

MINUTES OF THE BOARD OF ADJUSTMENT
Foxfire Village, North Carolina
February 20, 2023

Petition #2: Applications for Reasonable Accommodations
Christopher Lobb, Applicant: 6 Eagle Drive, Foxfire Village, NC

Members Present

Connie Korner, Chairperson
Tom Walburgh
George Hedrick
Mary Kragel, Alternate

Members Absent

Neil Tighe, ETJ
Ellen Samuels, Secretary

Others Present

Brady Herman, Village Attorney
Lisa Kivett, Zoning Administrator

Board-Chair Connie Korner, introduced Petition #2 – an application from Christopher Lobb requesting reasonable accommodations to keep fowl (chickens) as emotional support animals. The applicant's property is located at 6 Eagle Drive. Applicant was sent a Notice of Violation on November 3, 2022.

Board-Chair Korner, asked for those who wished to testify to please come forward and be sworn in.

The following were sworn in:

Lisa Kivett	Foxfire Village Hall
Christopher Lobb	6 Eagle Dr.
Vincent Grady	2 Cardinal Dr.
Brandon Mahurin	32 Forest Lake Dr.
Mary Jo Miller	5 Quail Ct.
Shirley Kirschner	4 Cardinal Dr.

Board-Chair Korner asked that board members reveal any possible conflicts and withdraw from proceedings if necessary. **There were no conflicts from Board Members**

Board-Chair Korner provided explanation of proceedings. We will hear first from the Village Zoning Administrator then from the applicant and its witnesses. Parties may cross-examine a witness after witness testifies when questions are called for. You will be corrected if you do not follow the proper procedures. Before you begin your testimony, please identify yourself and your address for the record. There are no time limits as to how long you may speak. Please be considerate of others time and comments.

Board-Chair Korner opened the public evidentiary hearing for Christopher Lobb at 1:42 pm.

Village Zoning Administrator, Lisa Kivett began her testimony. She reiterated that the keeping of fowl (chickens) is not permitted within the RS30 zoning district. Mr. Lobb's property is zoned RS30. On or about November 1, 2022, she received an in-person complaint that a resident at 6 Eagle Drive was keeping chickens in the rear yard. Upon her investigation of 6 Eagle Drive, she found that chickens were being kept in the rear yard. The chickens could be seen from a neighboring vacant lot. An ordinance violation was sent to Mr. Lobb on November 3, 2022, stating he was in violation of Article III, Section 21-3-4 of the Foxfire UDO which prohibits the keeping of fowl in the RS30 zoning district.

At the November 8, 2022 Village Council meeting, Mr. Lobb attended and spoke during the public comment section. He asked the Village council to consider allowing chickens in the Village and said they were a source of meat and eggs. Mr. Lobb did not say he needed chickens for emotional support. After the November 8th meeting closed, Mr. Lobb approached Ms. Kivett as she was locking the building. He presented her with a copy of a letter from his medical provider dated November 8, 2022 saying he needed to keep chickens as emotional support animals. Exhibits L-03 and L-04. Other Exhibits, L-01--L-09 were presented.

Appellant, Christopher Lobb began his testimony.

Mr. Lobb presented several copies letters from neighbors and several studies about using chickens as therapy animals. All documents are entered as evidence. He also cited the letter from his medical provider. Mr. Lobb said he does have a dog, but it is too energetic for use as therapy.

Board-Chair Korner asked how he treats his anxiety. Mr. Lobb replied with mindful breathing, going to a quiet room and breathing exercises. Mr. Lobb was deployed 2017-2018 and again in 2018-2019. He was diagnosed in 2019 with a traumatic brain injury (TBI) but didn't confirm PTSD. He has kept chickens since October 2022 and states he thought he could have them. Ms. Korner asked if he contacted the Village Zoning office about having chickens, he replied he had not. Mr. Lobb confirmed he did speak at the November 8, 2022 meeting. Ms. Korner said she watched the video recording of that meeting where Mr. Lobb said he was keeping chickens for egg and meat production. Ms. Korner asked if he planned to eat his emotional support animals. Mr. Lobb replied he mentioned eggs and meat because his neighbors were considering keeping chickens.

Brandon Mahrin and Steve Moore spoke as character witness, not providing any real evidence.

Board-Chair Korner asked for any further questions. No further questions were noted. The hearing was closed at 2:33pm

Board Discussion

Board member Tom Walburgh stated the board was wasting time and should get to the motion so he could go back to work. There was no further discussion.

Board-Chair Korner began reading the 3 motions for the Board's consideration to either approve or deny the Applicants reasonable accommodation request.

Board Chair Korner made a motion (#2) that the applicant's requested accommodation is not reasonable because it would undermine the UDO, alter the ordinances of the Village, and impose financial and administrative burden on the Village.

The vote was called as follows:

Walburgh - nay

Hedrick - nay

Kragel - aye

Korner - aye

The motion failed but the request from Christopher Lobb for a reasonable accommodation was denied by not receiving a majority vote for approval.

A copy of the Boards Order and decision with this request will be prepared by the Village Attorney and presented to the applicant and any aggrieved parties requesting it.

Board-Chair Korner made a motion to adjourn, seconded by Board member Kragel. The vote was called and carried unanimously. The meeting adjourned at 2:34 pm.


Mary Kragel, Secretary


Connie Korner, Board Chair