

## 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 Petruilis, Vice Chair  
Neharunnessa Abdullah, Tina Catron, Doug Dombrowski

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**JULY 26, 2023**

**7:00 P.M.**

**Council Chambers**

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1. ROLL CALL
2. APPROVAL OF AGENDA -
3. APPROVAL OF MINUTES – May 24, 2023
4. PROCEDURE
5. HEARING OF CASES:
  - A. 2069 W. WATTLES, CHUNYAN LIU - In order to keep up to 5 chickens, a waiver from the requirement that the property be at least 3/4 of an acre in area. The property is approximately .35 acres in area.  
  
ANIMAL ORDINANCE SECTION: 90.70.20 (f)
6. OTHER BUSINESS: Board Member training
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](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.

On May 24, 2023, at 7:00 p.m., Chair Saeger called the Animal Control Appeal Board meeting to order.

1. ROLL CALL

Present:

Neharunnessa Abdullah  
Tina Catron  
Al Petrulis  
Jayne Saeger

Also Present:

Paul Evans, Zoning & Compliance Specialist  
Nicole MacMillan, Assistant City Attorney

2. APPROVAL OF AGENDA- No changes.

3. APPROVAL OF MINUTES

MOTION by Petrulis  
SECOND by Catron

RESOLVED, to approve the March 22, 2022 meeting minutes.

Yes: All

MOTION PASSED

4. PROCEDURE: Read by Vice Chair Petrulis

5. HEARING OF CASES:

- A. 2069 W WATTLES, HONGQI ZIN - In order to keep up to 10 chickens, a waiver from the requirement that the property be at least 3/4 of an acre in area. The property is approximately .35 acres in area.

Mr. Evans provided an overview of the case. Applicant presented his case. Board asked questions of the applicant. Applicant indicates he will likely have only 6 chickens.

Chair Saeger opened public comment. 1 speaker in favor, 1 opposed. Member Petrulis summarized written comments: 1 in favor, 14 opposed.

Chair Saeger closed public comment

Board member discussion.

Petrulis: Noted that property is significantly less than .75 acres, up to 10 chickens a large amount for actual property size, and there is significant opposition.

MOTION by Petrulis  
SECOND by Catron

RESOLVED to deny applicant's request.

Catron: agrees with Mr. Petrulis' comments

Yes: All

MOTION APPROVED

- B. 301 BELHAVEN, GABRIEL & TEODORA MOSUTAN - In order to keep up to 6 chickens, a waiver from the requirement that the property be at least 3/4 of an acre in area. The property is approximately .64 acre in area. This request is different than the one heard by the Animal Control Appeals Board in March 2023.

Mr. Evans provided an overview of the case. Applicants indicated rear privacy fence to be immediately constructed, sides to be completed no later than May 2024. Board asked questions of the applicant.

Chair Saeger opened public comment, 2 speakers in favor. No written comments.

Chair Saeger closed public comment.

Board member discussion.

MOTION BY CATRON:

RESOLVED, to grant the request. Applicant has done due diligence, property area close to minimum required, number of chickens is appropriate, measures taken to address health and safety, no neighbor opposition.

Petrulis: sees no compelling reason to grant, 6 chickens are excessive, he is not in favor.

Chair Saeger asked for a second to the motion. None offered.

MOTION FAILS

MOTION by Petrulis  
SECOND by Saeger

RESOLVED, to deny the request

Saeger: does not see compelling reasons and agrees with Mr. Petrulis' comments. The .75 acre minimum size requirement is necessary for neighborhood protection.

Yes: Abdullah, Petrulis, Saeger  
No: Catron

MOTION APPROVED

- C. 963 BANMOOR, SAADAT FAIZ - In order to keep up to 8 chickens, a waiver from the requirement that the property be at least 3/4 of an acre in area. The property is approximately .42 acres in area.

Mr. Evans provided an overview of the case. Applicant presented his case. They have spoken to two adjacent neighbors who support their request. Board asked questions of the applicant.

Chair Saeger opened public comment, 1 speaker in favor. 5 written comments opposed.

Chair Saeger closed public comment.

Board member discussion.

Petrulis: concerned with property size, substantial neighbor opposition. Feels that when people move to a densely populated area like this one, they do not expect to see farm animals. Applicant's proposal will likely attract rodents, including rats.

Abdullah: Agrees that in this instance, the .75 acre requirement needs to be respected.

MOTION by Catron  
SECOND by Abdullah:

RESOLVED to deny the motion, based on Board member comments.

Yes: All

MOTION APPROVED

6. OTHER BUSINESS- Mr. Evans informed the Board that member training, similar to that recently provided to members Catron and Abdullah, could be conducted for the entire Board at a future meeting. Board agreed that training should be scheduled for the July 2023 scheduled meeting. Staff will include this as an agenda item whether or not there is other business.

7. ADJOURNMENT

Chair Saeger adjourned the meeting at 8:22 pm

Respectfully Submitted,

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Jayne Saeger, Chair

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Paul Evans, Zoning & Compliance Specialist

## ANIMAL CONTROL APPEAL BOARD

The Animal Control Appeal Board 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

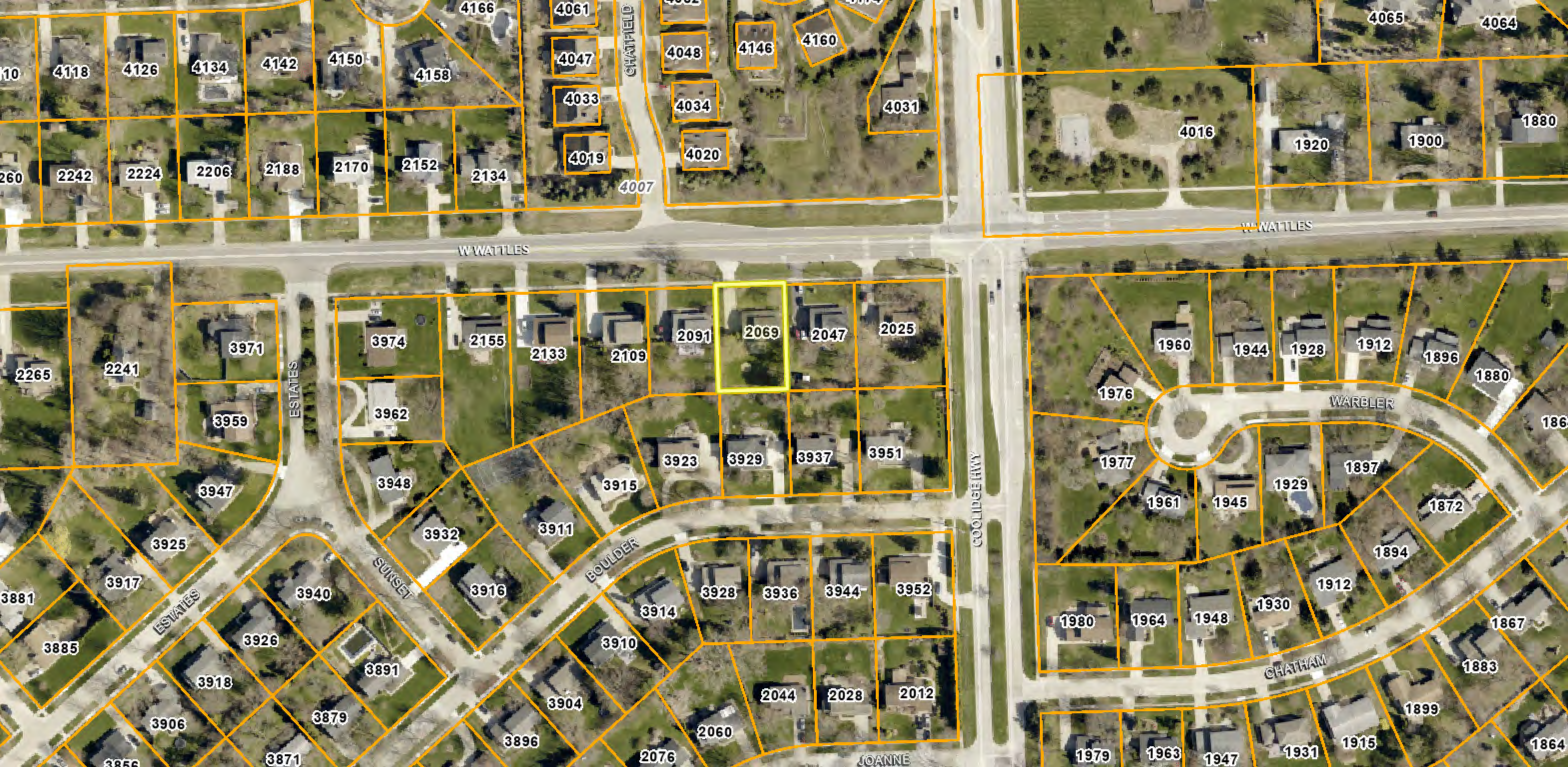
The Board will hear the items in the order that they appear on the agenda. When an item is called, the Chair will verify that the petitioner is present. Then the City Administration will summarize the facts of the case. The petitioner will then be given an opportunity to address the Board to explain 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.





W WATTLES

W WATTLES

ESTATES

ESTATES

SUNSET

BOULDER

JOANNE

WARBLER

CHATHAM

COOLIDGE HWY

CHATFIELD

4118

4126

4134

4142

4150

4158

4061

4048

4146

4160

4031

4047

4034

4033

4020

4019

4007

4016

1920

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3904

3896

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1979

1963

1947

1931

1915

1899

1864



W WATTLES

ONLY

ONLY ONLY

3

2109

2091

2069

2047

2025







## 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. 2022 MEETING DATES ARE ON PAGE 3.

PROPERTY ADDRESS: 2069 W Wattles Rd, Troy, MI,48098

APPLICANT:

NAME Chunyan Liu

ADDRESS 2069 W Wattles Rd

CITY Troy STATE MI ZIP 48098

PHONE 248-845-8848

E-MAIL happymomlcy@gmail.com

PROPERTY OWNER (if different than applicant):

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

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



# Animal Appeal Application

PHONE \_\_\_\_\_

**E-MAIL \_\_\_\_\_ APPLICATION DOCUMENTS REQUIRED:**

- Written narrative describing your request
- If seeking a waiver, explain all compelling reasons why the waiver should be granted.
- Written response explaining how the request will satisfy the minimum 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 CRITERIA HAVE BEEN SATISFIED:**

- There are compelling reasons to grant a waiver.
- 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](mailto:planning@troymi.gov)**

Questions? Contact Paul Evans, Zoning & Compliance Specialist

- (248) 524-3364
- [planning@troymi.gov](mailto:planning@troymi.gov).

**PERMISSION TO INSPECT PREMISES**

I,\_(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** 06/25/2023

Dear Animal Control Appeals Board,

I am writing to respectfully request permission to raise chickens in the fully enclosed backyard of my self-owned property, 2069 W Wattles Rd, Troy, MI 48098, for the purpose of providing pets to my children and as educational tools. As a parent and a resident of this community, I believe that raising chickens can provide a unique and valuable experience for children, while also promoting a more sustainable and environmentally conscious lifestyle.

Chickens are known for their friendly and social nature, which makes them ideal pets for children who want to learn about animals in a safe and nurturing environment. My intention is to provide a safe and nurturing environment for the chickens, and to use them as pets for my children and other local children. In addition to providing pets, I also plan to use the chickens as an educational tool for children. I believe that by teaching children about where their food comes from and how to care for animals in a humane and responsible manner, we can promote a more sustainable and environmentally conscious community. Furthermore, through the introduction of experiments of early sex determination of the chicken by PCR means, the kids will learn/strengthen their molecular biological science knowledge obtained from their school study.

I understand that some people may have concerns about the noise and odor associated with raising chickens, but I can assure you that I will take all necessary precautions to ensure that my chickens are well-cared for and do not disturb my neighbors. I am willing to comply with any regulations, guidelines or animal ordinance that the City Council deems necessary to maintain a peaceful and respectful community.

Here is my plan for the raise of chickens in the back yard:

### 1) location of the chicken coop and run seated



Fig. 1



Fig. 2

Fig. 1 shows the lot of my property which is 1/3 acre and has a fully enclosed wire fence around my backyard, which will give additional security for my chickens to be kept in an appropriate environment and will not enter and disturb my neighbors. Fig. 2 shows where the chicken coop and run will be located



and the survey distance to the neighbors. There are trees around the place, which will be a sort of private site to avoid visual disturb to my neighbors and community also will give the chicken a shady and cool place in the summer. Additionally, flowers will also be planted around the coop and run to further hide the chicken as well as make a better living environment for them.

## 2) Chicken coop and run:

To ensure that the noise and odor are mostly avoided while raising chickens, a secure and appropriate coop will be constructed. The coop (size around 6ftx6ftx6ft similar with the below Fig. 3) embodied with a closed running and feeding area wrapped with twin wall sheets, which can largely reduce the odor and crowing noise from the hens after laying egg to cause any disturbance to my neighbors. I will maintain a clean and safe environment for my chickens, as well as ensure that they will be well-fed and humanely cared for and will not be neglected or treated with cruelty.



Fig. 3

Attached to the coop, a metal walk-in hen run house (Fig. 4, <https://www.amazon.com/Chicken-Flat-Roofed-Waterproof-Anti-Ultraviolet-Backyard/dp/B07YFHKN9B?th=1>) will be set up as shown in Fig. 5. Which will provide an adequate space for the chicken to exploring and make them really happy.



Fig. 4



Fig. 5

I respectfully request that the Animal Control Appeals Board grant me permission to raise chickens in the back yard of my self-owned property for the purpose of petting and educating children. I believe that this is a positive step towards promoting a more sustainable and environmentally conscious community, and is providing a valuable learning experience for our children. Thank you for your time and consideration.

Sincerely,

Chunyan Liu

**Maximum 5 chickens**

# Large Metal Chicken Coop Walk-in Poultry Cage Hen Run House Rabbits Habitat Cage Flat Roofed Cage for Outdoor Backyard Farm Use (9.2' L x 12.5' W x 6.4' H, without tarp cover)



<b>Brand</b>	Polar Aurora
<b>Target Species</b>	Chicken, Dog, Rabbit, Cat, Duck
<b>Product Dimensions</b>	12.5"L x 9.2"W x 6.4"H
<b>Material</b>	Alloy Steel, Polyvinyl Chloride
<b>Number of Levels</b>	1

## About this item

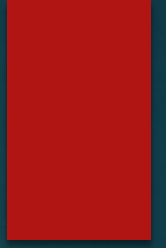
- **【Durable Steel Construction】** Manufactured with high quality steel frame, the coop is solid enough for your chicken to have free space in it. And it is not easy to damage, which can prolong a long-term service time. Besides, the quick-connect frame allows for easy

assembly. And our chicken coop has an upgrade reinforced design, The pipe wall we use is twice as thick as the pipe wall of someone else's cheap chicken coop!

- **【Great for Outdoor Use】** Featuring galvanized coop, it is protective and resists rust, corrosion and fading, so that the coop is weatherproof and of great durability.
- **【PVC Coated Hexagonal Wire Mesh】** The wall of the chicken coop is made of PVC coated hexagonal wire mesh that is too solid and durable to damage. Also, the small gaps between meshes add safety to your chicken that prevent them from some predators.
- **【Safety Lockable Steel Door Design】** Lockable steel door with a latch and steel wire ties for extra safety, and easy for you to feed your chicken and clean the inside. Designed with a number of essential pedestals that make it a wonderful home for any poultry.
- **【Easy to Clean】** The tube of the coop is galvanized so that it is rust resistant and easy to keep a clean environment for your chicken. The smooth surface is easy to clean with a wet cloth or some running water. It offers protection to your pets whilst also gives plenty of room for foraging.
- **【Great Service】** We provides warranty. If you have any questions during installation or use, please do not hesitate to contact us. Our customer service is online 24 hours all day.



# Animal Control Appeal Board Training



# Animal Control Appeal Board

- ▶ Consists of five members, who are nominated by City Council
- ▶ Serve three year overlapping terms
- ▶ Meets fourth Wednesday every other month, as long as there is business to be conducted

# Animals in the City of Troy

- ▶ Animals are controlled by Chapter 90 of the Troy City Code
- ▶ The Code requires a permit for domestic, dangerous and wild animals (90.70.10)
  - ▶ Dangerous animals include wild/feral animal that because of its size, aggressive nature, or other characteristics constitutes a danger (90.10.25)
  - ▶ Domestic animal excludes cats and dogs, but includes things like horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats (90.10.30)
- ▶ In order to get a permit, an application must be submitted to the Housing and Zoning Inspector, and he/she has to consider several factors (90.70.20)

# Housing and Zoning Inspector Denies a Permit

- ▶ The Housing and Zoning Inspector must deny a permit for domestic animals if the applicant lives on a parcel that is less than three-quarters of an acre. (90.70.20(f))
- ▶ There is a presumption that  $\frac{3}{4}$  acres is the minimum amount to protect property values and safely provide for domestic animals. However, the applicant may appeal a permit denial to the ACAB.
- ▶ An appellant has the burden to demonstrate how they can adequately provide for the health and welfare of the animals and also protect neighboring property owners from nuisances.
- ▶ Upon receipt of appeal, the City Clerk provides notice to all property owners within 300 feet of the applicant's property.



# Factors for the ACAB to consider:

- Maintain the presumption mandated by City Council and the Ordinance, that  $\frac{3}{4}$  acre is required in order to protect residents and their property.
- Applicant has a high burden to demonstrate unusual or extraordinary circumstances.
- The size of the lot, the surrounding area, and concerns from neighbors should all be considered.
- Keep in mind the precedential impact of each decision—there must be compelling and distinguishable facts.
- 3 members of the board must agree in order for an appeal to be granted.

--Ruling from the ACAB is a final ruling--

# Other Duties of the ACAB (90.80.70)

- ▶ promulgate regulations regarding dangerous animal permits and domestic animal permits,
- ▶ interpret and determine the application of provisions contained in Chapter 90 as they relate to specific fact situations presented to the Animal Control Appeal Board, and
- ▶ adjudicate appeals from a Housing and Zoning Inspector's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals

# Appeals from ACAB Decisions

- ▶ Appeal to circuit court by any person aggrieved by a decision of the ACAB (can be appellant or neighbors).
- ▶ The appeal must be filed within 21 days of the date the board certifies the minutes of the meeting at which the decision was made.
- ▶ The circuit court reviews the record and decision to ensure that the decision:
  - ▶ a) complies with the constitution and laws of Michigan;
  - ▶ b) is based on proper procedure;
  - ▶ c) is supported by competent, material and substantial evidence on the record; and
  - ▶ d) represents the reasonable exercise of discretion granted by law to the board of appeals.
- ▶ The circuit court may affirm, reverse, or modify the decision of the appeals board or may also return the matter to the ACAB.

# Deliberation and Resolutions

- ▶ Avoid discussions, debates, or negotiations with applicant or others providing comment during the meeting.
- ▶ Avoid offering alternatives.
- ▶ If presented with new information or material at the meeting, it is acceptable to postpone to another meeting to have time to review new information.
- ▶ Use templates when making a resolution and provide reasoning for your conclusions
- ▶ Be clear and concise as possible.
- ▶ It's acceptable to ask person making the resolution to provide clarification.
- ▶ It is acceptable to state reasons why you will approve or deny the appeal.
- ▶ Be aware of body language – avoid frowns, gestures, head hanging, dozing off.



# Troy Board and Committee Appointee Ethics

- ▶ Respect the confidentiality of privileged information;
- ▶ Recognize that an individual board or committee member has no authority to speak or act for the Troy City Council, the City of Troy, or their respective Committee;
- ▶ Work with other appointees to further the board or committee goals;
- ▶ Encourage the free expression of opinion by all committee members;
- ▶ Communicate to City Council and staff as to issues of concern or requiring study or action;

# Troy Board and Committee Appointee Ethics

- ▶ Render all decisions based on the available facts and independent judgment;
- ▶ Make every effort to attend all meetings;
- ▶ Become informed concerning the issues to be considered at each meeting;
- ▶ Avoid conflicts of interest or the appearance thereof;
- ▶ Refrain from using position for personal benefit, or for the benefit of family members or business associates;
- ▶ Avoid use of derogatory language;
- ▶ Treat all people fairly and with dignity and respect.
- ▶ Abstain from harassing or discriminatory behavior.

# Conflicts of Interest

- Officials should avoid participating in any matter where he or she has a conflict of interest.
- Conflict of interest is generally described as having a financial interest- but it may be a personal interest too. This could include those officials who have real property in close proximity to the applicant- where the property value could be impacted.
- Minor relationship with applicant is not a conflict unless it impacts ability to be fair and impartial.
- When in doubt- disclosure is critical. After such disclosure, the decision can be left to the Board.
- If the Board votes that there is a conflict, the individual member should NOT be in the room when the matter is discussed, and should not participate in the discussions or deliberations.



# Open Meetings Act and Freedom of Information Act

- Michigan adopted the current versions of the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA) after Watergate (effective March 31, 1977). The core purpose of OMA and FOIA is best served through information about the workings of government or information concerning whether a public body is performing its core function.
- OMA and FOIA are applicable to the ACAB, since it is a “public body,” empowered City Ordinance to exercise governmental authority.

# Open Meetings Act

- **“All meetings of a public body shall be open to the public and shall be held in a place available to the public.” MCL 15.263**
- This includes virtual meetings.
- The following may constitute a meeting under OMA:
  - E-mail chain of discussion using “reply to all” feature
  - Social gathering or educational session w/ quorum and discussion or deliberation
  - Site visit w/quorum and discussion or deliberation
  - Sub-committee meeting w/quorum and discussion or deliberation
  - Round robin telephonic or e-mail discussion

# Open Meetings Act

- Open to the public means that all persons are entitled to record, televise, videotape, or broadcast a public meeting.
- Meetings shall be in open facilities and preferably easy for the public to access.
- If there is an unexpected crowd, the public body must try to accommodate if possible.
- All persons shall be permitted to attend- and address the public body on any item.
  - Can't restrict to residents only- but can ask for address to be supplied
  - Can't limit subject matter without good justification and written rules
  - Can have time limits imposed uniformly- do not restrict based on subject matter or opinion



# Open Meetings Act

- Reasonable rules can be enacted to minimize the possibility of disruption- but should be written and uniformly applied.
  - Public comment can be limited to a specific time on the agenda- and should be prohibited during deliberations.
  - Time limits- per speaker or per item or per meeting- must be reasonable and not based on the subject matter.
- In the event that a speaker becomes unruly, the chair should provide a warning if possible before taking any adverse action.
- Recess requests may assist with an orderly meeting. During a recess, do not discuss any matters with other ACAB members to avoid appearance of OMA violation.
- Purpose of public meeting- discuss public business- not deal with individual personalities. However, comments pertaining to job performance cannot be prohibited.

# Freedom of Information Act

- ▶ Requires disclosure and access to public records.
- ▶ Public records are writings prepared by, owned, used, in the possession of, or retained by a public body in the performance of an official function- from the time it is created.
- ▶ Writing is broadly defined to include all types of recordings, letters, words, pictures, sounds, papers, maps, photographic film, prints, punch card, discs... or other means of recording or retaining meaningful content.
- ▶ Includes letters, e-mails, text messages in course of performance of duties - even if on private devices (BYOD).
- ▶ Public body has 5 business days to respond to a FOIA request unless expressly asking for a 10 day extension due to unusual circumstances.
- ▶ The public body has the burden of justifying an exemption

# Freedom of Information – Communications Received by ACAB Members

- ▶ If a ACAB member receives a letter or email from applicant or any member of the public, do not respond other than to indicate the communication has been forwarded to City Administration.
- ▶ If the communication has relevance, City Administration may provide copy to all ACAB members in an agenda packet.
- ▶ ACAB members should not engage in any communications with applicant or other members of the public concerning a matter that is pending before the ACAB outside the meeting.
- ▶ Any written communications with applicants or members of the public may be subject to disclosure under FOIA.
- ▶ ACAB members should establish dedicated email for ACAB matters.