

## 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.

## RESOLUTION TEMPLATE

Moved by:

Seconded by:

**RESOLVED**, That the waiver request for [applicant name, company, address or location], for waiver of [request],

*Be granted for the following reasons:*

That the applicant has demonstrated:

1. That the animals will be treated humanely and will not be neglected or treated with cruelty, and
2. The animals will be maintained in quarters constructed to prevent their escape, and
3. That reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
4. That the animals will not be loud or likely be detrimental to the neighborhood.
5. Other [indicate reason(s)]

*Be denied for the following reason(s):*

1. That the animals will may not be treated humanely and/or will be neglected or treated with cruelty, and /or
2. The animals will not be maintained in quarters constructed to prevent their escape, and/or
3. That reasonable precautions have not been taken to protect the public from the animals and the animals from the public, and/or
4. That the animals may be loud and/or
5. That the animals will likely be detrimental to the neighborhood due to [indicate reason(s)]. and/or
6. Other [indicate reason(s)]

*Be postponed for the following reasons:*

Yeas:

Nays:

**MOTION CARRIED / FAILED**



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

Planning Department  
[planning@troymi.gov](mailto:planning@troymi.gov)  
248.524.3364

# ANIMAL CONTROL APPEAL BOARD MEETING AGENDA

Jayne Saeger, Chair, Al Petrulis, Vice Chair  
Patrick K. Carolan, Patrick Floch, Gretchen Waters

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**July 25, 2018**

**7:00 P.M.**

**Lower Level Conference Room**

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1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – May 23, 2018
4. HEARING OF CASES
  - A. 1353 MAIDSON, MACY JACKSON, WAIVER REQUEST – In order to keep 3 chickens, primarily indoors, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .26 acres in size.
  - B. 1896 BEECH LANE, PAUL DHUVAN, WAIVER REQUEST – In order to keep 2 honeybee hives, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .3 acres in size.
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](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.

Vice Chair Petrulis called the Animal Control Appeal Board meeting to order at 7:00 p.m. on May 23, 2018 in the Troy City Hall Lower Level Conference Room.

1. ROLL CALL

Present:

Patrick Carolan  
Patrick Floch  
Al Petrulis  
Gretchen Waters

Absent:

Jayne Saeger

Also Present:

Paul Evans, Zoning & Compliance Specialist  
Nicole MacMillan, Assistant City Attorney  
Michael Szuminski, Troy Police Department

2. APPROVAL OF AGENDA

MOTION by Carolan  
SECOND by Floch

RESOLVED, to approve the agenda as submitted.

Yes: All

MOTION PASSED

3. APPROVAL OF MINUTES

MOTION by Carolan  
SECOND by Floch

RESOLVED, to approve the January 24, 2018 meeting minutes.

Yes: All

MOTION PASSED

4. HEARING OF CASES

A. 1411 FALCON, LORI SCHULTZ, WAIVER REQUEST – In order to keep 4 chickens, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .58 acres in size

Vice Chair Petrulis introduced the case and asked the applicant to address the Board.

Ms. Schultz indicated her daughter would be the one raising the chickens. She enumerated her daughter’s experience raising and showing animals through 4H.

Responding to Board Member questions, Ms. Schultz clarified coop location, confirmed 7 neighbors they spoke to all approved the request, and that the animals could potentially be present until her daughter begins college.

Mr. Evans confirmed that the City received no written comments.

Vice Chair Petrulis opened public comment. No person spoke. Vice Chair closed public comment.

Mr. Floch indicated he was open to approval for a finite period. Ms. Schultz and her daughter indicated the chickens would be sold at market on July 6, 2018.

MOTION by Carolan  
SECOND by Waters

RESOLVED, to grant the request subject to the animals being sold by July 6, 2018 at the Oakland County fair.

MOTION BY Carolan  
SECOND by Floch

RESOLVED TO AMEND THE MOTION, that there be no more than 6 chickens on the property.

Yes: All

MOTION GRANTED

- B. **1353 MADISON, MACY JACKSON, WAIVER REQUEST** – 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 .26 acres in size.

Mr. Evans advised the Board that the property is .26 acres, not the .58 acres in size as indicated on the agenda.

Vice Chair Petrulis introduced the case and asked the applicant to address the Board.

Applicant Macy Jackson enumerated her experience and passion for raising chickens. The chicks are currently on site. She spoke to her neighbors, they approve the proposal. She could get letters of approval if desired. She hopes to keep the chickens on site until she completes college and moves out. The chickens are for eggs, not for eating.

Responding to Board member questions, Ms. Jackson confirmed property size, modified coop location, construction status of the coop, location of existing chain link fence, and that two of her neighbors were satisfied with the proposal.

Vice Chair Petrulis noted that no members of the public were present.

Ms. Waters indicated a desire to see three approval letters from neighbors.

Vice Chair Petrulis indicated that lots in the neighborhood were small and densely situated, and that he believed were not appropriate for chickens.

Mr. Floch indicated concerns about attracting coyotes, small lots, and setting precedent if they were to grant.

Mr. Carolan indicated that .26 acres was too small for the request.

MOTION by Carolan

SECOND by Floch

RESOLVED, to deny request due to small lot size and that the chickens were to be re-housed offsite within 30 days.

YES: All

MOTION PASSED

5. OTHER BUSINESS – None

6. ADJOURNMENT

Vice Chair Petrulis adjourned the meeting at 8:03 p.m.

Respectfully submitted,

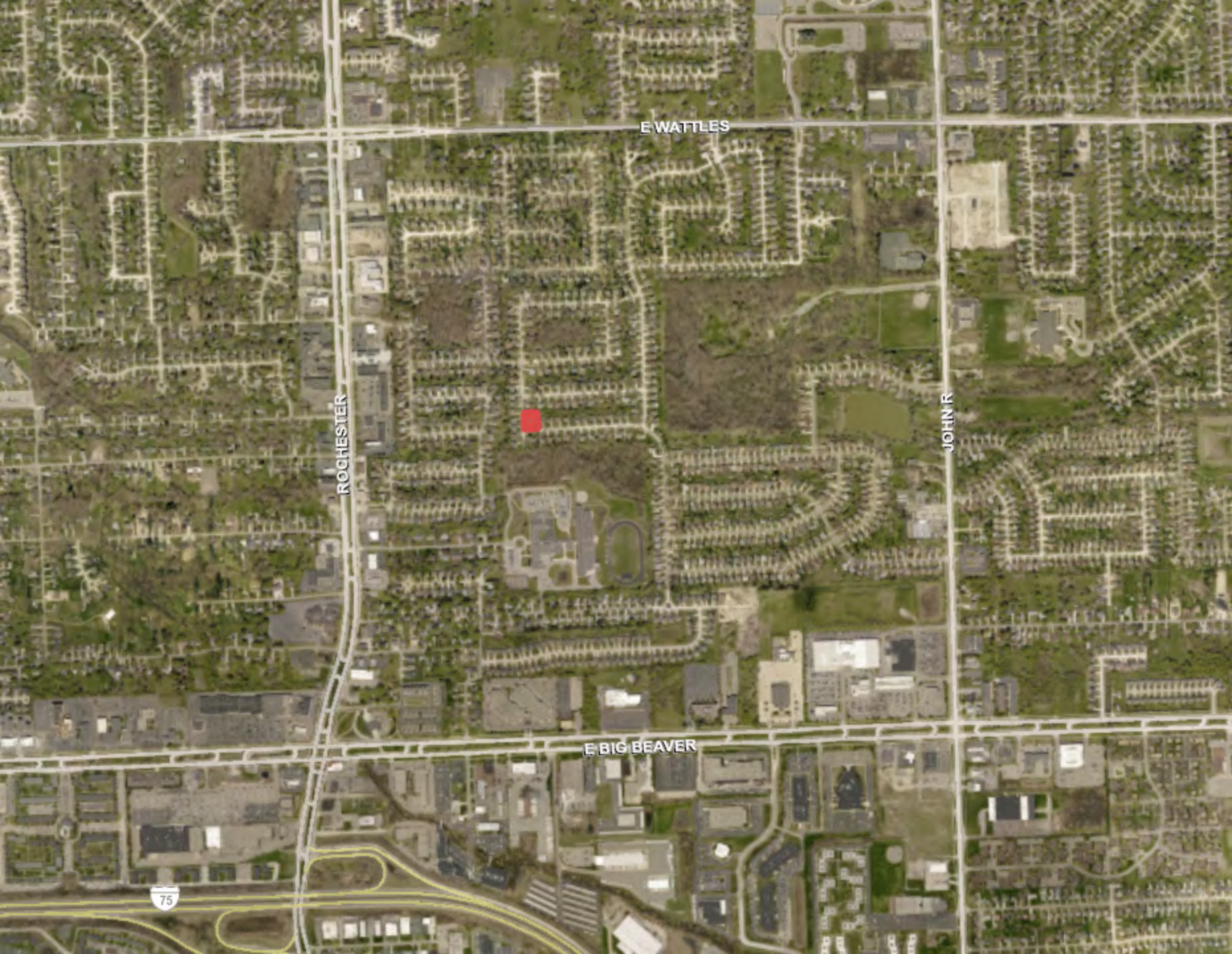
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Al Petrulis, Vice Chair

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Paul Evans, Zoning & Compliance Specialist

A. **1353 MAIDSON, MACY JACKSON, WAIVER REQUEST** – In order to keep 3 chickens, primarily indoors, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .26 acres in size.



E WATTLES

ROCHESTER

JOHN R

E BIG BEAVER

75





3546

3553

PEACHTREE

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WAKEFIELD

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3522

3529

MADISON

14

3521

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1376

1384

3513

3501

7

29

21

WAKEFIELD

13

1

1



13553

13661

13669

MADISON

# 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.** 2017 MEETING DATES ARE ON PAGE 2.

PROPERTY ADDRESS: 1353 MADISON DRIVE

APPLICANT: TRACY JACKSON

NAME TRACY JACKSON

ADDRESS 1353 MADISON DRIVE

CITY Troy STATE MI ZIP 48083

PHONE 248.568.7642

E-MAIL tracyjackson@wlcsl.org

PROPERTY OWNER (if different than applicant):

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

**APPLICATION DOCUMENTS REQUIRED:**

- Written narrative describing your request.
- Site plan or property survey showing the location of buildings/structures intended to house animal(s)
- Dimensioned sketches or drawings of building, structures and/or other enclosures, including fences.
- Sample photos of proposed building, structures, and/or other enclosures including fences.
- Anything else that will explain what is proposed

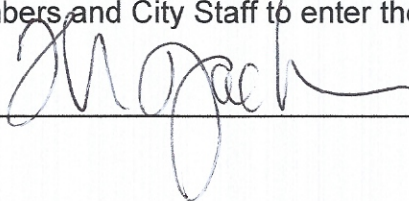
**E-mail signed application and supporting documents to planning@troymi.gov**

Questions? Contact Paul Evans, Zoning & Compliance Specialist

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

**PERMISSION TO INSPECT PREMISES**

I, TRACY JACKSON (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.

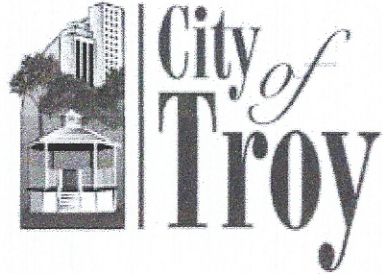
APPLICANT SIGNATURE  DATE 6.27.18

**2017 ANIMAL CONTROL APPEAL BOARD MEETING DATES**

- January 25
- March 22
- May 24
- July 26
- September 27
- November 29

**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](mailto:evanspm@troymi.gov)  
ANIMAL ORDINANCE ONLINE [Ctrl+click here](#)



**APPLY VIA E-MAIL - INSTRUCTIONS**

1. COMPLETE APPLICATION AND SAVE TO YOUR DEVICE .
2. E-MAIL APPLICATION AND ALL SUPPORTING DOCUMENTS TO PAUL EVANS AT [evanspm@troymi.gov](mailto:evanspm@troymi.gov)
3. PAUL WILL NOTIFY APPLICANT WHEN PERMIT IS READY TO ISSUE. YOU MAY PAY FOR THE PERMIT AT THAT TIME.

PROPERTY ADDRESS: 1353 MADISON DR

APPLICANT INFORMATION:

NAME TRACY JACKSON

ADDRESS 1353 MADISON DR

CITY Troy STATE Mi ZIP 48083

TELEPHONE 248.568.7642

E-MAIL tracyjackson@wlesd.org

Type of Animal	Number	Location
BANTAM CHICKEN	3	HOME

**APPLICATION DOCUMENTS REQUIRED**

- Site plan or property survey showing the location of buildings/structures intended to house animal(s)
- Dimensioned sketches or drawings of building, structures and/or other enclosures, including fences.
- Sample photos of proposed building, structures, and/or other enclosures including fences.
- Anything else that will explain what is proposed

**APPLICATION DOCUMENTS SHOULD DEMONSTRATE THE FOLLOWING**

- That the animals will be treated humanely and will not be neglected or treated with cruelty.
- That the animals will be maintained in quarters constructed to prevent their escape.
- That reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- That applicant can comply with the ordinance.
- That property size is at least ¾ of an acre.

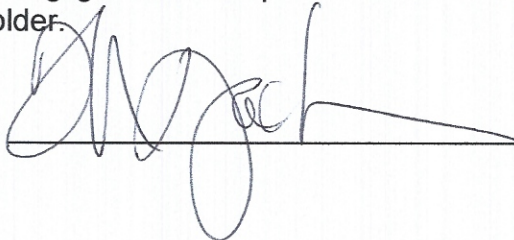
**PERMISSION TO INSPECT PREMISES**

Applicant’s signature below authorizes representatives of the City of Troy to make such inspections in connection with application as is deemed necessary.

**HOLD HARMLESS AND INDEMNIFICATION:**

I TRAY JACKSON (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**

6.18.2018

**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.

Our experience raising chickens began several years ago when my sister gave my daughters chicks on Easter. We brought them home, created a space for them, and proceeded to foster them into adulthood. Eventually, those birds were returned to my sister, however that began our interest in these unconventional but amiable and affectionate pets. Since then, we have hatched and fostered birds as part of my children's Troy Schools education. Recently, we made the decision to adopt birds with the intention of having them as permanent family pets, which is what has brought me to this point in the process of becoming a chicken owner.

In an effort to be responsible pet owners, my family has arranged for multiple spaces within our home for our birds to have comfortable nesting boxes, a roomy enclosure, and also a perch area.

We realize that birds, and more specifically chickens, are out-of-the-ordinary pets and that there may be questions about our interest and choice. Our interactions with these birds has been a bit surprising to us. Initially, we didn't realize that they would become attached and responsive to us, much like other, more traditional pets, but we quickly learned that they are quite social and enjoy human interaction.

We are excited to welcome these new pets into our home with board approval.

In preparing for this appeal and considering that lot size seems to have been the primary reason for past denials, I researched the history of Troy's ordinance and found that its origin goes back to 1973. The original wording included *horses, cows, steers, ponies, mules, donkeys, sheep, swine, and goats*, all of which are larger in stature than chickens and other birds and all of which require land to graze. Additionally, many of the permit requests at that time were for the aforementioned animals. It was not until 2007 that the ordinance was amended to include *chickens* and *geese*. At that time, it was only the inclusion of additional animals that changed; the land requirement did not, though the amount of land necessary to responsibly and humanely keep birds is different than that of livestock. According to [certifiedhumane.org](http://certifiedhumane.org), which is supported by the ASPCA, the space recommended for 2-3 chickens is approximately .0075 acres. The recommended coop size is approximately 10 square feet. Our property and bird accommodations are well within those ranges.

In the past two years, there have been several requests to keep a variety of birds on various properties in Troy. Of those requests, all have been for greater than the 3 birds I am hoping to adopt.

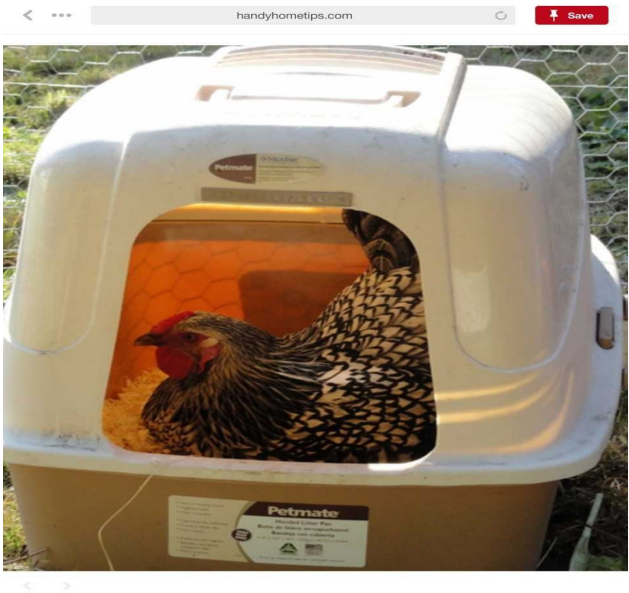
The board has heard those requests and had discussions based on the individual merit of each request.

My request is unique in that my birds will be kept primarily as pets and housed, for the most part, indoors. The exception to this would be immediately and directly supervised play time in our fenced yard. In this context, supervision means that a family member will be present and outside with our birds when they are in the yard.

In conclusion, the scope of this request is substantially different from those the board has previously heard; the attention to, happiness of, and health of the animals has been consciously considered; the quarters in which the animals will be housed effectively encloses them and protects them; and the animals will not be a nuisance to the immediate neighbors in surrounding properties.





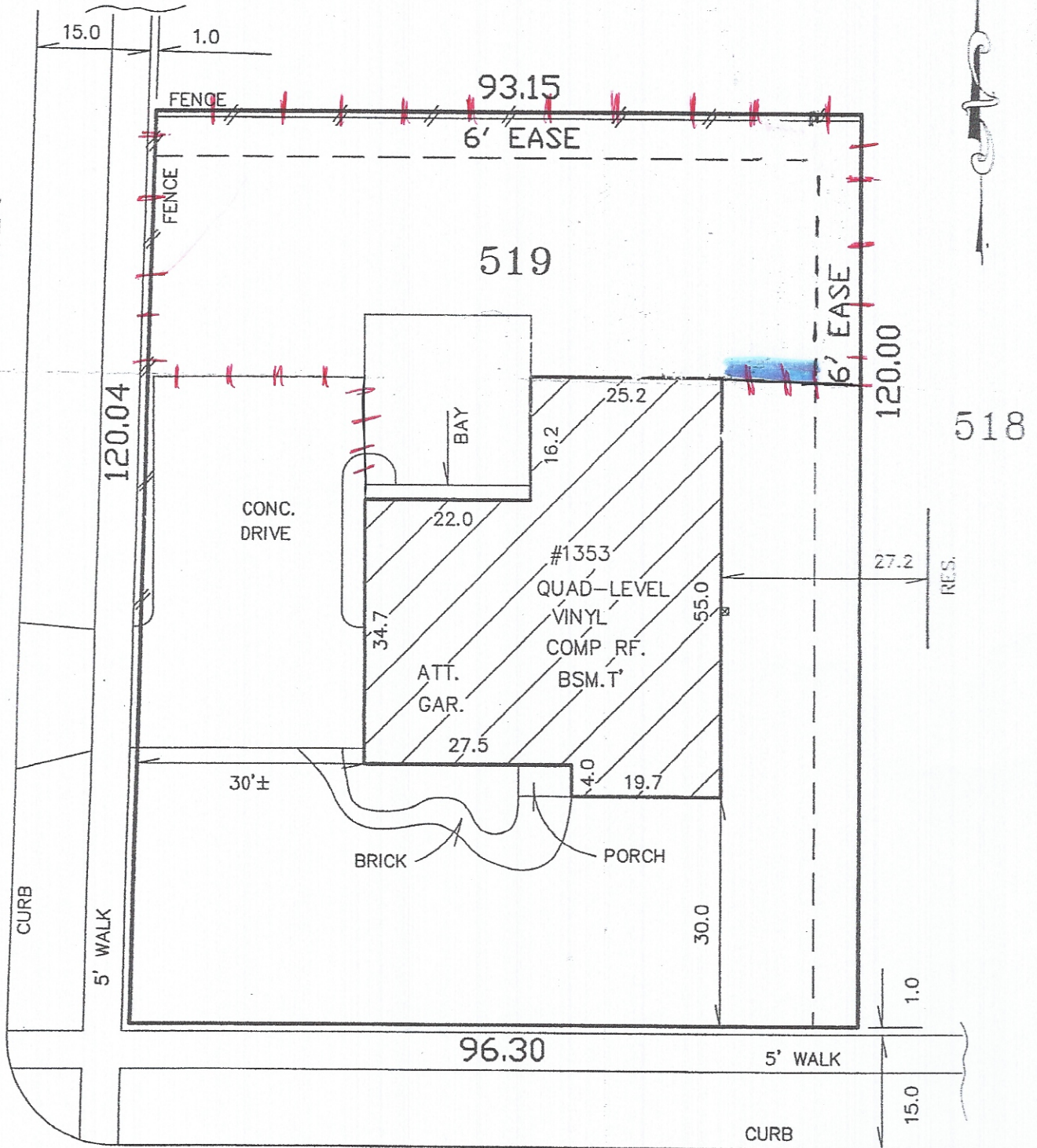




**HUNTINGTON MORTGAGE GROUP**

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000  
 LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

Lot 519, "RAINTREE VILLAGE SUB. NO. 2" part of the North 1/2 of Section 23, T.2 N., R.11 E.,  
 City of Troy, Oakland County, Michigan. Recorded in Liber 139 of Plats, Pages 1, 2 and 3 of  
 Oakland County Records.

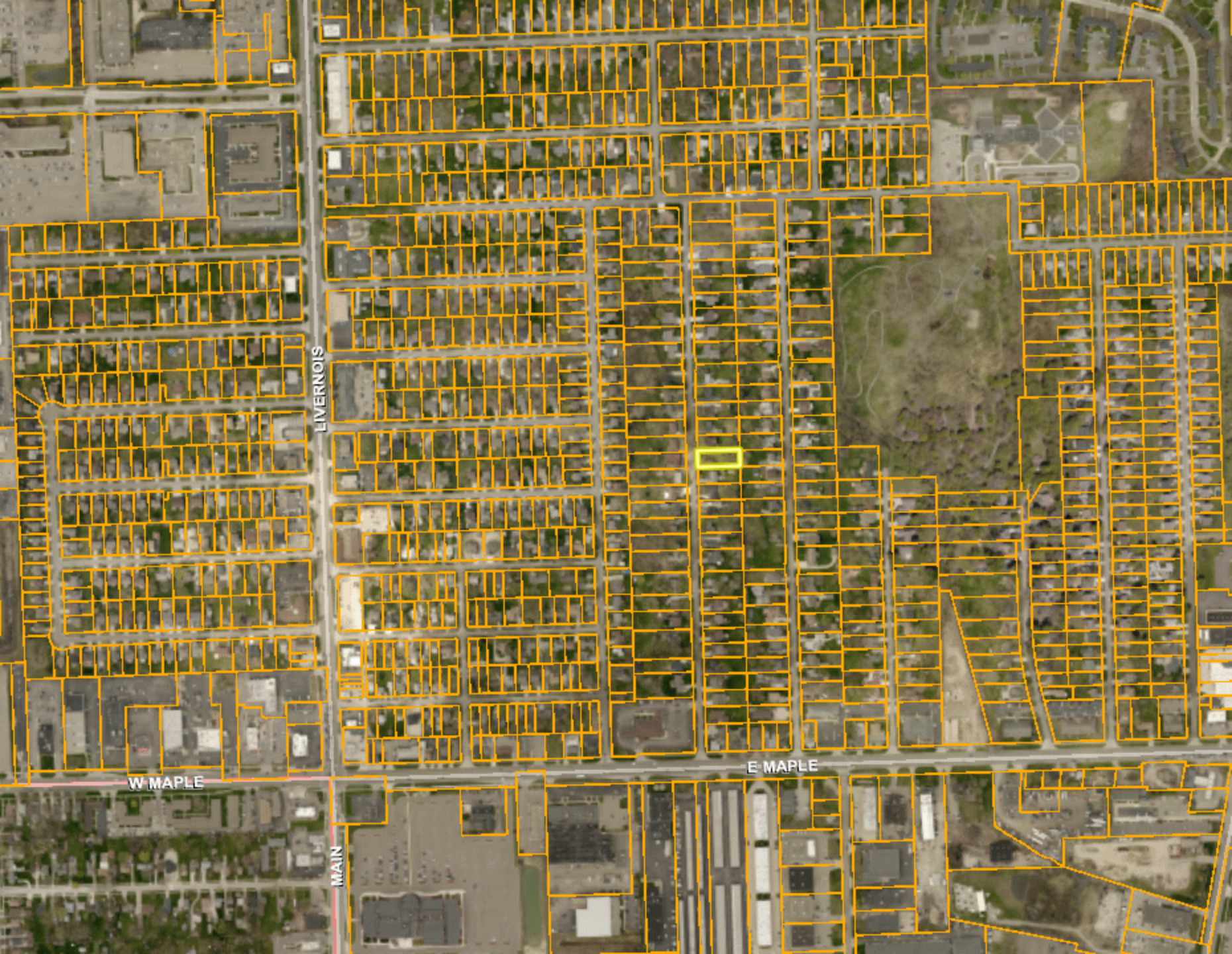


**MADISON DR. 60' WD.**

CERTIFICATE: We hereby certify to: HUNTINGTON MORTGAGE GROUP, ITS SUCCESSORS AND/OR ITS ASSIGNS  
 that we have inspected the above-described property in accordance with the description furnished and confirmed to  
 be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by  
JEFFREY JACKSON AND TRACY JACKSON

mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the  
 adjoining property encroach upon the property heretofore described, except as shown. The location of fences, driveways.

**B. 1896 BEECH LANE, PAUL DHRUVAN, WAIVER REQUEST** – In order to keep 2 honeybee hives, a waiver from the requirement that the property be at least .75 of an acre in size. The property is approximately .3 acres in size.

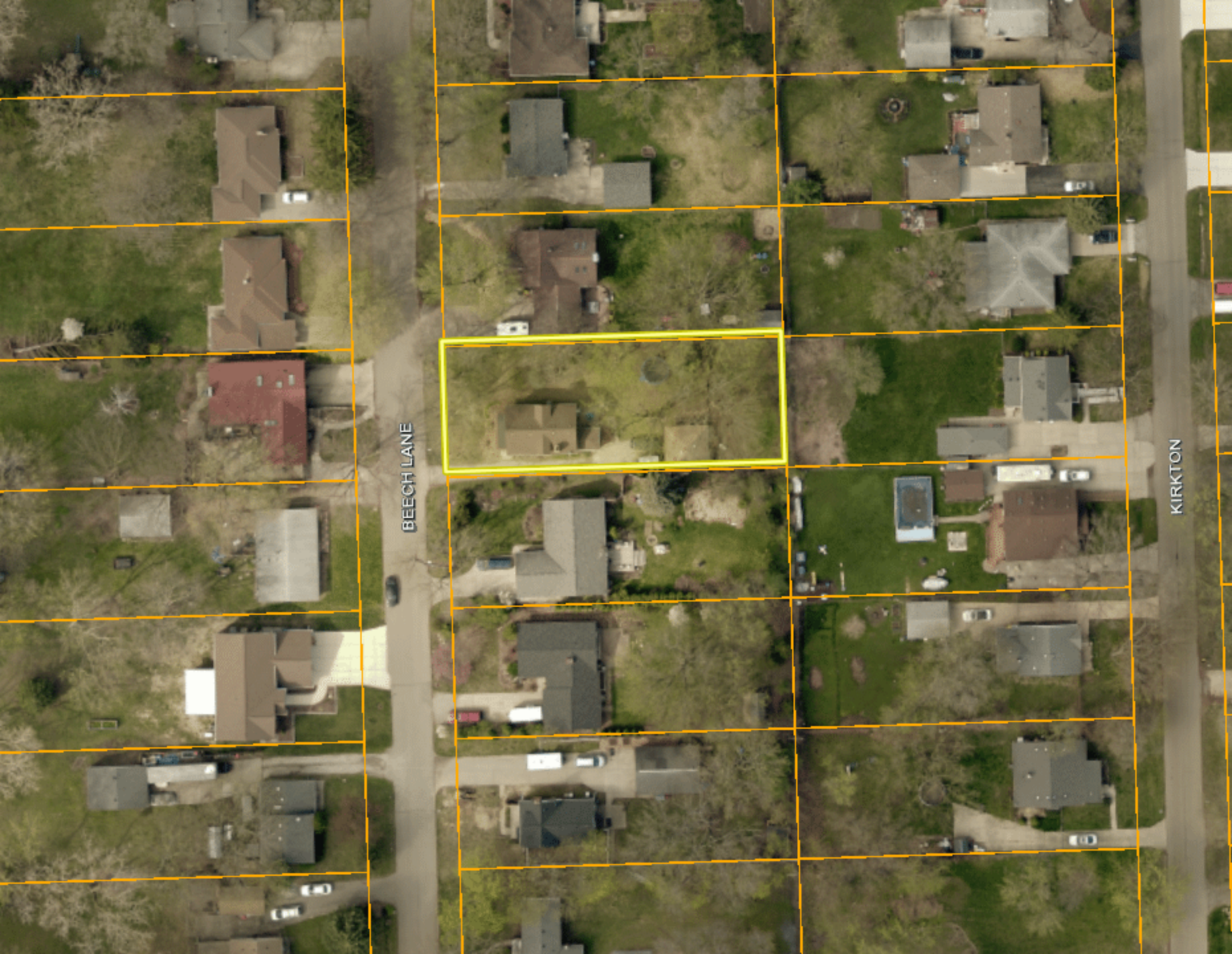


W MAPLE

LIVERNOIS

MAIN

E MAPLE



BEECH LANE

KIRKTON

**ANIMAL APPEAL APPLICATION**

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



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PROPERTY ADDRESS: 1896 Beech Lane Drive, Troy MI 48083

APPLICANT:

NAME Paul Dhruvan

ADDRESS 1896 Beech Lane Drive

CITY Troy STATE MI ZIP 48083

PHONE 248-877-9823

E-MAIL pdhruvan@gmail.com

PROPERTY OWNER (if different than applicant):

NAME SAME

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_



**APPLICATION DOCUMENTS REQUIRED:**

- Written narrative describing your request.
- Site plan or property survey showing the location of buildings/structures intended to house animal(s)
- Dimensioned sketches or drawings of building, structures and/or other enclosures, including fences.
- Sample photos of proposed building, structures, and/or other enclosures including fences.
- Anything else that will explain what is proposed


**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, Paul Dhruvan (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 7/3/2018

**2017 ANIMAL CONTROL APPEAL BOARD MEETING DATES**

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- March 22
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Paul Dhruvan  
City of Troy – Animal Appeal Application

To: City of Troy Animal Appeal Board

Hello. I am applying to this board to allow me to keep two honey bee hives at my home at 1896 Beech Lane Drive. Our home is approximately 1/3 of an acre.

The bees are located in the back of the property. I learned from our back yard neighbor (Kirkton side) that in the 1970's a previous home owner also honey bees here.

I chose to have honey bees for the purpose of generating local honey. It is for my personal use and is not a business. I have discovered that eating local honey has substantially relieved my seasonal allergies. In order to benefit from honey, it needs to be from bees raised locally.

Honey bees have other benefits to the community as they pollenate flowers and other plants and gardens.

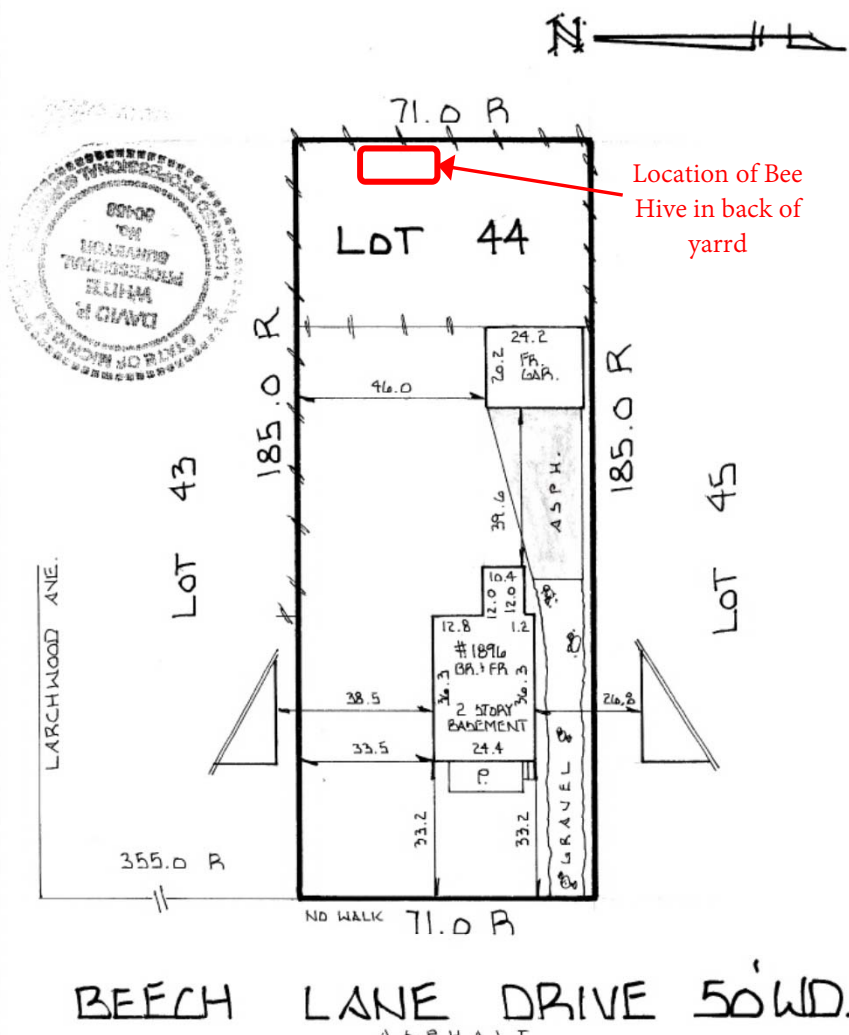
You can observe that the bees do not create a nuisance. We have four kids and they continue to play in our back yard without any issues with the bees.

Thank you.

Paul Dhruvan  
 City of Troy – Animal Appeal Application

McNEELY & LINCOLN ASSOCIATES, INC. 37741 Pembroke, Livonia, MI 48152 (734) 432-9777 Fax (734) 432-9786

Description: Lot 44, "COUNCIL HEIGHTS" located on the East 1/2 of the Southwest 1/4 of Section 27, T.2N., R.11E., Troy Township, Oakland County, Michigan. Recorded in Liber 18 of Plats on Page 8, Oakland County Records.



BEECH LANE DRIVE 50' WD.  
 ASPHALT

MORTGAGE CERTIFICATE

We hereby certify to Quicken Loans, Inc.  
 a mortgage lender, and certify to all Title Insurance Companies for the purpose of a mortgage loan to be made by said lender to

Paul Dhruvan

that we have measured the property herein described: that there are located entirely thereon building(s) and improvement(s) and that said building(s) and improvement(s) are within the property lines and that there are no existing encroachments upon the land and property described, except as shown. LEGAL DESCRIPTION PROVIDED BY OTHERS.

\*This mortgage certificate was prepared specifically for IDENTIFICATION PURPOSES for the sole use of the mortgage and Title Insurance Companies disclosed hereon. Nothing herein shall be construed to give any rights or benefits to the present or future land owners or occupants. This certificate is not intended nor represented to be a land boundary or property line survey and is not to be used to establish property lines, easements, public right-of-way, building lines, conformity or non-conformity to State, County or local ordinances and/or codes, etc. No boundary markers were set.

Job No 11-16-3 Scale: 1"= 30' Date November 4, 2016 Final:

Copyright 2016 by McNeely & Lincoln Associates, Inc. By Paul Dhruvan

This picture shows the two bee hives in the back yard

There are two hive boxes sitting next to each other approximately 12" off the ground so that I can cut the grass around them

In the far back, you can see our backyard neighbor's house (white) to the east (located on Kirkland)



This picture shows a view from the side.

The red wood fence in the background is the property line between our home and our neighbor to the south



This picture shows a view from the back of our property facing towards the street.

To the left, you can see our garage

In the middle, you can see our house (red brick)

To the right, you can see the neighbor's house to the north



There are two bee hives sitting side by side.

Each hive is approximately 16” wide by 20” deep. The height of the hive varies over the season and will range from approximately 20” tall in the early spring to approximately 48” in the late summer (when the “honey suppers” are on).

For example, in the pictures here, each hive is two boxes tall with a cover. In this picture, the boxes call honey supers have not yet been added. As the bees make honey, boxes are added to give the bees space to make and store honey. When the bees are done making honey for the season, the honey boxes on the top are removed.