

MINUTES  
VILLAGE OF CUYAHOGA HEIGHTS  
PLANNING AND ZONING MEETING  
APRIL 21, 2021 - 6:00 p.m.

Those present were: BLOAM, MITCHELL, VOLEK, UNGER, BACCI

Also present: Law Director Ben Chojnacki, Building Commissioner Norm Casini, Assistant Building Commissioner Ken LaBella, and Clerk Unger.

**Minutes:**

Motion to accept the Minutes of March 17, 2021.

Mr. Bloam made the motion to accept the minutes as amended and place them on file, seconded by Mr. Volek. All voted Aye, none opposed. Motion carried.

**New Business:**

**From Building Commissioner Norm Casini:**

**N.A.T. Services at 4540 E.71<sup>st</sup> Street is requesting exterior storage of material, equipment, etc.**

An application from N.A.T. Services represented by Tony Isom was presented to the board requesting a variance of approval for storing materials, equipment, and containers outside their enclosed building at 4540 E71st Street.

A Variance approval is needed for storing materials, products, and other equipment outside the building.

Mayor Bacci asked Mr. Casini to explain the need for the variance. Mr. Casini stated that N.A.T. is located in a light manufacturing area, and according to our codified Ordinance, all material should be stored inside.

Mayor Bacci explained that N.A.T. is the last of the businesses in their area that have been called in to explain that they are not in compliance with the stored material outside of their building. Mayor Bacci asked the board if they had any questions. Ms. Mitchell asked Mr. Isom what is stored in the containers that are outside the building. Mr. Isom explained that they contain various parts related to the trucks and that they currently have about eight containers outside on trailers that can be moved.

Mayor Bacci asked Mr. Isom if he was aware that the board is giving two year cycles on the variances. Mr. Isom said that is fine with him. The Mayor said that the village has been notifying

current companies that are not compliant, and giving them some time to become compliant in the future. The Mayor stated that it will not impact N.A.T. Services as long as nothing changes as the company becomes compliant and in two years from now you can come in front of the board and get another variance if it is needed. Mr. Isom said that was fair.

Mr. Volek made the motion to grant the variance for two years, seconded by Ms. Unger. All voted aye, none opposed. Motion carried.

**From Building Commissioner Norm Casini:**

**Jennifer Mahoney at 5046 E.71<sup>st</sup> is requesting a variance of five chickens for her chicken coop.**

An application was received from Ms. Mahoney requesting a variance for approval for keeping nine chickens. Pursuant to Cuyahoga Heights Codified Ordinance Chapter 618 Article 618.18(c)(i) allows up to four chickens to be kept on residential property within the village for the private use of the property owner or occupant.

A Variance approval will be need for five additional chickens.

Mr. LaBella explained that Ms. Mahoney is in violation of our codified Ordinance for housing nine chickens on her property without the approval of the Building Department. Since four chickens are allowed on the property, she is requesting a variance of five chickens to be housed inside the garage.

Ms. Unger asked Ms. Mahoney if she currently has nine chickens on her property. Ms. Mahoney said she has nine chickens, but they are currently at her friend's house. Ms. Unger asked her what she does with the waste products from her chickens. Ms. Mahoney explained that the coop gets cleaned twice a week, and it is put into a compactor bag and thrown in the garbage. Ms. Unger asked if that was permitted. Mayor Bacci said yes. Ms. Mahoney explained that it is like cat litter that gets thrown out in the garbage.

Ms. Unger asked her why she got nine chickens before she got the variance. Ms. Mahoney explained that she and her husband ordered the chickens and kept them in the garage which is not visible to anyone, and they were never let outside, so she didn't think it would be a problem.

Ms. Mitchell asked if there were any windows in the garage for them to get sunlight and ventilation. Ms. Mahoney explained that she opens the garage door and side door that gives them direct sunlight into their cage. She also has specialty lamps for them. Ms. Mitchell asked if she leaves the doors open all night. Ms. Mahoney said she leaves the back door open all night in the warmer temperatures, but not in the winter.

Ms. Mitchell asked if she has had any problems with the chickens being in the garage. Ms. Mahoney said she has had no problems. Ms. Mitchell asked if she also housed all her tools, gas cans, and mowers in the garage with the chickens. Ms. Mahoney explained that she keeps all of

that material in her shed. Ms. Mitchell also asked if she parks her car in the garage. Ms. Mahoney said only in the winter. Ms. Mitchell asked what about the fumes from the car when she starts it, does it affect the chickens. Ms. Mahoney said she doesn't let the car run in the garage, and she lets the door open after she shuts it off to remove any fumes.

Ms. Mitchell asked why she needs so many chickens. Ms. Mahoney explained that when you buy the chickens, they can't guarantee the sex of the chickens, and I realized when they became older that they were all females, and they will not produce eggs until they are six to nine months old.

Mr. Volek said that in her application, she stated that the need for the chickens is to feed her children. Ms. Mahoney is trying to teach her children how to take care of animals responsibly, and also to use the eggs.

Mr. Volek said that chickens lay approximately 250 eggs per year, and they only lay eggs for four years. He asked Ms. Mahoney what her plan was for the chickens when they stop laying eggs. Ms. Mahoney said she would then give them to her friends.

Mr. Bloam stated that he contacted the neighbors on both sides of the address, and across the street, while they did not say they smelled anything, they did say that they have heard the chickens in the past, and not one neighbor is in favor for having nine chickens inside the garage. Mr. Bloam stated that being a board member for many decisions, he has to take into consideration the opinions of the direct neighbors. He stated that it would be difficult for nine chickens in a garage, but more applicable for four chickens.

Mr. Volek said that in researching this subject of raising chickens, he found that each chicken needs at least 8-10 square feet for each chicken.

Ms. Unger commented that one of the things that bothered her is that the chickens are already there. Ms. Unger stated that Ms. Mahoney was supposed to get the approval before she got the chickens. Also, if the garage was not attached to the house, Ms. Unger added that she might be more inclined to approve, but being attached to the garage she commented that it doesn't seem healthy.

Mayor Bacci asked Mr. Casini if she gets her property squared with a privacy fence, is there a way she could get a variance. Mr. Casini said it is possible.

Ms. Mitchell stated that the Ordinance says you can have four chickens, and not nine. I am comfortable with letting Ms. Mahoney have four chickens, not nine.

Mayor Bacci asked Mr. Bloam if when talking to the immediate neighbors of Ms. Mahoney, if they were against nine chickens, but would they be against four. Mr. Bloam said they didn't have any comments about four chickens in the garage, but they didn't like having nine. They thought it was too loud, and they were concerned about the smell. They would not be against four chickens, because that is what is in our Ordinance.

Mr. Volek made the motion to deny the variance for five additional chickens, seconded by Mr. Bloam. All voted aye, none opposed. The motion carried and the variance was denied.

Mayor Bacci asked the board if there was any chance in the future, if Ms. Mahoney puts up a padlock and coop outside if she can get a variance. Mr. Volek said if she meets the square footage requirement from the CDC, and there are no objections from the neighbors, we can revisit this item. There are many other things to consider. Mayor Bacci asked Ms. Mahoney to work with the Building Department.

Ms. Unger stated that she would like Ms. Mahoney to come to the board first, before getting the extra chickens.

**Other Business:**

None at this time.

**Motion for adjournment**

Mr. Volek made the motion to adjourn, seconded by Ms. Unger. All voted aye, none opposed. Motion carried.

The Zoning Board Meeting was adjourned at 7:45 pm.