



**CITY OF WALLED LAKE
ZONING BOARD OF APPEALS
MONDAY, JANUARY 29, 2024**

The Meeting was called to order at 7:30 p.m.

ROLL CALL: Arnold, Easter, Gunther, O'Rourke, Rundell

ABSENT:

OTHERS PRESENT: City Attorney Vanerian, City Planner Ortega

Members attending via electronic means of Zoom from Walled Lake, Michigan.

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

ZBA 01-01-24 APPROVAL OF THE SEPTEMBER 25, 2023 ZONING BOARD OF APPEALS MEETING MINUTES

Motion by Gunther, seconded Easter: CARRIED: To approve the September 25, 2023, Zoning Board of Appeals meeting minutes.

COMMUNICATION: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Case No.: 2024-01
Applicant: James and Michelle Arnold
Location: 541 E. Walled Lake Dr., Walled Lake,
Parcel ID#: 92-17-34-428-013
Request: Special accessory use approval

This matter relates to the above-referenced property. Applicant proposes housing and raising not more than ten (10) hen chickens (no roosters) in a chicken coop/run enclosure setback not less than one hundred feet (100 ft.) from any adjoining property to be located in the rear yard of the applicant above referenced residential property that requires special accessory use approval pursuant to the following section of the Zoning Ordinance:

- Section 51-21.38 prohibits the keeping, raising, or breeding of farm and other non-domestic animals except as may permitted by and under conditions of public safety, comfort, convenience, and quiet use of property imposed by the zoning board of appeals. Applicant proposes housing and raising not more than ten (10) hen chickens (no roosters) in a chicken coop/run enclosure setback not less than one hundred feet (100 ft.) from any adjoining property to be located in the rear yard of the applicant's residential property which requires special accessory use approval by the ZBA pursuant to the above-referenced provisions of the zoning ordinance.

City Attorney Vanerian explained the applicant is Board Member Arnold. City Attorney Vanerian explained Board Member Arnold will need to recuse himself from this discussion and recommended the board make a motion to recuse him.

ZBA 01-02-24 TO RECUSE BOARD MEMBER ARNOLD FROM CASE 2024-01

Motion by Rundell, seconded by O'Rourke: CARRIED: To recuse Board Member Arnold from case 2024-01.

Open Public Hearing 7:34 p.m.

Applicant Mr. Arnold explained this is an opportunity to teach his children and provide teaching of responsibility by housing and caring for the hens. Mr. Arnold explained the neighbors he spoke with did not have an issue with this proposal. Mr. Arnold said there is a signed petition of support in his packet for the board.

Chairman Easter asked Mr. Arnold to verify the size of his property.

Mr. Arnold confirmed 4 acres.

Board Member Gunther asked why the quantity of ten hens.

Mr. Arnold said he probably would not do ten; however, he has never had chickens before, and he is not sure what to expect yet.

Chairman Easter clarified there would not be any roosters.

Mr. Arnold explained the coop is a kit coop to prohibit predators. Mr. Arnold explained the hen chickens would be out during the day and in the coop in the evening. Mr. Arnold explained there is a 12-foot elevation difference between him and his closest neighbor.

City Attorney Vanerian explained this case does differ from the typical variance case. City Attorney Vanerian explained the ordinance does not require the applicant to make a showing of practical difficulty as in traditional ZBA cases. City Attorney Vanerian explained the ordinance does prohibit farm animals, however, there is an opportunity for the Zoning Board of Appeals to permit and approve the keeping and raising of poultry provided the applicant shows the convenience and quiet keeping of the hens.

Board Member O'Rourke asked for clarification about letting the chickens out during the day and placing them back in the coop at night. Board Member O'Rourke explained there are coyotes and free-range chickens that could attract predators to the site that may cause a nuisance. Board Member O'Rourke said this concern brings to question cooping the chickens all the time not having free range.

Mr. Arnold said he wants what is best for the animals. Mr. Arnold said he would expect this not to be an issue during daylight hours. Mr. Arnold said the last thing he wishes is to have any animal injured due to his negligence.

Board Member O'Rourke said in addition to Mr. Arnold's property what about the neighbors who own dogs, cats, etc.? What about the safety of pets from potential predators?

AUDIENCE PARTICIPATION

Diane Mahacek, 515 E. Walled Lake Drive -- asked what the process of housing chickens is. Ms. Mahacek has a friend who owns a farm that has chickens, and she constantly has problems with raccoons attacking the chickens. Ms. Mahacek said the chickens will bring the raccoons; it is food for them. Ms. Mahacek said she does not think this can be controlled, and who will be responsible for controlling this. Ms. Mahacek said we have no room for the stuff we have, there are too many sheds, equipment, junk, boats, etc. lying around on all the properties. Ms. Mahacek explained this would bring more equipment for storage onto the properties in the city. Ms. Mahacek said she is not for this, this is a resort area, not a farm. Ms. Mahacek said she spoke with two of her neighbors, they do not want it, but they do not take the time to say they do not want this. Ms. Mahacek said she received a mailer today about a public safety millage renewal. Ms. Mahacek said it sounds like the city needs more money already so who will monitor this if there is no staff to do so. Ms. Mahacek said she is very much against this. Ms. Mahacek said she has nothing against her neighbor, but the kids will not take care of the chickens, and chickens can be dangerous too.

Vice Chairman Gunther said other people in the city have chickens.

City Planner Ortega explained the board evaluates the conditions of the site and is the request compatible with the neighboring properties. City Planner Ortega said the applicant has provided self-imposed setbacks of 100 feet that seem to address the neighboring properties.

Chairman Easter explained the site is 4 acres and the applicant will provide a minimum of a 100-foot setback in all directions.

Mr. Arnold said he did a measurement of the distance, and the location is approximately 100 feet in all directions. Mr. Arnold explained he has done research online, read books, and spoken with people who have chickens.

Board Member Rundell asked if the applicant will need to have a site plan that references the setbacks of the structure to the house, a map with property lines, and exact dimensions because they are not provided in this packet.

City Attorney Vanerian explained a building permit will be required with drawings showing setbacks. City Attorney Vanerian said the board could require a site plan. City Attorney Vanerian said the coop and run enclosure are accessory structures and it must meet the accessory structure requirements. City Attorney Vanerian said that the applicant's coop and run enclosure may potentially require a variance if it does not meet the ordinance requirements.

Diana Mahacek, 515 E. Walled Lake asked if the chickens would be out at night. Ms. Mahacek said the structure needs to be enclosed with a roof or the other wild animals will get them and there must be ordinance rules that are upheld. Ms. Mahacek opined that ordinance enforcement people cannot do what they are supposed to do, it is a wonderful thought, but it does not happen.

Close Public Hearing 7:58 p.m.

Board Member Rundell asked if there could be a condition placed with the resolution for the minimum size of the property.

City Attorney Vanerian explained there is no minimum lot size requirement in the ordinance for the keeping of poultry. City Attorney Vanerian explained it is up to the board as to whether the lot is sufficient in size to maintain the chickens to not negatively affect the neighbors.

Chairman Easter said the lot is a sufficient size, it is at four acres. Chairman Easter explained the ordinance requires three acres for a horse. There is room.

City Attorney Vanerian explained if the board requests a minimum size lot then it should go for an ordinance amendment to specify size. City Attorney Vanerian explained the applicant's variance request is reviewed on a case-by-case basis. City Attorney Vanerian explained if the board chose to place a stipulation it would be for this specific case only.

Mr. Arnold said the proposed run will be enclosed on top and sides.

ZBA 01-03-24 MOTION TO ADOPT RESOLUTION 2024-01 A RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE CITY OF WALLED LAKE GRANTING THE APPLICANT'S REQUEST FOR SPECIAL ACCESSORY USE APPROVAL TO HOUSE NOT MORE THAN TEN (10) HEN CHICKENS FOR THE REASON THAT APPLICANT DEMONSTRATED THE PROPOSED USE SATISFIES CONDITIONS OF PUBLIC SAFETY, COMFORT, CONVENIENCE AND QUIET USE OF PROPERTY

Motion by Rundell, seconded by Gunther, CARRIED: To adopt resolution 2024-01 a resolution of the Zoning Board of Appeals of the City of Walled Lake granting the applicant's request for special accessory use approval to house not more than ten (10) hen

chickens for the reason that applicant demonstrated the proposed use satisfies conditions of public safety, comfort, convenience and quiet use of the property.

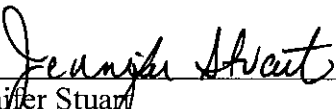
Roll Call Vote

Ayes (4) Rundell, O'Rourke, Gunther, Easter
Nays (0)
Absent (0)
Abstain (0)

ADJOURNMENT

ZBA 01-04-24 MOTION TO ADJOURN

Motion by Gunther seconded by Rundell, CARRIED, to adjourn the meeting at 8:15 p.m.



Jennifer Stuart
Recording Secretary

Jason Easter
Chairman

Approved 6/24/24