

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, Gretchen Waters

July 23, 2014	7:00 P.M.	Lower Level Conference Room
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1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – May 28, 2014
4. HEARING OF CASES
 - A. **WAIVER REQUEST, SOON HA KIM, 5781 WRIGHT** – In order to keep ten (10) chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .68 acres in size.

Animal Ordinance Section: 90.70.20 (f)
5. OTHER BUSINESS - none
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.

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on January 28, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Al Petrulis
Jayne Saeger
Steve Toth
Gretchen Waters

Also Present:

Paul Evans, Zoning and Compliance Specialist
Susan Lancaster, Assistant City Attorney
Sergeant Michael Szuminski, Troy Police Liaison

2. APPROVAL OF AGENDA

Motion by Toth
Second by Carolan

RESOLVED, to approve the agenda as amended.

Yes: All

MOTION PASSED

3. APPROVAL OF MINUTES

Moved by Carolan
Second by Petrulis

RESOLVED, to approve the January 22, 2014 meeting minutes.

Yes: All

MOTION PASSED

4. CITY ATTORNEY REPORT

Assistant City Attorney Susan Lancaster provided a brief overview of the Michigan Right to Farm Act and a recent change to Generally Accepted Agricultural Management Practices. The recent change allows local units of government to regulate backyard chickens.

5. HEARING OF CASES

- A. WAIVER REQUEST, MICHAEL AND LORI SCHMITT, 2042 KIRKTON – In order to keep six (6) chickens and one (1) duck, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .30 acres in size.

Mr. Evans summarized the case for the Board. Mr. Schmitt indicated that in addition to the information presented in the application, there would be no roosters. He has researched reasonable amounts of area to provide per animal and has provided more than the recommended.

The public hearing was opened.

Several residents in the area spoke in favor, others against the proposal. Mr. Evans summarized for the Board, written comments, both for and against the proposal, from area residents.

The public hearing was closed.

The Board discussed the proximity of those publicly commenting relative to the subject site. Mr. Petrus indicated that waivers should be the exception, and granted for special circumstances.

Motion by Petrus
Second by Carolan

RESOLVED, to deny the request.

All: Yes

MOTION PASSED

- B. WAIVER REQUEST, KYLE SEIDEL, 3535 ANVIL – In order to keep up to six (6) chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .38 acres in size.

Mr. Evans summarized the case for the Board. Mr. Seidel indicated that in addition to the information presented in the application, there would be no chicken wire but rather hardware cloth to keep rodents out. He has selected quiet breed hens and there will be no free ranging except when cleaning.

The public hearing was opened.

One area resident spoke in favor. Mr. Evans summarized for the Board, written comments, both for and against the proposal, from area residents.

The public hearing was closed.

The Board discussed the proximity of those publicly commenting relative to the subject site. Mr. Petrulis indicated that waivers should be the exception, and granted for special circumstances.

Motion by Petrulis
Second by Carolan

RESOLVED, to deny the request.

Yes: Carolan, Petrulis, Saeger
No: Waters, Toth

MOTION PASSED

5. OTHER BUSINESS

The Board discussed methods of publicizing the Animal Ordinance's three-quarters of an acre requirement. Mr. Evans will work on getting these publicized.

Sergeant Michael Szuminski introduced himself and reported on the status of the Police Department's involvement with animal control services.

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 8:20 p.m.

Respectfully submitted,

Jayne Saeger, Chair

Paul Evans, Zoning and Compliance Specialist

4. HEARING OF CASES

- A. WAIVER REQUEST, SOON HA KIM, 5781 WRIGHT – In order to keep ten (10) chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .68 acres in size.

Animal Ordinance Section: 90.70.20 (f)

SQUARE LAKE



HOUGHTEN

WRIGHT

FLORENCE

BLANCHE

HALDANE

CANHAM

ROCHESTER ROAD

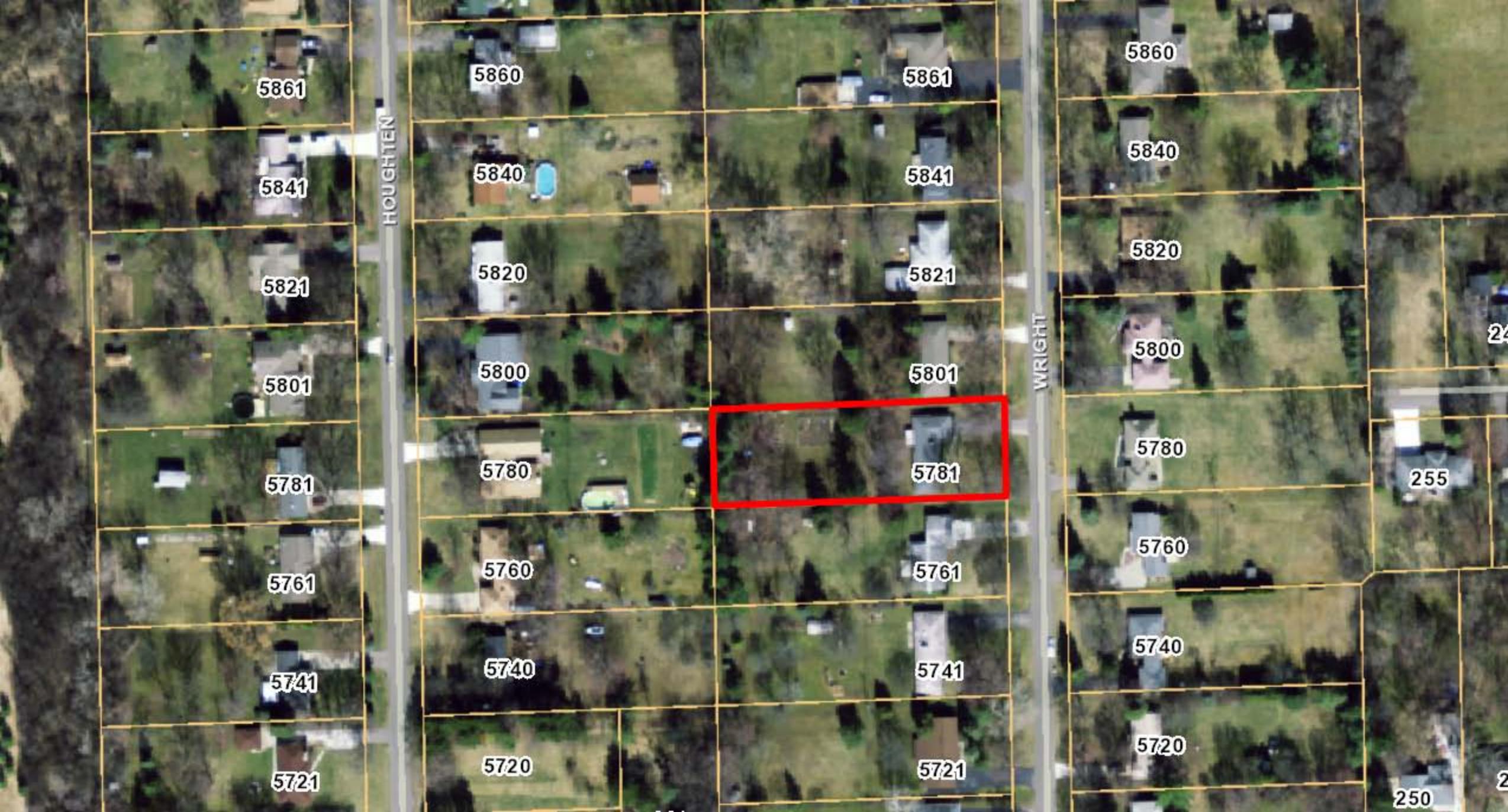
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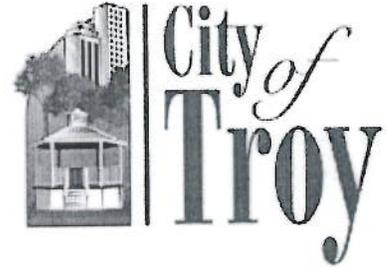
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ANIMAL APPEAL APPLICATION
RECEIVED

JUN 16 2014

PLANNING



PLANNING DEPARTMENT
500 W BIG BEAVER
TROY MI 48084
248 524 3364

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. A COMPLETE DIGITAL APPLICATION MUST BE FILED AT LEAST **21 DAYS BEFORE** THE MEETING DATE. 2014 MEETING DATES ON PAGE 2.

APPLY VIA E-MAIL – INSTRUCTIONS

TROY PLANNING DEPARTMENT IS GOING PAPERLESS. THIS MEANS WE DO NOT NEED A PAPER COPY OF YOUR APPLICATION AND SUPPORTING DOCUMENTS. E-MAIL YOUR APPLICATION AND ALL SUPPORTING DOCUMENTS TO planning@troymi.gov. IF YOU CANNOT E-MAIL, PLEASE PROVIDE THE DIGITAL INFORMATION (i.e. JUMP DRIVE) TO THE PLANNING DEPARTMENT IN PERSON.

PROPERTY ADDRESS: 5781 Wright Dr. Troy MI 48098

APPLICANT:

NAME SOON HA Kim

ADDRESS 5781 Wright Dr.

CITY Troy STATE MI ZIP 48098

PHONE 248 1763-4959

E-MAIL _____

PROPERTY OWNER (if different than applicant):

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

E-MAIL _____

REQUIRED INFORMATION

- Written narrative describing your request. *I'd like to have 10 chickens for fun. My father who lives with me like chickens very much.*
- A site plan or aerial view of the property 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.

E-mail signed application and supporting documents to planning@troymi.gov

Questions? Contact Paul Evans, Zoning & Compliance Specialist

- o 248 524 3359
- o evanspm@troymi.gov

PERMISSION TO INSPECT PREMISES

I, SOON HA KIM (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

[Handwritten Signature]

DATE

6-6-14

SCHEDULED MEETING DATES

2014

January 22

March 26

May 28

July 23

7:00pm

September 24

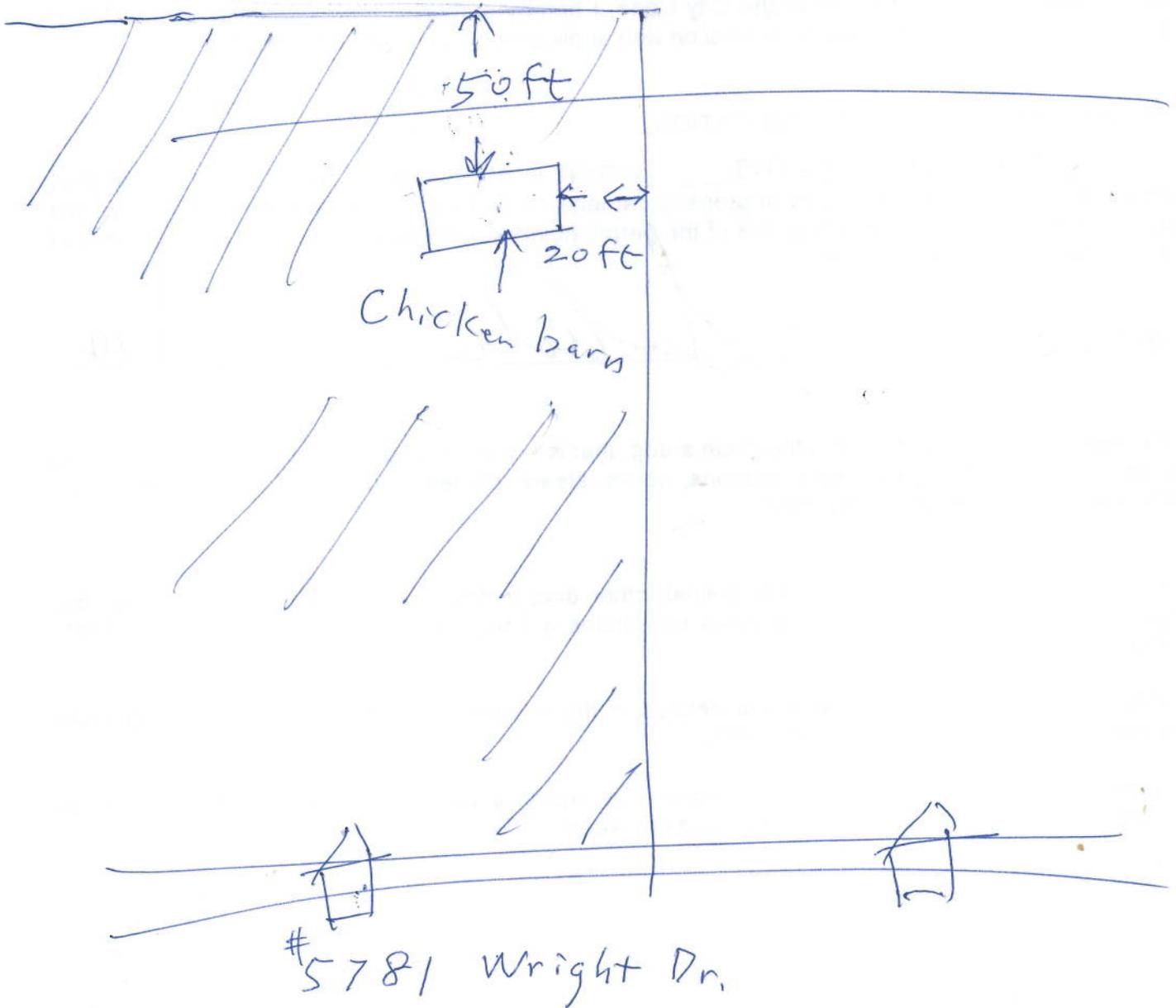
November 5

e-mail pictures

Need .75 acres

have .68 acres

There will be no Roster in my property.



From: [Lee](#)
To: [Paul M Evans](#)
Subject: 回 : RE: Pics
Date: Tuesday, July 01, 2014 2:09:40 PM

Paul, chickens are not in this property now. If you see the barn in picture, that is about where the chicken will be. LEE are

从我的VZW 4G LTE智能 机 送

----- 始 件 -----

件人: Paul M Evans
日期:07-01-2014 1:25 PM (GMT-05:00)
收件人: 'lyuan sun'
: RE: Pics

Thanks Lee. Got them.

Can you also provide pictures that show the chickens, their enclosure, and everything associated with them?

Paul

From: lyuan sun [mailto:vivaldisun777@yahoo.com]
Sent: Tuesday, July 01, 2014 1:20 PM
To: Paul M Evans
Subject: Fw: Pics

Paul, let me know if you see these pictures.Lee

On Tuesday, July 1, 2014 12:17 PM, lyuan sun <vivaldisun777@yahoo.com> wrote:





From: [Scott Bishop](#)
To: [Planning](#)
Subject: Re: Comments Regarding Animal Control of 5781 Wright Dr. to be Discussed on July 23rd
Date: Tuesday, July 08, 2014 8:37:46 AM

Thanks for the response, Paul!

Our address is 5841 Wright Dr. Thanks very much for your time!

-Scott Bishop

On Tue, Jul 8, 2014 at 8:36 AM, Planning <planning@troymi.gov> wrote:

Scott:

Thanks for your concerns. The Animal Control Appeals Board will likely want to know your address. Would you be kind enough to provide it?

Paul Evans | Zoning & Compliance Specialist

City of Troy | 500 W. Big Beaver, Troy, MI 48084 | Office: 248.524.3359 | Cell: [248.885.1841](tel:248.885.1841) | troymi.gov  

“We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.”

From: Scott Bishop [mailto:sbishop411@gmail.com]
Sent: Monday, July 07, 2014 8:42 PM
To: Planning
Subject: Comments Regarding Animal Control of 5781 Wright Dr. to be Discussed on July 23rd

Greetings Troy Planning Department,

I recently received a letter informing me that our neighbors living at 5781 Wright Dr. wished to keep 10 chickens on their property, and that the minimum lot size requirement of .75 acres would need to be waived for them to do so. I'd like to take a moment to voice what I believe are some valid concerns regarding this matter, and hope that the Planning Department will take them into consideration when determining whether or not to waive the lot size requirement of owning chickens on this property.

My specific concerns are as follows:

- I believe that chickens (especially in this amount) may create additional noise that could create a nuisance for neighbors. We've enjoyed the new peace and quiet that's been present since the rooster was removed from this address, and we hope to be able to continue to enjoy the serenity of our neighborhood without having to hear the clucking of chickens as well.
- I believe that chickens may attract additional predators to the area such as foxes and coyotes. This could pose an increased risk to other smaller pets in the neighborhood such as cats and small dogs.
- I believe that a chicken coop may attract additional pests and vermin to the area, such as rats and raccoons. This could potentially lead to an increased risk of infestations of these pests in the surrounding homes.
- Without a proper fence completely enclosing their yard, I believe that it would be possible for these chickens to wander off the property and into the streets and neighboring lots. In addition to being a potential nuisance, this could lead to issues if the chickens wandered near dogs who were unaccustomed to their presence.
- I believe that a flock of chickens this size may provide a breeding ground for lice, mites, and other parasites that can easily be transferred to other humans, pets, and the local wildlife.
- If any of the preceding concerns become realities, then I believe that it is not only possible, but likely, that these chickens could reduce the property values of the surrounding homes.

While I understand why owning a flock of chickens could be appealing to some, I believe that the potential negative impact to those who live near this property should definitely be taken into consideration. I've grown up in Troy (just across Square Lake in Glenmoor estates), and I believe that the peaceful, calm suburban atmosphere is a wonderful asset to our residential communities. While the notion of urban farming, and backyard chickens along with it, has been on the rise for some years, I simply don't believe that the city of Troy is a good place for this to take hold. Residents have many other opportunities to practice forms of agriculture in their own back yards that I believe would have a significantly lower impact on the surrounding homes, such as planting and maintaining a vegetable garden or fruit trees.

At the end of the day, I believe that the Planning Department and the City of Troy should uphold the current zoning laws and practices, and not allow the residents

of 5781 Wright Dr. to keep this flock of chickens. Thanks very much for your time and consideration,

-Scott Bishop

From: ritacos@juno.com
To: [Planning](#)
Subject: Re: Hearing for: 5781 Wright Soon Ha Kim Ord Sec 90.70.20
Date: Tuesday, July 08, 2014 5:31:41 PM

I was only asking about the rooster because they did have one previously with the chickens. Otherwise, I'm OK with it.
Rita Costigan 5741 Wright Dr.

On Tue, 8 Jul 2014 18:49:48 +0000 Planning <planning@troymi.gov> writes:

Thank you for your response. Your comments will be provided to the Board.

A rooster is not part of the request.

Additionally, I believe the Animal Control Appeals Board will want to know your name and address. Can you provide it?

Paul Evans | Zoning & Compliance Specialist

City of Troy | 500 W. Big Beaver, Troy, MI 48084 | Office: 248.524.3359 | Cell:
248.885.1841 | troymi.gov  

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-----Original Message-----

From: ritacos@juno.com [<mailto:ritacos@juno.com>]
Sent: Tuesday, July 08, 2014 1:18 PM
To: Planning
Subject: Hearing for: 5781 Wright Soon Ha Kim Ord Sec 90.70.20

Input for above:

Will a rooster be included? They have had in the past.

Is it necessary to have a couch in the backyard by the "coop?"

There should be regulation on the size of the hen house/coop, and an approved location/materials. (trust decision of board)

Thanks