



**CITY OF WALLED LAKE  
ZONING BOARD OF APPEALS  
MONDAY, JUNE 24, 2024**

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

**ROLL CALL:** Ackley, Arnold, Gunther, O'Rourke

**ABSENT:** Easter

**OTHERS PRESENT:** City Attorney Vanerian, City Planner Ortega, Planning  
Commission Liaison Wolfson

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

**ZBA 06-01-24 MOTION TO EXCUSE CHAIRMAN EASTER FROM TONIGHT'S  
MEETING**

Motion by O'Rourke, seconded by Gunther, CARRIED: To excuse Chairman Easter  
from tonight's meeting.

**REQUESTS FOR AGENDA CHANGES:** None

**APPROVAL OF MINUTES:**

**ZBA 06-02-24 APPROVAL OF THE JANUARY 29, 2024 ZONING BOARD OF  
APPEALS MEETING MINUTES**

Motion by O'Rourke, seconded Arnold: CARRIED: To approve the January 29, 2024  
Zoning Board of Appeals meeting minutes.

**COMMUNICATION:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

1. Receive and File Resignation of Zoning Board Member Phil Rundell

**ZBA 06-03-24 MOTION TO RECEIVE AND FILE RESIGNATION LETTER  
FROM BOARD MEMBER PHIL RUNDELL**

Motion by O'Rourke, seconded by Gunther, CARRIED: To receive and file resignation letter from Board Member Rundell.

Vice Chairman Gunther said he hopes all is well and thanked Mr. Rundell for his services.

2. Case No.: 2024-02  
Applicant: Byron Godoy Reyes  
Location: 1565 Highmeadow, Walled Lake,  
Parcel ID#: 92-17-26-127-013  
Request: Special accessory use approval

This matter relates to the above referenced property. Applicant proposes housing and raising not more than six (6) hen chickens (no roosters) in a wire chicken coop enclosure to be located in the rear yard of applicant's above referenced single family 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 six (6) hen chickens (no roosters) in a wire chicken coop enclosure to be located in the rear yard of applicant's above single family residential property which requires special accessory use approval by the ZBA pursuant to the above referenced provisions of the zoning ordinance.

Vice Chairman Gunther read the applicant's request for chickens. Mr. Gunther asked if the board members had any questions and requested the applicant to present their request.

Open Public Hearing 7:34 p.m.

Mr. Godoy explained he is familiar with the raising of chickens; he raised chickens in Guatemala over 2,000 of them and his daughters have an interest.

Board Member Ackley explained she is out of town and had not been able to review the site, she asked if any board members have been out to physically review the site, it is in a residential neighborhood and the board needs to be sure it does not infringe on the neighbors.

Board Member O'Rourke explained he visited the site and the space in between homes is decent, the site is along Decker Road. Board Member O'Rourke explained there are single-family homes on the one side and possibly a wetland area on the other. Board Member O'Rourke explained he is concerned with the wildlife in the area. Board Member O'Rourke explained this site is closer to residential homes than other cases the board has heard.

Mr. Godoy said he has been working extensively and has not had time to obtain letters from his neighbors but explained the ones he did speak with did not have concerns.

Mr. Godoy's daughter Ashley explained the coop is fully enclosed.

Board Member O'Rourke explained he is not opposed to chickens but the predators that come in to eat the chickens. Board Member O'Rourke explained he knows of two individuals who have chickens and they had predators snatch their chickens. Board Member O'Rourke explained these property owners dug down four feet around the coop area and placed fencing to help deter predators. Board Member O'Rourke said he has concerns about the neighbor's and small pets they may have; harm that could come to them from the natural predators. Board Member O'Rourke said this site is in a subdivision, it's a traditional residential street, he is not sure of the approval.

Board Member Arnold said he is pro chicken, and he has not observed any new predators with his chicken coop situation. However, having the neighbors ok with this is important. Board Member Arnold asked if the neighbor's closest to the coop's fenced area is ok with this.

Mr. Godoy said yes.

Board Member O'Rourke asked if the chickens were let in and out every day.

City Planner Ortega said there is not anything in the zoning ordinance that applies, this site is 180 feet from Decker Road, the lot is 90 feet in length, the coop itself is on the west property line which is adjacent to the shed. City Planner Ortega said there was mention of digging down three to four feet around the coop to help add additional wiring and fencing underground.

Board Member O'Rourke asked about the fence, the fenced in area abuts the sites existing fence, does this require a setback.

City Planner Ortega explained there is no specific setback for this, the coop is not technically a structure. City Planner Ortega said the review by the ZBA for these types of requests are on a case-by-case basis. There are unique situations to each. City Planner Ortega explained regarding odor, the applicant is not in the prevailing wind pattern so odor may not be an issue.

Board Member O'Rourke asked if the chickens will be housed every night.

Mr. Godoy's daughter Ashley explained the neighbor on the right side of the home had texted her father that she was ok with the chickens. Correspondence was read into the record.

Board Member Arnold said given proximity to the neighbors and the willingness of support for this case, this is fine until odor becomes an issue. Board Member Arnold said if in ten years from now a new neighbor moves in and is concerned with the odor, how is this addressed.

City Attorney Vanerian said the board could impose conditions on the approval such as the enclosure would have to be setback from any side property line, or the chickens be kept and housed in a manner that does not create excessive odors that create a nuisance to neighbors.

Vice Chairman Gunther asked if the city ordinance had language that addresses obnoxious odor.

City Planner Ortega explained obnoxious odor wording is in the ordinance but not specific to the keeping of chickens.

City Attorney Vanerian said it would be incumbent on the property owner to keep the coop and pen clean and maintain to mitigate any odor. City Attorney Vanerian opined this cannot become a nuisance to neighbors.

Mr. Godoy and his daughter Ashley explained the coop is cleaned every other day.

City Attorney Vanerian explained if the conditions imposed by the board are not followed the variance is revoked.

Board Member Arnold said the applicant sounds knowledgeable, if a neighbor were to come after this variance approval and complain of odor, he personally would like to see a clause that the site be maintained to not become a nuisance to neighbors.

Board Member Ackley said she is satisfied with what she has heard, if the board wishes to have added stipulations she agrees. Board Member Ackley explained to have the requirement of placing chickens inside the building at night to avoid predator attraction is important.

#### *AUDIENCE PARTICIPATION*

*None*

Close Public Hearing 7:52 p.m.

**ZBA 06-04-24 MOTION TO ADOPT RESOLUTION 2024-02 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 SIX (6) HEN CHICKENS FOR THE REASON THAT APPLICANT DEMONSTRATED THE PROPOSED USE SATISFIES CONDITIONS OF PUBLIC SAFETY, COMFORT, CONVENIENCE AND QUIET USE OF PROPERTY SUBJECT TO THE FOLLOWING CONDITIONS: 1.) CHICKENS MUST BE PLACED INSIDE BUILDING IN EVENING AND 2.) TO KEEP THE PEN AND COOP CLEANED TO MITIGATE ODOR**

Motion by Arnold, seconded by Gunther, CARRIED: To adopt resolution 2024-02 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 six (6) hen chickens for the reason that applicant demonstrated the proposed use satisfies conditions of public safety, comfort, convenience and quiet use of the property subject to the following conditions: 1.) Chickens must be kept inside the building at night and 2.) To keep the pen and coop cleaned to mitigate odor.

Roll Call Vote

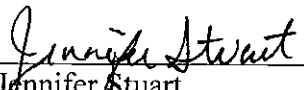
Ayes (4) O'Rourke, Ackley, Arnold, Gunther  
Nays (0)  
Absent (0) Easter  
Abstain (0)

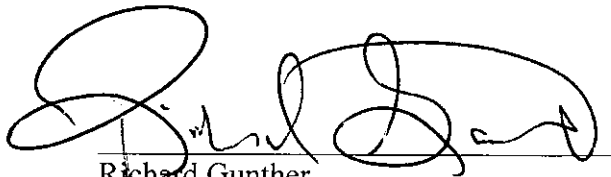
**ADJOURNMENT**

**ZBA 06-05-24**

**MOTION TO ADJOURN**

Motion by O'Rourke seconded by Gunther, CARRIED, to adjourn the meeting at 8:05 p.m.

  
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Jennifer Stuart  
Recording Secretary  
Approved 6/30/25

  
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Richard Gunther  
Vice-Chairman