

9853 Kilgore Road Variance Appeal

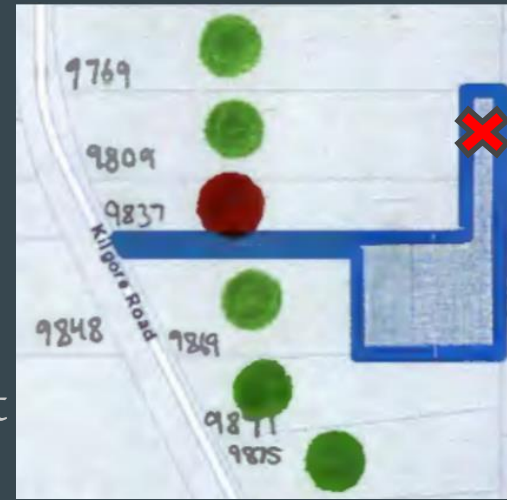
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To find location of chicken coop placement

9/18/2018

Variance Criteria

- Special Condition
 - Lot Shape
- No Special Privilege conferred due to only odd shaped lot
- Deprivation of Rights
- Minimal possible variance requested- 12 feet
- In harmony of purpose and intent of Zoning Regulations
 - Based on \$27,228 of taxes for the entire property we are paying over \$5,500 for the 10,500 sqft that we can not use for anything



BZA Background

- Major error in the original analysis of staff recommendation
 - BZA needs to take lot shape into consideration as no other lot is comparable
 - Wrong property line taken into consideration
- Buffer
 - In 1989 concerns were raised with BCC
 - Brentwood Club Plat Violation 35 foot vegetative buffer + 30 ft setback + distance to house = 90+ feet
 - They do not think our Rural lifestyle is compatible but R-CE Kilgore road was present before Brentwood Club
 - Brentwood Club residents knew that chickens were allowed behind their yards prior to purchasing homes



Feedback taken from
BZA and coop was
moved



- Wooden fence on sides
- 92 sqft coop
- Fenced area of 50 x 208 feet.



- 48' fence



- Rear



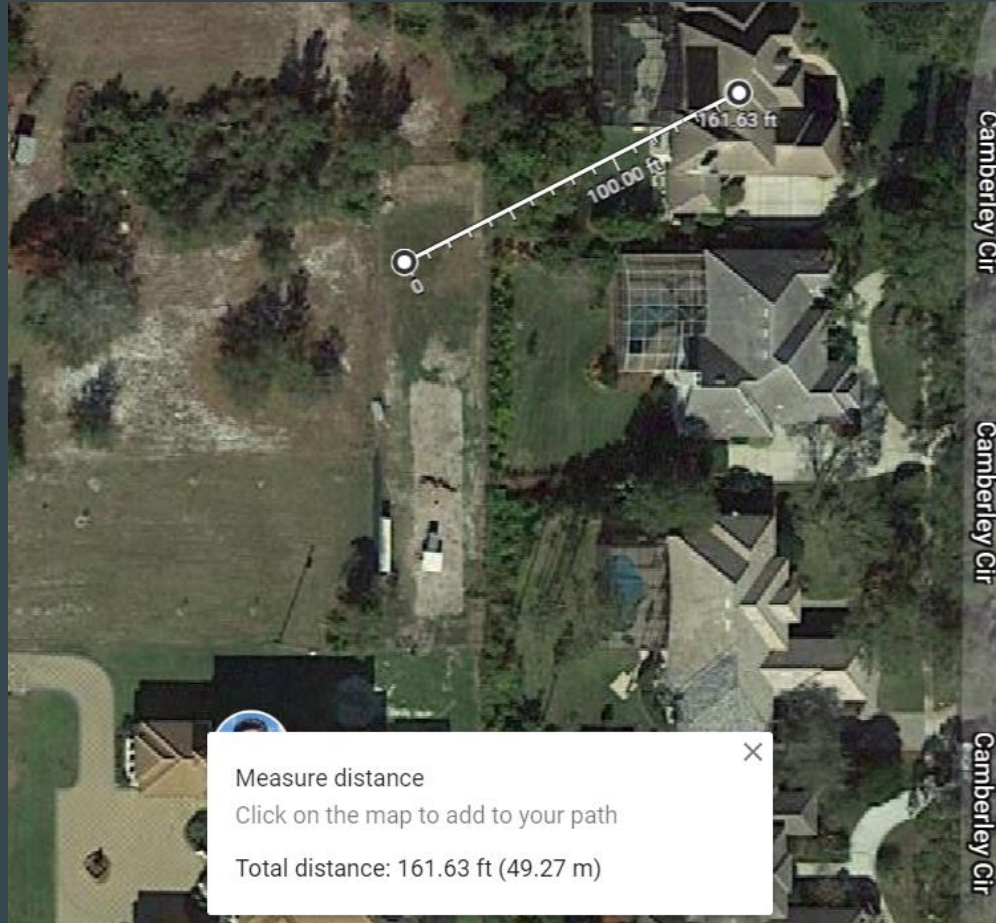
- 30 Foot from Brentwood Club maintained
- Brentwood objections are addressed



- Placed behind
9809 Kilgore
Support letters from
neighbors that reside
at 9869, 9871, 9809
and 9769 Kilgore
Road

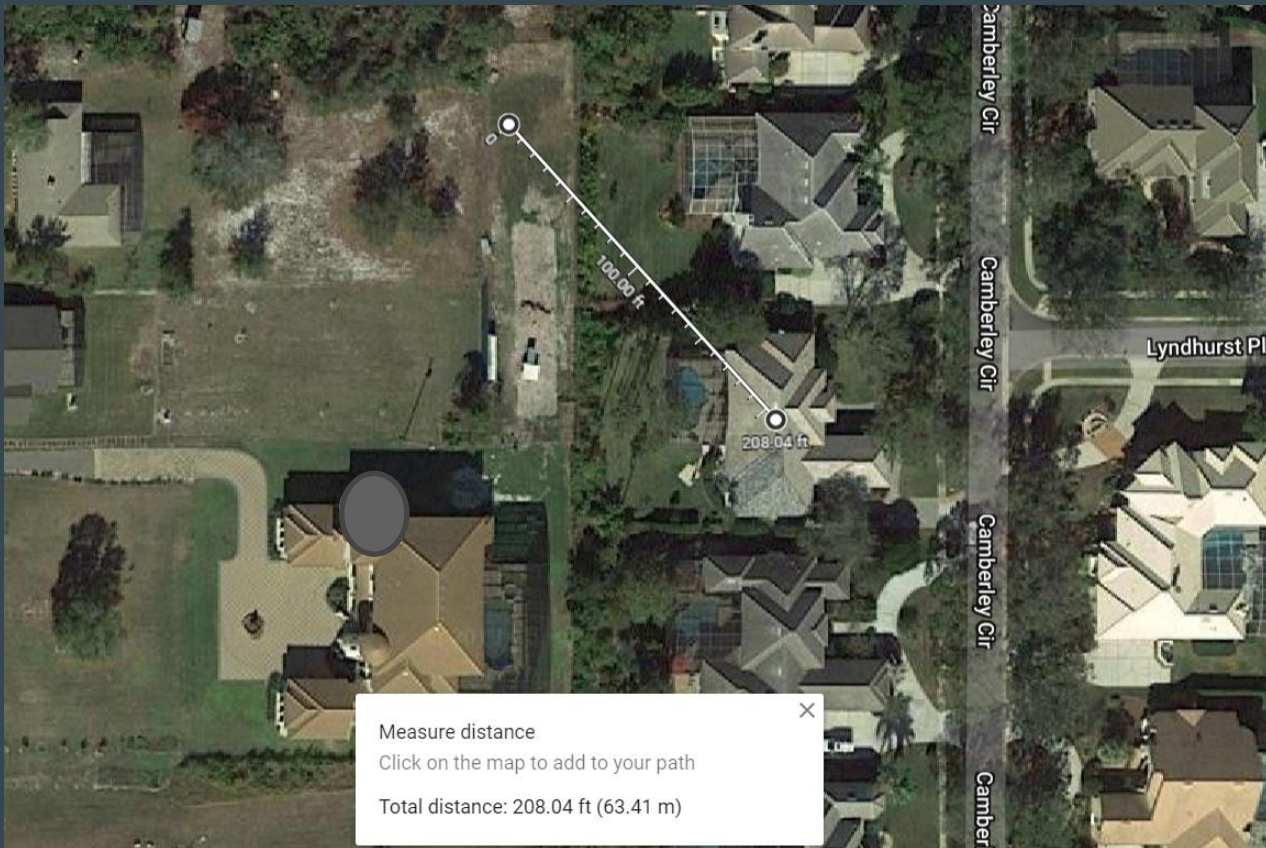
Kind Neighbors are
not opposed to
variance

9672 Camberly Badger/Woods Over 150 Feet



- Current location of chicken coop is in the best interest of all stakeholders

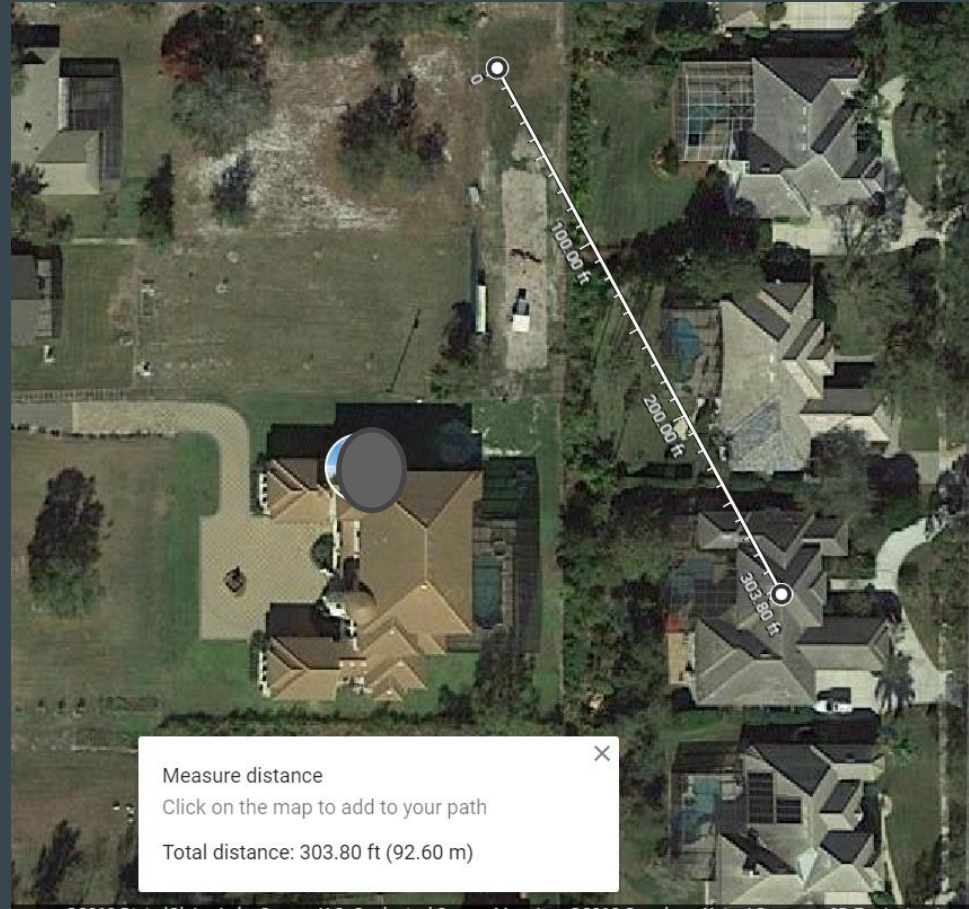
9684 Camberly Berkerman Over 200 Feet



- Placement nullifies any objections that are raised by Brentwood Club residents.

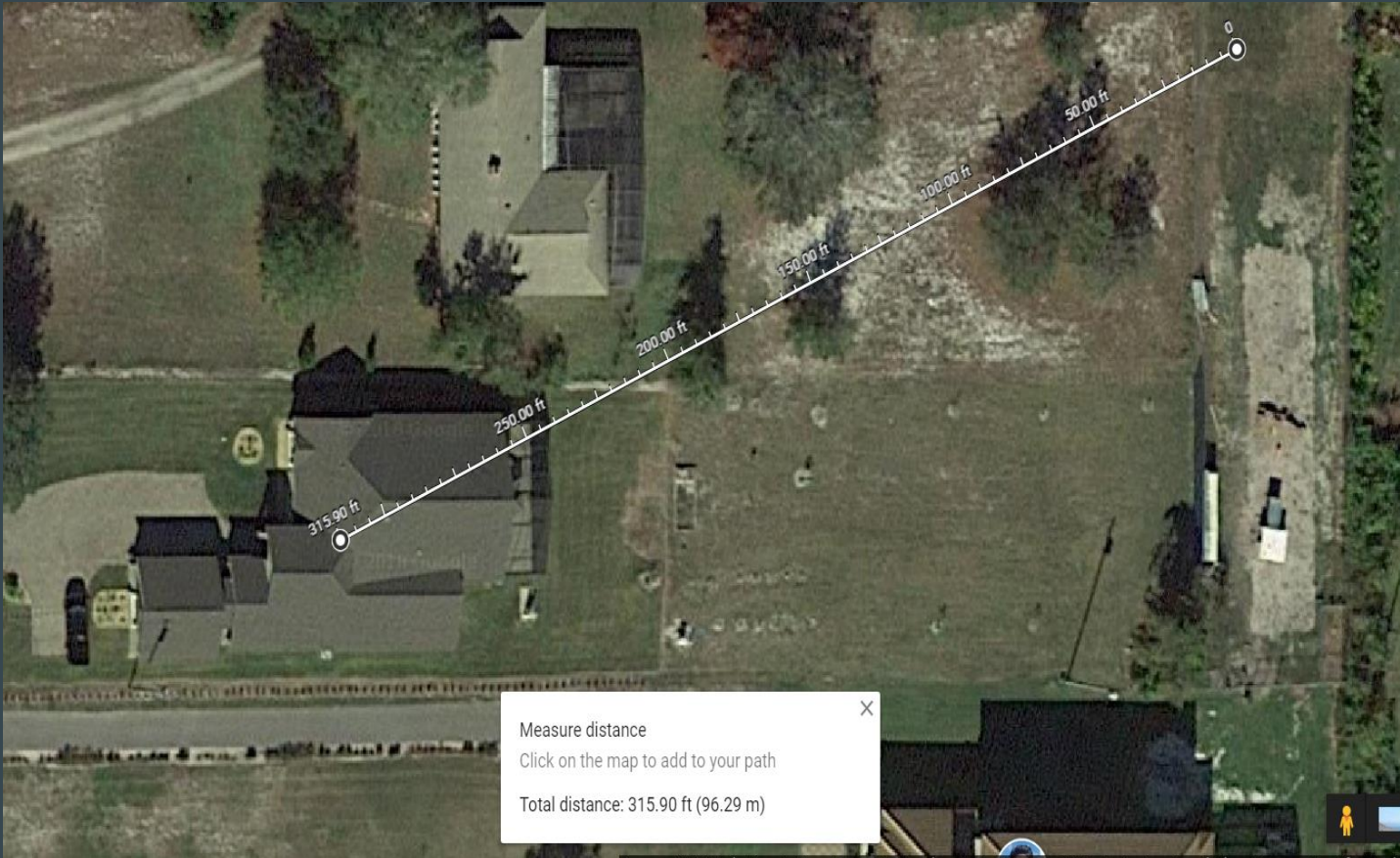
9690 Camberly Gauger over 300 Feet

- Subjective Perceptions
- Denial would deprive us of our right to keep chickens as there is no other location



9837 Kilgore Road David Wilson Over 300 Feet

- Claimed it was $\frac{1}{3}$ distance at BZA





- Nothing visible from Wilson
- Not behind his house
- Odor nonexistent



Objections Addressed

- Odor absorbing pine shavings
- Staff presentation did not include any mention of smell when they went to site
- Wildlife is natural and has been present before residents- Need to keep within fence

David- Not the nice neighbor he claims to be

- Claims to have no issue with our pets
- Did not like way it looked
- Wooden Fence
- No smell 300 feet away – we smell his backyard fires in his barrel
- Prior problems
 - Machete placed on property OCSO 2/9/13 #0130401880
 - Did not sell him our driveway
 - Permitted drain field replacement
 - Fallen tree during Hurricane
 - Pasculo (9762 Kilgore)- profanity in front of kids, his servant with machete
 - Driveway paved
 - Sickness

Pet Chickens

- Domestic Use non Commercial
- Added wooden fence for privacy/ sound
- Chickens don't make noise
 - Dog barks
 - Stray dogs
- Rooster removed to satisfy neighbors

Sec. 38-79. - Conditions for permitted uses and special exceptions.

zoned district. ("Poultry" shall mean domestic fowl such as chickens, roosters, turkeys, ducks, geese, pigeons, hens, quails, pheasants and squabs.)



Inability to place the structure elsewhere on the property.

- The setbacks for a house are only 10 feet from the sides of the home.

Staff stated that there were other areas that the coop could be placed on the property.

At the hearing it was confirmed that no other location existed

Who makes senseless ordinances?

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

<i>District</i>	<i>Min. lot area (sq. ft.) ^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.) ^a</i>	<i>Min. rear yard (ft.) ^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>

Park Square Hotel Variance

- C-2 Zoning
- Construct a 85 FT high rather than 50 FT hotel
- Much larger impact
- No evidence requested

- Time and county resources wasted on a few pet chickens
- Land Use Table for Horses in R-CE Sec. 38-79 (41)
 - “Any barn, paddock, stall, or corral shall be setback at least fifteen (15) feet from all property lines and at least thirty (30) feet from the normal high water elevation of any lakes or natural water bodies”
- County is stepping into role of HOA
- No differentiation with R-CE and R-1AA





Camberly residents had complaints of our Estate at 9853 Kilgore, due to the large size which led to a reduction of their property values

This complaint is not relevant to this variance

They can fight with OC who approved it



9690 Camberly

- Constant high cost landscaping for maintain their cheap bamboo on our side
- Roots spread out
- Dogs from Bretwood Club
 - Fence
- We have been tolerating their actions even though we knew their illegal buffer removal for years



