

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, Patrick Floch

December 2, 2015

7:00 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – March 25, 2015
4. HEARING OF CASE
 - A. **WAIVER REQUEST, JAMIE AND RENEE MUTER, 5760 CLIFFSIDE** – In order to keep 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 – Proposed 2016 Animal Control Appeal Board meeting dates
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 March 25, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Al Petrulis
Jayne Saeger
Gretchen Waters

Absent:

P. Terry Knight

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

No changes.

3. APPROVAL OF MINUTES

Moved by Petrulis
Second by Carolan

RESOLVED, to approve the January 28, 2015 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASES

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).

The applicant was not present. Mr. Evans provided a brief overview of the request. Chair Saeger opened the public hearing. No members of the public spoke. Mr. Evans summarized the written public comments received by the City. One comment was in favor, four were against the request.

Motion by Petrulis
Second by Carolan

RESOLVED, to deny the request.

The Board noted the size of the property is much less than .75 acres and that there were significantly more dissenting public comments than supporting. This was the third time the matter had been on the agenda. It is 7:14 pm and the applicant was still not present.

Yes: All

MOTION PASSED

5. OTHER BUSINESS

Ms. Lancaster advised the Board that she would be retiring from the City and that this would be her last Board meeting. Assistant City Attorney Nicole MacMillan would be representing the City Attorney's Office in the future. The Board thanks Ms. Lancaster for her service.

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 7:17 p. m

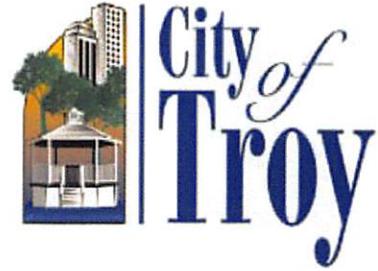
Respectfully submitted,

Jayne Saeger, Chair

Paul Evans, Zoning and Compliance Specialist

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 COMPLETE DIGITAL APPLICATION MUST BE FILED AT LEAST **21 DAYS BEFORE** THE MEETING DATE. 2015 MEETING DATES ARE ON PAGE 2.

APPLY VIA E-MAIL – INSTRUCTIONS

TROY PLANNING DEPARTMENT IS DIGITAL. 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: 5760 Cliffside Drive

APPLICANT:

NAME Jamie and Renée Muter

ADDRESS 5760 Cliffside Drive

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

- 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

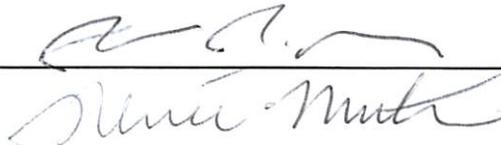
Questions? Contact Paul Evans, Zoning & Compliance Specialist

- 248 524 3359
- evanspm@troymi.gov

PERMISSION TO INSPECT PREMISES

I, Jamie J. 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 11-2-15

SCHEDULED MEETING DATES

2015

January 28

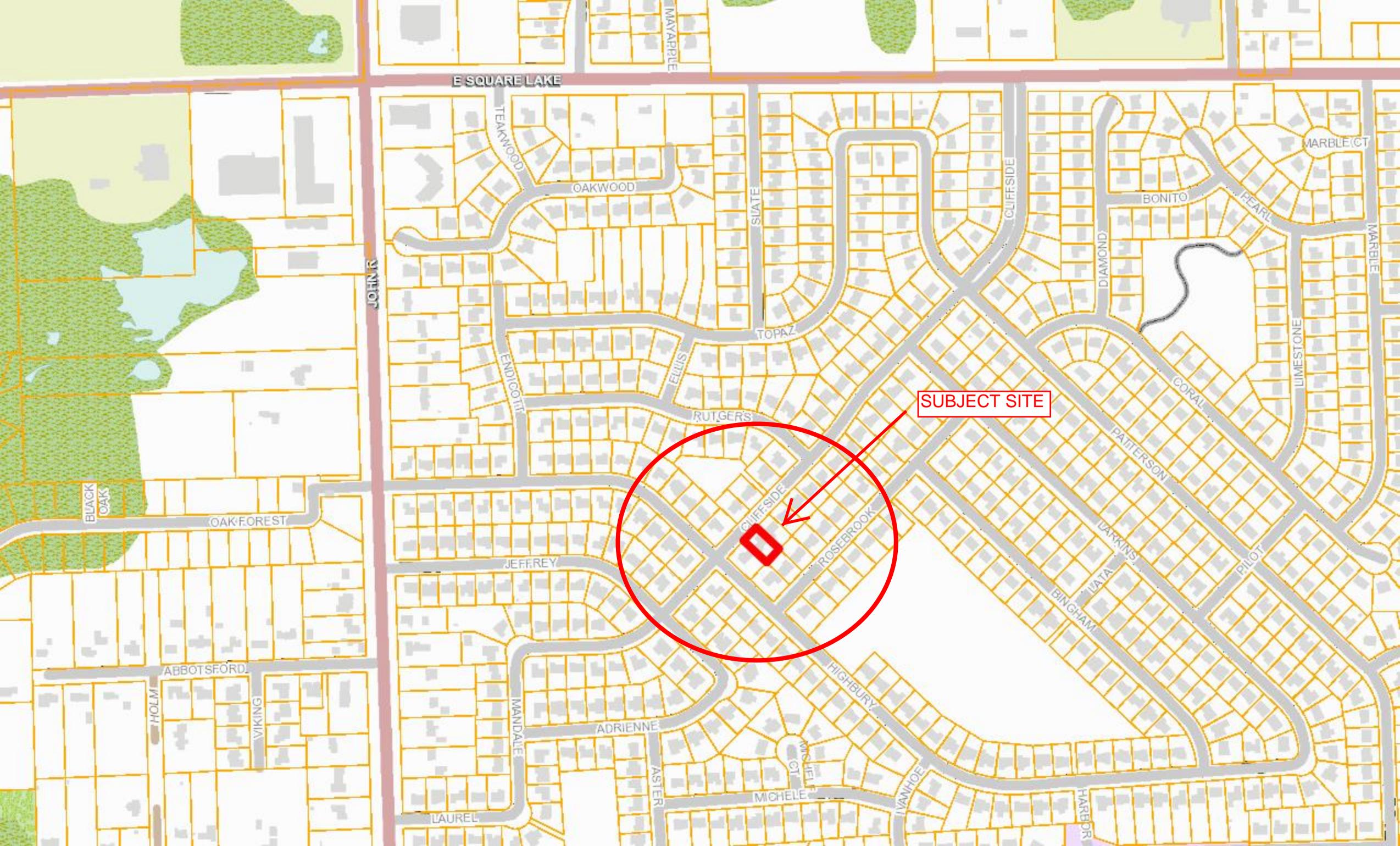
March 25

May 27

July 22

September 23

December 2



E SQUARE LAKE

MAYAPPLE

TEAMWOOD

OAKWOOD

SLATE

CLIFFSIDE

BONITO

PEARL

MARBLE CT

MARBLE

JOHN R

TOPAZ

ENDICOTT

ELLIS

RUTGERS

SUBJECT SITE

CORAL

LIMESTONE

BLACK OAK

OAK FOREST

CLIFFSIDE

ROSEBROOK

PATTERSON

LARKINS

PILOT

JEFFREY

BINGHAM

WATA

ABBOTSFORD

HOLM

VIKING

ADRIENNE

HIGHBURY

LAUREL

ASTER

MICHELE

IVANHOE

HARBOR



CLIFFSIDE

ROSEBROOK

JEFFREY

HIGHBURY

5760

5771

5763

5768

5752

5753

2160

2168

5800

5792

5784

5776

5777

5769

5761

5770

5762

5754

5817

5809

5801

5793

5785

5794

5786

5778

2109

2117

2121

2129

2128

2115

2123

2144

2152

2139

2147

2096

2104

2112

2120

2107

099

10

2122

5760 CLIFFSIDE DRIVE, TROY

REQUEST FOR RENEWAL OF VARIANCE TO KEEP OUR PET CHICKENS.



The orange lines show the fence around our backyard. The blue rectangle is the actual protective cover on top of the chicken coop. The coop can be mobile and is not fastened down. It has been in this same location for about four of the six years we have had our pet chickens. The coop is where the chickens sleep at night. We 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 covered coop 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 have survived the winters easily on their own outdoors, however, we have also provided them with a heat lamp that is activated by a thermostat for when it gets extremely cold.

Also note the photo of our home from the street. The location of the chicken's coop is pointed out by the orange 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.

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 have always avoided a rooster, given their history of crowing at all hours. The hens are very quiet and are seldom heard.

Our previous Animal License (No. 2010-005) for the chickens was issued September 17, 2010. In the process of receiving our permit, Officer 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, 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: 2010-005 covered our three chickens. She explained that having a license allowing (a) pet chicken(s) simply covered however 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.

I live next door to the muter family. Their chickens do not pose a problem for me. I love seeing my grandchildren feed them.

Heri De Santos

I live next door to the water tower. There
is a problem for me I can't
see my grandchildren feel them

My Grandson

From: msdube <msdube@comcast.net>
To: reneemuter <reneemuter@aol.com>
Subject: Re: Muter chickens
Date: Tue, Oct 6, 2015 6:26 pm

To whom it may concern:

We live directly behind the Muters, who have had their backyard chickens for a number of years.
We have no issues with them continuing to have their chickens in their yard.

Mark and Sally Dube
Rosebrook

To Whom it may Concern,

I do not mind living next door to Jamie & Rene Muters chickens.

Sincerely,

A handwritten signature in blue ink that reads "Lynn Petitpren". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lynn Petitpren
5768 Cliffside Dr.
Troy, MI 48085

**ANIMAL PERMIT APPLICATION
DOMESTIC, DANGEROUS, OR WILD ANIMALS
NOT REQUIRED FOR DOGS, CATS OR HOUSE PETS
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. DEPARTMENT WILL NOTIFY APPLICANT WHEN PERMIT IS READY TO ISSUE

PROPERTY ADDRESS: 5760 Cliffside Drive

APPLICANT INFORMATION:

NAME Jamie and Renée Muter

ADDRESS 5760 Cliffside Drive

CITY Troy STATE MI ZIP 48085

TELEPHONE 248-879-0877

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

Type of Animal	Number	Location
Hen (Chicken)	3	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.

APPLICATION DOCUMENTS SHOULD:

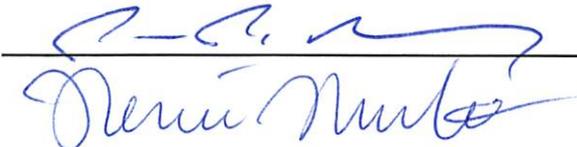
- Demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty.
- Demonstrate that the animals will be maintained in quarters constructed to prevent their escape.
- Demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- Demonstrate that he or she can comply with the ordinance.
- Property size is 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 Jamie J. Muter (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 10-30-15

DEFINITIONS

“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.

“Dangerous Animal” - A wild or feral animal, other than a dog or cat, which because of its size, aggressive nature or other characteristics constitutes a danger to persons or property.

“Wild Animal” – An animal that is not defined in this Chapter as a dangerous animal, domestic animal or house pet.

Chapter 90 - Animals

- d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- f) in the case of domestic animals, demonstrate to the Housing and Zoning Inspector that the lot or parcel that animals will be kept on is three-quarters ($\frac{3}{4}$) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The Housing and Zoning Inspector shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Housing and Zoning Inspector and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Housing and Zoning Inspector or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by a Housing and Zoning Inspector before and after the granting of the permit.

90.70.50 **Expiration of Permit. A permit shall expire:**

- a) **5 years from the date of issuance, or**

Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on January 22, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Patrick Carolan
Al Petruilis
Jayne Saeger
Steve Toth
Gretchen Waters

Also Present:

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

2. APPROVAL OF AGENDA

Motion by Toth
Second by Carolan

RESOLVED, to add "Election of Officers" to Agenda item 5, Other Business.

Yes: All

Motion by Petruilis
Second by Carolan

RESOLVED, to approve the agenda as amended

Yes: All

3. APPROVAL OF MINUTES

Moved by Petruilis
Seconded by Toth

RESOLVED, to approve the May 22, 2013 meeting minutes.

Yes: All

MOTION PASSED

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)

Mr. Evans presented the case. The applicant currently has an animal license for 1 chicken. For reasons that are not clear, the existing Animal Permit was issued in 2010 without conducting an Animal Control Appeals Board hearing in advance. No waiver for property size was ever granted. It appears the Muter’s did everything the City asked, and 2013 a nearby resident questioned the presence of chickens on the property. Since the license was issued in error, the appropriate action is to consider the waiver request.

Mr. Muter was present and gave the board a brief history of events related to the existing Animal License. He explained that in 2010, the City Clerk told him that even though the license stated “1 chicken”, it could be for any number of chickens. The chicken coop is designed for up to 3 chickens, and he does not want any more than that. He currently has hens, no roosters, and is not certain how long he wants to keep the animals.

The public hearing was opened.

- A resident residing on Rosebrook spoke against the request.
- Mr. Evans summarized written comments received: 3 supporting, 2 against.

The public hearing was closed.

The Board sought information from Mr. Muter including the age of the chickens, the condition of the coop, and confirmation the yard was fenced. The Board discussed the unique circumstance that the Animal License was issued due to a City error, the purpose of tonight’s hearing, the effects of the animals upon neighboring property, and the possible duration of the Animal License should a waiver be granted.

Motion by Carolan
Second by Toth

RESOLVED, to approve the request, because of the City error, with conditions:

- The license will expire September 17, 2015
- The license will be amended to allow 3 chickens

All: Yes

5. OTHER BUSINESS

Election of Officers

Motion by Petrulis
Second by Carolan

RESOLVED, to elect Jayne Saeger as Chair

Yes: All

Motion by Toth
Second by Carolan

RESOLVED, to elect Al Petrulis as Vice Chair

Yes: All

Motion by Petrulis
Second by Waters

RESOLVED, to elect Patrick Carolan as Secretary

Yes: All

2014 Meeting Dates

Motion by Petrulis
Second by Carolan

RESOLVED to move the November 26, 2014 meeting date to November 5, 2014.

Yes: All

6. ADJOURNMENT

The Animal Control Appeals Board meeting ADJOURNED at 8:03 p.m.

Respectfully submitted,

Jayne Saeger, Chair

Paul Evans, Zoning and Compliance Specialist

CITY OF TROY
MICHIGAN
PUBLIC NOTICE
ANIMAL CONTROL APPEAL BOARD

Notice is hereby given that the City of Troy Animal Control Appeal Board will hold Public Meetings at 7:00 p.m. in the Troy City Hall, 500 W. Big Beaver Road, Troy, Michigan, 48084, (248) 524-3364, on the following dates:

2016 ANIMAL CONTROL APPEAL BOARD MEETING DATES

January 27

March 23

May 25

July 27

September 28

November 30

This notice is hereby posted as required by Section 4 of the Open Meetings Act, (MCLA 15.261 et seq.).

Paul Evans, Zoning and Compliance Specialist

Posted: xxxx

***NOTICE:** Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at 248-524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*