

The City of Lower Burrell **Zoning Hearing Board** held a public hearing on Monday, June 21, 2021 at 7:00 p.m. in the Municipal Building at 2800 Bethel Street, Lower Burrell, PA 15068. Present were Board members George Guido, Charles Markle, Charles Stapinski, John Millburn, John Kamarados. Also present were Public Safety Director Councilman Joseph Grillo, Ordinance Officer Michael Nedley, and Court Reporter Julie Casella.

REORGANIZATION: Motion by Mr. Millburn, second by Mr. Stapinski to nominate George Guido as Chairman. All in favor. Motion approved.

Motion by Mr. Millburn, second by Mr. Markle to nominate Mr. Stapinski as Vice Chairman. All in favor. Motion approved.

Motion by Mr. Stapinski, second by Mr. Kamarados to nominate Mr. Millburn as secretary. All in favor. Motion approved.

APPROVAL OF MINUTES: Motion by Mr. Stapinski, second by Mr. Millburn to approve the minutes from the November 16, 2020 meeting. All in favor. Motion approved.

CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

#609 – Donald and Erika Henderson of 309 Prospect Circle, Lower Burrell requesting an interpretation to Article 300-135, Farm and Agricultural operations on property identified as tax map # 17-03-11-0-126, zoned R-1.

Erika Henderson testified that she and her husband, Donald Henderson and their two daughters reside at 309 Prospect Circle along with their dog, two rabbits, and six chickens. The chickens are housed outside the home in a chicken coop, and she indicated that the chickens are pets and members of their family. Various exhibits were produced showing the chickens as members of the Henderson family, and testimony revealed that possession of the chickens is an asset to Mr. Henderson's medical condition. Dr. Eric Skvarla provided testimony as a medical expert.

Various neighbors testified. Robert Koehler, 540 Prospect Circle has been aware of the chickens and testified that there is minimal noise, no noticeable smell, no difficulties with waste, and he has no opposition to the Henderson family retaining the chickens.

Laura Burkett, of Prospect Circle testified that she has observed the family interacting with the chickens and has also noticed that there is no noise or disturbance, no smell or droppings, and indicated that she has no objection to the Henderson family retaining the chickens.

Sherry Barbiaux, 323 Prospect Circle testified that her family have interacted with the Henderson pets and has never noticed smells or odors and that the chickens clearly are pets.

Michael Nedley, Code Officer of the City of Lower Burrell testified that after hearing the testimony, he agreed that the chickens are pets, not farm animals in a farm operation setting.

Richard Linsenbigler of 314 Prospect Circle testified that the chickens are well behaved, and he had no objection to the chickens being kept by the Henderson's.

Gary Miller, Alder Street testified that he has neighbors who possess chickens and has no objection to the Henderson family retaining their chickens.

Dave McGill of Leechburg Road is supportive of the Henderson family retaining the chickens as pets.

No testimony was presented in opposition to the presence of the chickens.

A roll call vote was conducted for approving the overturning of the Zoning decision of Donald and Erika Henderson of 309 Prospect Circle, Lower Burrell on property identified as tax map # 17-03-11-0-126, zoned R-1. Roll call vote indicated: George Guido: VOTE TO OVERTURN; Charles Stapinski: VOTE TO UPHOLD; John Millburn: VOTE TO OVERTURN; Charlie Markle: VOTE TO OVERTURN; John Kamarados: VOTE TO OVERTURN. 4 "VOTES TO OVERTURN" 1 "VOTE TO UPHOLD."

ADJOURNMENT:

With no further business, a motion was made by Mr. Millburn, second by Mr. Kamarados to adjourn the meeting at 9:23 PM. All in favor.

George Guido, Chairman
John Millburn, Secretary