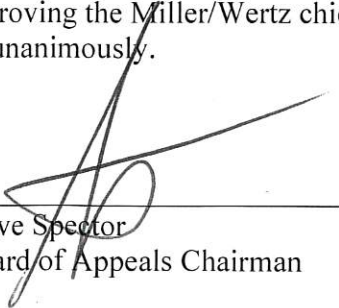
Board member Smith reiterates Mrs. Green's view that the structure does not match the style of the neighborhood. Ms. Miller informs the Board that at the opening of the cul-de-sac there is a similar looking building on that property. Secondly that it comes down to taste as to why that type of design was chosen.

Board member Smith inquires as to if there were any objections from the Building Board members when it came to design. Ms. Miller informs the board there was not and she gave alternative options for some materials. Building Board member Steve Simon clarifies that there were 3 members of the Building Board who objected to the presentation. Recently there was a similar type building approved by the Board down the street. There is reference and precedence considered when making approvals. The Building Board can only approve the aesthetics of the chicken coop and not the health, safety, and quantity concerns.

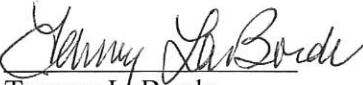
Board member Smith informs the Board that the location of the chicken coop is on the south side of the property opposite of the direction of the Green's home. Building Board member Simon agrees that the consideration of the project includes the location and screen from the neighbors currently and in the future.

Village Attorney Dineen reiterates to the Board that the alternate member Kieran Donohue cannot vote.

Motion by Smith and seconded by Beidel to uphold the decision on the Building Board and confirm there was no error made by the Building Board in approving the Miller/Wertz chicken coop during their meeting of December 21, 2020; motion carried unanimously.



Steve Spector
Board of Appeals Chairman



Tammy LaBorde
Village Manager/Clerk/Treasurer

Created by Stephanie Waala, Deputy Clerk, on March 8, 2021.