

May 21, 2020

Mr. Adam Kline

Township Manager / Zoning Administrator

Charter Township of Oakland Michigan

Cc: Board of Trustees

**Subject:** Animal Nuisance Complaints, 1700 N. Rochester Road Poultry Livestock Facility, Under Zoning Ordinance 16-306 F

Mr. Kline,

This is a formal written complaint under Zoning Ordinance 16-306 F. Please let me know if any additional or clarifying information is required.

1 - Township Zoning Ordinance 16-306 "Animals" Section F, "Nuisance" says on the Township website:

***Nuisance: The keeping of animals shall not be permitted to constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by an abutting property owner with the Township stating animals allowed under the provisions listed above constitute a nuisance, the Township Zoning Administrator shall determine whether the animals constitute a nuisance. If the nuisance claim is found to be for a farm operation protected under the Right to Farm Act, the Zoning Administrator shall file the complaint with the State Department of Agriculture to determine if such nuisance is present and appropriate action taken.***

2 – It is my intent to follow ordinance 16-306 F in handling my nuisance complaints.

3 - Please determine as soon as possible, whether ***"the animals constitute a nuisance"*** as currently housed and raised. If so, please file a complaint with State Department of Agriculture. In any case, please provide me a written reply to my complaint, outlining the reasons that there is a nuisance or not. In fact you have our permission to enter our property at the South driveway with the red gate where everything can be seen and evaluated. We will leave the gate open for you for your convenience as there have been current modifications made to the farm within the last month.

4 – My previous email letter of May on.17, 2020 describes the history entire nuisance situation and gives additional background detail, and is part of this complaint.

5– The word "nuisance" is undefined in the list of terms in our Zoning Ordinance, Article II, "Definitions" and in our Code in general.

I will use this legal website definition of nuisance below, unless you can direct me to a different one that the Township has officially adopted for the purposes of 16-306 F.

This law firm site defines nuisance - ***“The legal definition of “nuisance” is an activity or physical condition that is indecent or offensive to the senses, or interferes with another person’s reasonable use and enjoyment of life or property.”***

<https://www.alllaw.com/articles/nolo/personal-injury/private-public-nuisance-claims-property-owners.html>

6 – Here in outline form are the many nuisances that definitely ***“interfere with my reasonable use and enjoyment of my property”***. These are ongoing regular occurrences, for which I could provide frequent updates if needed.

I have attached small fraction of the photographic and video evidence we have accumulated. All this is available to the township.

### **Nuisances caused by poultry at 1700 N. Rochester Road.**

#### **Noise**

- I can’t sleep because of noise
- Roosters in the greenhouse in front of house near Rochester Road crow when car headlights pass
- Roosters crow all day long
- Geese squawk at any movement in Caruso’s yard; this is now worse as the livestock facility has removed a screening of brush that once reduced visibility
- A recent pile of logs has been added to the S W corner of the barnyard where geese and other birds congregate and can see us in our yard even better and we can hear them even louder.
- Noise of predators killing poultry at night
- Guinea hens and geese are especially loud, I have recordings as evidence

#### **Odor**

- Prevents use of my backyard for entertainment or campfires
- Cannot open windows due to odor and noise
- Fires on weekends cause odors, burning manure??
- The “free-range” poultry yard does not drain, is wet, and causes odorous manure decay
- Odor, of course, is worse under certain wind directions

#### **Manure and dead bird parts contamination of yard**

- Prevents the use backyard for entertainment or campfires
- Poultry manure in yard is health hazard
- Coyote droppings in yard have increased as they have been attracted to the area

- Dead and decaying poultry parts to clean up; killed by predators (predators easily climb over, under or through inadequate farm fence)
- Raccoon's and other predators are seen entering the barnyard from our South driveway

**I cannot maintain our large vegetable garden that was previously was a significant source of our organic food supply. This is an economic cost as well as nuisance.**

- Poultry, chickens or turkeys, 10-30 at once (farm has inadequate fencing)

**Sandhill cranes blue herons, wild turkeys I once enjoyed have left; coyotes, raccoons, possums and other predators have increased.**

**I suffer stress from worrying about possible contamination of well-heads in area, including Fire Station #2, and local community wells as this "farm" expands, without oversight from any government agency, as it is doing**

**There is one house that is closer to the poultry than mine on the south side. I know they do not complain as that house is empty and no one lives there. This leaves me as the closest occupied neighbor.**

**I am stressed by thinking about the possible contamination of protected wetlands as this "farm" expands into protected wetlands without oversight from any government agency, as it is doing.**

Lisa Caruso  
1620 N. Rochester Rd.  
Oakland, MI 48363







This photograph above illustrates the often wet conditions on May 19, 2020, that lead to manure decomposition and odor. The Manure GAAMP suggests that only dry conditions result in low odors. A contractor who was asked to provide drainage told the farm owners that this is not possible.







Here are two photos of my backyard, with garden, play area and fire pit, I once enjoyed with my family. It is not possible to enjoy it due to odor, noise and constantly the replenished contamination of feces and predator-killed poultry body parts.





Here is a security camera photo of turkeys and other poultry coming to eat our raspberries 8/1/2019 while we were at work. They ate a year's supply of the raspberries and left nothing for my family. Every berry ripe or not.