

ANIMAL CONTROL APPEAL BOARD

The Animal Control Appeal Board Appeals is a group of five of your neighbors or peers appointed by City Council to pass judgment on requests for appeals, interpretations, and other matters that are brought before them.

PROCEDURE

The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chair will verify that the petitioner is present. The petitioner will then be given an opportunity to address the Board to explain the justification for the action requested.

After the petitioner makes their presentation, and answers any questions that the Board may have, the Chair will open the meeting to public comment. Any person wishing to speak on the request should raise their hand to be when recognized by the Chair. The speaker should identify themselves with name and address, indicate their relationship to the property in question (i.e. next door neighbor, live behind the property, etc.) and state whether they are in favor of or against the request and give reasons for their opinion. Comments must be directed through the Chair. Comments should be kept as brief as possible and closely pertain to the matter under consideration. Only one person will be recognized by the Chair to speak at one time.

After interested members of the public have spoken, the Chair will close the public comment. Once the public comment is closed, no other public comment will be taken unless in response to a specific question by a member of the Board. The Board may allow the petitioner to address or rebut public comments.

The Board will then deliberate and make a motion to approve, deny, or postpone the request. In order for the request to pass a minimum of three votes for approval are needed. The decision of the Board is final.



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

September 26, 2012	7:00 P.M.	Lower Level Conference Room
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1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES – February 22, 2012

4. HEARING OF CASE
 - A. WAIVER REQUEST, SHERISE ASSAD, 906 MINNESOTA – In order to keep 10 chickens, hens only, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .72 acres in size.

Animal Ordinance Section: 90.70.20 (f)

5. 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.

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on February 22, 2012 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Al Petruilis
Jayne Saeger
Steve Toth
V. James Viola

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney

2. APPROVAL OF AGENDA – No changes

3. APPROVAL OF MINUTES – November 30, 2010

Moved by Viola
Seconded by Petruilis

RESOLVED, to approve the November 30, 2010 meeting minutes.

Yes: Carolan, Petruilis, Saeger, Viola
Abstain: Toth

MOTION PASSED

4. ELECTION OF OFFICERS

Moved by Petruilis
Seconded by Viola

RESOLVED to elect Jayne Saeger as Chair.

Yes: All

MOTION PASSED

Moved by Viola
Seconded by Petruilis

RESOLVED to elect Al Petruilis as Vice Chair.

Yes: All

MOTION PASSED

RESOLVED to elect Patrick Carolan as Secretary.

Moved by Petruilis
Seconded by Viola

Yes: All

MOTION PASSED

5. HEARING OF CASE

- A. **WAIVER REQUEST, PETRAQ KASKAVIQI, 1438 LEAFGREEN** – In order to keep 29 racing pigeons, a waiver from the requirement that the property be at least ¾ of an acre in size.

Representing Mr. Kaskaviqi was Renis Nusaj. Mr. Nusaj gave the Board a brief history of the application process relating to the request. He explained his understanding of racing pigeons and their purpose as opposed to other types of pigeons. Specifically, Mr. Nusaj indicated racing pigeons do not loiter and are bred to race. They do not defecate and are not loud or otherwise detrimental to the neighborhood. He believes the ¾ of an acre lot requirement does not apply. Mr. Nusaj cited a State Law that he says prohibits the City from prohibiting the orderly keeping of racing pigeons. He cited examples of where he believes the City has issued animal permits on properties less than ¾ of an acre.

Arnhold Ludwig of St. Clair Shores, Michigan, addressed the Board. Mr. Ludwig is a member of the local branch of the American Racing Pigeon Union. He explained to the Board the historical national security uses of racing pigeons. He discussed the organization’s intent to ensure that its members keep racing pigeons in a clean and safe manner.

Mr. Nusaj advised the Board that Mr. Kaskaviqi is a member of the American Racing Pigeon Union.

In response to a Board member question, Mr. Ludwig explained how to keep the racing pigeons from breeding and advised the pigeons should be exercised two times a day outside the coop.

Chair Saeger opened the meeting to public comment.

Citing noise, odors and droppings, the following residents indicated their opposition to the request:

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

The following members of the public indicated their support for the request:

Jordan Luc	Clawson, Michigan
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Four additional individuals who reside outside the City of Troy

At the conclusion of public comment, Mr. Nusaj advised that a chain link fence surrounds the property and the coop is insulated.

The Board discussed the presence of strong opposition, its history to deny permits for pigeons in the past, and that there are no substantial changes between this request and the applicant's previous request. They also discussed noise, disease, procreation of pigeons, the density of homes in the neighborhood the fact that the parcel is only .18 acres in size, and is surrounded by similarly sized parcels.

Motion by Viola
Seconded by Petrulis

RESOLVED to deny the request based on Ordinance Chapter 90.70.20 (f) due to the applicant's lot size and strong neighborhood opposition.

Yes: All

MOTION PASSED

The Board informally discussed the need to have more orderly proceedings. It was agreed that Mr. Evans would propose draft meeting procedures for Board review and approval at their next meeting.

6. ADJOURNMENT – The Animal Control Appeals Board meeting ADJOURNED at 8:25 p.m.

Respectfully submitted,

Jayne Saeger, Chair

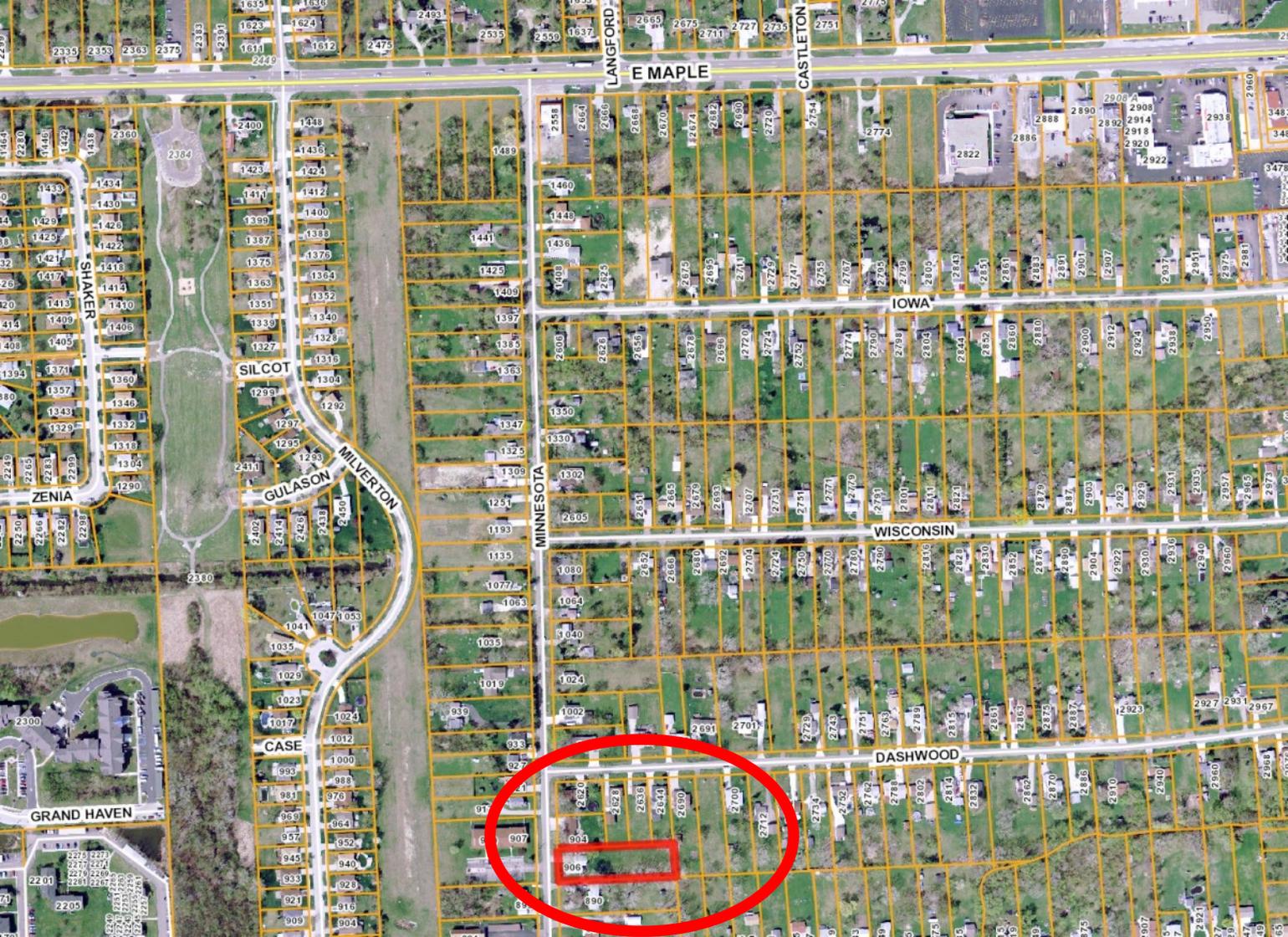
Paul Evans, Zoning and Compliance Specialist

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4. HEARING OF CASE

- A. WAIVER REQUEST, SHERISE ASSAD, 906 MINNESOTA – In order to keep 10 chickens, hens only, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .72 acres in size.

Animal Ordinance Section: 90.70.20 (f)



E MAPLE

IOWA

WISCONSIN

DASHWOOD

LANGFORD

CASTLETON

MINNESOTA

MILVERTON

SILCOT

CASE

GRAND HAVEN

ZENIA

SHAHER

904
906
890



927

DASHWOOD

921

2620

2628

2636

2644

2690

2700

917

2722

909

907

904

2712



906

MINNESOTA

895

890

874

2621

2635
2631

2661

2675

2679

2685

2689

2715

2719

2721

2725

819

LOVINGTON

MINNESOTA

904

906

890

2

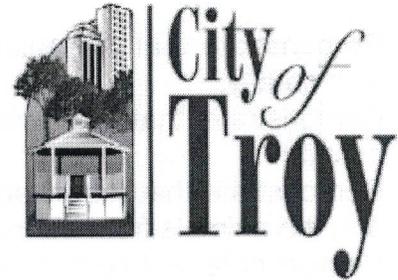
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2

2

**ANIMAL PERMIT APPLICATION
FEE \$70.00**

PLANNING DEPARTMENT
500 W BIG BEAVER
TROY MI 48084
248 524 3359
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
3. PERMIT WILL BE E-MAILED TO YOU

PROPERTY ADDRESS: 906 Minnesota, Troy Mi 48083

APPLICANT INFORMATION:

NAME Sherise Assad

ADDRESS 906 Minnesota

CITY Troy STATE Mi ZIP 48083

TELEPHONE 248-921-3257

E-MAIL sheriseassad@aol.com

Type of Animal	Number	Location
Chickens (Hens Only)	10	Back Yard

- Provide 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.
- For Domestic Animals*, property size must be at least ¾ of an acre.

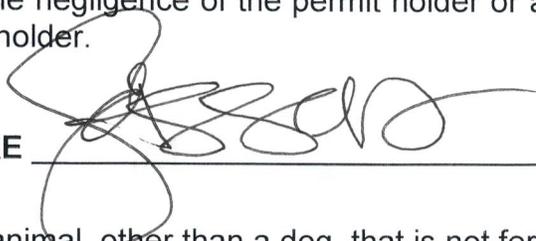
PERMISSION TO INSPECT PREMISES

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 Sherise Assad (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 permit holder or any other person placed in control of the animal by the permit holder.

APPLICANT SIGNATURE _____



DATE _____

4/3/12

* Domestic Animal - An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats

House

Garage

fence

Deck!

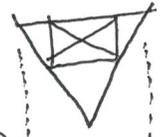


Fence

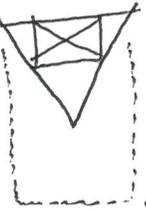
Fence

Fence

Chicken
coop



Fencing



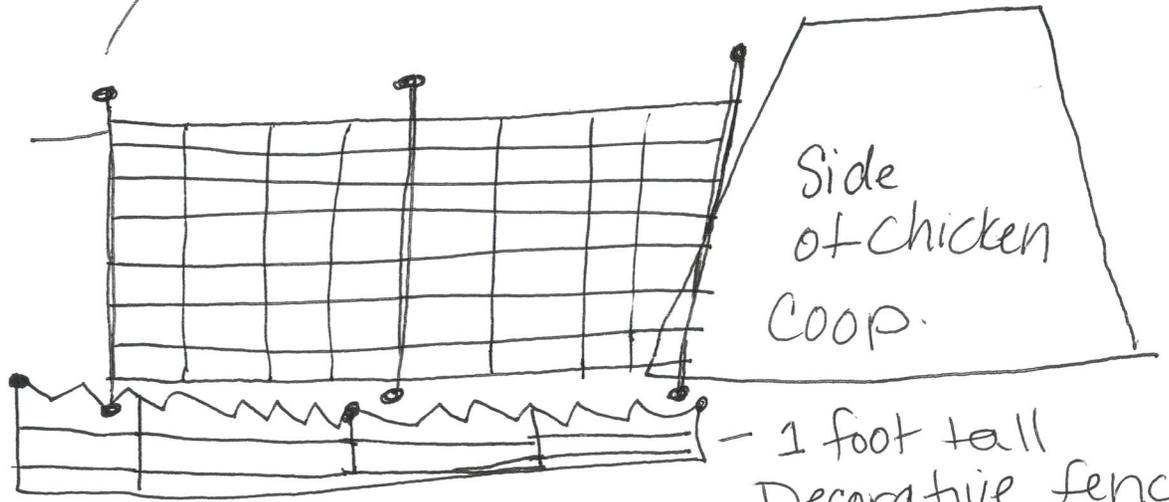
←
Back

→
Front
(facing back
of house)

(facing back
of property)

4 foot tall
garden fencing

4 1/2 foot
posts.

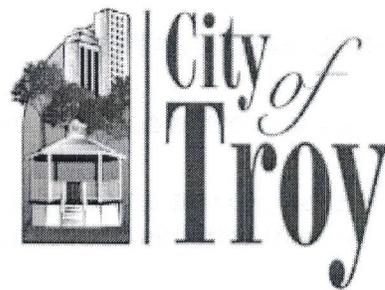


1 foot tall
Decorative fence
(on side where
neighbors can see)

7 posts at 4 1/2 feet tall
4 foot tall fencing totaling 50 ft.

ANIMAL APPEAL APPLICATION

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248 524 3364
evanspm@troymi.gov
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APPLY VIA E-MAIL - INSTRUCTIONS

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PROPERTY ADDRESS: 906 Minnesota Troy, MI 48083

APPLICANT INFORMATION:

NAME Sherise Assad

ADDRESS 906 Minnesota

CITY Troy STATE MI ZIP 48083

TELEPHONE 248-921-3257

E-MAIL Sheriseassad@aol.com

PROPERTY OWNER (if different than applicant):

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

E-MAIL _____

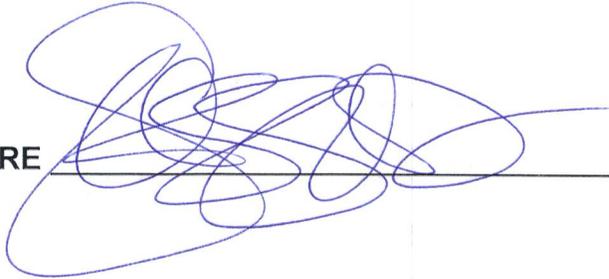
REQUIRED INFORMATION

- 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, Sherise Assad (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



DATE

4-23-12

Petition to Allow Family to Keep Chickens on Property

Petition Summary: As a property owner that lives in the neighborhood of 906 Minnesota, Troy, MI, I understand the current owner/occupant at said address is raising chickens, and do not object to the chickens being on the property. I do not believe that the presence of the animals, the coop or the fencing that makes up their enclosure is an eyesore or in any way negatively effects the presentable nature of the neighborhood.

Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to allow the family at 906 Minnesota, Troy, MI to raise chickens on their property.

Date	Signature	Printed Name	Address	Phone
4-22-2012	<i>Jack Myers</i>	JACK MYERS	1302 MINNESOTA	248-588-6397
4/22/12	<i>Kenneth Goins</i>	Kenneth Goins	2620 DASHWOOD	248-585-3306
4-22-12	<i>Edward D. Reizick</i>	EDWARD D. REIZICK	2628 DASHWOOD	248-632-4589
4-22-12	<i>Paul Hinkelman</i>	PAUL HINKELMAN	2644 DASHWOOD	248-583-2386
4/22/12	<i>Janice Bunker</i>	Janice Bunker	2690 DASHWOOD	248-588-6117
4-22-12	<i>Patrick Wright</i>	Patrick Wright	917 MINNESOTA	586-491-1032



Google earth



Properties that have signed the petition thus far:

- 904 Minnesota
- 917 Minnesota
- 1302 Minnesota
- 2120 Dashwood
- 2628 Dashwood
- 2644 Dashwood
- 2636 Dashwood
- 2690 Dashwood

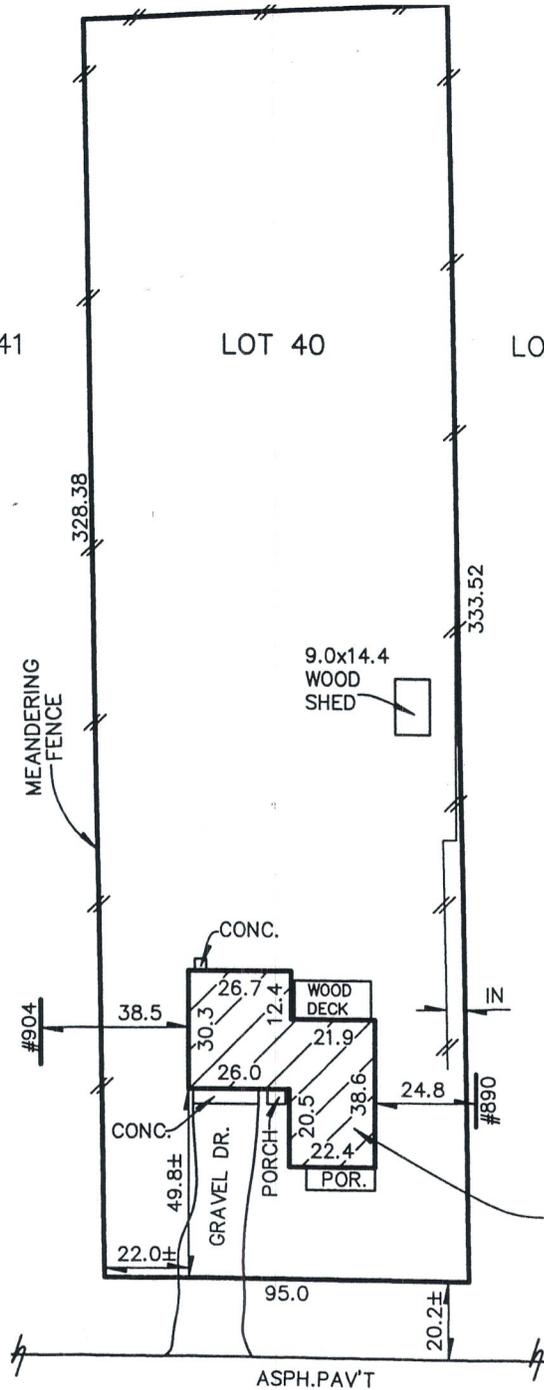
MORTGAGE

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND FENCE LOCATIONS.

LOT 41

LOT 40

LOT 39



.7217 acres

#906
1 1/2 STORY
VINYL SID.
FRM. RES.
W/ATT. GAR.

MINNESOTA AVE. 60' WD.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, 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. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



Shane P. Azbell

JOB NO: 03-11427 SCALE: 1"=50'
DATE: 04/29/03 DR BY: SAN

KEM-TEC
LAND SURVEYORS

22556 Gratiot Avenue
Eastpointe, MI 48021-2319
(586) 772-2222
FAX: (586) 772-4048



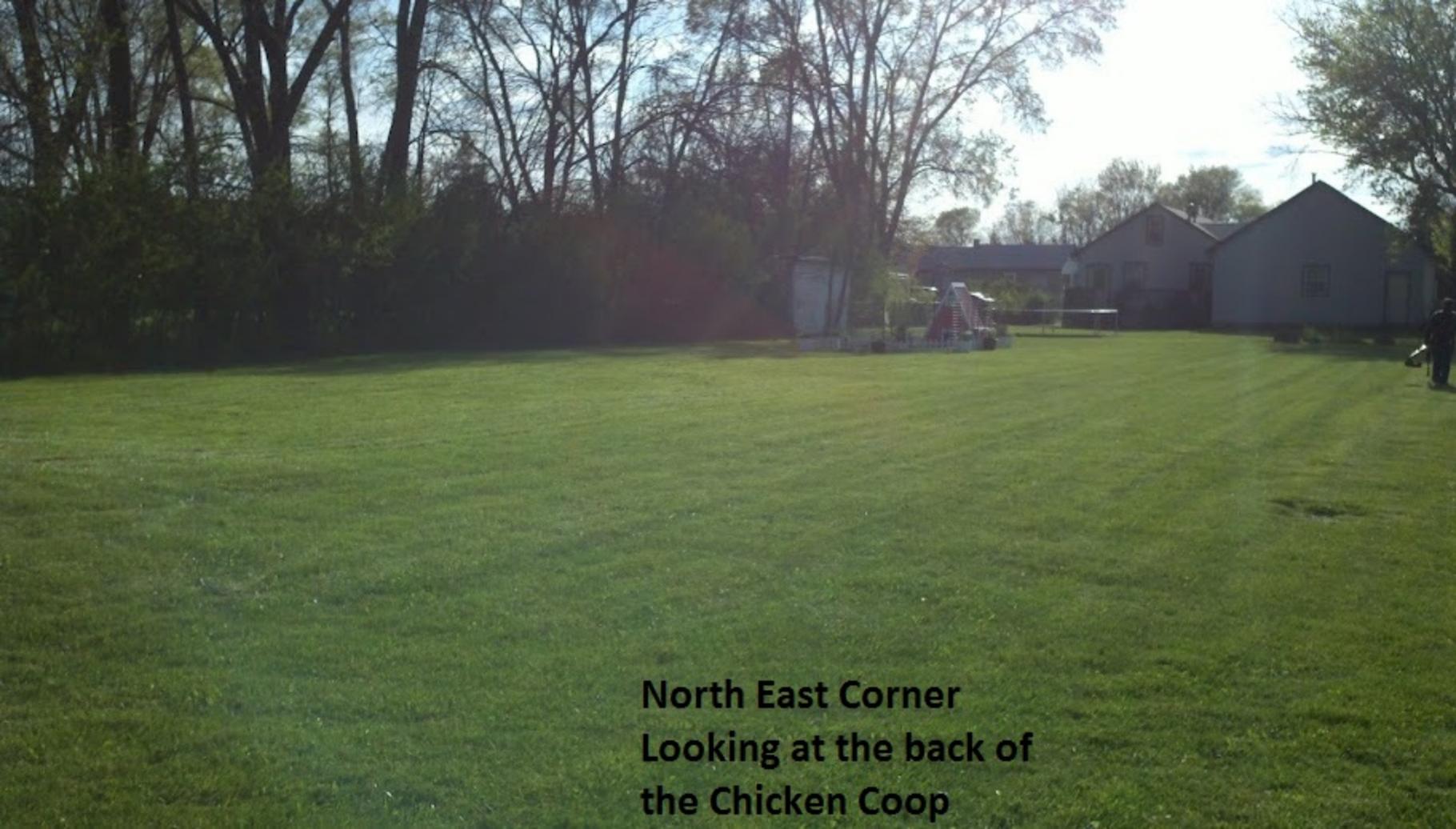
KEM-TEC WEST
LAND SURVEYORS

800 E. STADIUM
Ann Arbor, MI 48104-4355
(734) 994-0888 * (800) 433-6133
FAX: (734) 994-0867



**New Drain
installed**

**North East Corner
Facing the Back Yard
From the Street View**



**North East Corner
Looking at the back of
the Chicken Coop**





View From Back Deck



North Side View

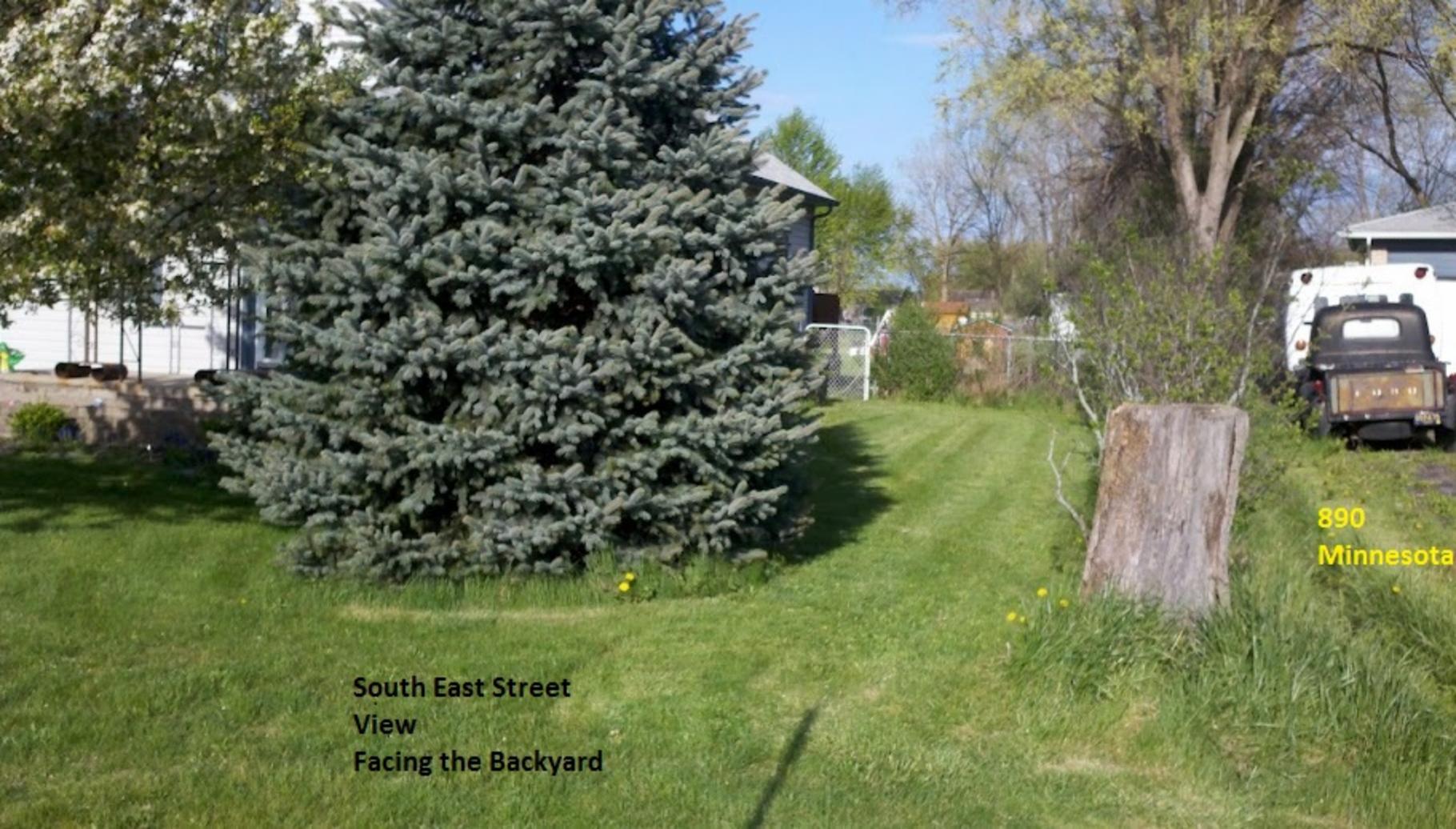
2628 Dashwood

2636 Dashwood

**North Side of the Chicken
Coop**



**Front of Chicken Coop
Facing East to West**



890
Minnesota

South East Street
View
Facing the Backyard

THE FOLLOWING PAGES ARE FOR ANIMAL CONTROL
APPEALS BOARD

Recent changes were made to the new Appeals Application,
primarily the addition of the scheduled meeting dates.

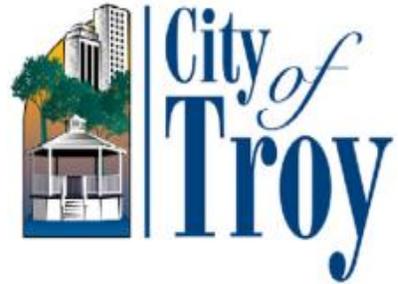
FYI - Paul Evans, Zoning & Compliance Specialist

ANIMAL APPEAL APPLICATION

PLANNING DEPARTMENT
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TROY MI 48084
248 524 3364

evanspm@troymi.gov

ANIMAL ORDINANCE ONLINE [Ctrl+click here](#)



REGULAR MEETINGS OF THE ANIMAL CONTROL APPEALS BOARD ARE HELD ON THE **FOURTH WEDNESDAY OF EVERY OTHER MONTH AT 7:00 P.M. AT CITY HALL.** A SCHEDULE IS ON THE NEXT PAGE.

PLEASE FILE A COMPLETE APPLICATION AT LEAST **21 DAYS BEFORE** THE MEETING DATE.

APPLY VIA E-MAIL - INSTRUCTIONS

1. COMBINE OR SCAN APPLICATION AND SUPPORTING DOCUMENTS INTO ONE FILE
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PROPERTY ADDRESS: _____

APPLICANT:

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

E-MAIL _____

PROPERTY OWNER (if different than applicant):

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

E-MAIL _____

REQUIRED INFORMATION

- Please provide a written narrative describing your request.
- Please provide a site plan showing the following:
 - Property lines
 - All buildings and structures on the property
 - Existing and proposed buildings or structures related to the animals, and their distance from property lines
 - Anything else that will help explain the request
- Anything else, including photos or technical information, that will explain or support your request.

PERMISSION TO INSPECT PREMISES

I, _____(applicant) 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 enter the property to ascertain conditions.

APPLICANT SIGNATURE _____ DATE _____

SCHEDULED MEETING DATES

2012

September 26

November 28

2013

January 23

March 27

May 22

July 24

September 25

November 27