



ANIMAL CONTROL APPEAL BOARD MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Jayne Saeger, Chair, Al Petrulis, Vice Chair
Patrick K. Carolan, Secretary, Steve Toth, Vincent J. Viola

February 22, 2012

7:00 P.M.

Council Boardroom

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES – November 30, 2010

4. ELECTION OF OFFICERS: Chair, Vice Chair, and Secretary

5. HEARING OF CASE
 - A. **WAIVER REQUEST, PETRAQ KASKAVIQU, 1438 LEAFGREEN** – In order to keep 29 racing pigeons, a waiver from the requirement that the property be at least $\frac{3}{4}$ of an acre in size.

Animal Ordinance Section: 90.70.20 (f)

6. ADJOURNMENT

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

A special meeting of the Animal Control Appeal Board was held on Tuesday, November 30, 2010 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:08 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
 Al Petrusis, Vice-Chairperson
 Patrick Carolan, Secretary
 V. James Viola

ALSO PRESENT: Sergeant John Schaufler
 PSA Stephen Vaillancourt
 Susan Lancaster, Assistant City Attorney
 Pat Gladysz

Resolution to Approve Minutes of September 1, 2010 Meeting

Resolution #AC2010-11-007

Moved by Viola

Seconded by Carolan

RESOLVED, That the Minutes of the September 1, 2010 meeting of the Animal Control Appeal Board be **APPROVED**.

Yes: 4
No: 0
Absent: None

Agenda Items

1. Mahboob Ahmed, residing at 1135 Congress Drive, appeals the decision of the animal control officer rejecting the permit for 10-15 pigeons on his property.

The petitioner was not present to answer questions regarding this Agenda item when the meeting was called to order. The Committee discussed the item and came to the conclusion that the decision of the animal control officer should be upheld.

Resolution #AC2010-11-008

Moved by Petrusis

Seconded by Viola

RESOLVED, That the appeal of the decision of the animal control officer denying the permit for 10-15 pigeons at 1135 Congress be **DENIED**.

Yes: 4
No: 0
Absent: None

Due to an error in the meeting time in the notices sent to the petitioner and neighbors, individuals arrived for the meeting after the vote was taken. Assistant City Attorney Lancaster advised the Board that they could vote to reconsider the Agenda item and allow the petitioner and neighbors an opportunity to speak.

Resolution #AC2010-11-009
Moved by Viola
Seconded by Carolan

RESOLVED, That the Animal Control Appeal Board hereby **RECESS** the meeting until 7:30 p.m. to RECONSIDER Resolution #AC2010-11-008.

Yes: 4
No: 0
Absent: None

Meeting recessed: 7:15 p.m.
Meeting reconvened: 7:30 p.m.

Mahboob Ahmed and three family members were present to answer questions from the Committee.

Mr. Ahmed explained to the Committee that he received the necessary approval from the Cherryhurst Subdivision Homeowners' Association and permits from the City of Troy Building Department to construct the pigeon loft on the property. They request approval to house 10-15 Iranian high flyer pigeons in the loft.

Neighbors addressed the Committee in support of the pigeons.

Mark Morden	1111 Congress
Phil Brown	1207 Congress

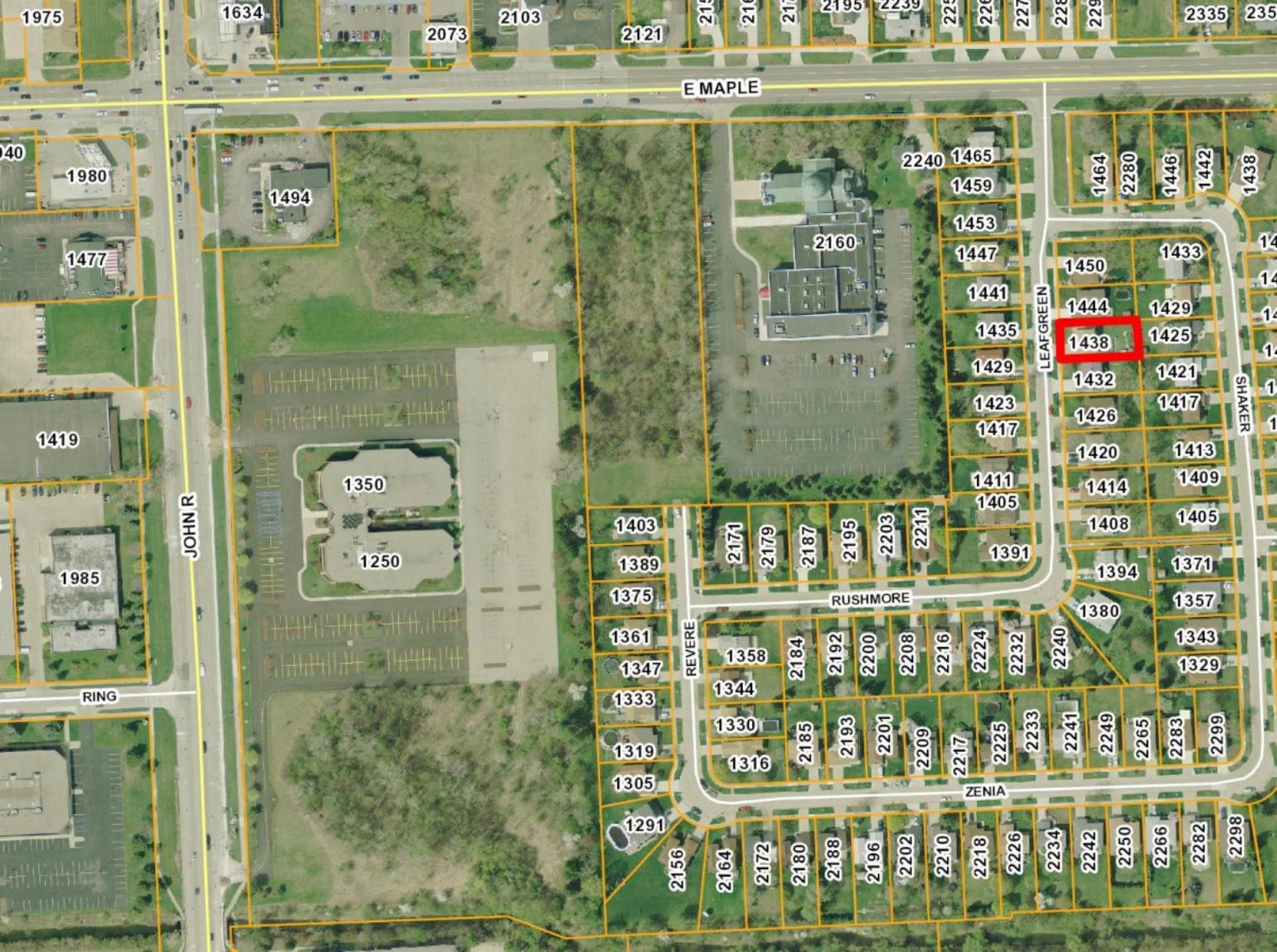
One letter was received in support of the pigeons.

Ahsan Kabir	1123 Congress
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One neighbor addressed the Committee with concerns, but stated he was neither in support of nor in opposition to the pigeons.

- A. **WAIVER REQUEST, PETRAQ KASKAVIQU, 1438 LEAFGREEN** – In order to keep 29 racing pigeons, a waiver from the requirement that the property be at least $\frac{3}{4}$ of an acre in size.

Animal Ordinance Section: 90.70.20 (f)



JOHN R

E MAPLE

RING

REVERE

RUSHMORE

ZENIA

LEAFGREEN

SHAKER

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SILCOT

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RUSHMORE

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J. Erich Goetz
Renis Nushaj

GOETZ | NUSHAJ
Attorneys and Counselors

A non-partnership

January 15, 2012

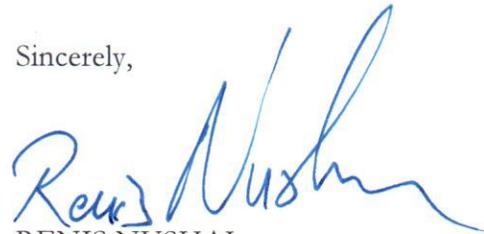
Paul Evans
Zoning & Compliance Specialist
City of Troy
(248) 524-3359

Re: Petraq Kaskaviqi Application

Dear Mr. Evans,

Along with this letter, please find Mr. Kaskaviqi's Animal Appeal Application and Request for Waiver. Thank you for your consideration. If you should have any questions please do not hesitate to contact us.

Sincerely,



RENIS NUSHAJ
Attorney at Law
Renis@Nushajlaw.com

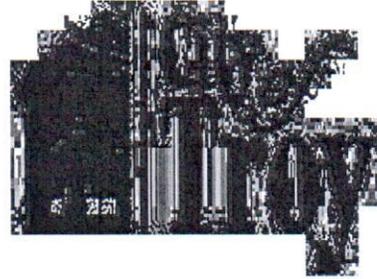
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GOETZ | NUSHAJ

Oakland Office ~ 1985 W. Big Beaver Rd. Ste., 218 Troy, MI 48084
Macomb Office ~ 3200 E. 12 Mile Rd. Ste., 105 Warren, MI 48092
TELEPHONE: (248) 649 ~ 1000 FACSIMILE (248) 251 ~ 0242
www.nushajlaw.com

ANIMAL APPEAL APPLICATION

PLANNING DEPARTMENT
500 W BIG BEAVER
TROY MI 48084
248 524 3364
evanspm@troymi.gov
ANIMAL ORDINANCE ONLINE [Ctrl+click here](#)



APPLY VIA E-MAIL - INSTRUCTIONS

1. COMBINE OR SCAN APPLICATION AND SUPPORTING DOCUMENTS INTO ONE FILE
2. E-MAIL THE FILE TO evanspm@troymi.gov

PROPERTY ADDRESS: 1438 Leafgreen, Troy, MI 48083

APPLICANT INFORMATION:

NAME PETRAQ KASKAVIQI

ADDRESS c/o Renis Nushaj 1985 W. Big Beaver Rd. Ste., 218

CITY Troy STATE MI ZIP 48084

TELEPHONE (248) 649-1000

E-MAIL renis@nushajlaw.com

PROPERTY OWNER (if different than applicant):

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

REQUIRED INFORMATION

- Please provide a written narrative describing and justifying the nature of the request
- Please provide any supporting documents (photos, plans or anything else that will support your request) with this application.

PERMISSION TO INSPECT PREMISES

I, Petraq Kaskaviqi (property owner) hereby depose and say that all the above statements and statements contained in the information submitted are true and correct and give permission for the Board Members and City Staff to conduct a site visit to ascertain present conditions.

APPLICANT SIGNATURE Petraq Kaskaviqi DATE 01/16/2012

CITY OF TROY ANIMAL CONTROL APPEAL BOARD

Petition of: **Petraq Kaskaviqi**)
)
)
1438 Leafgreen Dr.)
Troy, MI 48083)
)
_____)

RENIS NUSHAJ (P72986)
1985 W. Big Beaver Rd. Ste., 218
Troy, MI 48084
Tel. (248) 649-1000
Fax. (248) 251-0242
Renis@Nushajlaw.com

**APPLICATION FOR APPEAL OF DENIED ANIMAL PERMIT
AND REQUEST FOR WAIVER**

NOW COMES Mr. PETRAQ KASKAVIQI and by and through his attorney Renis Nushaj files this Application for Appeal of Denied Animal Permit and Request for Waiver. Mr. Petraq Kaskaviqi filed with the City of Troy Code Enforcement a Permit Application to Own, Keep or Harbor Domestic, Dangerous or Wild Animals, Other than a Dog, Cat, or House Pet at 1438 Leafgreen Dr. Troy, Michigan 48083. On or about January 10, 2010 the City Clerk, upon review, denied Mr. Kaskaviqi’s application on grounds that:

“Chapter 90.70.20(f) of the Troy City Code requires the property to be at least three-quarters of an acre in size.”

FACTS

Mr. Kaskaviqi is a resident of the City of Troy. He is also passionate about racing pigeons and has been a member of the American Racing Pigeon Union, INC. After buying his home in the City of Troy, Mr. Kaskaviqi began building a shed in order to use it in the future for his racing pigeons. Mr. Kaskaviqi spent over \$20,000.00 (twenty thousand dollars) for the shed which is now complete and ready to host the racing pigeons.

ORDINANCE

City of Troy Code of Ordinances, Section 90.10.30 defines 'Domestic Animal' as:

“An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, *pigeons (emphasis added)*, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats.”

Section 90.70.20 outlines the 'Permit application process.' An applicant for a domestic, dangerous or wild animal permit shall:

- “(a) furnish the Animal Control Officer a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and;
- (b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and
- (c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- (d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- (e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- (f) in the case of domestic animals, demonstrate to the Animal Control Officer that the lot or parcel that animals will be kept on is three-quarters (3/4) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.”

Section 90.70.30 outlines the 'Issuance of Permit for Domestic, Dangerous or Wild Animal':

“The City Clerk shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Animal Control Officer and has paid the applicable fee. The permit shall list with specificity the animal subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Animal Control Officer or the Animal Control Appeal Board.”

ARGUMENT

The Ordinances of the City of Troy describe in great detail the Permit Application Process for an applicant seeking a permit for a domestic animal as in this case. They list a series of requirements which the applicant must satisfy in order for the City Clerk to issue the permit. If the applicant does satisfy all the requirements of the ordinance, the City Clerk is required to issue the Permit once the Animal Control has given the approval and the applicant has paid the fee. Mr. Kaskaviqi respectfully requests this Board to reverse the decision of the Zoning and Compliance Specialist.

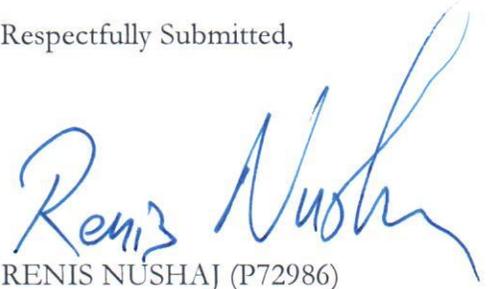
Mr. Kaskaviqi satisfies the requirements of the Ordinance which are the law that the officer must follow in his determination as to whether the Permit should be issued to the applicant.

Pursuant to Section 90.70.20 in his application, Mr. Kaskaviqi did furnish for the Animal Control Officer a list of the Species of animals that he would keep as well as the maximum number to be kept at any one time. Mr. Kaskaviqi will be keeping 29 racing pigeons. He can demonstrate and assures the Board that the animals will be treated humanely and will not be neglected or treated with cruelty. The animals will be maintained in quarters constructed to prevent their escape and reasonable precautions will be taken to protect the public from the pigeons and the pigeons from the public. Furthermore, Mr. Kaskaviqi will be able to show that he can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board. Furthermore, Mr. Kaskaviqi respectfully requests that the Board waive its requirement that the pigeons be maintained in a lot that is $\frac{3}{4}$ of an acre or larger as it has done in the past with other similarly situated animals.

REQUEST FOR RELIEF

We respectfully request that the Board overturn the decision of the officer and/or grant a waiver to the lot size requirement and issue the Animal Permit to Mr. Kaskaviqi.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Renis Nushaj". The signature is fluid and cursive, with the first name "Renis" and the last name "Nushaj" clearly legible.

RENIS NUSHAJ (P72986)
Attorney at Law
Renis@Nushajlaw.com

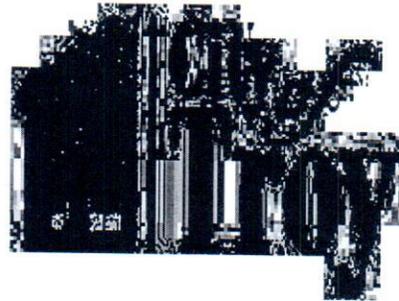
GOETZ | NUSHAJ

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TELEPHONE: (248) 649 ~ 1000 FACSIMILE (248) 251 ~ 0242
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**CITY OF TROY
CODE ENFORCEMENT
PERMIT APPLICATION TO OWN, KEEP OR HARBOR DOMESTIC, DANGEROUS,
OR WILD ANIMALS, OTHER THAN A DOG, CAT, OR HOUSE PET**

FEE \$70.00

CITY OF TROY CODE ENFORCEMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3364
FAX: 248-524-3382
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/>



NAME Petraq Kaskaviqi

ADDRESS 1438 Leafgreen

CITY Troy STATE MI ZIP 48083

PHONE: N/A EMAIL: N/A

ADDRESS WHERE ANIMAL(S) WILL BE HOUSED: same as above

Pigeon	29	1438 Leafgreen, Troy, MI 48083

- Provide **2 COPIES** of a site plan showing the location and details of buildings/structures intended to house animal(s) and how the building/structure and/or property design will prevent their escape.

NOTE TO ALL PERMIT APPLICANTS

City Code Chapter 90 requires animal owners to:

- Demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty.
- Demonstrate that the animals will be maintained in quarters constructed to prevent their escape.
- Demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- Demonstrate that he or she can comply with the ordinance.

PERMISSION TO INSPECT PREMISES

In compliance with Chapter 90 of the City Code, I hereby authorize representatives of the City of Troy to make such inspections in connection with application as is deemed necessary.

HOLD HARMLESS AND INDEMNIFICATION:

I Petraq Kaskaviqi (PRINT NAME) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal(s) for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.

APPLICANT SIGNATURE Petraq Kaskaviqi DATE 11-19-11

I, PETRAQ KASKAVIQI state that I will treat my pigeons humanly and they will not be neglected or treated with cruelty, the pigeons will;

1. be fed two (2) times a day;
2. be fed any type of seed, specifically premium quality brands;
3. be housed in an 8x20 foot dimension shed ;
4. be housed in a shed that will be ventilated;
5. be kept in hygienic quarters, their quarters will be routinely cleaned throughout the day, their drinking and feeding areas will be kept regularly cleaned.

The pigeons will be guarded against disease through not only routine cleaning of their quarters, but also through other techniques designed to safeguard against disease, through various additives in their water and food supply. Precautions for diseases that are common to the pigeons will be taken; these precautions include but are not limited to the following;

1. to prevent Canker (the most common pigeon disease);
 - a. stress will be controlled;
 - b. a regular feed and watering schedule will be maintained;
 - c. drinkers will be sanitized on a regular schedule;
 - d. Administer an anti-canker drug on a regular basis according to veterinary recommendations, varying from once every three months to one a month.
2. To prevent Coccidiosis a highly infectious and very common pigeon disease;
 - a. Lofts will be kept dry and sanitary;
 - b. Feed will not come into contact with droppings;
 - c. Drinkers will be regularly disinfected;
 - d. Birds will not be allowed to drink from gutter and/or puddles;
 - e. Feed and water will not come into contact with rodents or the likes of any kind
 - f. Returning race birds will be given a preventative treatment shortly after their return, especially when races are overnight;
 - g. Baskets will be disinfected weekly or more;
3. To prevent Paratyphoid – Salmonellosis a very common disease (caused by gram-negative flagellated bacterium):
 - a. Loft hygiene will be a relentlessly regulated;
 - b. Minimization of contact with rodents, roaches, and the likes;
 - c. The use of veterinarian recommended Nolvasan disinfectant, one tea spoon per gallon of drinking water regularly to aid in maintaining acidic environments in the droppings
 - d. Regular use of salmonella vaccine

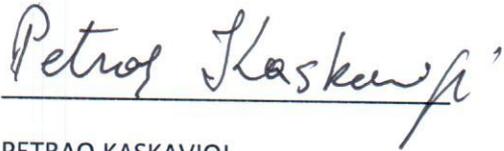
Other steps will be taken to ensure the human treatment and best environment for the pigeons, not only I take steps to prevent diseases, such as a few listed above, but I will also aid in maintain the best health of my pigeons, this will be done through vitamin, electrolyte, and mineral supplement use. Supplemental vitamins invigorate, restore, refresh and stimulate healthy vigor in the pigeons. Electrolytes shorten the recovery period after physical stress such as racing for the pigeons. Minerals are

necessary as it has been proven that at least 15 different *minerals (calcium, copper, chlorine, fluorine, iron, iodine, magnesium, manganese, molybdenum, phosphorus, potassium, sodium, selenium, sulfur, and zinc)* are essential for pigeons to maintain proper health. Since no pigeon grain can provide all the necessary minerals to pigeon peak health it is necessary to supplement these minerals within my pigeons' diets.

The shed in which the pigeons will be kept is specially designed to prevent their escape. This will prevent contact of the pigeons with the public and contact of the public with the pigeons. Other reasonable precautions will be taken to prevent the safety of the public and that of the pigeons, these are racing pigeons much like homing pigeons and are relatively to the likes of other household pets, such as a dog or cat.

I will comply with all city ordinances and regulations, I will have my shed inspected and comply with whatever else the City of Troy requires of me.

The above mentioned is an overview of the manner in which I will care for my pigeons. I care for these birds immensely and will ensure the best possible living quarters, health and happiness for these magnificent creatures.



PETRAQ KASKAVIQI

11-19-2011



GEORGE JEROME & CO.

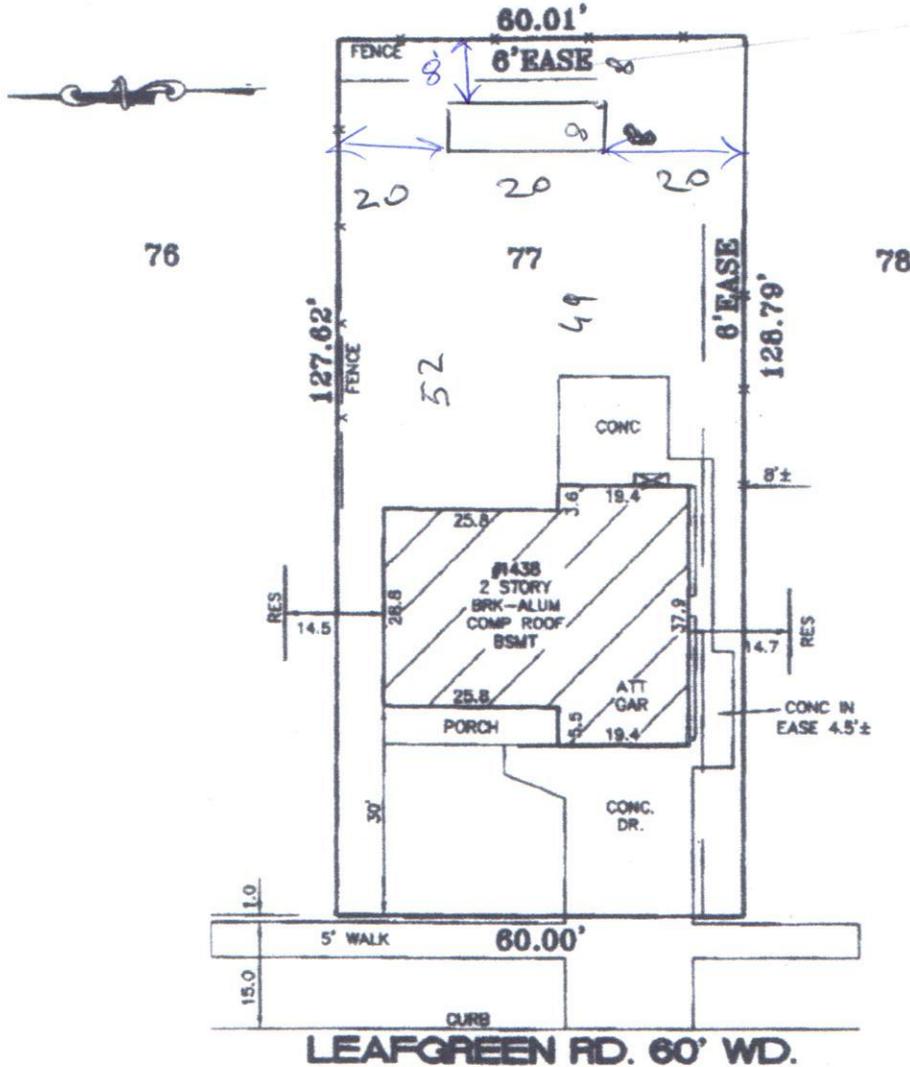


MORTGAGE REPORT for:

JOHN ADAMS MORTGAGE COMPANY

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Lot 77, FAIRGROVE SUBDIVISION, part of the N.E. 1/4 of Section 36, T.2 N., R.11 E., City of Troy, Oakland County, Michigan. Recorded in Liber 153 of Plats, Pages 40, 41 and 42 of Oakland County Records.



CERTIFICATE: We hereby certify to: JOHN ADAMS MORTGAGE COMPANY
mortgagee that we have surveyed the above-described property in accordance with the description furnished and confirmed to be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by: PETRAO KASKAVO AND LIUZA KASKAVO

mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown; and that we examined the Flood Hazard Boundary Maps (Community I.D. NO. 2812500891G Effective Date JANUARY 18, 2009) prepared in accordance with the National Flood Insurance Program of 1968 as revised and that the property as shown above, description furnished by you, is located INSIDE ZONE X of a designated flood area as shown on said map. The location of fences, driveways, other buildings, and non-permanent structures shown are only approximate. Any easements shown are either recorded in the subdivision plat or appear in the instrument referenced in the title policy, if both have been furnished to us. This survey does not locate or identify the existence or absence of utilities entering into or crossing above or below the property. This report is to be used for mortgage purposes only and not for the purpose of establishing property lines, nor for construction purposes. No property lines were established and no property corners were set. This is not an ALTA type survey. This cannot be used for future refinance purposes or transferred to any future property owners.

REVISED _____
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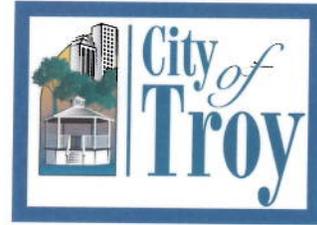
GEORGE G. JEROME
PROFESSIONAL LAND SURVEYOR
NO. 19837

DATED 09-16-09
JOB NO. 239099

RECEIVED
NOV 06 2009
BUILDING DEPT.

500 W. Big Beaver
Troy, MI 48084
(248) 524-3300

The City of Tomorrow...



...Today

January 10, 2012

Petraq Kaskaviqi
1438 Leafgreen
Troy, MI 48083

Dear Mr. Kaskaviqi:

I have reviewed your application to allow 29 pigeons at 1438 Leafgreen. Chapter 90.70.20 (f) of the Troy City Code (copy enclosed) requires the property to be at least three-quarters ($\frac{3}{4}$) of an acre in size. Thus your application is denied.

This requirement may be waived by the Animal Control Appeal Board. If you choose to request a waiver, I must receive your application within seven (7) days of the date of this letter.

An Animal Appeal Application can be downloaded on the Code Enforcement Department webpage <http://www.troymi.gov/CodeEnforcement>.

Feel free to contact me if you have further questions.

Sincerely,

Paul Evans
Zoning & Compliance Specialist
City of Troy
248 524 3359
evanspm@troymi.gov

cc: Armisa Laze, Legal Assistant
Goetz/Nusaj
1985 W. Big Beaver Road, Suite 218
Troy, MI 48084

File/ Correspondence

G:\PAUL EVANS\Animal Permit Applications\1438 Leafgreen Animal Permit Denial.doc

- 90.30.55 Removal of Animal Excrement. No person, who owns or controls an animal that deposits excrement on property owned by another, shall fail to immediately remove such excrement and immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal and if the person is not aware that the animal deposited excrement on another property, shall upon being made aware of such fact, immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

PERMITS

- 90.70.10 Permit Required for Domestic, Dangerous and Wild Animals. No person shall own or control a domestic animal or a dangerous animal or a wild animal, other than a dog, cat or house pet, within the City of Troy, without having obtained an animal permit from the Clerk for the City of Troy. A person who violates this section is responsible for a Municipal Civil Infraction subject to the provision of Chapter 100 of the Code of the City of Troy. Each day that the violation continues is a separate Municipal Civil Infraction. Sanctions for each violation shall include a fine of not more than \$500, costs, damages, and injunctive orders as authorized by Chapter 100.

Exception:

- a) a permit is not required for a dog, house pet or domestic cat.
- b) permits are not required for wild animals if the Housing and Zoning Inspector determines that the wild animal, because of its size, the number of animals, temperament or other characteristics does not create a hazard or nuisance.

- 90.70.20 Permit Application Process. An applicant for a domestic, dangerous or wild animal permit shall:

- a) furnish the Housing and Zoning Inspector a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and
- c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and

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- d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- f) in the case of domestic animals, demonstrate to the Housing and Zoning Inspector that the lot or parcel that animals will be kept on is three-quarters ($\frac{3}{4}$) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The Housing and Zoning Inspector shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Housing and Zoning Inspector and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Housing and Zoning Inspector or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by a Housing and Zoning Inspector before and after the granting of the permit.

90.70.50 Expiration of Permit. A permit shall expire:

- a) 5 years from the date of issuance, or

Yes: 4
No: 0
Absent: Melchert

Agenda Items

1. Petraq Kaskaviqi, residing at 1438 Leafgreen Drive, appeals the decision of the animal control officer rejecting the permit for 49 pigeons on his property.

Present to answer questions from the Committee were Petraq Kaskaviqi and Tim Shkemi.

On behalf of Mr. Kaskaviqi, Mr. Shkemi addressed the Committee regarding this appeal. A letter from Mr. Kaskaviqi was given to Chairperson Saeger. The letter was read aloud to the Committee. Mr. Shkemi informed the Committee as to the nature of racing pigeons. Another associate of the appellant, Mr. Jordan Luke, spoke about the vaccination and Health Department certification of the pigeons.

Several neighbors addressed the Committee in opposition to the pigeons. They cited health concerns, noise, and odors.

Robert Scott	1444 Leafgreen
Bechara Tohme	1425 Shaker
Constantine Copanos	1429 Shaker

One neighbor addressed the Committee to express his thought that rather than approval or denial of the permit, possibly Mr. Kaskaviqi could be allowed to have a smaller number of pigeons than requested on his permit.

Kendall Scheer	1432 Leafgreen
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When public discussion was concluded, the members of the Committee discussed the matter and asked questions to the appellant for clarification. Questions were also directed to PSA Hernandez and Assistant City Attorney Lancaster.

Member Carolan moved that based on Chapter 90.70.20(f) of the Troy City Code the application for appeal be denied based on the appellant's lot parcel size of .18 acre and the City of Troy requirement states .75 acre or larger.

Member Petrulis moved to amend the motion to include the portion of Chapter 90.70.20(f) of the Troy City Code which states that "Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood."

The applicant was questioned as to how much time he would need to remove the pigeons from his property. He responded that thirty (30) days would be needed.

It was determined that the appellant would have thirty (30) days in which to remove the pigeons from his property.

Resolution #AC2010-09-003
Moved by Carolan & Petrulis
Seconded by Viola

RESOLVED, that the appeal of the decision of the animal control officer rejecting the permit for 49 pigeons 1438 Leafgreen Drive be **DENIED**.

Yes: 4
No: 0
Absent: Melchert

Resolution to Elect Chairperson

Resolution #AC2010-09-004
Moved by Viola
Seconded by Petrulis

RESOLVED, that Jayne Saeger will serve as Chairperson of the Animal Control Appeal Board for one year, or until the next election is held (whichever occurs later).

Yes: 4
No: 0
Absent: Melchert

Resolution to Elect Vice-Chairperson

Resolution #AC2010-09-005
Moved by Viola
Seconded by Carolan

RESOLVED, that Al Petrulis will serve as Vice-Chairperson of the Animal Control Appeal Board for one year, or until the next election is held (whichever occurs later).