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May 28, 2009

Members of the Board of Zoning Appeals
Metro Office Building
800 2nd Avenue, South
Nashville, TN 37210

RE: Case No. 2009-039
407 McDonald Drive
Parcel ID: 12005011400

Dear Members:

This appeal is made challenging my ruling that chickens / ducks are common domestic farm animals subject to the provisions of Section 17.16.330(B) as follows:

"B. Domestic Animals/Wildlife. Native and exotic animals and common domestic farm animals, defined as Class II and Class III wildlife (Tennessee Code Annotated 70-4-403), which are kept outdoors for any purpose other than agricultural business, shall be an accessory use to a residence. The following land use development standards shall apply:

1. Zone Districts. Such animals shall only be permitted as an accessory use in the RS80, RS40, RS30, RS20 and R80, R40, R30 and R20 residential zone districts.
2. Location. The property containing the residence and farm animals/wildlife shall not be located within the urban services district.
3. Lot Size. The minimum lot size shall be five acres.
4. All pens, runs, paddocks, pastures and other open outdoor areas shall be fully enclosed by fencing. Barns, stables, stalls, and similar shelters shall not be located within two hundred fifty feet of a residential structure in a residential zone district.
5. Such accessory use shall obtain all necessary permits from the Tennessee Wildlife Resources Agency, Tennessee Department of Agriculture, and/or the metropolitan department of health pursuant to Title 8 of the Metropolitan Code of Laws.

The applicant has alleged that the chickens / ducks kept on the subject property should be classified as pets, and therefore not subject to the above conditions. We disagree.

Very Truly Yours,

Lon F. West
Zoning Administrator

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