



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.

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.