

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 Petrusis, Vice Chair
Patrick K. Carolan, Secretary, P. Terry Knight, Gretchen Waters

January 28, 2015

7:00 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – November 5, 2014
4. ELECTION OF OFFICERS - Chair, Vice Chair, Secretary
5. HEARING OF CASES
 - A. WAIVER REQUEST, JENNIFER DURHAM, 477 HURST – In order to keep 6 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .543 acres in size.
Animal Ordinance Section: 90.70.20 (f)
 - B. WAIVER REQUEST, RODGER WALTERS, 1265 BOYD – In order to keep 2 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .165 acres in size.
Animal Ordinance Section: 90.70.20 (f)
6. OTHER BUSINESS
7. 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 November 5, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Al Petrulis
Jayne Saeger
Gretchen Waters

Also Present:

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

2. APPROVAL OF AGENDA

All present agreed to agenda as proposed with the addition of discussion on Animal Control Appeal Board 2015 meeting date schedule.

3. APPROVAL OF MINUTES

Moved by Petrulis
Second by Carolan

RESOLVED, to approve the September 24, 2014 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASE

A. WAIVER REQUEST, VINCENT DEPAUW, 1641 E. WATTLES – In order to keep 10 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .735 acres in size. Animal Ordinance Section 90.70.20 (f).

Mr. Evans summarized the case for the Board. Mr. DePauw advised the Board that chickens have been present on the property since 2011. His neighbors have told him that they have no issues with the chickens. He was not aware a permit to have the chickens was required, so when the City Inspector advised him of such, he immediately applied.

The public hearing was opened.

There was no one present. Mr. Evans advised the City received one letter recommending approval, from 1661 E. Wattles, the next door neighbor.

Chair Saeger closed the public hearing.

In response to Board member questions, Mr. DePauw confirmed there would be 10 chickens, no roosters, and advised the approximate ages of the chickens. Mr. DePauw requested the Board allow the chickens to be free range, as his yard has fences on several sides, and neighbors on either side do not object.

The Board confirmed that there were no other public comments and discussed the potential merits of allowing the chickens to be free range.

Motion by: Waters
Second by: Petruilis

RESOLVED to grant the request allowing the chickens to be free range when not in the shed/pen shown in the application, disallowing any roosters, with a maximum of 10 chickens.

Yes: All

MOTION PASSED

5. OTHER BUSINESS

The Board agreed on proposed 2015 meeting dates.

Ms. Lancaster advised that the City Attorney extends an offer to speak to the Board regarding the Open Meetings Act, Freedom of Information Act, or on any questions or concerns the Board may have. Chair Saeger advised the Board to consider this request and to forward questions or concerns to City Staff.

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 7:40 p. m.

Respectfully submitted,

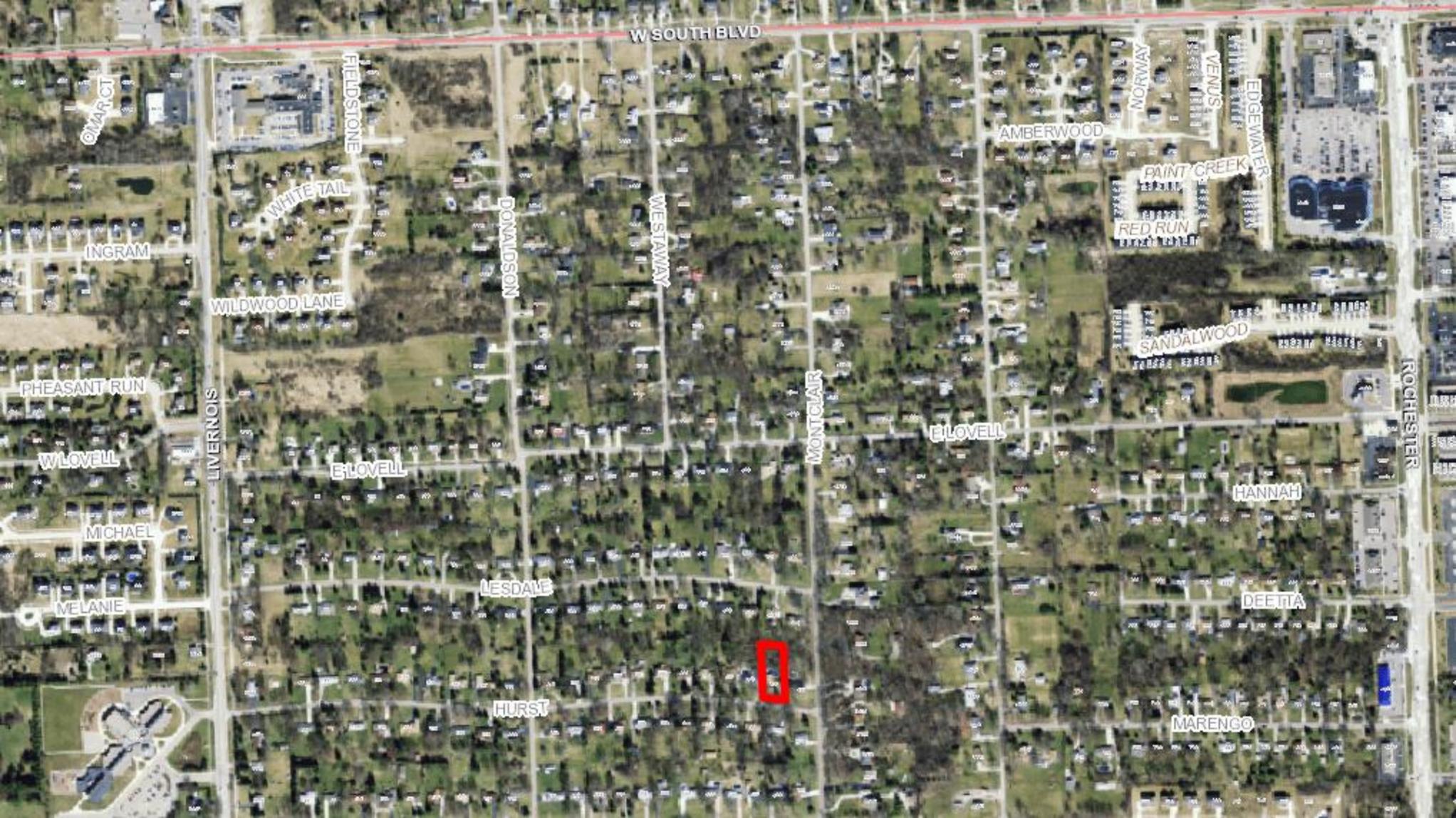
Jayne Saeger, Chair

Paul Evans, Zoning and Compliance Specialist

5. HEARING OF CASES

- A. **WAIVER REQUEST, JENNIFER DURHAM, 477 HURST** – In order to keep 6 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .543 acres in size.

Animal Ordinance Section: 90.70.20 (f)



W SOUTH BLVD

OMAHA CT

FIELDSTONE

WHITE TAIL

INGRAM

WILDWOOD LANE

DOWNISON

WESTWAY

AMBERWOOD

NORWAY

VENUS

EDGEMASTER

PAINT CREEK

RED RUN

PHEASANT RUN

W LOVELL

LIVERNOIS

E LOVELL

MONTCLAIR

E LOVELL

ROCHESTER

MICHAEL

MELANIE

LESDALE

HURST

HANNAH

DEETA

MARENGO





LESDALE

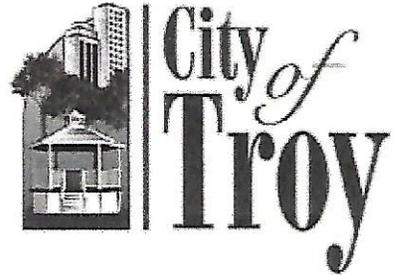
HURST

MONTCLAIR



ANIMAL APPEAL APPLICATION

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: 477 E. Hurst Dr.

APPLICANT:

NAME Jennifer Durham

ADDRESS 477 E. Hurst Dr.

CITY Troy STATE MI ZIP 48085

PHONE 248) 688-9648

E-MAIL JenniferDurham03@GMAIL.com

PROPERTY OWNER (if different than applicant):

NAME Jason Bankin

ADDRESS 477 E. Hurst Dr.

CITY Troy STATE MI ZIP 48085

PHONE 248) 688-9648

E-MAIL _____

REQUIRED INFORMATION

- Written narrative describing your request.
- 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

- 248 524 3359
- evanspm@troymi.gov

PERMISSION TO INSPECT PREMISES

I, Jennifer Durham (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 Jennifer Durham DATE 9/3/14

SCHEDULED MEETING DATES

2014

January 22

March 26

May 28

July 23

September 24

November 5

Written Narrative for Animal Appeal Application

I would like to continue housing a small flock of (3-6) chickens on my property. For just over a year I have had a small flock of four hens, and one rooster. It was brought to my attention that the hens require a permit, and my rooster was not permitted at all. He has since been re-homed. The hens would continue to be housed in the fully enclosed coop we have now. The coop has two hutches, as well as an attached run which is fully enclosed. Both access doors have latches to secure them.

The coop is located in our rear yard, near our children's play structures. It sits 5 ft. from the fence line. It's possible to carry the coop to a new location; to provide a fresh run area.

Jennifer Durham 9/13/14
Jennifer Durham

477th Hurst Dr
Site Plan

Garage

Shed

House

Gate

Gate

Gate

Deck

Gate

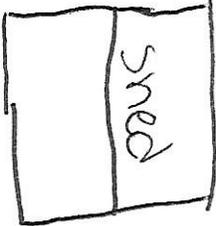
fencing

Pool

Gate

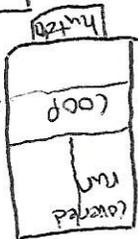
landscaping

fence (Property) line

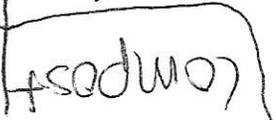
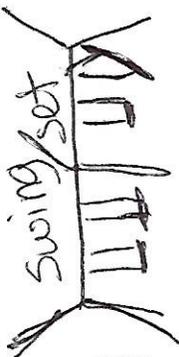


Rear
Yard

5'



attached
photo
of loop





September 15, 2014

To: Planning Department

Re: Chickens/Hens at 477 Hurst- Jennifer Durham

I live in the house on the street right behind Jennifer Durham. Not only are there chickens, but I called the city a few times to complain about the rooster. I work 2nd shift & should not have to wake up at 5-5:30 in the morning to the animals. The requirement should not be changed, there is no special circumstance. Perhaps she should follow the law & move to a property with more area? The rest of us have to obey city ordinances, why not her?

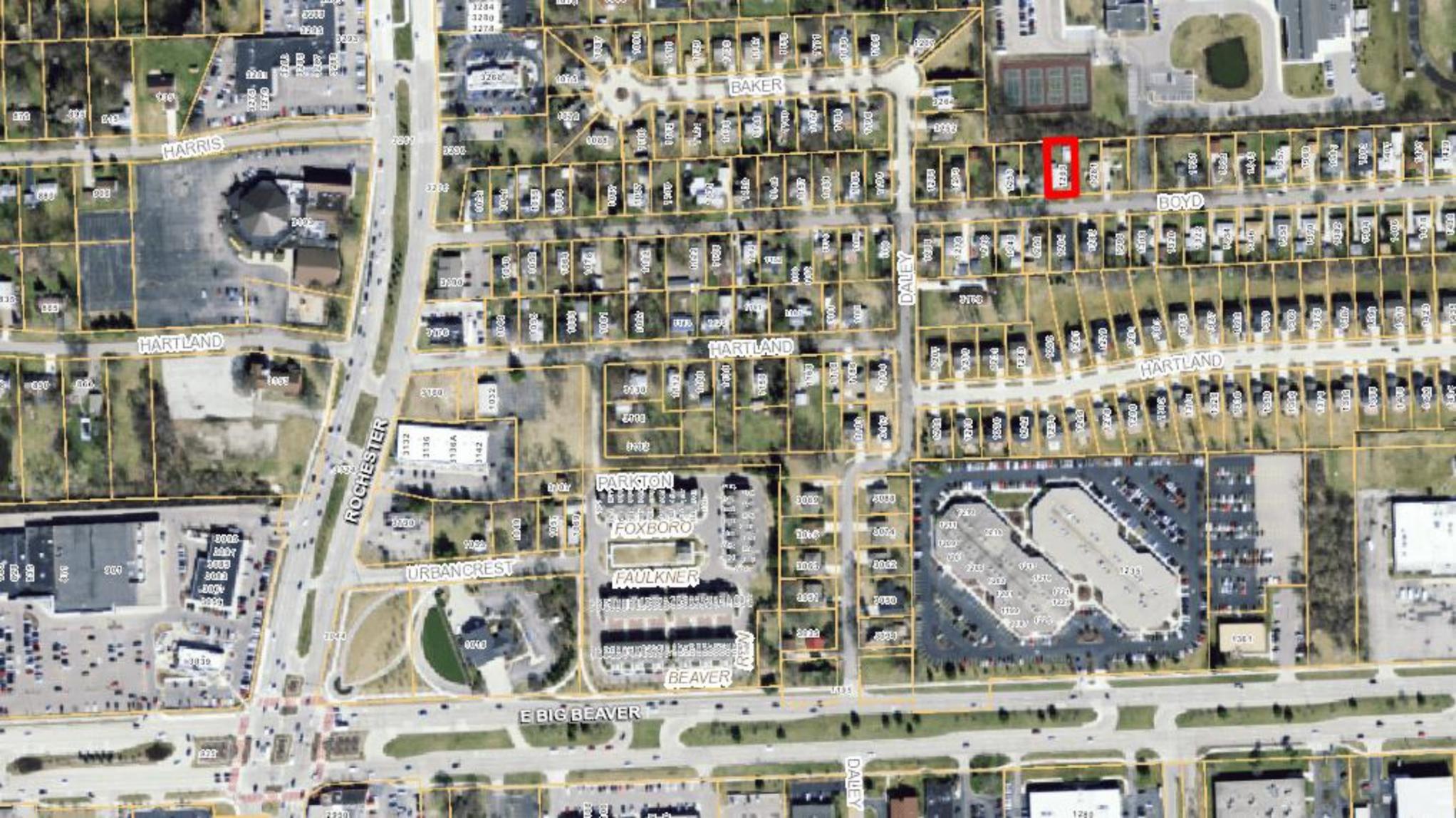


Barbara Duggan
437 Booth Rd
Troy, Mi. 48085

5. HEARING OF CASES

- B. **WAIVER REQUEST, RODGER WALTERS, 1265 BOYD** – In order to keep 2 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .165 acres in size.

Animal Ordinance Section: 90.70.20 (f)



HARRIS

BAKER

BOYD

HARTLAND

HARTLAND

HARTLAND

ROCHESTER

PARKSTON

FOXBORO

FAULKNER

BEAVER

URBANCREST

E BIG BEAVER

DAILEY

1210

1186

1198

1199

1196

DALEY

1204

1205

3264

1216

1213

3252

1228

1240

1251

1250

1264

1265

1282

1281

1296

1308

1320

1322

1321

BOYD

RECEIVED

OCT 22 2014

October 15, 2014

Planning Department of the City of Troy,

PLANNING

I, Rodger Walters, request permission to keep 2 chickens, only hens, no roosters, in my backyard at 1265 Boyd Street. I plan to build a chicken house that is 4' by 4' by 6' tall. It will be set 12" off the ground. I would place the chicken house within the yard wherever best meets city codes.

I have included the following documents:

- Animal Appeal Application (pages 2 and 3 of 9)
- Pictures of the yard which is completely enclosed by chain link fence (page 4 of 9)
- A diagram of the yard and buildings surrounding it (page 5 of 9)
- A map of the neighborhood surrounding my yard and a key showing the response of these neighbors(pg 6/9)
- Signatures of neighbors closest to me signifying their agreement (The second page is a misguided first attempt to get approval for the chickens. Even though the request is not valid, please note the intent of these neighbors to allow the chickens to stay.) (pages 7 and 8 of 9)
- The signed note from the property owner also signifying his agreement (page 9 of 9)

Thank you for your consideration, sincerely,

Rodger Walters

A handwritten signature in black ink that reads "Rodger Walters". The signature is written in a cursive style and is positioned below the printed name. There is a circular scribble or flourish at the end of the signature.

66 AC/2009

Nov-5 Jan-28

ANIMAL APPEAL APPLICATION

RECEIVED



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

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

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PROPERTY ADDRESS: 1265 BOYD

APPLICANT:

NAME RODGER WALTERS

ADDRESS 1265 BOYD

CITY TROY STATE MI ZIP 48083

PHONE 248-632-6098

E-MAIL BLONT257.@Yattoo.com

PROPERTY OWNER (if different than applicant):

NAME JACK FROST

ADDRESS 1265 BOYD

CITY TROY STATE MI ZIP 48083

PHONE 248-613-4410

E-MAIL A

REQUIRED INFORMATION

- Written narrative describing your request.
- 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
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- 248 524 3359
- evanspm@troymi.gov

PERMISSION TO INSPECT PREMISES

I, Roger Walters (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 Roger Walters DATE 10-20-14

SCHEDULED MEETING DATES

2014

January 22

March 26

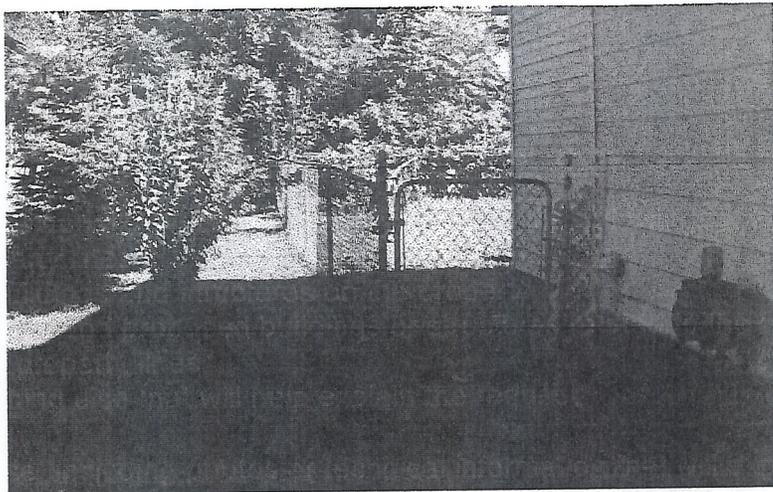
May 28

July 23

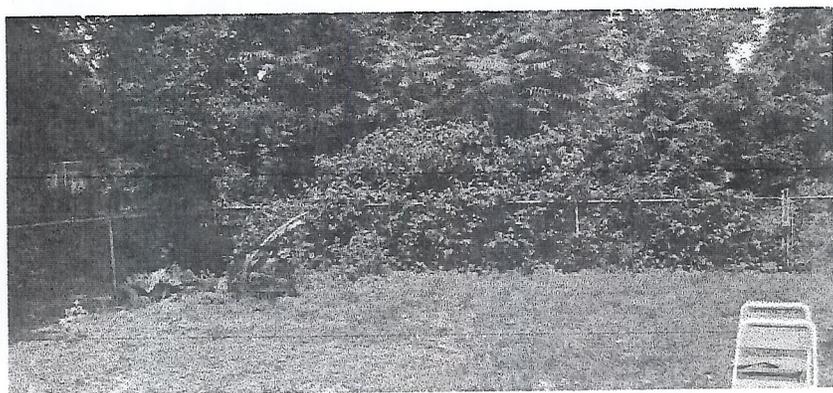
September 24

November 5

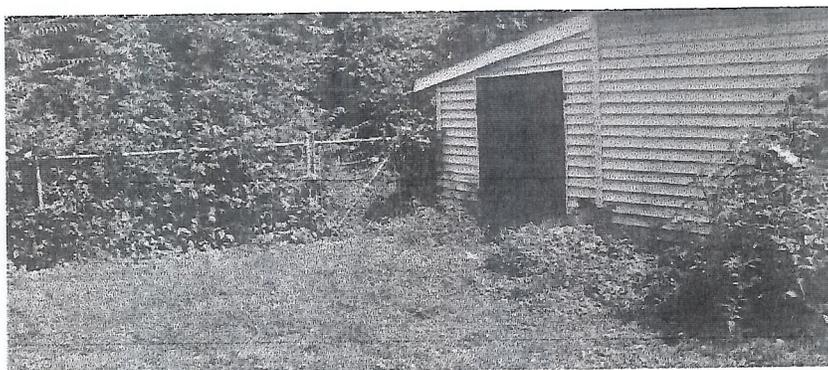
(Jan-28-)* 7 pm attend



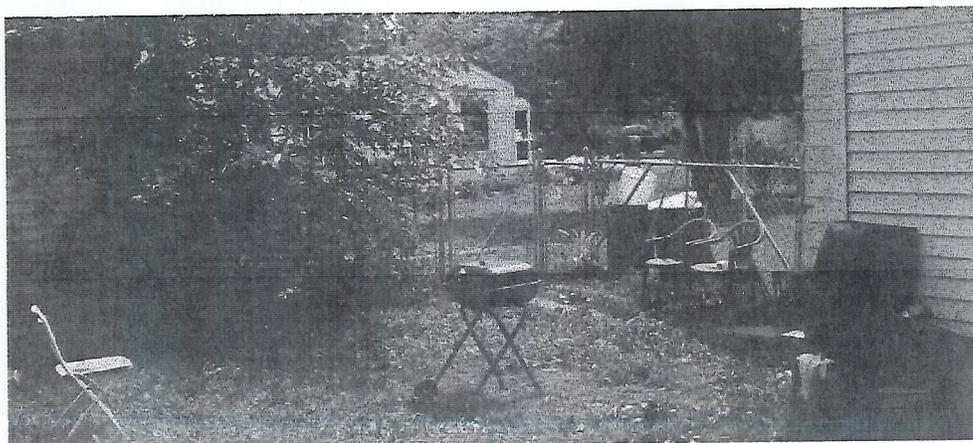
West side
(South gate)



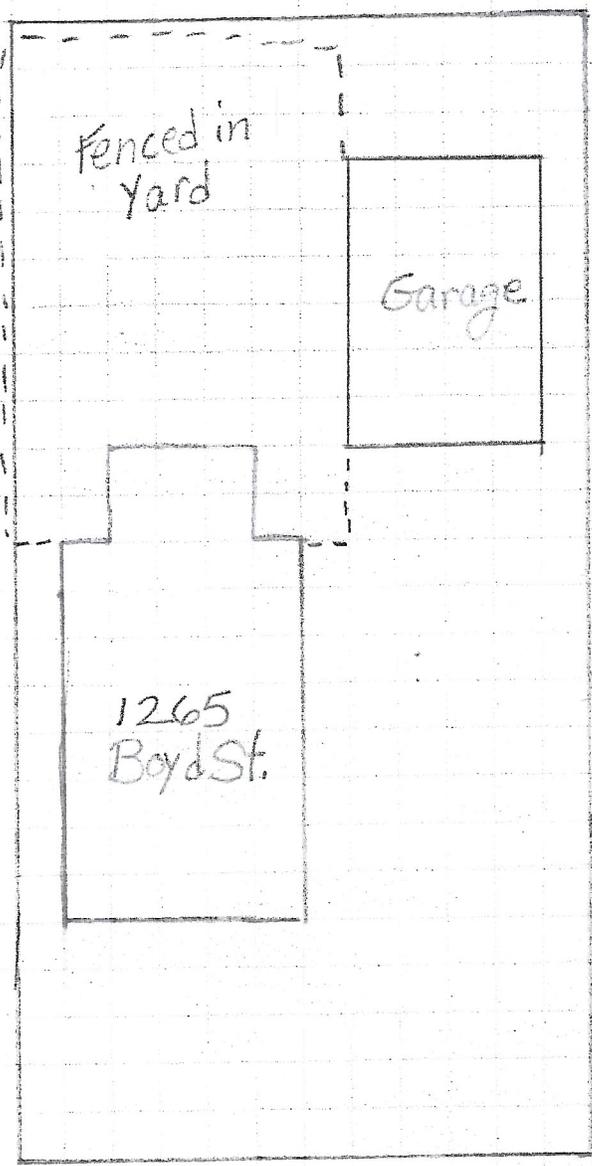
Northwest side



Northeast side



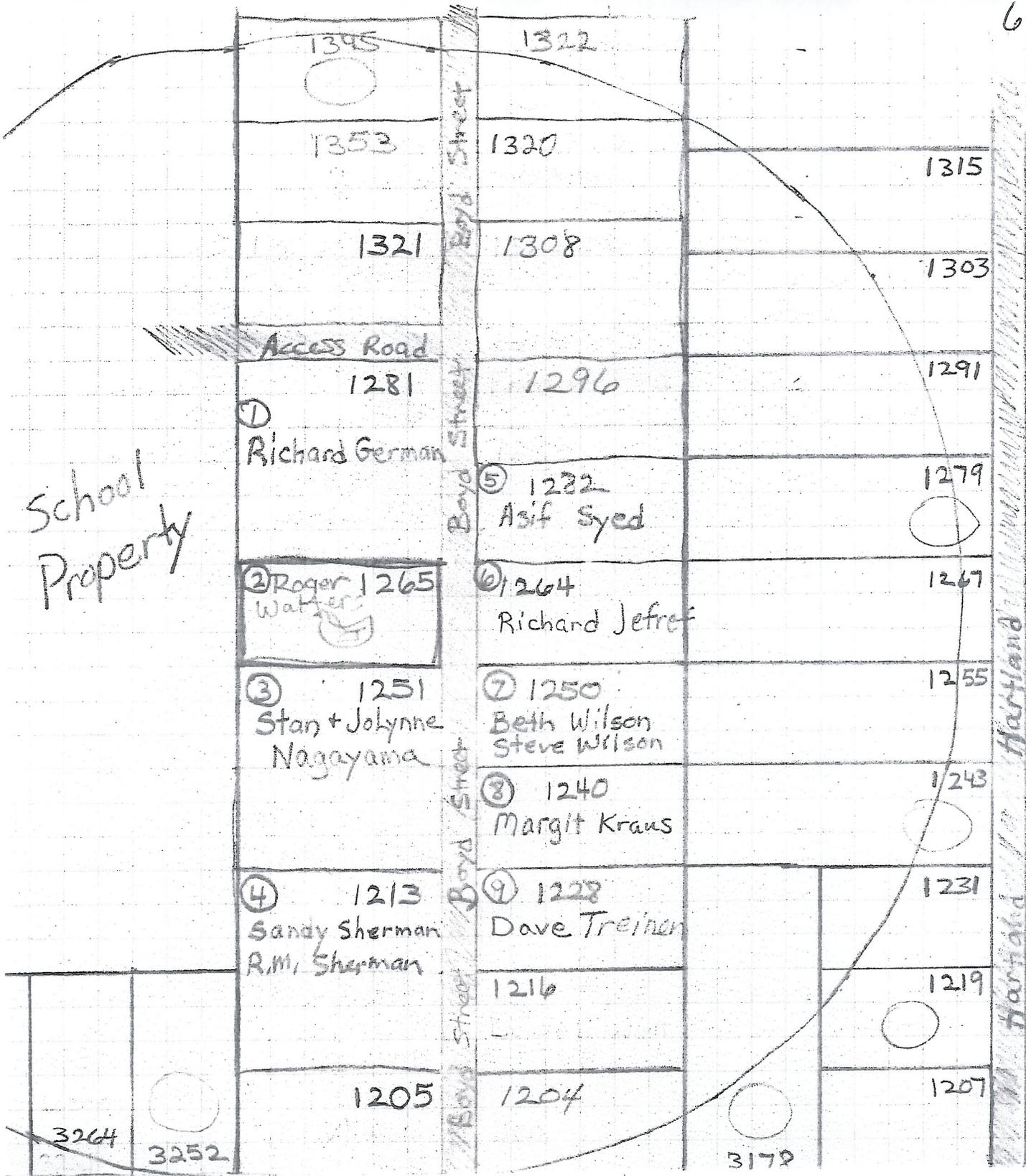
Southeast side



1251
Boyd St.

1265
Boyd St.

1281
Boyd St.



Every house was approached about the chickens. Ones marked with a (C) were not home. All others said they had no problem with the chickens. The properties showing names also signed documents stating that they had no problem with the chickens. The documents are attached.

JoLynne Nagayama
1251 Boyd Street
Troy, MI 48083

May 28, 2014

The City of Troy,

Regarding keeping chickens in Troy

Dear City officials,

We are aware of the chickens living at 1265 Boyd Street. We consent to the variance requesting permission for the chickens to stay.

⑨ David Turner 5/28/14 1228 Boyd Ave.

⑧ Margit Kraus 5/28/14 1240 Boyd St., Troy

⑦ Debra Wilson 5/28/14 1250 Boyd, Troy

⑦ Steve Wilson 5/28/14 1250 Boyd, Troy

⑥ Rud Nagayama 1261 Boyd Troy

⑤ ASIF SYED 1282 Boyd St. 48083

① Richard Herman 1281 Boyd St

May 28, 2014

JoLynne Nagayama
1251 Boyd Street
Troy, MI 48083

The City of Troy,

Regarding keeping chickens in Troy

Dear City officials,

We respectfully petition the city of Troy to allow us to keep 6 chickens , no roosters, within the bounds of our collective properties which include: 1213 Boyd Street, 1251 Boyd Street, and 1265 Boyd Street. I believe the total of our properties is 36,000 sq. ft. (4/5ths of an acre) which exceeds the 3/4 acre requirement to keep chickens in the city of Troy.

Sincerely,



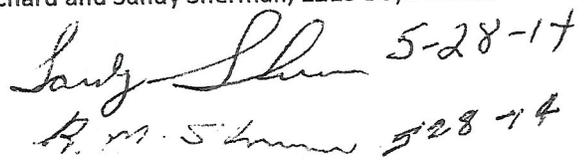
Stan and JoLynne Nagayama, 1251 Boyd Street

3



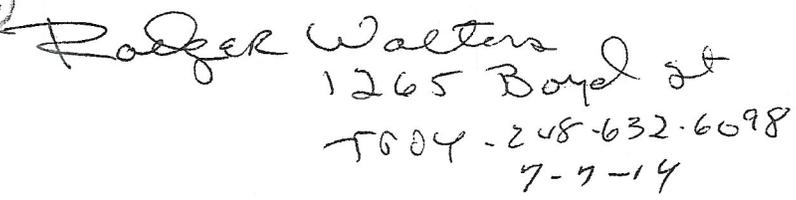
4

Richard and Sandy Sherman, 1213 Boyd Street



2

Roger Walters, 1265 Boyd Street



I allow Rodger to keep
chickens on my property.

JACK FROST
Jack Frost
8/7/14