

## 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](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

Jayne Saeger, Chair, Al Petrulis, Vice Chair  
Patrick K. Carolan, Secretary, Steve Toth, Gretchen Waters

---

January 22, 2014	7:00 P.M.	Lower Level Conference Room
------------------	-----------	--------------------------------

---

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – May 22, 2013
4. HEARING OF CASE
  - A. WAIVER REQUEST, JAMIE AND RENEE MUTER, 5760 CLIFFSIDE – In order to keep up to 3 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .193 acres in size.  
**Animal Ordinance Section: 90.70.20 (f)**
5. OTHER BUSINESS - Animal Control Appeals Board 2014 meeting schedule
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](mailto: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 May 22, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan  
Jayne Saeger  
Steve Toth  
Gretchen Waters

Absent:

Al Petruilis

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Julie Dufrane, Assistant City Attorney

2. APPROVAL OF AGENDA – Add Item 3 “Election of Officers”.

3. ELECTION OF OFFICERS

Motion by Carolan  
Second by Waters

RESOLVED, to postpone Election of Officers to the regularly scheduled July 24, 2013 Board meeting because a full Board is not present.

Yes: All

MOTION PASSED

4. APPROVAL OF MINUTES

Moved by Carolan  
Seconded by Waters

RESOLVED, to approve the March 27, 2013 meeting minutes.

Yes: All

MOTION PASSED

5. HEARING OF CASE - None

6. OTHER BUSINESS – Study Session

Mr. Evans summarized Board duties as enumerated in City Code Chapter 90 Animals. Ms. Dufrane made a brief presentation on the Open Meetings Act. A brief discussion with questions and answers followed.

7. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 8:12 p.m.

Respectfully submitted,

---

Jayne Saeger, Chair

---

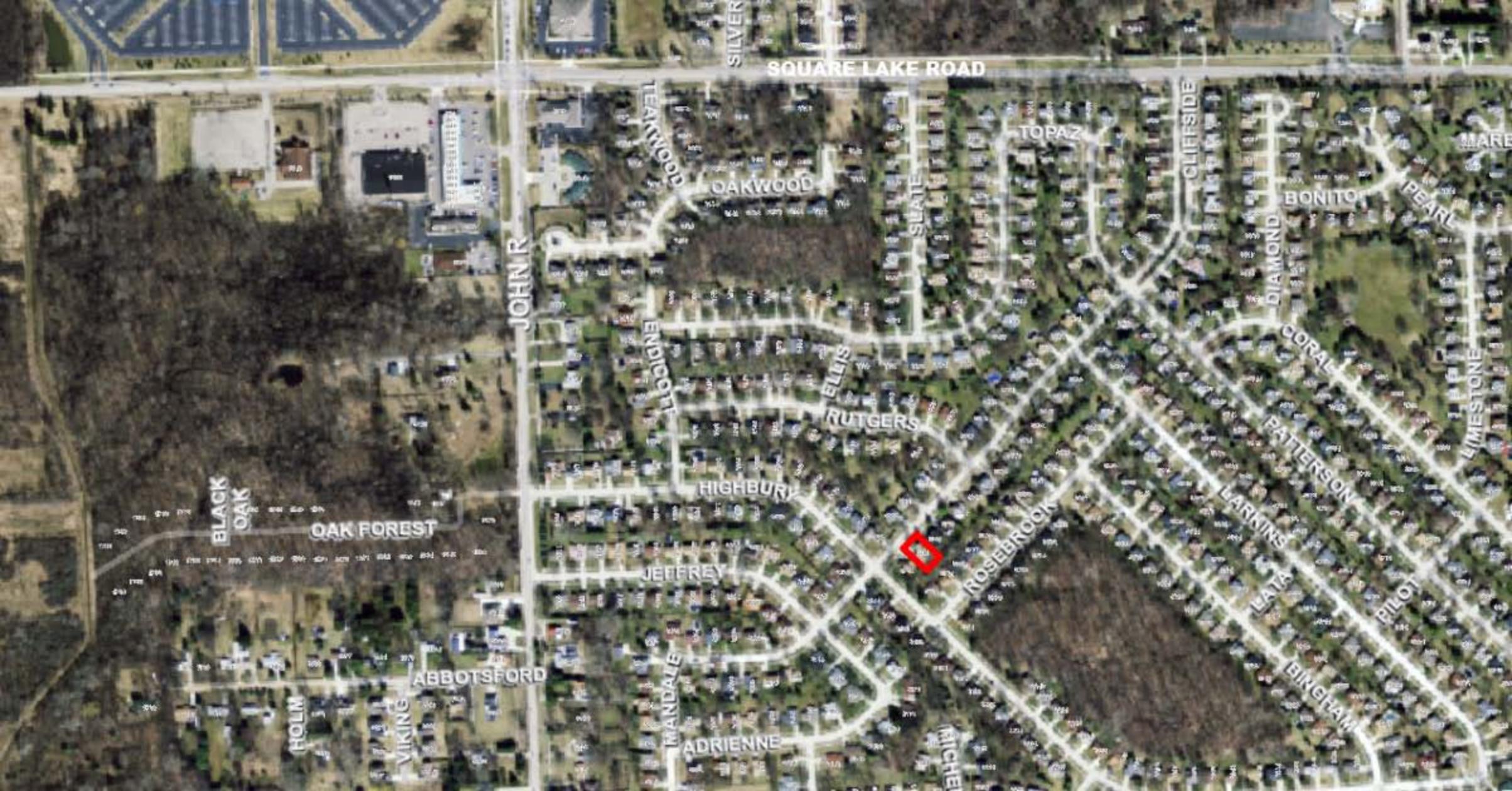
Paul Evans, Zoning and Compliance Specialist

G:\Animals\Animal Control Appeal Board\Minutes\2013\Draft\2013 05 22 Draft.doc

4. HEARING OF CASE

- A. **WAIVER REQUEST, JAMIE AND RENEE MUTER, 5760 CLIFFSIDE** – In order to keep up to 3 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .193 acres in size.

**Animal Ordinance Section: 90.70.20 (f)**



SQUARE LAKE ROAD

JOHN R

TEAKWOOD

OAKWOOD

TOPAZ

SLATE

CLIFFSIDE

DIAMOND

BONITO

PEARL

ENDICOTT

ELLIS

RUTGERS

HIGHBURY

CORAL

PATTERSON

LARKINS

LATA

PILOT

LIMESTONE

BLACK OAK

OAK FOREST

JEFFREY



ROSEBROOK

BINGHAM

ABBOTSFORD

HOLM

VIKING

MANDALE

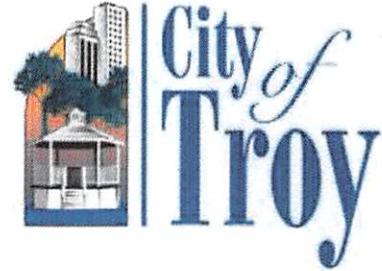
ADRIENNE

RICHER



# ANIMAL APPEAL APPLICATION

PLANNING DEPARTMENT  
500 W BIG BEAVER  
TROY MI 48084  
248 524 3364  
[evanspm@troymi.gov](mailto: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
2. E-MAIL THE FILE TO [evanspm@troymi.gov](mailto:evanspm@troymi.gov)

PROPERTY ADDRESS: 5760 Cliffside Troy

APPLICANT:

NAME Jamie and Renee Muter

ADDRESS 5760 Cliffside

CITY Troy STATE MI ZIP 48085

PHONE 248 879 0877

E-MAIL reneemuter@aol.com muterassoc@aol.com

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, Mr. and Mrs. Jamie Muter (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 10-29-13

**SCHEDULED MEETING DATES**

2012

- September 26
- November 28

2013

- January 23
- March 27
- May 22
- July 24
- September 25
- November 27

**City of Troy  
City Clerk's Office  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3331**

**Animal License  
No: 2010-005**

**(This License is Not Transferable)**

This permit does not constitute an endorsement by the  
City of Troy

License Expires: per City Code 90.70.50

Date of Issue: September 17, 2010

Jamie Muter  
5760 Cliffside Dr.  
Troy, MI 48085

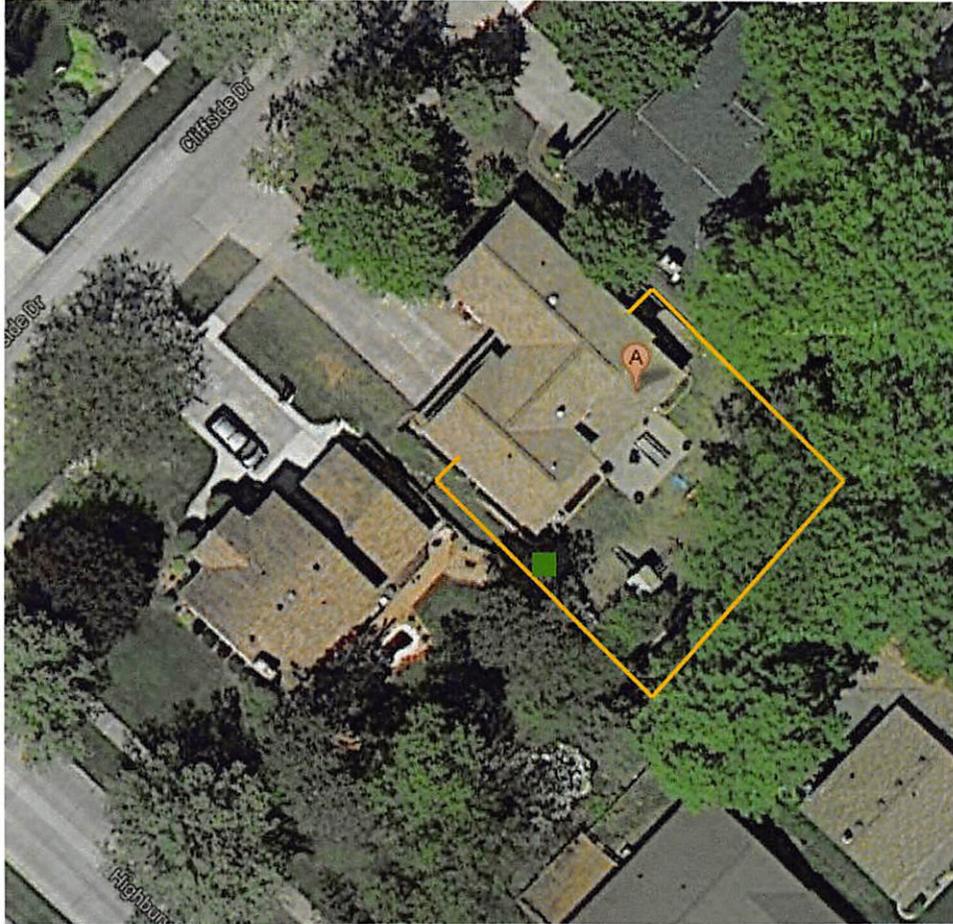
This is to certify that the resident named is licensed  
to keep the animals described, at the location  
listed, in accordance with City Code 90.70.50.

Type of Animal(s): 1 chicken



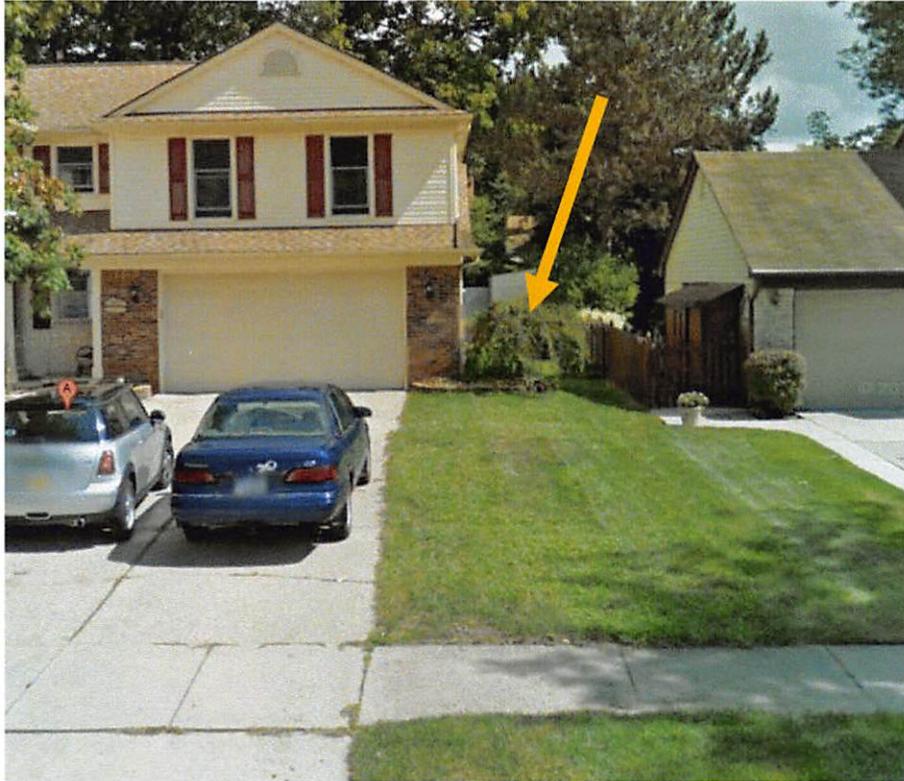
---

Tonni L. Bartholomew, MMC, City Clerk



5760 Cliffside Drive, Troy  
Request for variance to keep our three pet chickens.

The yellow lines show the fence around our backyard. The green box shows the location of the coop. It is not fastened down and has moved around the yard three times in the past three years. The coop is where the chickens sleep at night. We usually let them out of the enclosed coop each day in good weather for some run-around time in our backyard. On bad weather days, they prefer to stay in their coop and run. They return to the coop and nesting box on their own at dusk every evening, and we simply latch the door each night to discourage nocturnal animals. They survive the winter easily on their own outdoors, however, we also provide them with a heat lamp that is activated by a thermostat for when it gets extremely cold.



Here is a photo of our home from the street. The chicken's coop is pointed out by the yellow arrow. Except for those neighbors adjacent to us, most don't even know we have pet chickens.

The coop we purchased is designed for three chickens and provides nesting areas, a feeding area, shelter from the elements, security from predators, and enough room for mobility. We added a run so our pet chickens have an additional sheltered area to avoid the elements, yet allow greater mobility.

We do not clip their wings, as their limited flight ability is their only defense to avoid hawks or other animals that might take notice of them. That being said, by their nature they prefer familiar ground and stay close to their home. Though we sometimes see hawks in our backyard, or raccoons at night, we have provided our pet chickens with exceptional care and protection.

Although it is not part of the permit, we only kept three hens. We avoided a rooster, given their history of crowing at all hours. The three hens are very quiet and are seldom heard.

That is the premise we have been working on since 2010.



We currently have an Animal License for the chickens issued September 17, 2010. In the process of receiving our permit, Officer J. Hernandez came to our home, inspected our backyard, chicken coop and it's capacity, and plans to care for them. Officer Hernandez told us that everything looked good for three chickens, and that he would recommend us the right to have a permit. Afterward, we were told that a variance was approved and we were issued our License. When the License arrived in the mail we noted that it stated: Type of Animal(s): 1 chicken, and we immediately contacted the City Clerk, Tonni Bartholomew. She explained that we only needed one license, and that that Animal License No: 2010-05 covered our three chickens. She explained that having a license allowing (a) pet chicken(s) simply covered how ever many we had; We only needed one license. We pursued the subject no further, having been told that all was well and done.

Above are two pictures of the coop and their run. The blue tarp gives them extra shade and protection from the wind and rain. It also keeps their run enclosed and dry from rain and snow.

The third picture shows (two of three) our pet chickens in our backyard.

October 24, 2013

City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

RE: Neighbor's Pet Chickens

To Whom It May Concern:

Please accept this letter as my support for my neighbor having three pet chickens. My wife and I live in the southern adjacent home and the chicken pen is just over my fence.

The chickens have never been a nuisance to us. They are quiet, peaceful and quite relaxing to watch. Over the past few years, they have been a pleasure to be around. They bring back good memories of when I was growing up in Detroit. I had a pet chicken that I raised from a chick. My grandchildren and I enjoy feeding them Cheerios over the fence. I think I've spoiled them. Whenever I'm out working in the yard, they come to the fence and wait for their treat.

My wife and I have no problem with our neighbors continuing to have their three chickens. We support them receiving all approvals from the city. I would miss not having them around.

Sincerely,

A handwritten signature in cursive script that reads "Frank De Santis".

Frank De Santis,  
5752 Cliffside  
Troy, MI 48085

**From:** [Don Boisvenue](#)  
**To:** [Planning](#)  
**Subject:** Ordianance 90.70.20(f) - 5760 Cliffside having chickens  
**Date:** Friday, January 10, 2014 3:37:19 PM

---

I am opposed to having chickens within our subdivision or any other animal that I consider belongs on a farm.

I live near by at 5784 cliffside, if you wish additional thoughts feel free to call (248)879-7185.

**From:** [Sherri Rosales](#)  
**To:** [Planning](#)  
**Subject:** Animal Ordinance Section 90.70.20 (f)  
**Date:** Wednesday, January 15, 2014 8:08:18 AM

---

I am not in favor of a waiver on chickens for the Muter family. I live behind them and there are several issues with the chickens.

1. The chickens are loud, waking my household up early in the morning. We do not allow dogs to bark, why chickens. Animal noise is animal noise.
2. The chickens smell. It is impossible to clean up chicken feces. We clean up dog feces, why not chicken feces?
3. The chicken get loose into other yards.

I moved to the city to be free of barnyard issues.

Sherri Rosales

Sherri S. Rosales  
Special Education  
Berkley High School  
2325 Catalpa  
Berkley, MI 48072  
Phone:(248) 837-8067  
Fax: (248)544-5860  
[srosales@berkleyschools.org](mailto:srosales@berkleyschools.org)

**5769 Rosebrook**

**From:** [eric olis](#)  
**To:** [Planning](#)  
**Subject:** Muter 90.70.20 Waiver Application  
**Date:** Sunday, January 12, 2014 3:13:17 PM

---

Good Afternoon!

We are have received a notice regarding public comment on the Muter family's request for a property size requirement waiver with regard to keeping chickens. The Muters are good and responsible neighbors and we have no objection to their being allowed to keep chickens on their property.

Thank you,

Eric and Linda Olis

**5793 Rosebrook**