



# 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

Jayne Saeger, Chair, Al Petrulis, Vice Chair  
Patrick K. Carolan, Secretary, P. Terry Knight, Gretchen Waters

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**March 25, 2015**

**7:00 P.M.**

**Council Board Room**

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1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – January 28, 2015
4. HEARING OF CASE
  - 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)**
5. OTHER BUSINESS
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.

## 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.

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on January 28, 2015 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan  
P. Terry Knight  
Al Petrulis  
Jayne Saeger  
Gretchen Waters

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Susan Lancaster, Assistant City Attorney  
Nicole MacMillan, City Attorney Assistant  
Sargent Michael Szuminski, Troy Police Animal Control Liaison

2. APPROVAL OF AGENDA

Moved by Carolan  
Second by Petrulis

RESOLVED, to approve the agenda as submitted.

Yes: All

MOTION PASSED

3. APPROVAL OF MINUTES

Moved by Carolan  
Second by Waters

RESOLVED, to approve the November 5, 2014 meeting minutes.

Yes: All

MOTION PASSED

4. ELECTION OF OFFICERS

Moved by Petrulis  
Second by Waters

RESOLVED, to nominate Jayne Saeger as Chair.

Moved by Carolan  
Second by Waters

RESOLVED, to nominate Al Petrulis as Vice Chair.

Moved by Petrulis  
Second by Saeger

RESOLVED, to nominate Patrick Carolan as Secretary.

Vote on combined slate.

Yes: All

## 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).

Mr. Evans advised the Board that the applicant cannot be present tonight and has requested postponement to the regularly scheduled March 25, 2015 meeting.

Motion by Carolan  
Second by Petrulis

RESOLVED, to postpone to the March 25, 2015 meeting.

Yes: All

- 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).

Mr. Walters presented the following:

- The Animal Ordinance is dated and needs to be changed.
- There are very few parcels .75 acres or larger in Troy.
- He has had 2 chickens for the past 10 years.
- He views them as pets.
- There will not be roosters.
- He believes 2 chickens are not harmful to the neighborhood.
- The backyard is fenced and the chickens will be housed in a 4' x 6' sealed cage that will be 1' off the ground.

Ms. Lancaster and Board Member Knight advised that the City Council, not the Animal Control Appeals Board, has authority to change the Animal Control Code. In response to Mr. Walters query, Mr. Evans explained the rationale for having an Appeals Board.

The public hearing was opened.

JoLynne Nagayama and Stanley Nagayama, 1251 Boyd, spoke in favor of the request.

Mr. Evans summarized two written comments, both in favor, filed by other Boyd Street residents. On a map presented on the overhead projector, he identified the location of each commenter. Mr. Evans also reminded the Board of favorable public written comments that accompanied the Appeals Application.

The public hearing was closed.

Moved by Knight  
Second by Waters

RESOLVED to grant the request.

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

MOTION PASSED

5. OTHER BUSINESS

The Board and staff discussed Robert's Rules of Order, criteria applicable to waiver requests, and other procedures germane to waiver requests.

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 7:55 p. m

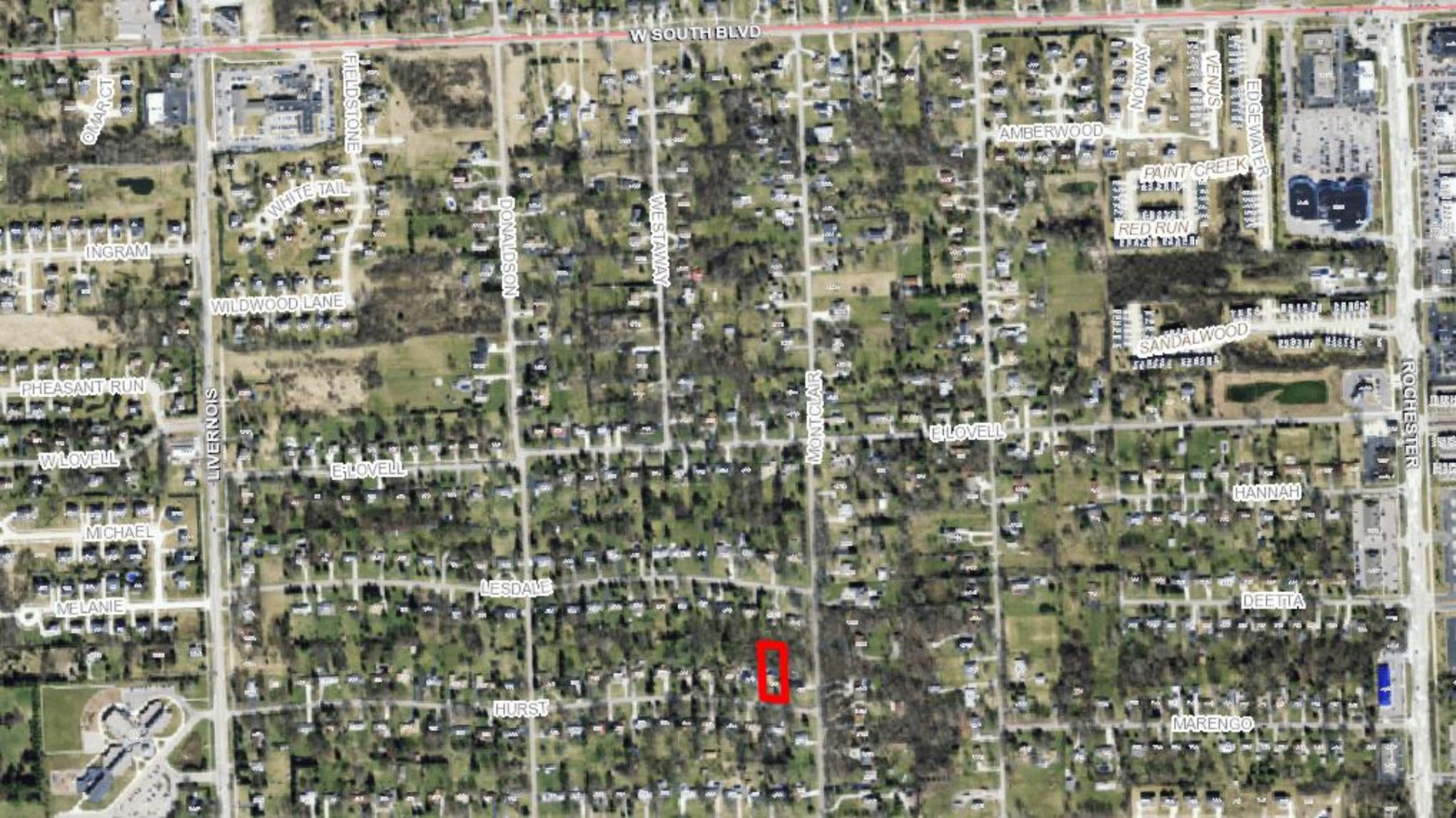
Respectfully submitted,

\_\_\_\_\_  
Jayne Saeger, Chair

\_\_\_\_\_  
Paul Evans, Zoning and Compliance Specialist

4. HEARING OF CASE

- 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.



W SOUTH BLVD

OKLAHOMA CT

INGRAM

PHEASANT RUN

W LOVELL

MICHAEL

MELANIE

LIVERNOIS

B LOVELL

LESDALE

HURST

FIELDSTONE

WHITE TAIL

WILDWOOD LANE

DOWNISON

WESTWAY

MONTCLAIR

B LOVELL

AMBERWOOD

NORWAY

VENUS

PAINT CREEK

RED RUN

SANDALWOOD

HANNAH

DEETA

MARENGO

ROCHESTER





LESDALE

MONTCLAIR

HURST



477

# 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](mailto: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](mailto:planning@troymi.gov)

Questions? Contact Paul Evans, Zoning & Compliance Specialist

- 248 524 3359
- [evanspm@troymi.gov](mailto: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

Gate

Gate

Gate

House

Deck

Gate

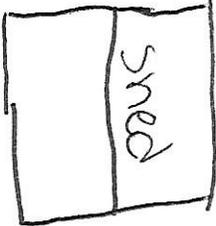
fencing

Pool

Gate

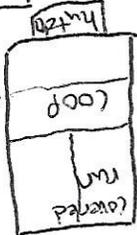
landscaping

fence (Property) line

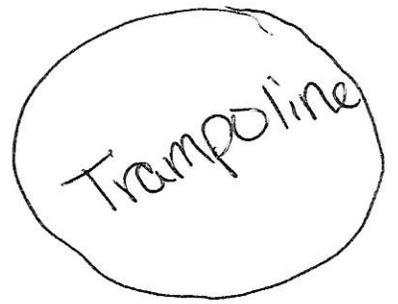
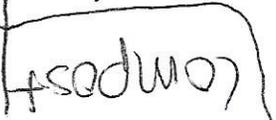
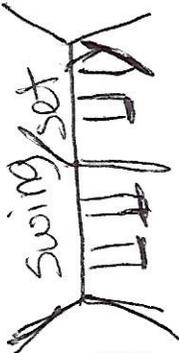


Rear  
Yard

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 2<sup>nd</sup> 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

**PUBLIC COMMENTS PRESENTED TO THE  
BOARD AT THE SEPTEMBER, 2014  
MEETING FOLLOW THIS PAGE**

## Kathy Czarnecki

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**From:** bouncygirls4@gmail.com on behalf of Shelley Stenger <indeavonrep@gmail.com>  
**Sent:** Wednesday, September 24, 2014 12:05 PM  
**To:** Planning  
**Subject:** chickens and rooster at 477 E. Hurst

Hi,  
Please help us.

We live near the house with all the foul at 477 E. Hurst, Jennifer Durham, for which you are addressing at a Public Meeting tonight.

We are very opposed to allowing these animals to continue living in our lovely neighborhood. Anything like this **brings down the value of ALL the properties in our community, especially those who live close by.** This should be stopped!!! Through the years (about 50 yrs here), we have had to put up with various changes in our neighborhood, but this crosses the line for progress and our future. Raising chickens would be moving backwards!

We hear the rooster crow in the morning and evening. Loudly.  
We can see the chicken coup from our home, and it is not pleasant. We can also see the A-frame "playhouse" next to it - that is totally dilapidated and should be taken down!!! It's hazardous. Who do we see about that????

This is NOT farm country. These homeowners need to move to the country, if they want to raise farm animals!!!

**Please** see that they get rid of these smelly and loud foul. If they want eggs, they can buy them at the store like the rest of us.....they are NOT expensive.

And also PLEASE demolish and clean out that awful A-frame home for large wild rodents.

Thank you!  
Very Concerned Neighbor

## Kathy Czarnecki

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**From:** shewentstampin@aol.com  
**Sent:** Monday, September 22, 2014 9:58 AM  
**To:** Planning  
**Subject:** Public Hearing - Sept. 24, 2014

Please add this comment to our objection to allow Ms. Durham's request to keep six chickens in her back yard at 477 Hurst. Again we are totally opposed to this request as we have enough squirrels, chipmunks, mice and birds hanging around in this area and throwing the chicken feed all over the backyard or even in the coop is only adding to their food source.

## Kathy Czarnecki

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**From:** shewentstampin@aol.com  
**Sent:** Sunday, September 21, 2014 10:11 AM  
**To:** Planning  
**Subject:** Sept. 24th Public Meeting - chickens

As long time residents in the City of Troy, we do **NOT** agree that the occupants of 477 Hurst be granted a waiver to the Animal Ordinance Section: 90.70.20(f) that would allow them to keep 6 chickens on their property for the following reasons:

1. Its obvious someone has complained because we don't hear the roosters anymore and don't see the chickens running around in the yard with the family dog.
2. We are happy that the roosters are gone so that you don't have to listen to that noise every time you go outside or try to sit on your patio or have your windows open. And that noise is not just in the morning. Its morning, noon and night. Err, err, err, err, err..... We should not have to listen to this.
3. If allowed, who is going to monitor to make sure there are only 6 chickens and the roosters don't come back.
4. The chicken coup is in the rear of the yard, behind an old run down shed, therefore, as you are walking on Montclair you see and hear these farm animals very clearly. Also, the noise tends to carry towards the north, away from their house, so several residents on Lesdale, both the north and south side of the street tend to get the bulk of the noise.
5. We don't want to be rude or unreasonable, but this lady purchased her home in the "CITY" of Troy. If chickens are that important maybe she should consider moving to a farm.

Please use this email as an objection to the waiver at your Public Meeting to be held on September 24th.  
Thank you.

## Kathy Czarnecki

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**From:** ROK QC Lab <rokqclab@macleanfogg.com>  
**Sent:** Friday, September 26, 2014 5:57 PM  
**To:** Planning  
**Subject:** chickens

We forgot to include our address in the 1<sup>st</sup> message.

Larry & Patti Jonas  
473 E. Hurst Dr.  
Troy, MI 48085  
prosedenby@yahoo.com

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The contents of this message may be privileged and confidential. Therefore, if this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author.

Please consider the environment before printing this e-mail

## Kathy Czarnecki

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**From:** Erik Hansen <erik.jordan.hansen@gmail.com>  
**Sent:** Tuesday, September 23, 2014 10:43 PM  
**To:** Planning  
**Subject:** Comments Regarding 477 Hurst Waiver Request

To whom it may concern,

I am against the approval of this waiver. I just recently purchased my home and I would have never considered living here if a waiver had already been approved to allow someone to raise chickens so close to my home.

This is not farmland and there is not sufficient space between the homes/properties to prevent everyone else from being negatively impacted by the presence of these chickens. The chicken feed is providing a food source for mice, and potentially other problematic animals. My lawn care service hit a mouse with their lawnmower while it was on the way to or from 477 Hurst, and I am currently doing everything that I can to prevent the remaining mice from entering my home and living on my property to avoid the problems that they cause. They can damage my property and negatively impact the health of both me and my pet (who doesn't know better), thus costing me significant amounts of time and money that I do not have. The presence of the food will continue to attract rodents even as the current one's are removed, so it will be a never ending battle as long as the chickens remain. The chickens can also attract predators, which can cause property damage and a safety concern for people and their pets.

I ask that you please deny this waiver to protect the neighborhood from further infestations and other potential risks. We all work hard to keep our properties well maintained and to remain in good health; we shouldn't need to suffer mentally, physically or financially because of the want (not need) of one individual.

Thank you,

Erik Hansen  
454 Lesdale Drive

## Kathy Czarnecki

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**From:** CONNIE HALL <chardonnay@wowway.com>  
**Sent:** Wednesday, September 24, 2014 11:50 AM  
**To:** Planning  
**Subject:** Animal Control Appeal Board City of Troy Meeting for 477 Hurst

Hello,

I would like to respectfully give my personal opinion regarding the waiver for Ms. Jennifer Durham to have her six chickens on her property. I understand the statute formally requires about 3/4 of an acre of land to have the chickens and Ms. Durham's lot at 477 Hurst is only about 1/2 acre. I think she should be granted the waiver and be allowed to have her chickens. I have seen them and they look well cared for. As long as they are well cared for and treated humanely, I see no reason why she can't have them.

On a more personal note, I enjoy the occasional crowing of the rooster and so do my friends and family. These gentle birds are more than welcome in my neighborhood.

Sincerely,

Connie J. Hall  
494 Lesdale Drive  
Troy, MI 48085

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WOW! Homepage (<http://www.wowway.com>)

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on September 24, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan  
Jayne Saeger  
Steve Toth

Absent:

Al Petrulis  
Gretchen Waters

Also Present:

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

2. APPROVAL OF AGENDA

Motion by Carolan  
Second by Toth

RESOLVED, to approve the agenda as submitted.

Yes: All

MOTION PASSED

3. APPROVAL OF MINUTES

Moved by Carolan  
Second by Toth

RESOLVED, to approve the July 23, 2014 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASES

A. WAIVER REQUEST, RODGER WALTERS, 1265 BOYD – 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 .165 acres in size. Animal Ordinance Section 90.70.20 (f).

Chair Saeger advised the applicant that because a full Board was not present, the applicant could request a postponement to a future meeting date to be heard by a full Board. She indicated that if he chose to proceed tonight, the option to postpone would not be available.

Mr. Walters elected to proceed.

Mr. Evans summarized the case for the Board.

Mr. Walters explained in addition to the information in his application, the chickens would be brought in every night and kept in a steel coop that was at least 1 foot off the ground.

The public hearing was opened.

Stanley Nagayama, 1251 Boyd, spoke in favor of the request.

Mr. Walters submitted a petition to the Board. Numerous nearby residents signed the petition in favor of the request.

Mr. Evans summarized a written comments filed by other area residents in favor. On a map presented on the overhead projector, Board members identified the location of each commenter/petition signer relative to the subject property.

The public hearing was closed.

The Board discussed the proximity of those publicly commenting relative to the subject site, the size of the subject site, the size of surrounding properties, and potential negative aspects of having chickens on property this small which is surrounded by similarly sized small properties. Aspects discussed included the attraction of predators and rodents.

Member Toth motioned to grant the request due to neighborhood support. There was no second.

Motion by: Carolan

Second by: Toth

RESOLVED to deny the request.

Yes: All

MOTION PASSED

**B. 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).

Chair Saeger advised the applicant that because a full Board was not present, the applicant could request a postponement to a future meeting date to be heard by a full Board. She indicated that if he chose to proceed tonight, the option to postpone would not be available.

Ms. Durham elected not to proceed. The Board and Ms. Durham agreed to postpone the matter to the January 28, 2015 regularly scheduled meeting.

5. OTHER BUSINESS

Stanley Nagayama asked how to go about requesting reconsideration for a denied request.

Ms. Lancaster advises that any new application would have to be substantially different.

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 7:48 p. m

Respectfully submitted,

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Jayne Saeger, Chair

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Paul Evans, Zoning and Compliance Specialist

## Kathy Czarnecki

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**From:** Paul M Evans  
**Sent:** Wednesday, January 28, 2015 2:37 PM  
**To:** Kathy Czarnecki  
**Subject:** FW: Animal appeals board meeting 477 Hurst

Kathy: FYI could you place this in the file? I have made and distributed copies for Board and Staff. Thanks.

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**From:** jenniferdurham03@gmail.com [mailto:jenniferdurham03@gmail.com]  
**Sent:** Wednesday, January 28, 2015 2:28 PM  
**To:** Paul M Evans  
**Subject:** Re: Animal appeals board meeting

Paul,

If it isn't a problem, I really would like to post-pone. I will mark March 25 on my calendar.

Thanks again,  
Jennifer Durham

Sent from my iPad

On Jan 28, 2015, at 10:01 AM, Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)> wrote:

Jennifer:

Would you like to request the Board postpone this matter to a future meeting?  
The next meeting is March 25, 2015. Thanks.

**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](mailto:troymi.gov) <image003.jpg> <image004.jpg>

"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."

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**From:** Paul M Evans  
**Sent:** Wednesday, January 28, 2015 9:50 AM  
**To:** '[jenniferdurham03@gmail.com](mailto:jenniferdurham03@gmail.com)'  
**Subject:** RE: Animal appeals board meeting

Jennifer:

Thank you for this information. I will apprise you of any action the Board takes on your request.

**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](http://troymi.gov) <image005.jpg> <image006.jpg>

“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.”

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**From:** [jenniferdurham03@gmail.com](mailto:jenniferdurham03@gmail.com) [<mailto:jenniferdurham03@gmail.com>]

**Sent:** Wednesday, January 28, 2015 9:18 AM

**To:** Paul M Evans

**Subject:** Re: Animal appeals board meeting

Paul,

I regret to say that neither Jason or myself will be able to attend the Animal Appeals Board Meeting this evening. I do appreciate all of the time, attention, and help you have given me regarding this matter. I apologize for any inconvenience.

Thank you again,  
Jennifer Durham

Sent from my iPad

On Jan 27, 2015, at 11:07 AM, Paul M Evans <[P.Evans@troymi.gov](mailto:P.Evans@troymi.gov)> wrote:

Jennifer:

The meeting room will be different than last time. We will be meeting in the Council Boardroom, which is on the 2<sup>nd</sup> floor of City Hall. If you enter the building from the east (Mariott Hotel) lot, go up the stairs, turn right, and follow the hall. The room will be on your right hand side, just before you get to the City Clerk desk.

See you tomorrow.

**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](http://troymi.gov) <image001.jpg> <image002.jpg>

“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.”