

CITY OF LOGAN
BOARD OF ADJUSTMENT
December 13, 2012

At 8:00 P.M. Chairman Todd Cohrs called the meeting to order. Those board members present were: Cohrs, Rosengren, Muell, Lesline and McDonald. Also present were Jason Roden, Zoning Administrator and Marilyn Keizer, Secretary. Others attending were Samantha Johnson and approximately 32 citizens (list attached to the minutes on file at City Hall).

Motion was made by Board Member Lesline and seconded by Board Member Muell to approve the agenda. 5 ayes.

Chairman Cohrs told the committee that we are here to review the request to allow chickens on property from Samantha Johnson.

Chairman Cohrs opened the Public Hearing at 8:04 P.M.

Applicant's side of the case: Samantha Johnson stated that they moved to Logan in June of 2007. There was a coop on the property when they moved there, and they have kept 10-15 chickens for 5 years. This number of chickens provides eggs for their family, and if there is a surplus she shares them with friends and neighbors. Johnson restated that they have kept this backyard chicken coop without incident for 5 years. She stated that they have never had any problems, and that to her knowledge she has never had any chickens get out onto the street. She said that she could certainly understand people's concerns, but those would be the same concerns as with cats, dogs and children. Johnson stated that we need to always be mindful of vehicles no matter what you've got in your yard. She stated that during the 5 years her daughter, Savannah Johnson, has been the primary caretaker of the chickens. She said that her daughter has maintained and cleaned the coop almost daily and taken care of the chickens. In late spring or early summer there started to be some complaints to Elmer (Chief of Police). She stated that the complaints were politically motivated for reasons that she is sure everyone understands. Elmer spoke to her and told her that she needed a variance or something. On August 10th, she filed her variance, and after a day or two she received a citation in the mail. She stated that it took her 8 days to find foster homes for the chickens, and they are on a farm in the country. Johnson provided letters of support from her neighbors stating that they had never had a problem with odor or noise and that they had never had a rooster. She said that she thinks that they also understand that the chickens have become an emotional issue because they are pets and that they are important to their family. Johnson stated that she respects that they are trying to work within the law. She said their coop is not viewable from the road, and it's not something they have ever hidden or advertised that they had. She said that people didn't even know they had them. Johnson stated that she appreciates those who took the time to come out and look at the piece of property to get a visual of it. She said that she believes she should get a variance based on the fact that it is a unique piece of property in town because the house is set so far back and the outbuildings are

back even further than that. Her buildings are in the center of her acre and a half. Because it is a unique piece of property, it supports the birds properly. They have had them for 5 years and have not had a problem, complaints or anything go wrong in that time. Because most people didn't know they were there, that shows that the property supports them in a way that is conducive to living in town where they are. A second point that she believes they should receive a variance on is that they have a legitimate medical need. Because it would cause harm, she had a note from a physician that she did not want to present in an open meeting because she did not want it made public record in the newspaper or on Facebook. She stated that she didn't know how the Board wanted her to present it because it needs to remain confidential. The Board stated that if she wanted to keep it confidential, then she could not give it to them because this is a public forum. Johnson stated that she would send it to the City Attorney so it remains private, and the Board could converse with him. At this time Savannah Johnson spoke about her daily routine with the chickens before they were taken from her. After she spoke, Samantha Johnson stated that she would get the private information to the City Attorney so he could distribute the information to the committee. She said she didn't have a problem with them knowing about this because it is extremely relevant information, but it's not something she wants to be public record. Johnson confirmed that it is her request to continue the backyard flock of 10-15 birds. Board Member McDonald confirmed with Johnson that they have 1.5 acres. He said that it may not be possible to zone the property as agriculture because of the amount of land that they own. He commended Johnson for getting rid of the chickens now and working through the solutions. McDonald asked if they fail at this level what would be their next level for a solution. Johnson said she would take a temporary variance so that Savannah can get her animals back while it's worked through. She stated that she believes that the medical information will be extremely supportive, and it does not create a situation where there will be a windfall of everybody making special requests. McDonald asked Johnson if she has checked into other cities that allow chickens. Johnson stated that she has looked at others online, and it was a shock to her that the City of Logan did not allow chickens. She stated that some cities allow it if it's a noncommercial flock and other cities put a limit on how many each household can have. Johnson said that it is unique to each city. Her personal opinion is that the city should be as liberal as possible by allowing people to have the freedom to feed their families how they want and to have their properties how they want. She stated that this is why she moved to a community where things are not restrictive. Johnson cited examples of other cities where chickens are allowed. She stated that chickens are economical to keep. Her hope is that the City Council would change the ordinance and allow everyone to have them. She stated that she knows there are other people in town that have them, and she hopes that the City of Logan would get up with the times and change that ordinance. She filed for the request because she was told that's what she needed to do. They would like to get about 10 chickens back.

Zoning Administrator's side of the case: Jason Roden stated that this property does not have the capability to be sectioned off as agricultural and residential. He stated that they have 1.44 acres, but it's in two parcels. There is an old city alley that is legally running through the middle of it. He stated that all of their outbuildings are built on the city alley. That would be something that would have to be cleaned up as far as the city abandoning

it or selling it. Roden stated that even though it's one point something acres, legally it is two smaller parcels so it's not even one acre. He said he thought they could get that rectified. Roden said that the City Council would have to define the lot size, determine the distance from other residences and not allow roosters. He stated that with the smaller parcels you run into problems with multiple outbuildings where you are allowed so much on a square foot because you have to have so much green space. Roden stated that their property would definitely fall within your typical cities and other states that have chicken ordinances. He said that they don't have the option for agricultural zoning, and the Board of Adjustment cannot change city ordinances or zoning. Chairman Cohrs asked if the 1.44 acres included the alley. Roden stated that it does not.

Interested property owners express their opinions. Monte Storm stated that the Johnson's asked him if he cared if they had chickens, and he said it wouldn't bother him a bit. He said he did not even know they had them for a long time because of their privacy fence and the area always being clean. If they were to be granted a variance, he and his family would not have a problem with it. He said that they were the closest neighbors. Ross Hieb pointed out that in cities where provisions are made for hobby livestock; urban youth are allowed the opportunity to participate in 4-H programs. He stated that it is amazing to him that in Logan, IA, unless they have friends or relatives that own farms, they can't raise livestock and participate in 4-H. He said you can't place a value on that. Hieb stated that the City Council needs to deal with their ordinances to accommodate this sort of thing and figure out where the City of Logan wants to be with regard to the opportunities they want to afford its citizens and youth. Pam Oviatt, representative for Mike and Rhonda Leonard, read a letter with concerns about diseases that poultry can carry, where the waste from the chickens will be disposed of and if there would be inspections to insure the safety of the citizens. A copy of this letter is on file at City Hall. Terry Francis suggested that the Board of Adjustments take no action and refer this back to the City Council. He stated that the chicken coop is visible from the south end of Milliman Park and from West 3rd Street. He said that it was unfortunate that the Johnson's did not check with the city prior to obtaining the chickens so that they could save their daughter from the grievance that she is feeling right now. John Muell asked why the Johnson's were singled out and the Hieb's were allowed to keep their chickens. Chief Smith stated that there are pending charges. Lori Storm stated that she has no issues with the chickens. She stated that she also feels that the Johnson's have been singled out because they had to get rid of their chickens and Hieb's were allowed to keep theirs. Storm stated that the Johnson's were cited, and in all fairness we need to treat everyone the same way.

Applicant's rebuttal: Samantha Johnson responded to Rhonda Leonard's letter with regard to the diseases that chickens can carry. She stated that cats, dogs and humans also do this and that her chickens are no dirtier than any other pet. She stated that her chickens are as dirty as they choose to keep them just like cats, dogs and kids. One of the points that Rhonda makes in her letter is who will monitor the condition of the chicken coop. Johnson asked who monitors the condition of your dogs, cats, hamster or your yard. She stated that this is America, and we are self monitoring. Johnson stated that her chickens have been there for 5 years, and they have never made anyone sick.

She said she would never expose her children to anything that would make them sick. She stated that Rhonda Leonard has been on Facebook because she is opposed to the actions that Johnson's husband has taken on the City Council since June. Johnson has physical evidence that these concerns and fears are politically motivated, and she hopes that the committee has the wisdom to see through that. She stated that there are other people in the audience that disagree with what's going on in town politically, but they have the clarity of mind to be able to separate this issue from that. Johnson believes that is what is happening here. She stated she believes that the "no chickens" signs, which were put up in the yard across the street, and the Facebook page were simply done to harass her family. Johnson stated that Leonard's letter is poisoned with her opinion of their family and not a legitimate health concern. Johnson asked everyone to take a step back and consider what she is saying.

Chairman Cohrs adjourned the public hearing and opened the regular meeting. Lesline stated that she believes this all stems from what is happening on the City Council. She stated that we have all been around chickens. Rosengren stated that he is under the impression that this needs to go back to the Council, and it shouldn't be up to the Board of Adjustments to decide. McDonald stated that since the previous motion for the Hieb's was tabled, he thinks this one should be tabled to give the process a chance to work. He stated that he is not comfortable granting or not granting a variance at this time.

Motion was made by Muell and seconded by McDonald to table the motion. Voting aye: Rosengren, Cohrs, Lesline, Muell and McDonald.

Motion was made by McDonald and seconded by Rosengren to adjourn. 5 ayes.

Todd Cohrs, Chairman
Marilyn Keizer, Secretary