Chair Saeger called the Animal Control Appeal Board meeting to order at 7:00 p.m. on November 28, 2012 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

2. APPROVAL OF AGENDA – No changes

3. APPROVAL OF MINUTES – September 26, 2012

Moved by Petrulis
Seconded by Carolan

RESOLVED, to approve the September 26, 2012 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASE

WAIVER REQUEST, EDWARD DOWNING, 4282 SUGAR GROVE – In order to keep up to 8 chickens, hens only, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .34 acres in size.

Mr. Downing presented a brief PowerPoint presentation reviewing the aspects of his request. His presentation showed an additional covered hoop structure used to house the chickens.

Chair Saeger opened the public hearing.

Two residents of Sugar Grove spoke in favor of the request.

Mr. Evans summarized written communications received by the Planning Department:

- One e-mail from a Sugar Grove resident in favor of the request.
- One letter from a Sugar Grove Court resident in favor of the request.
- One letter from 3 Frostwood Court residents not in favor of the request.

In response to one letter, Mr. Evans advised that the Board's decision tonight would not set a precedent, and that the Board was obligated to consider each waiver request on its own merits.

In response to public hearing comments, Mr. Downing offered that the hoop house is 6'4" tall, it would be removed during the summer, and that a 6' high fence would be erected around the area devoted to the chickens. He advised he was not aware of chickens roaming off his property.

Member Carolan distributed a copy of the Building and Use Restrictions for Greentrees East Subdivision, advising a neighborhood resident asked him to do such. Member Carolan directed everyone to the portion of the Restrictions that prohibited chickens in the Subdivision.

Ms. Lancaster advised that the Board could not consider the Restrictions, as the City has no authority to enforce it. Ms. Lancaster also advised that the neighborhood resident who had the concern should have either brought the information to the Planning Department or attended the meeting. This way all Board members could have received the same information at the same time.

There was discussion among the applicant, and the Board. Member Carolan advised he had conversation with the neighborhood resident. In order to avoid any appearance of impropriety, Member Carolan advised he would abstain from voting.* The rest of the Board agreed this would be acceptable.

Chair Saeger closed the public hearing.

Member Petrulis commented that lot size is a consideration for the Board. Member Toth advised that information and opinions from neighborhood residents are also a Board consideration.

Motion by Petrulis
Seconded by Toth

RESOLVED to deny the request because the property is not .75 of an acre in size.

Yes: Toth, Waters, Petrulis, Saeger
Abstain: Carolan

MOTION PASSED

* Member Carolan was silent for the remainder of this agenda item.

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

Respectfully submitted,

Jayne Saeger

Jayne Saeger, Chair

Paul Evans

Paul Evans, Zoning and Compliance Specialist

G:\Animals\Animal Control Appeal Board\Minutes\2012\Final\2012 11 28 Final.doc