



**CITY OF NOVI CITY COUNCIL
NOVEMBER 27, 2023**

SUBJECT: Consideration of request from Caldin Konja for a variance from Section 5-12 "Keeping of Animals as accessory use" of the City Code, to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling.

SUBMITTING DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

Earlier this spring Community Development received a complaint from a resident regarding chickens at large on Nine Mile, west of Beck Rd. On May 5, 2023, a Notice of Violation was sent to the homeowner for violation of Ordinance Code Section 5-12 for the following: the keeping of roosters, the keeping of waterfowl, the allowance of chickens to free roam, the construction of a (chicken) pen area closer than 100 ft. to the nearest dwelling, and the lack of a properly constructed chicken coop. A chicken coop has been installed or improved and the chickens are properly restricted to the chicken coop area. The only remaining ordinance violation as of today's date is that the chicken coop is not placed at least 100-feet from the nearest adjoining dwelling as required by Section 5-12 of the City of Novi Code of Ordinances, which states:

Any animal, other than a household pet, that is permitted to be kept as accessory to a principal use of a property shall be housed in accessory buildings meeting the requirements of the zoning ordinance. Notwithstanding any other provision of this Code, including the zoning ordinance, such accessory structure shall be permitted, provided that it shall not be located in the front yard of any lot, nor nearer than one hundred (100) feet to any adjoining dwelling, nor nearer than twenty-five (25) feet to the dwelling of the owner thereof. Such accessory structure shall be a covered enclosure, and the animal shall be kept within the covered enclosure or within a fenced area complying with the setback requirements below at all times and shall not be permitted to run at large in any street, alley, or public place, or upon the premises of another.

The applicant is requesting an appeal to allow the accessory coop structure to be located within approximately 75 feet of neighboring dwellings. Section 5-12 does not

include a specific appeal procedure; therefore, the applicant is required to show that she meets the standards of Section 1-12 (c) of the City of Novi Code:

Sec. 1-12. - General appeal.

(c) A variance may be granted by the city council from regulatory provisions of this Code when all of the following conditions are satisfied:

(1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant.

(2) The alternative proposed by the applicant will be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question.

RECOMMENDED ACTION: Motion to approve the Applicant's request for a variance to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling, in the location identified in the Applicant's application, for the reason that Applicant has shown that placement of the chicken coop in a location on the Property that would be at least 100 feet from the nearest adjoining dwelling is not possible, that the current placement does not interfere with the enjoyment of the adjoining dwelling because there has always been a chicken coop on the Property prior to the construction of the adjacent dwellings with no negative impact, and the granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question. Because the Applicant will keep the chickens restricted to the chicken coop and will maintain the area so as to eliminate or minimize any noise or odors associated with maintaining chickens; or

Motion to deny the Applicant's request for a variance to allow the maintenance of a chicken coop on the property located at 47707 Nine Mile, Road, in a location that is less than 100-feet from the nearest adjoining dwelling, in the location identified in the Applicant's application, for the reason that Applicant can place the chicken coop on the Property in a location that is at least 100 feet from any adjoining dwelling; that the current placement interferes with the enjoyment of the adjoining dwelling because the owner of the adjoining dwelling has indicated that the noise and odor generated by the keeping of the chicken coop interfere with his or her use and enjoyment of property; and/or and the granting of the variance will be detrimental to the public health, safety or welfare, and injurious to adjoining or neighboring property, and contrary to the overall purpose and goals of the chapter or article containing the regulation in question because the owner of the adjacent dwelling has indicated that the Applicant has not kept the chickens restricted to the chicken coop and has not maintained the area so as to eliminate or minimize any noise or odors associated with maintaining chickens.

MEMORANDUM



TO: CHARLES BOULARD, DIRECTOR OF COMM. DEVELOPMENT
FROM: DEBORAH MARTINEZ, CODE COMPLIANCE
SUBJECT: 47707 NINE MILE: KEEPING OF CHICKENS
DATE: NOVEMBER 8, 2023

Background

Earlier this spring Community Development received a complaint from a resident regarding chickens at large on Nine Mile, west of Beck Rd. The complainant indicated this had occurred several times in the recent past as well.

Follow-up inspection on May 04, 2023, revealed several chickens and what appeared to be a rooster roaming the road and front lawn of the home located at 47707 Nine Mile Rd. The adjacent neighbor allowed access to view the property to confirm a barn-styled shed and pen area with several white ducks, and a few other chickens in the pen area at the center of the adjacent property located at 47707 Nine Mile Rd.

Action to date:

A Notice of Violation (N.O.V.) was sent to the property owner of 47707 Nine Mile Rd., Caldin Konja, on May 05, 2023, for violation of Ordinance Code Section 5-12 for the following: the keeping of roosters, the keeping of waterfowl, the allowance of chickens to free roam, the construction of a (chicken) pen area closer than 100 ft. to the nearest dwelling, and the lack of a properly constructed chicken coop.

The Notice also indicated that per City Ordinance free-range chickens are prohibited, and that the chicken coop shall be constructed in a way that allows for proper ventilation to prevent drafts and to remove odors, and provides the chickens protection from predators, also included was a reminder that all City of Novi codes and ordinances relating to noise, odor, and sanitation apply to the keeping of animals, including dogs as the complainant also stated that Mr. Konja's dog often roams onto adjacent property.

Subsequent conversations with the property owner acknowledged partial resolution of the issues, and he did state that the previous homeowners had chickens, pigs, and other animals and that the pen and "barn" were in place when he moved in. City staff were unable to verify or confirm this assertion. To date, the rooster has been removed, but some of the remaining animals are housed less than the required distance to the adjacent dwellings.

Pending Appeal:

As Section 5-12 "Keeping of Animals as accessory use" of the City Code does not include variance procedures, consideration of an exception to the ordinance provisions would occur under Section 1-12 "General Appeal "and would be to City Council.

Mr. Konja has requested an appeal to allow the accessory coop structure to be located within approximately 75 feet of neighboring dwellings. This matter will be brought before City Council for consideration on a future agenda.

To whom it may concern,

CITY OF NOVI
CITY CLERK'S OFFICE

2023 OCT 19 AM 11:20
Sec. 5-12. Keeping of

This letter intends to serve as an appeal to municipal ordinance code ***Sec. 5-12. Keeping of animals as accessory use*** which states ***Any animal, other than a household pet, that is permitted to be kept as accessory to a principal use of a property shall be housed in accessory buildings meeting the requirements of the zoning ordinance. Notwithstanding any other provision of this Code, including the zoning ordinance, such accessory structure shall be permitted, provided that is shall not be located in the front yard of any lot, nor nearer than one hundred (100) feet to any adjoining dwelling, nor nearer than twenty-five (25) feet to the dwelling of the owner thereof. Such accessory structure shall be a covered enclosure, and the animal shall be kept within the covered enclosure or within a fenced area complying with the setback requirements below at all times, and shall not be permitted to run at large in any street, alley, or public place, or upon the premises of another.*** As the current owner of 47707 Nine Mile Rd Northville, MI 48167, I am requesting a variance of 25 feet, from the current 100 feet requirement between an accessory structure and any adjacent dwelling. I have previously filed an appeal through the ZBA as advised by the city of Novi, and was advised this was not a ZBA issue and that I must petition this concern to the city council. I am hopeful this reaches the intended destination, and we are able to resolve this conflict in a timely manner.

I purchased my property in 2021, from the original owners who built the accessory structure as well as the home on the property. My intention when purchasing the property was to use the barn and land as they had. The previous owners farmed many animals on this land including chickens, pigs, and turkeys. My property features a barn that the previous owners used for their farming needs, which was built sometime before 1974 as seen on aerial photographs per the city of Novi. The home on my property was built around 1968. The previous owners had a well documented chicken coop and run connected to the barn, present long before any neighbors moved into the neighborhood. The neighboring home directly west of my property was built in the 1980s, and the neighboring home directly east of my property was built in the early 2000's. These dates demonstrate that my accessory structure (barn) was the first building between the three addresses. These dates also pose a concern that my neighbors are in fact in violation of the ordinance, as their buildings came well after the established barn, chicken coop and run had been present for decades.

As the new owner, I understand that I have to apply for a variance at this time, as the previous owners were not made aware that there was any concern of violation, and I am hopeful that this can be resolved without complication. My request for a variance of 25 feet will allow me to continue keeping my chickens where they currently are without causing an issue of violation. I have spent countless hours creating a safe space for my neighbors and my animals, where there

should be no concern of detriment to the public health, safety or welfare of neighboring property. There is no risk or concern for bodily harm whatsoever with regard to any neighboring properties. I am more than willing to present this concern to the city council if you would have me in person, as well as present testimony from the previous owners regarding their use of the barn and land for livestock and agriculture that preceded my ownership. Thank you for your time.

Caldia Konja
47707 9 Mile Rd
Northville MI 48167

Sec. 5-12. - Keeping of animals as accessory use.

Any animal, other than a household pet, that is permitted to be kept as accessory to a principal use of a property shall be housed in accessory buildings meeting the requirements of the zoning ordinance. Notwithstanding any other provision of this Code, including the zoning ordinance, such accessory structure shall be permitted, provided that it shall not be located in the front yard of any lot, nor nearer than one hundred (100) feet to any adjoining dwelling, nor nearer than twenty-five (25) feet to the dwelling of the owner thereof. Such accessory structure shall be a covered enclosure, and the animal shall be kept within the covered enclosure or within a fenced area complying with the setback requirements below at all times, and shall not be permitted to run at large in any street, alley, or public place, or upon the premises of another.

All enclosures for the keeping of such animal shall be constructed of material that can be easily cleaned and shall be kept in a clean and sanitary condition. The enclosure shall be properly ventilated to prevent drafts and remove odors, shall be of sufficient size to accommodate the animal, and shall be designed so as to prevent rats, mice, or other rodents from being harbored underneath, inside, or inside the walls of the enclosure. The required fenced area shall be a minimum of fifteen (15) feet from the property line (a fence located on a property line shall not satisfy the requirement for a fenced area). The required fenced area must be kept free from trash and accumulated droppings.

Removal or appropriate disposal of droppings is required. Droppings not used for composting or fertilizer shall be removed. All provisions of this Code relating to noise, odor, and sanitation, including the provisions of this article, shall apply to the keeping of animals under this section.

All animals, except livestock and household pets, shall be female. No roosters are permitted on any property. No slaughtering of animals may occur except within the fenced area and in an enclosed building.

(Ord. No. 11-108.05, Pt. 1, 3-7-11)





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