

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 a compelling reason to deviate from the requirements set forth in the City's Ordinance. This compelling reason(s) is/are _____.

In addition, the Board finds that the following factors have been satisfied:

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.

Be denied because there is not a compelling reason for this Board to deviate from the requirements set forth in the City's Ordinance.

(OPTIONAL) In addition, the Board finds:

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
248.524.3364

ANIMAL CONTROL APPEAL BOARD MEETING AGENDA

Jayne Saeger, Chair, Al Petrulis, Vice Chair
Patrick K. Carolan, Doug Dombrowski, Patrick Floch

March 24, 2021

7:00 P.M.

Remote Meeting

Public Comment may be communicated to the Animal Control Appeal Board via telephone voice mail by calling 248-524-1319 or by sending an email to ACBPublicComments@troymi.gov. All comments will be provided to the Animal Control Appeal Board members. All comments must be received by 4 pm the day of the meeting.

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – January 27, 2021
4. PROCEDURE
5. HEARING OF CASES:
 - A. 114 LYONS, ROBIN NEWSOME: In order to keep 2 chickens, a waiver from the requirement that a property be at least .75 acres in area. The property is approximately .14 acres in area.
6. OTHER BUSINESS –
 - a. Troy City Code Chapter 90.
 - b. Public Comment received after January 27, 2021 meeting
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 7:01pm on January 27, 2021 via remote meeting utilizing the GoTo Meeting platform.

1. ROLL CALL

Present:

Patrick Carolan
Patrick Floch
Al Petrulis
Jayne Saeger
Doug Dombrowski

Also Present:

Jackie Ferencz, Administrative Assistant, Planning Department
Nicole MacMillan, Assistant City Attorney
Michael Szuminski, Troy Police Department

2. RESOLUTION TO ALLOW ANIMAL CONTROL APPEALS BOARD MEETINGS ELECTRONICALLY

MOTION by Floch
SECOND: Carolan

RESOLVED to allow Animal Control Appeals Board Meetings Electronically

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA- Item 6 is withdrawn

MOTION by Carolan
SECOND by Floch

RESOLVED, to approve the agenda with item 6 withdrawn.

Yes: All

MOTION PASSED

4. APPROVAL OF MINUTES

MOTION by Petrulis
SECOND by Dombrowski

RESOLVED, to approve the September 25, 2019 meeting minutes.

Yes: All

MOTION PASSED

5. REVIEW AND APPROVAL OF NEW PROCEDURE

MOTION by Carolan
SECOND by Petrulis

RESOLVED, to approve the New Meeting Procedure as presented

Yes: All

MOTION PASSED

6. HEARING OF CASES

WAIVER REQUEST, 1875 EASTPORT, MARY SCHINGS: In order to keep 3 chickens, a waiver from the requirement that the property be at least .75 acres in area. The property is approximately .6 acres in area.

Chair Saeger introduced the case and Mr. Evans provided an overview presentation. Applicant, Mary Schings, provided input on case request.

Chair Saeger opened the public hearing. Ms. Ferencz, read the emails submitted for this case and dictated the voicemails.

Chair Saeger closed public comment.

Board members discussed.

MOTION by Dombrowski
SECOND by Petrulis

(Board member Carolan not present in meeting due to technical difficulties)

RESOLVED to approve the petitioner's request with condition, if a confirmed complaint from a neighbor within 300 feet is processed by City of Troy Code Enforcement, the petition will go back to the ACAB board for review.

Yes: Saeger
Dombrowski
Petrulis

No: Flock

Absent: Carolan

MOTION PASSED

WAIVER REQUEST, 2197 BURDIC, DOINA IANCHIS: In order to keep up to 6 chickens, a waiver from the requirement that the property be at least .75 acres in area. The property is approximately .36 acres in area.

Chair Saeger introduced the case and Mr. Evans provided an overview presentation. Applicants Doina Ianchis and son, Adrian Anachis, provided input on case request.

Chair Saeger opened the public hearing. Ms. Ferencz, read the emails submitted for this case and dictated the voicemails.

Chair Saeger closed public comment.

Board members discussed.

MOTION by Dombrowski
SECOND by Petrulis

RESOLVED, to deny the petitioner's request.

Yes: All

MOTION Passes

Chair Saeger requested a 5 minutes recess to begin at 8:21pm

WAIVER REQUEST, 3837 FERNLEIGH, PASHKO AND TEREZA IVEZAJ: In order to keep 12 chickens, 1) a waiver from the requirement that the property be at least .75 acres in area. The property is approximately .69 acres in area, and 2) Appeals the Housing & Zoning Inspector's decision to limit the number of chickens allowed by an Animal Permit to ten.

Chair Saeger introduced the case. Mr. Evans provided an overview presentation. Applicant Tereza Ivezaj, provided input on her case.

Chair Saeger opened the public hearing. Ms. Ferencz read the emails submitted for this case and dictated the voicemails.

Chair Saeger closed public comment.

Board members discussed.

MOTION by Dombrowski
SECOND by Petrulis

RESOLVED, to deny the petitioner's request.

Yes: All

MOTION Passes

WAIVER REQUEST, 6862 HIGH OAKS, MICHAEL WEISS: In order to keep up to 5 chickens, a waiver from the requirement that the property be at least .75 acres in area. The property is approximately .37 acres in area.

Chair Saeger introduced the case and Mr. Evans provided an overview presentation. Applicant Michael Weiss, provided input on case request.

Chair Saeger opened the public hearing. Ms. Ferencz read the emails submitted for this case.

Mr. Weiss interjected stating to Chair Saeger he wished to withdraw his waiver request at this time.

Assistant City Attorney, Nicole MacMillan explained to Mr. Weiss what a withdraw of a case meant and what his rights were in requesting public records of this case.

Chair Saeger closed public comment.

WAIVER REQUEST, 2223 TUCKER, OLLIE APHIDEAN: Appeals the Housing & Zoning Inspector's decision to limit the number of chickens allowed by an Animal Permit to ten, in order to have an unlimited number of chickens.

Chair Saeger introduced the case and Mr. Evans provided an overview presentation. Applicant, Ollie Aphidean, provided input on case request.

Chair Saeger opened the public hearing. Ms. Ferencz read the emails submitted for this case and dictated the voicemails.

Chair Saeger closed public comment.

Board members discussed.

MOTION by Dombrowski
SECOND by Floch

RESOLVED, to deny applicant's appeal.

Yes: All

MOTION Passes

OTHER BUSINESS – 1) Election of Chair and Vice Chair, 2) Troy City Code Chapter 90, 3) Proposed 2021 meeting schedule

1) Election of Chair and Vice Chair

MOTION by Petrulis
SECOND by Floch

RESOLVED, Jayne Saeger be nominated as Animal Control Appeal Board Chair.

Yes: All
MOTION Passes

MOTION by Floch
SECOND by Saeger

RESOLVED, Al Petrulis be nominated as Animal Control Appeal Board, Co- Chair.

Yes: All

MOTION Passes

- 2) Troy City Code Chapter 90- introduced by Dombrowski.
- 3) Proposed 2021 Meeting Schedule

6. ADJOURNMENT

Chair Saeger adjourned the meeting at 11:45 p.m.

Respectfully submitted,

Jayne Saeger, Chair

Paul Evans, Zoning Administrator

G:\Animals\Animal Control Appeal Board\MINUTES\2021\MINUTES TEMPLATE FOR RECORDING.doc

- I. "Opportunities" in the existing ordinance
 - a. Livestock is still allowed.
 - i. Cows & horses need 2+ 1 acres to graze.
 - b. ¾ acre requirement appears to have no basis.
 - i. Was it a subjective estimate by the developers of the original ordinance?
 - ii. What about lot shape?
 - c. The wording of sec 90.70.20.f. gives false hope to someone with <3/4 acre.
 - i. *"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."*
 - ii. Without the promulgations being public, a person is inclined to believe that if they present a reasonable case, the Appeals Board will decide in their favor.
 - iii. Of the 23 cases brought before the Board over the last 10 years, 20 have been for chickens & ¾ acre, only 3 were approved with 0.72-0.74 with contingencies
 - d. Lack of regulations for animals regarding the public
 - i. Handling of waste
 - ii. Rodent/varmint prevention
 - iii. Restriction on roosters
 - iv. Proximity of shelters and coops to neighbors
 - v. Welfare/safety of the animals
 - e. The topic of chickens repeats over and over. Interest in the hobby is growing.
 - i. Of 34 other cities in MI that allow chickens, only Troy & Rochester cite >3/4 acre
 - 1. The others cite distance to neighbors and have much, much better regulations in place governing the keeping of the birds on any size lot.
- II. The animal ordinance needs to be improved.
 - a. No livestock
 - b. Promulgations published
 - c. Appellate clause should be clarified. For Example:

The Board shall not approve an application for a variance unless it has been found positively that:

1.The strict enforcement of the Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners

2.The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties

3.The conditions and circumstances unique to the property were not created by the owner, or his/her predecessor

4.The requested variance will not confer special privileges that are denied other properties

5.The requested variance will not be contrary to the spirit and intent of the Ordinance

- d. $\frac{3}{4}$ acre replaced with distance
 - i. A minimum amount to neighboring residences
 - ii. A minimum distance to property lines
 - e. Tighter regulations on the keeping domestic animals to prevent complaints
 - i. Consideration for what the ordinance tolerates of dogs and cats
 - f. With these things, a few chickens can be allowed on a typical size lot
 - i. Trial period
- III. Motion to conduct a review of options

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. Then the City Administration will summarize the facts of the case. 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 Public Hearing. Administration will present public comments to the Board.

At the conclusion of public comments, the Chair will close 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 are needed. The decision of the Board is final.



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48084 | 248-524-3364

Animal Appeal Application

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 **28 DAYS BEFORE THE MEETING DATE.** 2021 MEETING DATES ARE ON PAGE 2.

PROPERTY ADDRESS: 114 Lyons

APPLICANT:

NAME Robin Newsome

ADDRESS 114 Lyons

CITY Troy STATE MI ZIP 48083

PHONE 248-275-3812

E-MAIL Rdbmarkn@aol.com

PROPERTY OWNER (if different than applicant):

NAME Mark Newsome

ADDRESS 114 Lyons

CITY Troy STATE MI ZIP 48083

PHONE 248 275-3813

E-MAIL Newsomem5@gmail.com



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48064 | 248-524-3364

Animal Appeal Application

APPLICATION DOCUMENTS REQUIRED:

- Written narrative describing your request
- Written response explaining how the request will Satisfy the Minimum Four Criteria below.
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

THE BOARD MUST FIND THE FOLLOWING MINIMUM FOUR CRITERIA HAVE BEEN SATISFIED:

- That the animals will be treated humanely and will not be neglected or treated with cruelty, and
- The animals will be maintained in quarters constructed to prevent their escape, and
- That reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- That the animals will not be loud or likely be detrimental to the neighborhood.

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

Questions? Contact Paul Evans, Zoning & Compliance Specialist

- (248) 524-3364
- planning@troymi.gov.

PERMISSION TO INSPECT PREMISES

I, Robin Newsome (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 Robin Newsome DATE 2/15/2021

2021 ANIMAL CONTROL APPEAL BOARD MEETING DATES

January 27

March 24

May 26

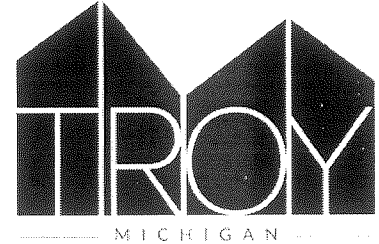
July 28

September 22

November 24

**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. COMPLETE APPLICATION AND SAVE TO YOUR DEVICE .
2. E-MAIL APPLICATION AND ALL SUPPORTING DOCUMENTS TO PAUL EVANS AT 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: 114 Lyons Drive

APPLICANT INFORMATION:

NAME Robin Newsome

ADDRESS 114 Lyons Drive

CITY Troy STATE MI ZIP 48083

TELEPHONE 248-275-3812

E-MAIL robmarkn@aol.com

Type of Animal	Number	Location
Female Chickens	2	114 Lyons Drive

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 $\frac{3}{4}$ 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 Robin Newsome (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

Robin Newsome

DATE

2/5/21

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.

We respectfully request the board allow us to raise 3 egg laying chickens on our property. Over the past year with the pandemic we have grown more interested in knowing where our food is coming from. We have an increased worry about the unsanitary conditions that factory-farmed chickens are kept in. We are also aware of our environmental impact and the fact that we can help reduce fossil fuel usage by raising our own chickens rather than buying eggs trucked in from across the state and beyond is appealing to us. Raising backyard chickens is not only enjoyable and rewarding but beneficial because we can use the manure or waste as fertilizer for our vegetable, herb and flower gardens.

We appreciate and share the board's concerns of the chickens being treated humanely. We have conducted endless hours of research to study the best quarters, materials and methods in the care of our chickens. My husband will be building our coop (the plans are attached.) As you can see the coop housing is 4 feet x 6 feet According to housing standards we will be providing more than 3 times the recommended space for 3 chickens. The screened in chicken run measures 6 feet by 10 feet and is also more than 3 times the recommended standard for 3 chickens. In addition to the run space the hens will have free range of our yard each day when we are home, which is fully enclosed by a privacy fence. Our goal is to give the chickens a full life. We understand that hens have a 4-7 year life span and we wish to provide a good quality of life. In accordance with city regulations we will not have any roosters so the noise will be very minimal.

We appreciate your time and consideration

Mark and [Robin Newsome](#)



MORTGAGE SURVEY

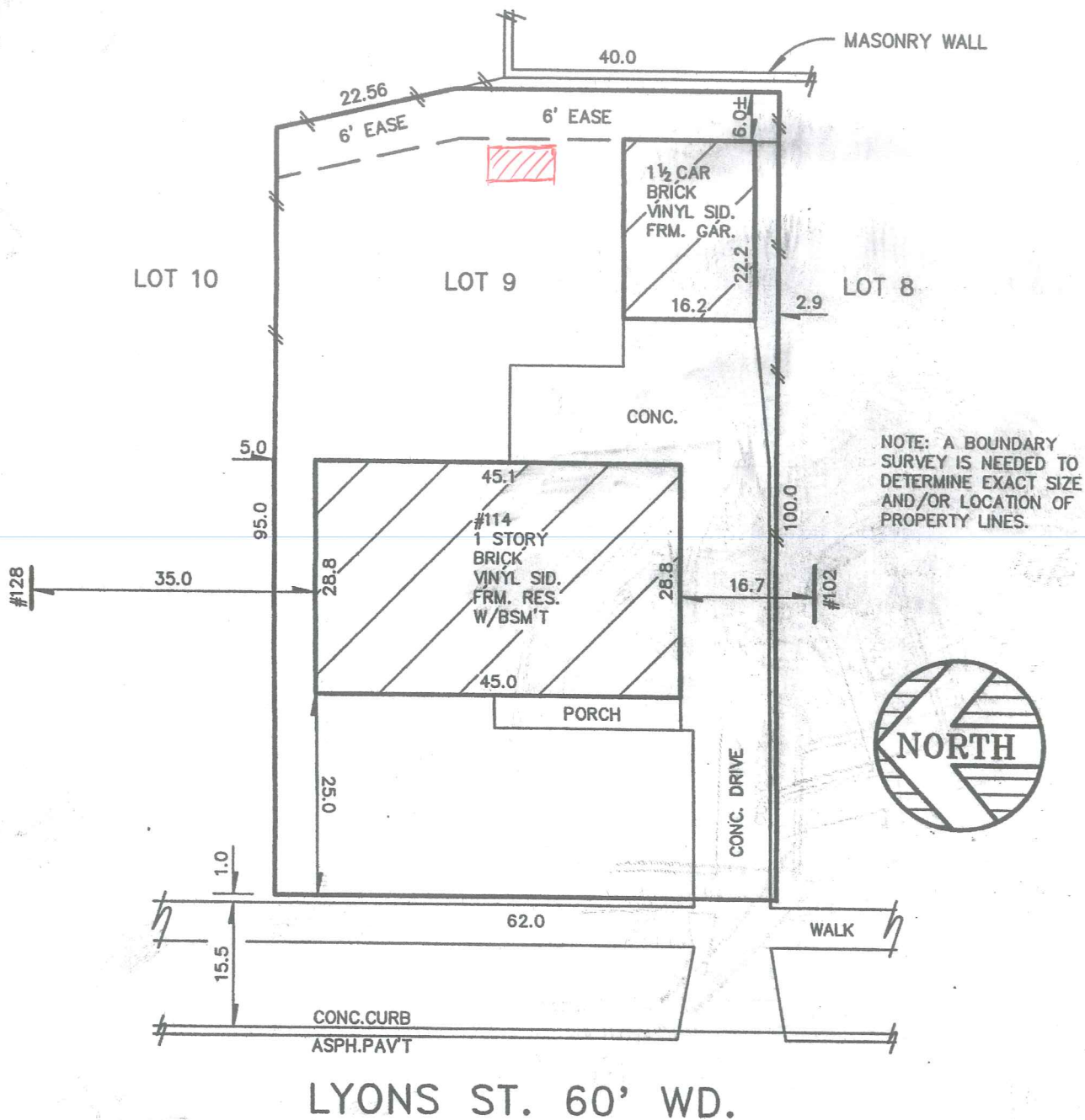
Certified to: JOHN ADAMS MORTGAGE

Applicant: MARK NEWSOME AND RONALD E. SHERIDAN

Property Description:

Lot 9; MARK BUILDERS SUBDIVISION, of the E. 1/2 of the W. 1/2 of the S.W. 1/4 of Section 35, T.2 N., R.11 E., City of Troy, Oakland County, Michigan, as recorded in Liber 84 of Plats, Pages 14 and 15 of Oakland County Records.

6'x10' Chicken Coop

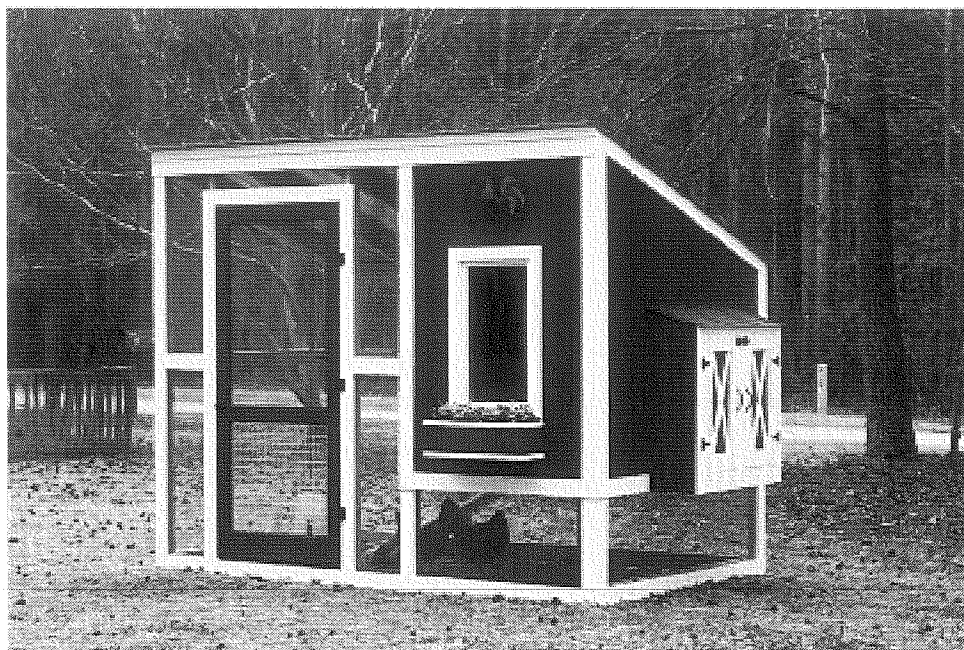


CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described.

STATE OF MICHIGAN
MARCUS E. ZU... JR.
SURVEYOR

INSTRUCTION MANUAL

BUILD YOUR OWN
Custom Chicken Coop



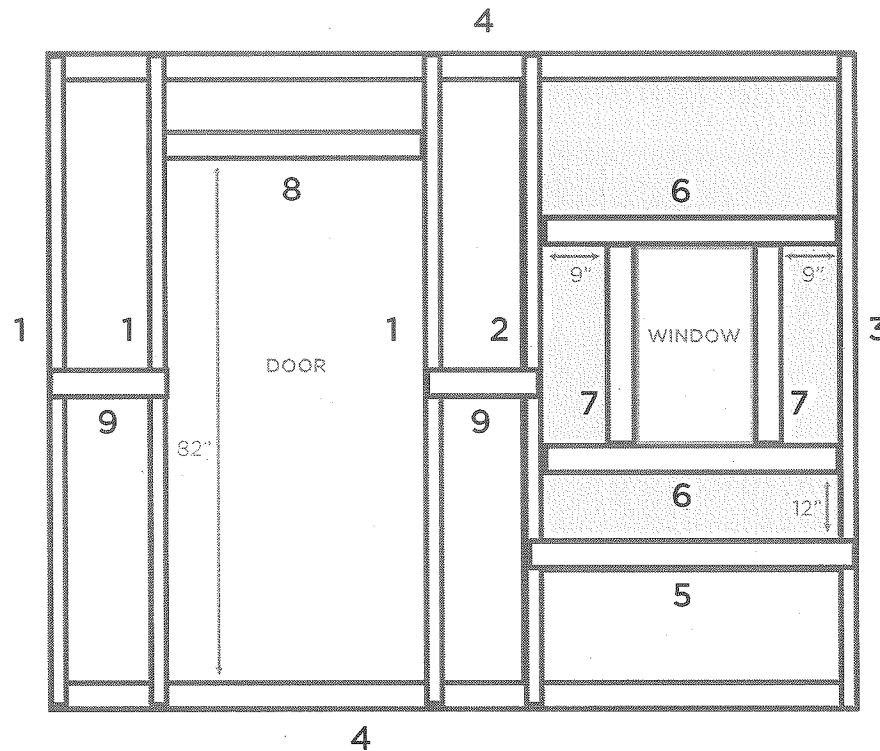
Detailed plans and instructions to start building your custom coop today!

Designed by:
Mick Telkamp
for



hgtv.com

Front Layout and Cut List



All measurements are standard pine lumber unless otherwise specified.

- | | | |
|---|--|--|
| 1 | | (3) 2x4 x 8' notched for 2x4s at ends and at 48" on center |
| 2 | | (1) 2x4 x 8' notched for 2x4s at ends and at 24" and 48" on center |
| 3 | | (1) 2x4 x 8' notched for 2x4s at ends and at 24" on center |
| 4 | | (2) 2x4 x 10' |
| 5 | | (1) 2x4 x 4' |
| 6 | | (2) 2x4 x 45" |
| 7 | | (2) 2x4 x 33 3/4" |
| 8 | | (1) 2x4 x 38" |
| 9 | | (2) 2x4 x 17 3/4" |

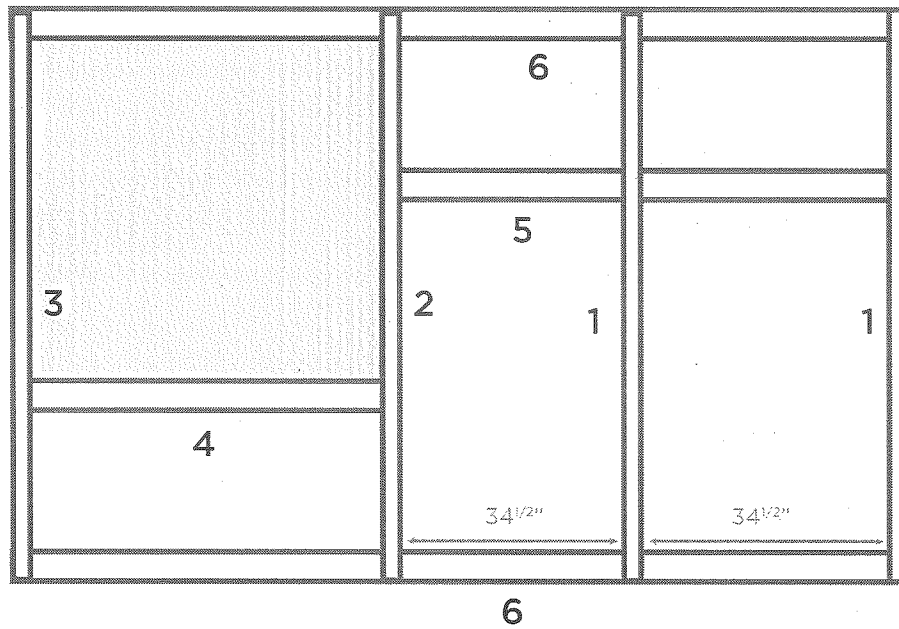
1/4" Hardware Cloth

Siding

Hardware cloth and siding cut to size and attached once structure is fully assembled



Back



- 1 (2) 2x4 x 6' notched for 2x4s at ends and at 48" on center
- 2 (1) 2x4 x 6' notched for 2x4s at ends and at 24" and 48" on center
- 3 (1) 2x4 x 6' notched for 2x4s at ends and at 24" on center
- 4 (1) 2x4 x 4'
- 5 (1) 2x4 x 73 1/2"
- 6 (2) 2x4 x 10'

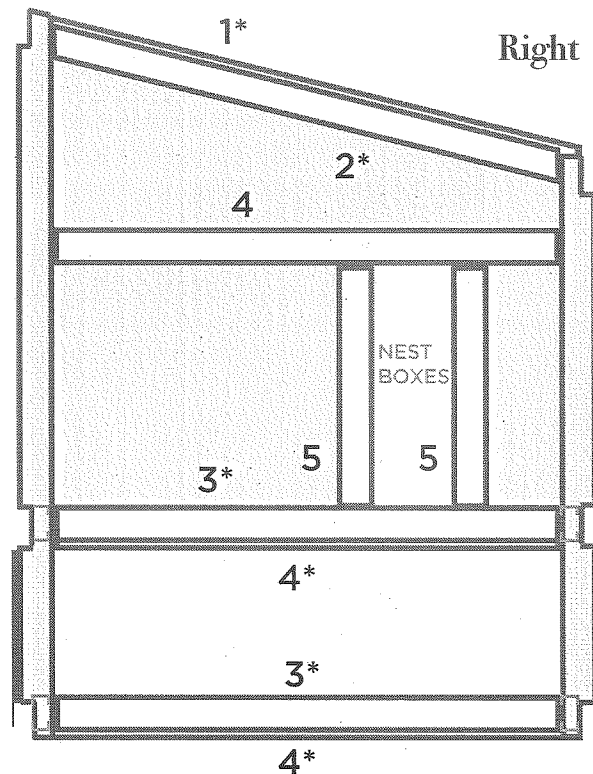
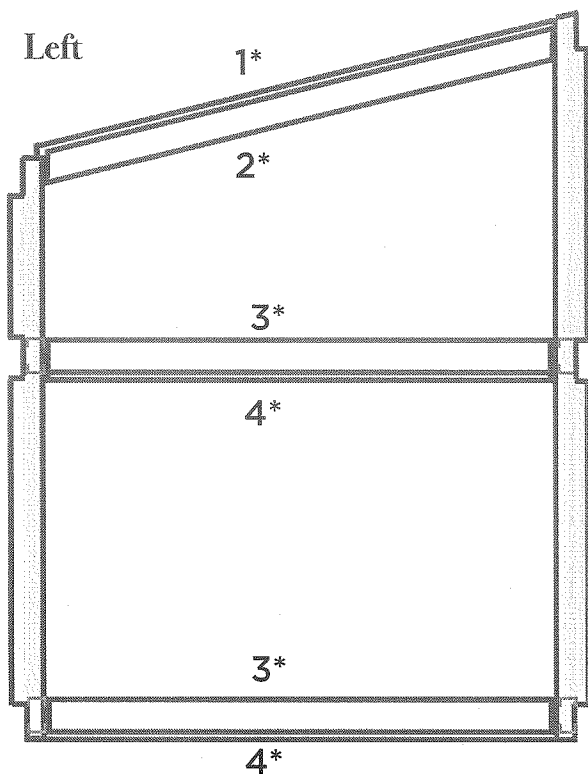
1/4" Hardware Cloth

Siding

Hardware cloth and siding cut to size and attached once structure is fully assembled

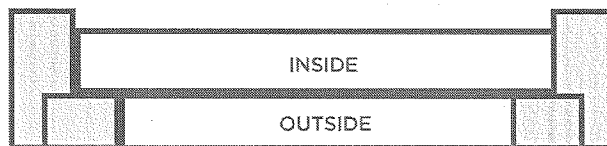


Sides



* Structural frame sides are double thickness, with the shorter plank on the outside.

Top View



- 1 (2) 2x4 x 72 3/4" with parallel 18 1/2 degree cuts at each end for 4:12 roof pitch
- 2 (2) 2x4 x 68 1/2" with parallel 18 1/2 degree cuts at each end for 4:12 roof pitch
- 3 (4) 2x4 x 69"
- 4 (5) 2x4 x 65"
- 5 (2) 2x4 x 30"

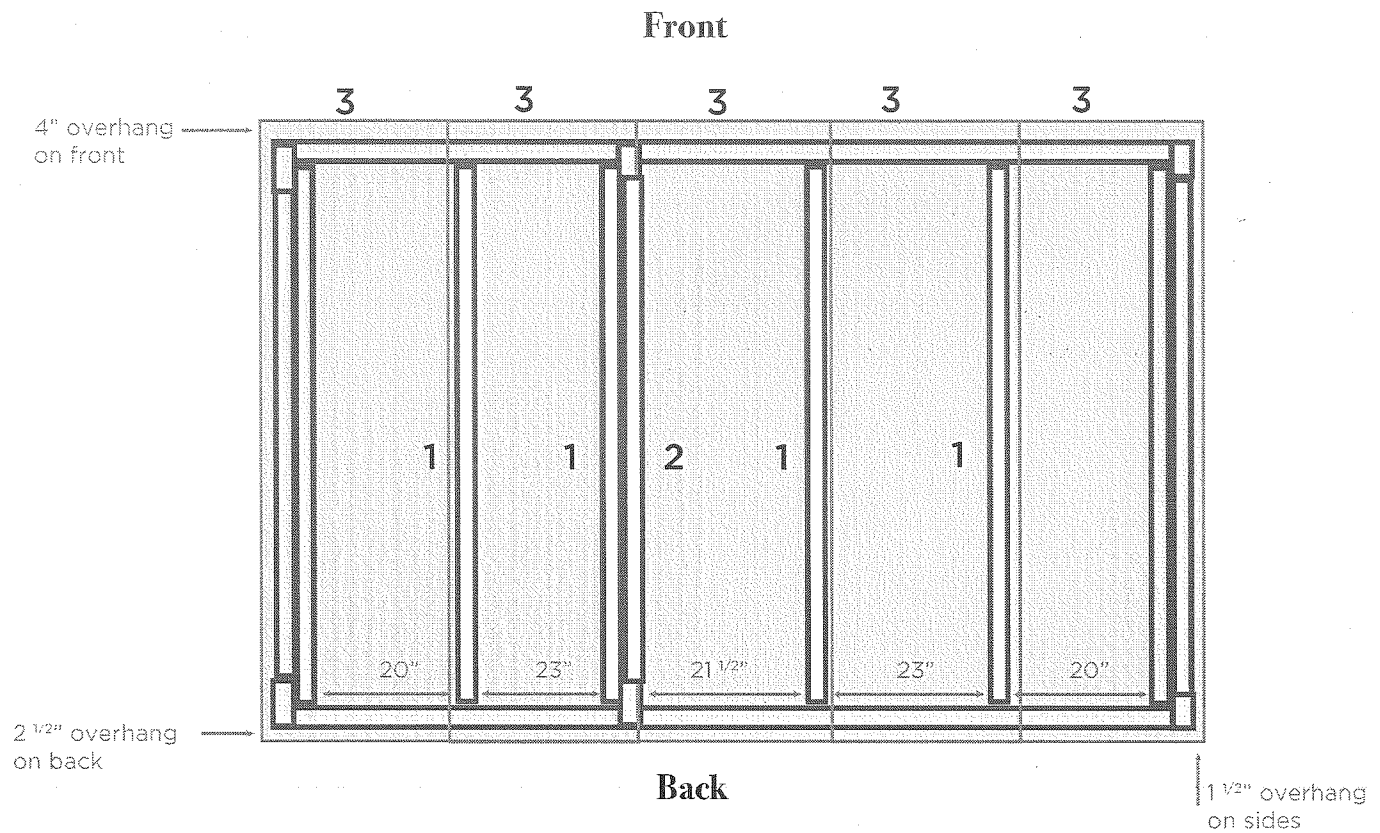
1/4" Hardware Cloth

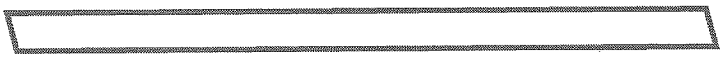

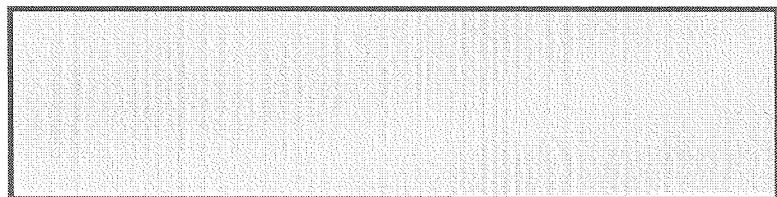
Siding

Hardware cloth and siding cut to size and attached once structure is fully assembled



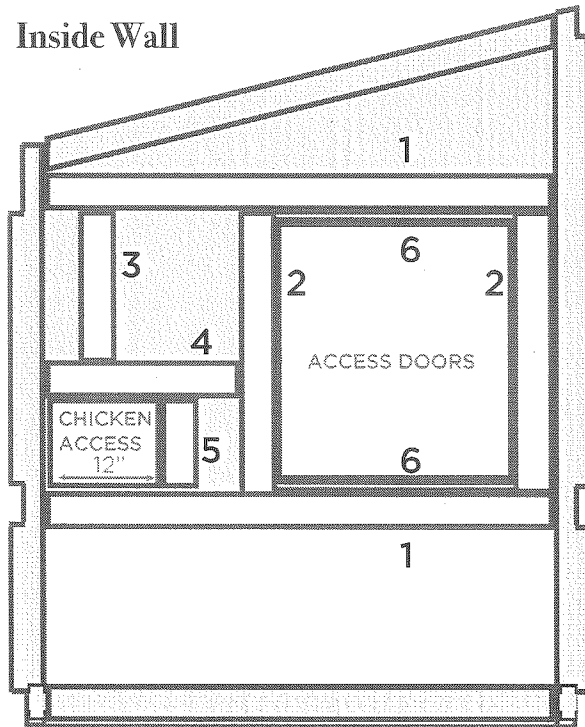
Roof



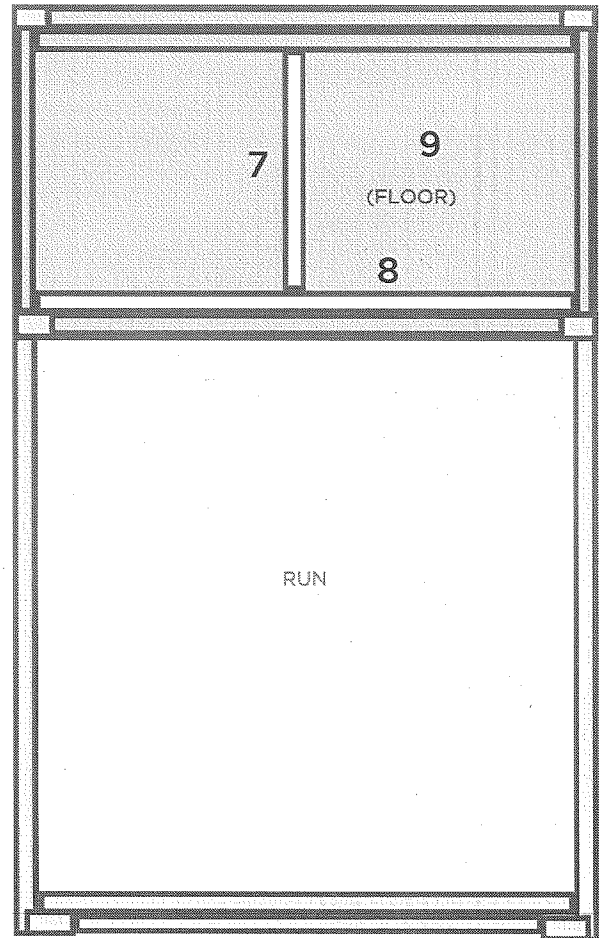
- | | | |
|---|--|---|
| 1 |  | (4) 2x4" x 72 3/4" with parallel 18 1/2 degree cuts at each end |
| 2 |  | (1) 2x4 x 68 1/2" with parallel 18 1/2 degree cuts at each end |
| 3 |  | (5) 26" x 84" ribbed roof panels |


Coop Enclosure


Inside Wall




Top View





1  (2) 2x4 x 65"

2  (2) 2x4 x 39"

3  (1) 2x4 x 23½"

4  (1) 2x4 x 22"


5  (1) 2x4 x 12"

6  (2) ¾" x 36" square dowel

7  (1) 2x4 x 42"

8  (1) 2x4 x 69"

9  (1) 4' x 6' x ¾" plywood notched for 2x4s at corners

 Siding

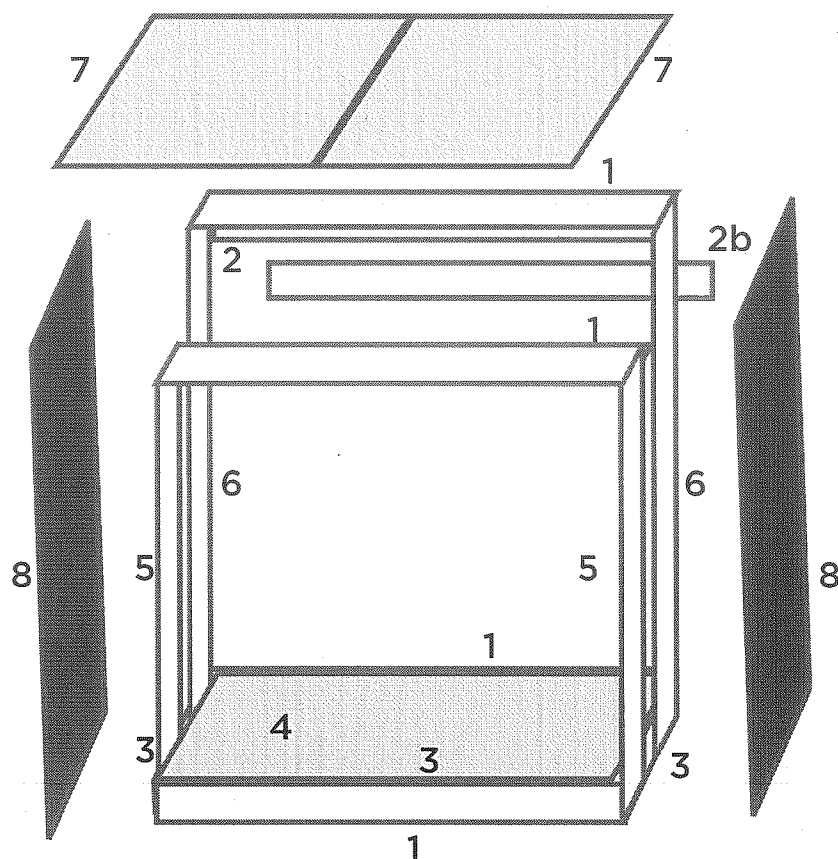
Siding cut to size and attached once structure is fully assembled



Nesting/Storage

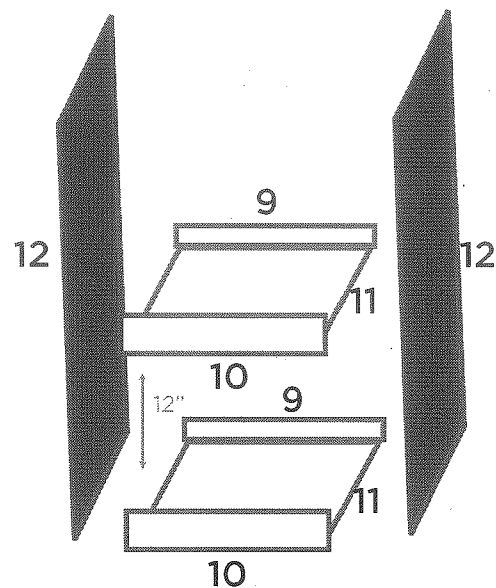
Nesting/Storage Bump Out

2b is not attached to bump out. Attach to coop to hang in place.



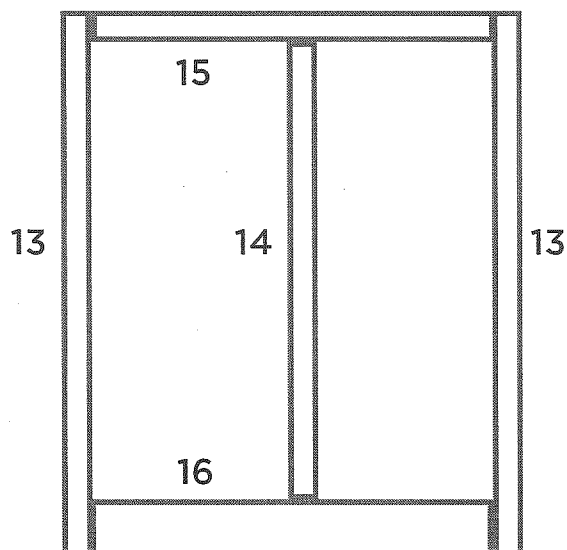
Nesting Box Insert

Place inside to line up with pass-through once bump-out is attached to coop.



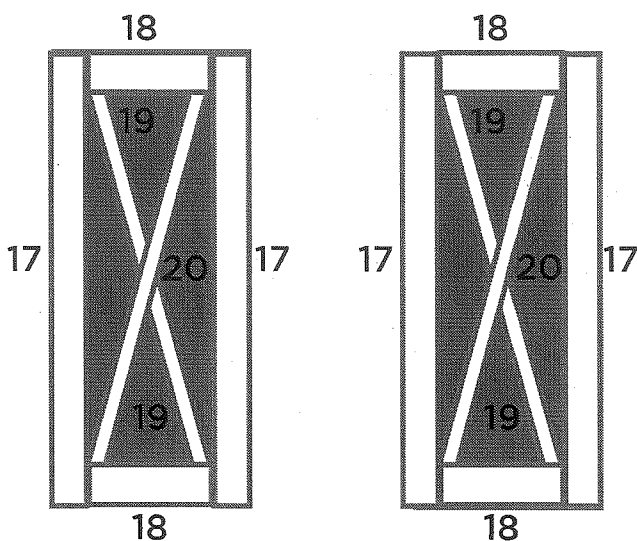
Frame Face

Attach to front of frame (flush on all sides)



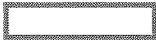
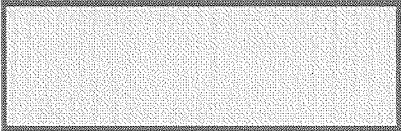


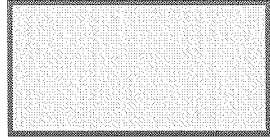
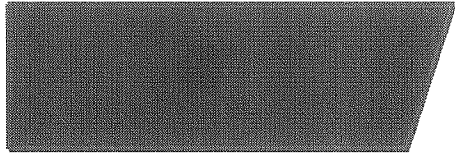
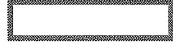
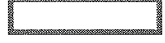





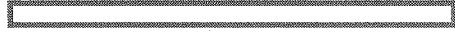






Doors

Attach each door to frame face with two 3" hinges
Position crossbucks last, then mark and cut "X" overlap on one piece.



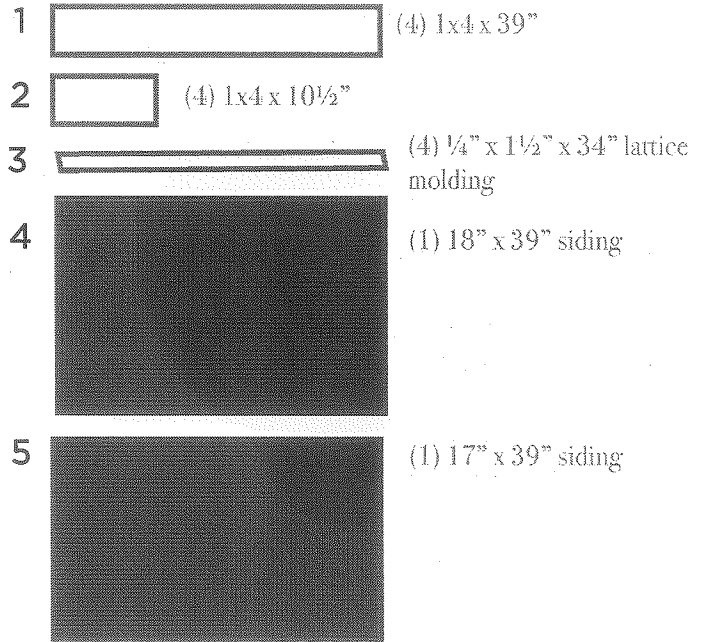
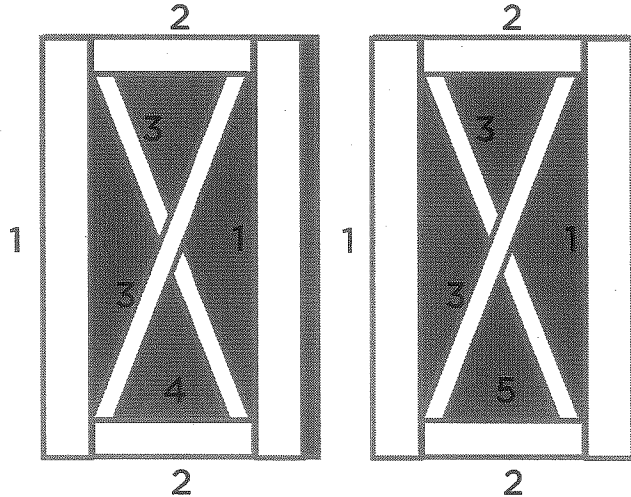
Nesting/Storage Materials

- 1  (2) 1x4 x 36"
- 2  (1) 1x4 x 34½"
- 3  (3) 1x4 x 10½"
- 4  (1) 12" x 34½" ¾" plywood
- 5  (2) 1x4 x 36^{7/16}" with angle cut on one end at 18^{1/2} degrees for 4:12 roof pitch
- 6  (2) 1x4 x 38¾" with angle cut on one end at 18^{1/2} degrees for 4:12 roof pitch
- 7  (2) 26" x 15" ribbed roof panels
- 8  (2) 12" x 39" siding with angle cut on one end at 18½ degrees for 4:12 roof pitch
- 9  (2) 1x4 x 13"
- 10  (2) 1x4 x 12"
- 11  (2) 12" x 12¾" ¾" plywood
- 12  (2) 12" x 30" siding
- 13  (2) 1x2 x 34¾"
- 14  (1) 1x2 x 28¾"
- 15  (1) 1x2 x 34"
- 16  (1) 1x5 x 34"
- 17  (4) 1x4 x 28^{5/8}"
- 18  (4) 1x4 x 8¾"
- 19  (4) 1½" x ¼" x 23½" lattice molding
- 20  (2) 15½" x 28½" siding

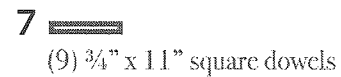
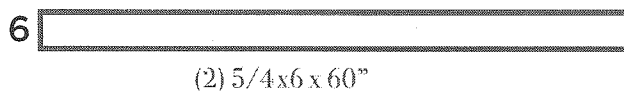
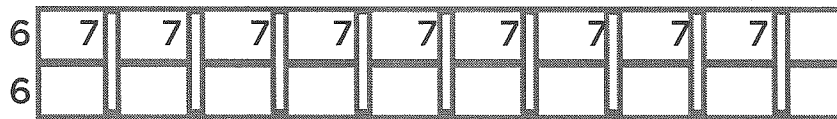
Access Doors/Ramp/Flower Box

Access Doors

Backing attached flush at outside edges

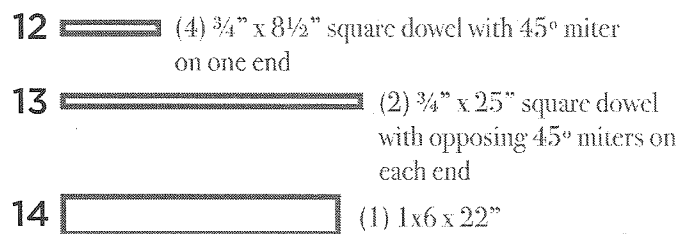
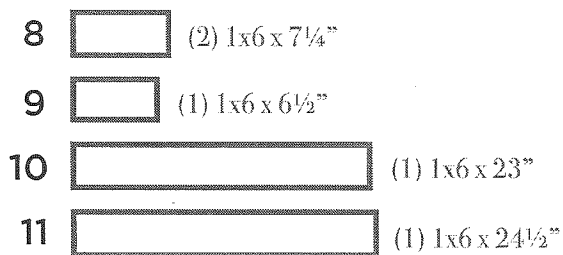
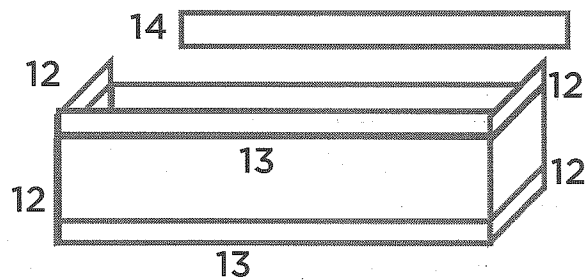
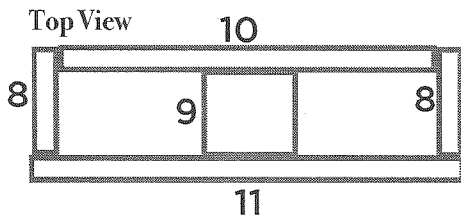


Ramp



Flower Box

14 is spacer attached to coop to secure.



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.

February 8, 2021

From: Ben and Sandra Carter
6874 High Oaks Dr
Troy, MI 48098

I am writing this letter in response to the remote meeting I listened to on Wednesday, January 27, 2021 7:00p.m.

Regarding: Mr. Michael Weiss at 6862 High Oaks Dr. 48098

My husband and I listened to the replay of the meeting all the way to the end and found it to be very disturbing. We both are appalled and insulted that Mr. Douglas Dombrowski made a false accusation by stating it appeared that the neighbors (we) choreographed the responses that were received indicating that we did not want the request for chickens to be approved. His statement is very disturbing to us and we do not appreciate the false accusation simply because we were all in one accord and we cited the same animals as predators. My response is how we feel about having chickens next door to me **And** it still stands. **WE DO NOT WANT CHICKENS NEXT DOOR.** Apparently all our neighbors have expressed the same concerns and feel the same way that is why you received 15 responses..

Please understand this. My husband and I did not talk, plan, **choreograph**, influence, sway, put our heads together, plot, or have a conference call, with our neighbors, regarding Mr. Weiss. We are very upset and angry because now we feel we have to *defend ourselves* for expressing our concerns and disapproval for chickens next door. I was not aware of the people who responded until I heard it on the call.

Mr. Dombrowski, please be aware that I did some research before I sent my email to the board. When you research the "internet" it states that animals such as foxes and coyotes are predators to chickens. These are just two links I used to obtain information that I used for my response outlined in my email:

Predators of Poultry | Ohioline
Identifying 12 Backyard Chicken Predators - Predator Guard ...

We are also very disturbed with the comments from Mr. Weiss who is our next door neighbor. Unfortunately, we now have to share our *personal business with the board and other people who really do not know us to defend the untruths* told by Mr. Weiss.

- It was not **true** when he stated that we **have COVID 19** now and he did not want to come no-where near us. Yes, my husband and I had COVID 19, but that was in *March 2020*. My husband came home in June from the hospital and tested negative long before he was discharged.
 - It was not true when he said a nurse comes to our house on a daily basis. A nurse **has never come** to our home on a daily basis. My husband had a bed womb he obtained from being in the hospital and had to have weekly care but not every day!! Mr. Weiss knew that because he talked to me and my husband about it.
- Mr. Weiss told another untruth when he stated that he did not have an opportunity to talk or mention that he wanted chickens. My husband and I have had conversation with him on multiple occasions. At least 4 times or more, since October-January. If he had mentioned it, my husband would have told him that we were against it.
- I did not appreciate Mr. Weiss stating that he would be "lynched" by his neighbors if he had gotten approved for the chickens. Really? My husband and I did not appreciate that word "LYNCH" period. And it was stated 3 times by Mr. Weiss. We are not violent people.
 - We serve as Pastor and Minister of a church and that statement attacks our character.
- And lastly, he does not shovel our snow as he stated during the meeting!!!

The community is basically confined to our homes with little too no social gatherings due to the COVID virus. We feel that when we are at home we should live in comfort and do not what to listen, smell and see chickens walking or flying around us. There are no fences to separate our yard. And we do not live in a rural area.

I love Troy, my neighborhood, and my home and have lived here since 2003. And we are sincerely concerned that chickens will have a **negative impact on our property value**. We have the same concerns because they are justified concerns. Yes, Mr. Dombrowski, it may be speculation and it may not be speculation!

Thank you Mr. Patrick Floch for speaking up for us. (*I think it was you. Your face was not appearing on the screen toward the end, at the time you spoke.*) We appreciate you hearing us and understanding we had justified concerns that were expressed by the 15 neighbors that responded based on the notification we received. Thank you for acknowledging that we are tax paying citizens and it our right that we don't want chickens in the neighborhood. I agree that we live in Troy and not Rochester or other cities around us. And that we can be different.

Mr. Dombrowski, I have a few questions for you. **Please understand that these are just questions and not accusations toward you or anyone else. Just looking for clarity.**

- If I heard correctly, I understand that you got involved on the board because you were being denied approval for animals or maybe chickens.
- Is this change to the acre/zoning requirement that you are recommending and wanting to make going to benefit you?
- Have the two city council members that you have spoken with already been persuaded to approve your recommendation based on what was submitted by you in 2019 or does a new plan have to be submitted?

Just a couple of other question for the Board:

- Can a proposed revision be submitted when it has not been opened to the public for discussion?
- Can an ordinance be changed to accommodate what a few people want and more disapprove of?
- Can a change only be considered for those in rural areas?
- Since Mr. Weiss withdrew his request, can he submit another request?

Lastly, the neighbors of Mr. Weiss submitted our thoughts and expressed our concerns. Will they be considered in making any ordinance changes or determinations that will have a negative impact in our neighborhood?

I have attached the email that I originally sent to the board. What we expressed as concerns still stands, please just say no to chickens.

Thank you for reading my letter.

Sincerely,

Minister Ben Carter and Pastor Sandra Glover- Carter

cc: P. Carolan;
D. Dombrowski
P. Floch;
A. Petulis
J. Saeger

Tue, Jan 26 at 8:43 PM

This email is in response to the request from Michael Weiss to obtain 5 chickens. We have several concerns regarding chickens in the neighborhood. We are asking that this **request be denied** based on the information outlined below.

The major concerns and reasons why we do not want, "Chickens" in our neighborhood are outlined below:

1. They will affect our quality of life. How?

- o Because of the endangerment to us, the children and the pets in the area.
- o Chickens are prey animals so they're likely to get attacked by **predators**. Who are the predators?
 - § Chickens will attract more coyotes, more wolves, more foxes, hawks, coyotes, raccoons, possums, skunks which endangers the families in the neighborhood in addition to a threat to the family pets.
 - § They can also attract pests – flies, rodents & roaches.

2. They are not clean, therefore have a bad smell.

- o Chickens have smelly droppings and they poop often and indiscriminately.
- o Due to COVID we are confined in our homes. Currently, we enjoy our yards and the obscene *smell* and *sight* of them would discourage us from enjoying our own property.
 - § We spend a lot of time at home especially on our decks and don't want to be forced to stay inside of the house due to the smell and the endangerment the chickens will cause.

3. Chickens can have medical issues just like any other animals.

- o Poultry can sometimes carry harmful germs that make people sick. These germs can cause a *variety of illnesses* in people, ranging from minor skin infections to serious illnesses that could cause death.
- o It is also reported that humans can get salmonella from chickens by touching them or their manure, according to the CDC. The birds can spread the bacteria even when they look healthy.

4. Having chickens in this area will possibly make our property less desirable for buyers should we decide to sell the property.

- o We have a concern that the chickens and the smell will have a negative impact on our property value.

5. Allowing the chickens will also cause ill-will.

- o Who is responsible for monitoring the number of chickens he maintains? If we report that there are more than five chickens in the coup, it will cause discord.

Please understand that we like Michael. But, should this one request be approved, it will set precedent and open the door for others to obtain chickens and other farm animals. Therefore, we are again asking that this request be denied. Thank you.

- a) furnish the Housing and Zoning Inspector a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and
- c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- 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~~ livestock⁴, 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.
- g) in the case of poultry, demonstrate the following to the Housing and Zoning Inspector⁵:
 - 1) A covered or fenced enclosure shall not be located closer than ten feet from a property line of an adjacent property nor shall it be located closer than 40 feet to any residential dwelling on an adjacent property.⁶
 - 2) Coop and pen must be kept in the backyard only.⁷
 - 3) Birds must be kept on poultry owner's property unless permission is granted by adjacent property owner(s).⁸
 - 4) All enclosures for the keeping of poultry shall be constructed to prevent rodents from being harbored underneath or within the walls of the enclosure.⁹
 - 5) Waste materials (feed, manure, and litter) must be bagged and disposed of in the trash. It is not acceptable to pile waste materials on the property.¹⁰
 - 6) Feed must be stored in a manner to prevent access to rodents and varmints.¹¹

Additional requirements for poultry on less than ¾ acre lots ¹²:

- 7) Only small birds, no larger than chickens and ducks, are allowed. ¹³
- 8) No roosters. ¹⁴
- 9) The birds are kept as a hobby or pets. ¹⁵
- 10) Birds can only free-roam under supervision. ¹⁶
- 11) No slaughtering birds on site. ¹⁷
- 12) No housing birds in residential dwellings. ¹⁸
- 13) Flock size must be between two and four birds, or six if miniature in size (bantams, quail, etc). ¹⁹

¹ The definition of “Domestic Animals” in the existing ordinance is wrong. Domestic Animals includes dogs and cats, which the ordinance addresses elsewhere, outside of the section of Domestic Animals.

² This is the Britannica definition

³ This is the Britannica definition

⁴ It is for the Council to consider if horses, cows, donkeys, and other livestock should still be allowed on ¾ acre. Some people in Troy supposedly have pet pigs and goats. There are no more horses in Troy, and presumably cows neither. Revising the terms for livestock is outside of the scope of this proposed revision and so it remains as it is.

⁵ A simple internet search shows that pet poultry is growing in popularity and benefits the community. Poultry are contained in enclosed pens. Livestock wander freely and graze. Control of these animals must be handled separately. Poultry needs to be addressed apart from livestock.

⁶ This is the crux of the proposed revision. Minimum limit of space between animals and neighbors should be defined by distance, not area. Of 34 cities in Michigan that allow pet poultry, Troy is unique, with the only exception being Rochester, that minimum area is used to restrict poultry. (Rochester’s Animal Ordinance is very similar to Troy’s. Perhaps they were developed together which explains why they share the same deficiencies). What protects neighbors’ interests better – the existing Troy restriction on area that allows someone to put a coop or pen on the property line or a revised code that ensures suitable distance buffer? Some of the 32 Michigan poultry ordinances allow 5 feet to property line and 25 feet to dwelling. The herein proposed 10 and 40, respectively, are conservative.

⁷ The existing code allows residents to have coops and pens in their front yard. Restricting this will prevent future disputes in Animal Control and Inspection. The good ordinances have this.

⁸ Prevention of wandering birds prevents neighbor complaints. The good ordinances have this.