

City of Napoleon, Ohio
BOARD OF ZONING APPEALS MEETING MINUTES
Tuesday, July 14, 2020 at 4:30 pm

BZA 20-03 – Prohibition of Other Livestock (Goats) – 313 West Barnes Avenue

PRESENT

Board Members	David Dill-Acting Chair, Lynn Rausch, Larry Vocke
Board Members on WebEx	Tom Mack, Steve Small
City Staff	Kevin Schultheis-Code Enforcement/Zoning Administrator Joel Mazur-City Manager
Clerk of Council	Roxanne Dietrich
Others on WebEx	News media
Others	Brittanie Galvin

ABSENT

CALL TO ORDER

Acting Chairman Dill called the Board of Zoning Appeals meeting to order at 4:35 pm.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the April 14, 2020 Board of Zoning Appeals meeting were approved as presented.

BZA 20-03 BACKGROUND

Acting Chairman Dill read the background on BZA 20-03:

An Application for Public Hearing has been filed by Brittanie Galvin, 313 West Barnes Avenue, Napoleon, Ohio. The applicant is requesting approval to own and keep “farm animals” (goats) within an R-2 Low-Density Residential District. The applicant is requesting to keep two (2) dwarf goats as pets that will reside inside the dwelling.

RESEARCH AND FINDINGS

Schultheis presented his research and findings: Napoleon City Codified Ordinances says no person shall keep, harbor or maintain or knowingly permit to keep harbor or maintain within the City any domestic, fowl or any swine or any animal including but not limited to cattle, horses, mules, ponies or other animals which ordinarily are not kept as or maintained as house pets. The concern that we have is for the health and safety of the citizens within the neighborhood if the farm animals are allowed. The animals may draw in wild animals from outside of the city, such as coyote and fox that prey on farm animals. By allowing this, it would open the door and path to more farm animals being brought into the city limits such as pigs, cattle, horses, rabbits and chickens. That’s the concern for the city. I did receive a couple of emails from citizens and nearby neighbors that were concerned if this is allowed, what would happen to their property values? Odors, filth and such items like that would be a concern for the citizens on the south side that I spoke to. As the Zoning Administrator, I request this be opposed following the guidelines of the Napoleon City Codified Ordinances set forth by Napoleon City Law Director.

COMMENTS

Rausch – just recently there was a person that came forward and wanted to raise chickens in town and they turned her down.

Brittanie Galvin, 313 West Barnes Avenue, Napoleon, Ohio (Applicant)

As you guys know, Kevin (Schultheis) came to my house based off some concerns from the neighbors. I actually acquired these goats, they are dwarf goats and they don't get any bigger than a medium sized dog. They live inside the residence, they wear diapers and they are litter trained to urinate in a litter box. When they go outside, I have a 20 x 20 dog kennel that I use for my dogs and they go out into the kennel with my dogs. My daughters are 10 and 12, they take them around the block on leashes and harnesses just like they do a dog. They actually pose less of a threat than a dog because they are not one to be aggressive or attack or fight. Their feces is not any different than a rabbit's, wild or domesticated, which domesticated rabbits are also allowed in town. Their feces can either be disposed of normally in the trash or it can be used as fertilizer in the garden. They don't pose any threat as far as diseases, they get vaccinated and dewormed like your dogs and your cats do. I did go around to some of the surrounding neighbors and I got signatures from quite a few of the neighbors actually. Am I allowed to pass this around for everyone to see? Mazur said with everything going on, if you want copies we can make copies to distribute. Galvin continued so this has names and addresses of neighbors all around my neighborhood that signed and support me being able to keep the goats. I also have pictures of them and my daughters. We give them baths. I actually have a whole dog grooming set up in my Mom's basement and so we take them over there, we give them baths regularly. I believe actually one of the neighbors that Kevin (Schultheis) had spoken to when I went around the neighborhood, he told me that he had some concern originally with me having the goats and after I explained how I take care of them, he was actually one of the ones to sign my petition in support of keeping them. I also put a post on Facebook asking for support from people within the community and I have a list of names of people off of Facebook that also liked my request for their support and made comments on some of them as well. Mazur asked the board if they wanted copies to be distributed? Dill asked how many names are on there? Galvin said she had 18 from ones right locally around her. On the Facebook post I have 55 that liked or looked at the post I had in support of me having them. Dill asked Galvin if they are all property owners that she spoke to? Galvin said yes, they have their addresses on here as well. Rausch said Facebook you are not sure. Galvin said Facebook I'm not sure but I asked that they, yea I don't have their addresses for Facebook but, some of them reported or wrote down comments about how they know me as far as an animal owner and taking care of my animals and how they felt as far as me being able to keep them. I had 50 of the likes and such for the Facebook 55 and then some of the people put comments on here. Some of the comments said pets come in many varieties these days, a dog barking at all hours should be addressed first those are far less of a burden, which actually even when the goats do make noise it is less noise than the dogs that bark in the neighborhood. They don't tend to make noise at all actually most of the time they just kind of lay around and hang out in the kennel when they are outside. They are no different than large dogs, they live with your family as a member of your family I too know a house in the city that has chickens I'm not sure who that is though. These two are angels they brought joy to your girls as well as mine I whole heartedly support you. Take pictures of the goats being good dogs in their activities with the kids, please keep the goats I love them, they are good therapy for the girls. Google, you will see they are kept mostly as pets. I have met and think they are well more behaved than a lot of dogs they are also teaching the girls responsibility for their actions, they can add a chapter of goat care as part of their homeschooling in 4-H. Those are just some of the comments. They mention pot belly pigs how people are allowed Dill intercepted I think we read most of them before this meeting. Does anybody else have anything on this as far as, I don't think we need to see the names.

Small asked Miss Galvin, how long did you have the goats at your home before Kevin (Schultheis) was called to your house? Gavlin stated she got them in January the middle of January, January 11th exactly. Schultheis said he was called right around May. Small asked what was the concern or complaint that was received? Schultheis replied the concern was that she was in control of farm animals within the city

and the complainant said specifically of course, the city ordinances, that farm animals are being allowed in and they were concerned of the smell or odors or anything foul that would emit over into their property. Galvin said but they did not actually have that happening, correct. Schultheis said *no*, they were concerned about it.

Vocke said he did some Google search about it because this is not something you see every day and a lot of those web pages say if you are going to have pygmy goats, I don't know if that is the same thing Galvin replied yea they are pygmy. Vocke continued it says that you should always check with your city ordinances before you acquire the animals. Evidently you did not. Galvin – no I didn't. Vocke-I certainly empathize with what you are trying to do here but, I just don't know how you give a waiver to somebody for goats and if fifteen more people did the same thing. I also noticed that comfort animals are now allowed on a lot of flights, goats recently have been banned from being on flights as comfort animals with some other ones. That has become a vogue thing here lately taking comfort animals on flights. American Airlines I know expressly forbids goats. I'm not sure what their reason is. I know keeping goats as a pet is kinda a vogue trend right now, they are walking on your backs and everything else. I don't know where you draw the line on this. From my standpoint, this being a sub-committee, this is really something that needs to be kicked upstairs to those people in the back row. Small – regrettably we certainly don't have the power to change an ordinance, that faraway power is to make an exception to an ordinance and I think that you are gearing up for a very broad interpretation of what could and could not be approved. I agree with Vocke it may be a question, does the ordinance need to read differently? Certainly the way it reads now makes it very difficult for us to make an exception to it. Vocke – I know people have pet pigs but they don't live in town. I know they can be just like a dog they are very smart. Galvin - I actually had a friend that lived in town with a pot belly pig, she has moved now due to work but, she did live in town and she said she didn't have any issues. Vocke – I guess it's a matter whether they got out or not. Dill – again, we are going to open up a can of worms for anything that goes on after this for one situation and I would like everyone to understand that. So, do we have a motion to approve or disapprove this application for BZA 20-03. Mazur asked Schultheis if it's anything would it be a motion to approve and then when we go around if they are against it they would vote no. You need a motion to approve and then take a vote and if you are not in favor you vote no. Vocke clarified you would not be in favor of allowing the goats? Mazur said *correct*. So the motion would have to be to approve of this application request, this variance. Small stated we have made motions in the past to deny. That is a cleaner way to do it unless somebody is going to make a motion to approve then does it just die for lack of a motion. Mazur said yes if nobody motions then it doesn't go anywhere, I'm just looking at it maybe its semantics but the application is being reviewed and discussed and a motion would have to be made to either approve or disapprove this request for a variance one way or another. I'm just trying to think of Robert's Rules and the proper way to do it if it has to be voted down, so to speak. Small explained in our situation in the past we have made motions to deny the request that would be the disapproval. The way that the ordinance reads regrettably, I don't think that this is something that I would be prepared to make an exception on.

Mack asked if this is denied, the way that it is presented, do they have time to deal with this situation? I would hate to see that they would have to handle this tomorrow. Can we give them thirty days to take care of this situation? Dill –does that sound reasonable? Schultheis – yea. She has been compliant; I don't have a problem with that.

Motion to Deny BZA 20-03 with Applicant Having a Thirty-Day Allowance to Take Care of the Situation

Motion: Small

Second: Rausch

to deny BZA 20-03 and give the applicant a thirty-day allowance to take care of the situation

Roll call vote to deny BZA 20-03 and give the applicant a thirty-day allowance to take care of the situation

Yea-Small, Rausch, Dill, Vocke, Mack

Nay-

Yea-5, Nay-0; Motion Denied

Dill informed Galvin she has thirty days to take care of the situation. This is nothing against you, it is the fact it would open up a real bag of worms for the whole town if it was approved. Galvin—I understand. Dill—so in the future, check with Kevin (Schultheis) if you have any questions. Galvin—hopefully I can just move into the country soon. Vocke told Galvin I was very impressed with your organization coming here, you were ready and did your homework. That says a lot right there and makes it tough on us. I’m a pet owner also.

ADJOURNMENT

Motion: Rausch
to adjourn the Board of Zoning Appeals meeting at 4:55 pm

Second: Vocke

Roll call vote on the above motion:

Yea- Small, Rausch, Dill, Vocke, Mack

Nay-

Yea-5, Nay-0. Motion Passed.

Approved

September 8, 2020

Tom Mack, Chairman