

51 COTTAGE ST

Variance Request for 10.440.17.20 Keeping of farm animals

This variance request is for the keeping of up to ten hens on residential premises for pleasure.

10.233.21 The variance will not be contrary to the public interest

The keeping of up to ten hens in a completely fenced-in backyard on private property does not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights." The hens will be kept in a playhouse that has been there for 32 years.

10.233.22 The spirit of the Ordinance will be observed

The proposed use of keeping of up to ten hens on residential premises for pleasure does not conflict with the explicit or implicit purpose of the Ordinance based on the Ordinance's definitions:

Farm animal – Any animal other than a **household pet**.

Household pet – A small animal that is customarily kept on **residential premises** for company or **pleasure**. Examples include dogs, cats, rabbits, **birds** and fish.

Hens can be a farm animal when the primary objective is for food production on a farm. However, these hens are household pet birds on residential premises for pleasure.

10.233.23 Substantial justice will be done

The pleasure these birds bring to the applicant is greater than the negligible harm to the general public or to other individuals since they are in a completely fenced-in backyard on private property. Hens have been kept at this property for 15 years. This is the third flock from newly hatched "sexed" chicks and the first time that when the chicks were purchased newly hatched that, inadvertently, the clutch included a rooster. The rooster, Roosky, was a beautiful bird and a very docile and friendly rooster who also watched over the hens as their guardian, so we hoped to keep him. When issued the cease and desist order dated September 20, 2019, we were heartbroken but diligently looked to find him a good home. Roosky was finally surrendered to the Stratham SPCA where we hope he will be adopted to a good home soon. Denial of this variance request would add to the distress of losing Roosky.

10.233.24 The values of surrounding properties will not be diminished

Surrounding property values will not be diminished since hens have been kept at this property for 15 years and property values in the neighborhood continue to rise faster than the rate of inflation.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship

The purpose of the zoning restriction is to limit farm animals to special exceptions in less dense residential districts (Rural, Single Residence A, and Single Residence B). The subject property is 10,455 square feet, which is 40% larger than the required 7,500 square feet in the General Residence A district. Also, the rear abutting property is 3.19 acres. Furthermore, farm animals could be pigs, cows, or hundreds of chickens for food production, whereas the proposed use is for up to 10 hens that also meet the definition of household pet birds kept on residential premises for pleasure. Because of the special conditions of the property, the restriction does not serve its purpose in a fair and substantial way. The property is large for the General Residence A district with a completely fenced-in private backyard and hens for the past 15 years, so the proposed use is reasonable and does not alter the essential character of the neighborhood.

RECEIVED

OCT 22 2019

BY: _____

51 Cottage St
Postsmouth, NH 03801

Tax map ~~1000~~ #174
parcel I.D. 35278

22ft Side setback From east Boundary

Property Boundary
~ 100' x 100'

22ft

PLAN VIEW

BACK
SETBACK

← 17 FT →

PEW

10 FT

← 7 FT →

6.5 FT

COOP

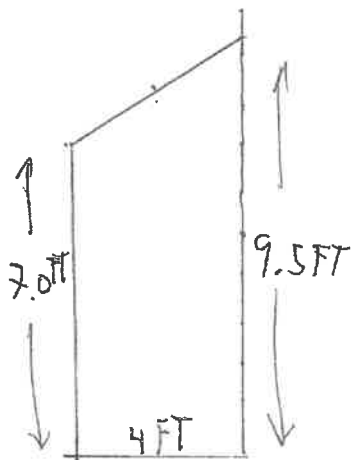
← 4 FT →

← 90 FT setback →
From street to
coop

51 Cottage St.

67 FT To west property Boundary

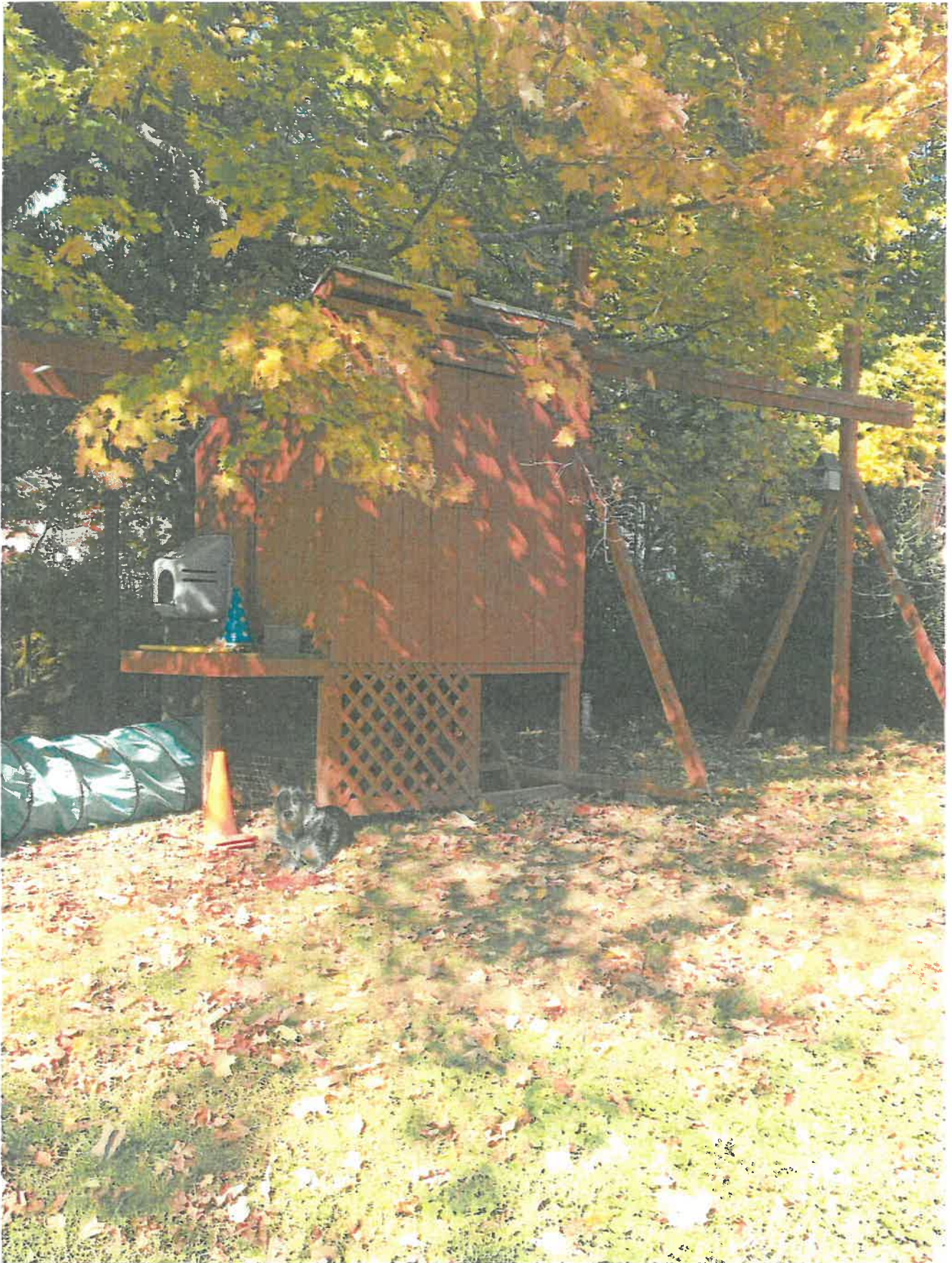
100'



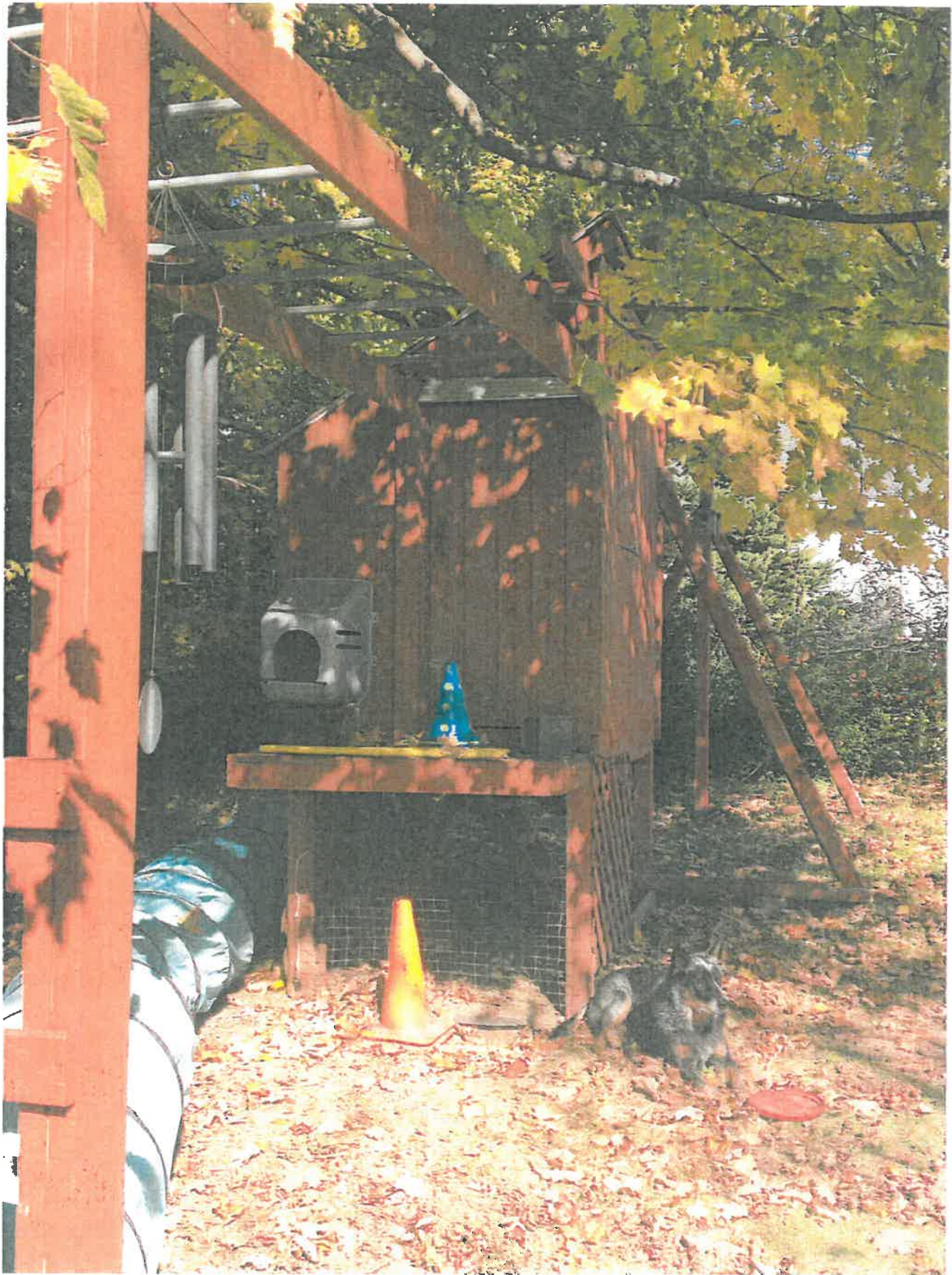
side
VIEW
Looking
East

100'

frontview



Side view



Rear View

