

March 16, 2015

Rollin Township Appeals Board

Variance Hearing for **Appeal Number PZ15-002**

The Rollin Township Board of Appeals was called to order by Chairman Arlen Miller at 7:03 p.m. to hear an appeal for **Joshua Perry of 5031 Woerner Rd.**, Manitou Beach, MI. for having too many dogs on his property.

Chairman Miller stated the purpose of the meeting and introduced the board. Board members present: Richard Sherlitz, Tim Miller, Walter Miller, John Seiser, and Arlen Miller.

Joshua Perry explained that his dogs are service dogs and are his livelihood and asked that they be exempted from the ordinance.

Arlen Miller said that they are not a service dog and quoted Terry Fleck, a deputy sheriff /canine handler (ret) from Lake Tahoe, CA.

Perry said he knew of Fleck but said that was a legal question for the definition of service dog, or a gray area.

John Seiser asked Perry about these dogs being part of his livelihood, does he receive consideration for handling the dogs?

Perry said that the dogs stay with the handler. Perry is the K-9 handler for the Adrian Police Dept. The police dept. pays for the food, handling, and other bills. Perry hands into the dept. The Adrian Police Dept. is the technical owner of the dogs. Compensation is paid on a daily basis but Perry must turn in bills for time and maintenance.

Perry has two active police dogs, one retired dog, and three pet dogs.

Seiser asked why they couldn't be put in a commercial area. Perry said they tried that and it did not work.

Walt Miller asked why the retired dogs couldn't be adopted out like the military dogs were. Perry said that they were one man dogs and couldn't be adopted out.

Ray McGrath said he liked the dogs because their barking caused his dog to bark – this told him something was going on and he wouldn't have to worry about thieves.

Perry said that he has had the dogs going on ten years now and that he researched the ordinance and said that he could have the dogs. Perry said that a lot of the noise came from a K-9 dog he received from Monroe when the officer there died. Perry said that his dogs have bark collars on.

Sherlitz explained many of the reasons that dogs bark and asked if there was anything that Perry could do to stop the barking. Perry said that he puts the dogs in an insulated garage about 4:30 in the afternoon so people shouldn't be able to hear them barking and lets them out about 10 am in the morning.

Numerous neighbors then got up and said that the barking was often continuous and that they were afraid to walk their own dogs anywhere near the property. The neighbors have called the dog warden numerous times but Perry was never cited.

The neighbors said that all they want is respect from Perry but aren't getting it by his dogs continually barking day and night.

Seiser went back to the 1986 Township Ordinance No. 14 on Dog Control to prove to Perry that this is not a new ordinance since he moved to the area. Seiser pointed out a need for the ordinance and that if Perry couldn't control three dogs how was he to control six.

Chairman Miller than read two of the letters from neighbors complaining about the barking. There were at least twelve letters of complaint and several phone calls all requesting that the Appeals Board not approve more than three dogs on the premises.

Chairman Miller then closed the floor to discussion.

Nothing was presented during this appeal to support Perry's request to have more than three dogs on the premises. The letters, phone calls, and number of people in attendance supported the ordinance as being a sound ordinance.

John Seiser made a motion to deny the request as presented. Walter Miller supported the motion.

Roll Call Vote: Richard Sherlitz: Yes, Tim Miller: Yes, Walter Miller: Yes, John Seiser: Yes, Arlen Miller: Yes. Appeal was denied.

All letters are to be made a permanent part of the record.

Sherlitz made a motion to approve the minutes of February 2, 2015 (Huttner, 2832 Round Lake Hwy PZ14-60) Tim Miller supported. All ayes voted.

John Seiser made a motion to adjourn, Arlen Miller supported. Meeting adjourned at 8:10 p.m.

Respectfully submitted, Walter Miller, Secretary _____

s/Walter Miller