

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Chicken coop at 431 Mulberry Lane, Haverford

Prepared by: Scott Houchins, Health/Zoning Inspector, Building and Planning Department

Date: January 17, 2020

I. Action To Be Considered By The Board:

Waiver of §90-52.C.1 to reduce the required 50 foot setback for a chicken coop (small animal shelter) to 30 feet.

II. Why This Issue Requires Board Consideration:

All waivers from Chapter 90 of the Lower Merion Township Code are subject to the approval of the Board of Commissioners.

III. Current Policy Or Practice (If Applicable):

Chapter 90 requires that any coop holding more than two chickens be placed a minimum of 50 feet from any property line and at least 50 feet from a habitable dwelling on the property. The chicken coop on this property is 30 feet from the closest property line and approximately 50 feet from the residence on the property.

The applicable code section is below:

§90-52-Keeping of animals and fowl. [Amended 2-21-1990 by Ord. No. 3185]

C. Location of buildings and structures.

(1) No person may erect a building shelter or enclosure for animals or fowl without securing a permit from the Director of Building and Planning. No person shall keep and maintain within the limits of the Township any buildings, shelters or corrals for any animals or domestic fowl unless said buildings, shelters or corrals shall be so located on the property as to be at least 100 feet from any building used for human habitation, at least 100 feet from any food service establishment and at least 50 feet from any property line. [Amended 1-19-2002 by Ord. No. 3631]

(2) Exceptions.

(a) Said buildings, shelters and corrals shall be permitted if they are at least 50 feet from any building used for habitation by the property owner or his family.

(b) This section shall not apply to a commercial use if it is limited to the keeping of small animals or fowl and is not within 100 feet of any food service establishment.

(c) This section shall not apply to pens, coops or enclosures wherein not more than two small animals or two fowl are kept.

(d) No setback from a building used for habitation by the property owner or his family shall be required for any barn, stable or structure designed for keeping animals which was in existence prior to September 21, 1977.

IV. Other Relevant Background Information:

The coop was discovered upon staff investigating an open zoning permit to install a shed. Although the property owner applied to install a shed they actually installed a chicken coop.

V. Impact on Township Finances:

There is no impact on Township finances.

VI. Staff Recommendation

Staff recommends the Board of Commissioners approve the waiver for the following reasons:

1. The Township has not received any complaints regarding the coop.
2. The nearest affected neighbor has no objection to the coop