



WINFIELD BOARD OF ZONING APPEALS

MEETING MINUTES

SEPTEMBER 9, 2021 @ 5:30PM

The Winfield Board of Zoning Appeals held their regularly scheduled meeting on Thursday, September 9th, 2021 at the Winfield Town Hall at approximately 5:30 p.m. Those present: Jim Hajek, Austin Holtz, and Phil Metzger. Sash Becvarovski and Mark Nelson were absent. Also present was Nick Bellar, Zoning and Planning Administrator; and Attorney Ryan Deutmeyer.

MINUTES: June 10, 2021

Austin Holtz made a motion to approve the minutes from June 10th, 2021. Phil Metzger seconded the motion. The motion carried 3-0.

OLD BUSINESS:

1. Docket BZA 2021-03 Findings of Fact

This is the docket where it was requested to serve alcohol at the Winfield Bistro. Austin Holtz made a motion to approve Docket BZA 2021-03 Findings of Fact. Phil Metzger seconded the motion. The motion carried 3-0.

NEW BUSINESS

1. Public Hearing and Recommendation to the Town Council Docket BZA 2021-04 – Variance from Use – Hobby Farm Use

Owner: Derek VanTichelt
Petitioner: Derek VanTichelt
Address: 6528 E. 114th Pl
Request: Variance from Use to conduct a Hobby Farm Use on an R-1 zoned lot as required by Chapter 156 Zoning Appendix A

Nick Bellar stated this is a request to have chickens in the rear of their yard.

Jim Hajek opened the Public Hearing at 5:38pm.

Derek VanTichelt, 6528 E 114th Pl, explained he is asking for a use variance for his backyard chickens. This was a project they started during Covid last year. A year later they added to the chickens and never had any problems. A few months ago, there was an incident where his neighbors' dogs got loose and entered the garage where baby chickens were, and killed a few. 3 months after this incident the dog got loose again and proceeded to enter the garage again and kill more chickens. He noted they do not make money from the chickens as they give the eggs away. They consider the chickens as pets. Derek explained how he also owns the lot next to him totaling his space at roughly 4 acres. He added the coop is on the lot next to his house.

Phil Metzger asked how many chickens Derek has, and he responded 15. Austin Holtz asked if they ever have the chickens run around free and Derek responded occasionally as sometimes some of the chickens' escape. Derek explains his plan was to put a top over the coop but was waiting until the results of the hearing. There is also a fenced area around the coop. Phil questioned how the dog entered his property. Derek explained both times the dog entered his garage where the chickens were. He asked for the board to accept the variance to keep his chickens.

Jen Menear, 6568 E 114th Pl, stated they have 4 acres as well, which is no where near 5 that is needed for a Hobby Farm. She explains they had to wait a while for a fence so when the dogs were small, they would sometimes get away. Now, they are fenced in. On occasions where the chickens are out running around and poke their heads by the fence the dogs go crazy. She stated she feels terrible that the incident happened and hates worrying that it might happen again. They have had their fence reinforced twice. She said they have four young daughters so the dogs could get out by leaving doors open. She added overall they are the only neighbors that are directly affected by the chickens. She explained if they went to obtain a permit, they would have been told it is against Winfield town code. She said it is also against Prairie Crossing ordinances that were in place when they bought the lot. Jen stated there is also a rooster that was added. She asked for the board to deny the request for the variance.

Sean Menear, 6568 E 114th Pl, explained that his dogs got out to chase rabbits and that is when they found his chickens in his garage, not in a coop. He stated he has video of the chickens in their yard along with their dogs. He said they have done everything they possibly can to keep their dogs in their yard. He restated it directly affects them and their children. Sean concluded he hopes they deny it because its going to get worse.

Renee Brooks, 6565 E 114th Pl, stated she lives across the street from both Derek & The Menear's. They are great neighbors, no complaints. She said she likes the chickens and didn't even know they were there. Never hears the chickens but said she does hear dogs barking which is normal. She thinks the ordinance is outdated and not up to current times. She concluded that she is in favor of the variance.

Derek VanTichelt spoke again and stated they did have two roosters and since have gotten rid of those. He added they look at the chicken eggs as antibiotic free and they are pets. The chickens are let free but if approved he will place a top on the chicken coop.

Phil mentioned the racoons being caught and killed for coyotes and Derek said that is not true as he is a responsible hunter and trapper. He said he has not trapped any raccoons in over a year on his property, and the ones that were trapped were trapped properly. Derek stated he would like to keep the 15 chickens with a couple dozen eggs per week. Austin asked the Menear's how many dogs they have, and they replied 2.

After no further discussion, Jim Hajek closed the Public Hearing at 6:02 pm.

Nick stated the town does not enforce covenants restrictions for individual neighborhoods. Nick stated James Baltzersen (6448 114th Pl – no house just owns lot) does not have an issue with the chickens. He asked that the request not include a large barn to house large animals. Nick also had in writing from Mark Nelson, BZA Chairman, who is not in attendance, is not in favor.

Austin Holtz made a motion to make No Recommendation to the Town Council for Docket BZA 2021-04 Variance from Use – Hobby Farm Use. Phil Metzger seconded the motion. The motion carried 3-0.

STAFF/ATTORNEY REPORT:

None.

With no further business before the Board, Austin Holtz made a motion, seconded by Phil Metzger to adjourn. The motion carried with all in favor 3-0.

ADJOURNMENT: 6:09 pm

Attest:

Board of Zoning Appeals Chairman

Board of Zoning Appeals Secretary

Transcriber: Haley Crnarich
Administrative Assistant