



BATH TOWNSHIP ZONING

Summit County, Ohio

3864 West Bath Road - P.O. Box 1188 - Bath, Ohio - 44210-1188
Phone: 330.666.4007 - Fax: 330.666.0305
www.bathtownship.org

ZONING VARIANCE APPLICATION

For office use only:	ARC File No.:	BZA File No.:
Associated permits:		

Applicant Data

Name: Brooks Yarbrough

Company Name: _____

Address: 2120 Brentwood Dr. Akron, OH 44333

Telephone No.: 330-697-4090 Email: Baayoil@aol.com

Property Data

Zoning District: (circle one) R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4 B-5

Corner Lot: ☒ Yes ☐ No Note: Corner lots are required to meet the front setback on both streets.

Property Address: 2120 Brentwood Dr. Akron OH 44333 Parcel No.: 0403212 and 0403214

Allotment Name: Tractate Lot No.: 51 and 52

Owner(s): Brooks and Abby Yarbrough

Owner Address: 2120 Brentwood Dr. Akron OH 44333

Telephone No.: 330-697-4090

Variance(s) Requested

Below list the specific section from the Zoning Resolution from which the variance is being sought along with a description of each variance. The Zoning Resolution is available online at www.bathtownship.org through the zoning link.

1. Section: 701-D(12) (C) Description: Keeping of Chicken

(C) The keeping of roosters is prohibited in all zoning districts.

2. Section: _____ Description: _____

3. Section: _____ Description: _____

4. Section: _____ Description: _____

Contiguous Property Owners

The Township will notify all property owners within a 300' buffer of the parcel in question.

Required Site Plan Data and Architectural/Construction Drawings

1. Six (6) copies of site plan and plans along with a digital copy (ex: .pdf) of site plan and plans (11 x 17 preferred). The site plan must show the following:
 - ☐ A North arrow and scale
 - ☐ Existing structures and dimensions
 - ☐ Driveway and road access locations (existing and/or proposed)
 - ☐ Proposed structure(s) and dimensions
 - ☐ All setbacks
 - ☐ Roads
 - ☐ Lot dimensions
 - ☐ Easements and details
 - ☐ Septic system and well location (if applicable)
 - ☐ Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography
 - ☐ Riparian Corridor(s) must be clearly indicated on all lots containing applicable watercourses
 - ☐ All slopes greater than 18% must be indicated on a two (2) foot contour interval map with the contours extending at least 100 feet beyond the lot lines
2. If applicable, Six (6) copies of the building/construction plans along with a digital copy (ex: .pdf) showing major details including height data must be submitted with the application (11 x 17 preferred).
3. The "Bath Township Area Variance Supplemental Form" shall be filled out completely for each variance requested.
4. Digital copy of all required documents (i.e. emailed .pdf file)

Applicant Certification

Applicant Signature: _____

Date: _____

Fee – due at time of application (make check payable to Bath Township Trustees)

- for residential applications – two hundred and fifty dollars (\$250.00)
- for commercial/business applications – three hundred and fifty dollars (\$350.00)
- for major subdivisions or use variances – five hundred dollars (\$500.00)

For Office Use Only

Appearance Review Commission File No.: ARC - -

Board of Zoning Appeals File No.: BZA - -

Hearing Date: _____ Public Notice Date: _____

Published In: _____ Abutting Property Owners Notification Date: _____

☐ Approved ☐ Approved with Conditions ☐ Denied

Comments: _____

Zoning Inspector Signature: _____ Date: _____



BATH TOWNSHIP AREA VARIANCE SUPPLEMENTAL FORM

PROJECT OVERVIEW

Provide an overview of the project:

Looking to request specific zoning variance for acreage to have a rooster. Requesting a 0.8 acre variance ~~to have a rooster as with 4.2 acres we are missing the automatic exception by 0.8 acres. The Chickens have lived on our property for over 2 years without causing any documented community disruption or formal complaints prior to this incident.~~ Our Family pet rooster Frank the rooster is already an established part of the local ecosystem and neighbor routines causing zero

harm to public welfare. We have raised Frank the rooster since he was ^Achick. We got Frank at tractor supply from a pullet bin as a pullet (female chick), but he ~~was~~ ultimately turned into a rooster. We were not aware that Frank was a rooster until

he matured and was already a beloved pet and part of the family. Unlike aggressive birds, Frank the rooster presents ~~zero safety risk to family members, delivery personnel or wandering neighbors as he is very friendly and in a secure enclosure.~~ Frank is our family pet who is a gentle loving protector of his flock. Roosters serve for flock protection and predator deterrence. Roosters actively protect laying hens from local predators such as hawks, foxes and coyotes that live in the Bath Ohio area.

I personally have seen Frank the rooster defend against several hawks trying to attack the hens ~~protecting himself and the flock. Roosters are important to hen safety to herd hens away from predators. Frank the rooster is apart of our family and we would appreciate the variance to keep our beloved pet.~~

PRACTICAL DIFFICULTIES

The following factors shall be considered and weighed by the BZA to determine practical difficulty. If a factor is not applicable, please note that factor as "Not Applicable":

- A. Explain special conditions or circumstances that exist which are peculiar to your land or structure involved and which are not applicable generally to other lands or structures in the same Zoning District. (Examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions):

Not Applicable

- B. Explain how the property in question would not yield a reasonable return on investment or there could not be any beneficial use of the property without the variance.

Not applicable

- C. Explain whether the variance is substantial or not:

The variance is not being sought to establish a large scale operation. The request is strictly limited to one single friendly pre existing rooster Frank that has quietly coexisted on the property for over two years. We are only asking

for a variance to cover a tiny 0.8 acre shortfall (a minor 16% deviation). At 4.2 acres this property is not a small suburban backyard lot. It is a large semi-rural parcel that just misses the automatic 5 acre exemption by a mere 16% margin. The zoning code allows roosters on 5 acres because the land mass naturally absorbs agricultural activity this is maintained with the 4.2 acre footprint and prevents tightly packed nuisance conditions. To minimize the long term impact on zoning

~~code the application is willing to accept a conditional animal specific~~
Variance for Frank the rooster.

- D. Explain whether the essential character of the neighborhood would be substantially altered or if adjoining properties would suffer a substantial detriment as a result of the variance.

The character of the neighborhood would not be substantially altered with keeping our family rooster Frank. The rooster and his flock are contained entirely within a small designated portion of the large 4.2 acres parcel. A rooster's daytime crow does not introduce a foreign or piercing sound to the local environment as the rooster's crow is intermittent and quickly dissipates across the property. Bath township semi-rural character already includes a variety of standard outdoor sounds that meet or exceed the volume of managed rooster. These sounds include frequent barking from neighbors domestic dogs, landscaping equipment, commercial lawnmowers,

- E. Explain whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage, fire, street services.)

Not Applicable

continued for - D
See extd space } tractors, chainsaws, and normal local wildlife including calling birds, hawks, coyotes, geese, and crows

- F. Did the applicant purchase the property with or without knowledge of the applicable zoning restriction?

At the time I purchased the property in 1995, I was not aware of any restrictions on roosters in the area. At the time I purchased the property in 1995 I had over 6 acres and have sold one of the parcels. I was under the impression I still had over 5 acres instead of the 4.2 acres.

- G. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the applicant or prior owners.

Not Applicable

- H. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example, or by minimizing the variance).

There is no feasible alternative method to resolve the rooster other than the variance. Without the variance we would need to buy more land (which is not available) or remove the family pet rooster Frank from the property. As both of these are not ideal solutions the variance is the only viable option. Removing the rooster would be very emotional for the Yarbrough Family as we have raised him from a chick inside our home and have developed an emotional connection to the rooster and rely on him for emotional support as he is always so friendly and greets us daily. Plus if the rooster is removed from the flock it exposes the hens to severe local wildlife threats like hawks, foxes and coyotes etc.

- I. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

Denying the variance for our pet rooster Frank would cause immediate unnecessary hardship to the Yarbrough family,

who would be forced to remove their beloved family pet Frank the rooster. The Yarbrough's have safely and
~~successfully maintained a laying hen flock for over 2 years with their rooster Frank without prior history of complaints.~~
Frank the rooster is an important part of the flock for both the laying hens and the family as he provides emotional
~~support for both our daughter and granddaughter. He is an important part of their daily routine and they look forward to him~~
greeting them daily as he runs to the coop door to say hello. This variance would just be for our pet rooster Frank as he is
already part of the family. We do not intend to get additional roosters after Frank the rooster.

**No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.*



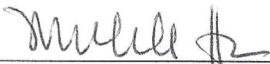
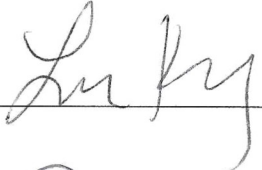
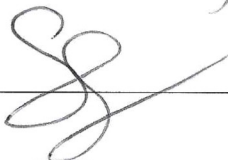
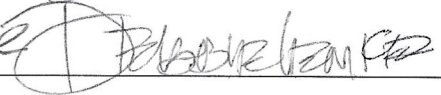
NEIGHBOR SUPPORT STATEMENT REGARDING YARBROUGH PROPERTY
ROOSTER

June 30, 2026

We, the undersigned neighbors, live in close proximity to the Yarbrough family at 2120 Brentwood Dr., Akron, Ohio, 44333. We are aware that they own a rooster (Frank) on their property and have kept him for the past two years.

By signing below we wish to state to the Township:

- The rooster has not caused a nuisance or disturbed the peace of our neighborhood
- We have no objections to the rooster remaining on the property
- We support the Yarbrough family being granted a variance or exemption to keep their family pet.

Name	Signature	Full Address	Date
Michele Hoza		1987 Canterbury Rd	7-1-26
Lily Hoza		1987 Canterbury Road	7-1-26
Lindsey Kelly		1972 Canterbury Rd.	7/1/26
Cody Kelly		1972 Canterbury Rd.	7/1/26
Debbie Lemke		2004 CANTERBURY RD	7/1/26

8



Franks Home

0402690

0402016

0403215

0403212

0403214

0401503

0401509

0400253

0403127

0403