

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 16, 2012, 5:00 P.M., COUNCIL CHAMBERS
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Chairman Steve Welch called the Meeting to order at 5:00 p.m.

MEMBERS PRESENT: Welch, Parker, Groulx, Parker, Hynes, Haskins and Walls.

MEMBERS ABSENT: Weatherford.

OTHERS PRESENT: A. Frost, Deputy Planning Official and M. Snow, Clerk's Office.

Mr. Parker moved and Haskins seconded to approve the Regular ZBA Meeting minutes of January 19, 2012 at 5:00 p.m. Motion carried 7-0.

NEW APPLICATIONS:

1. ZBA #12-04
- BY: Dr. Mark Rudy & Mr. David Stevens
6221 Golfview Dr.
Burton, MI 48509
- RE: 6221 Golfview Dr.
Parcel #59-01-505-026
- FOR: To have four (4) adult dogs, two (2)
adult dogs allowed. (5 votes required)

Attorney Joseph Sefa, 327 N. Main, Davison, told of dogs he owned that were put to sleep, which had a great impact on his children. He mentioned that Mr. Rudy has lived in his home 7 years and was unaware a dog ordinance existed. He said Mr. Rudy and Mr. Stevens adopted 2 boys and having the 4 dogs is great therapy for them.

AUDIENCE PARTICIPATION:

Steve White, 6223 Golfview, lives east of the applicants and respects that they have adopted the boys. The dogs are not out often but when they are, they disturb him and he cannot enjoy his backyard. He suggested they put up a privacy fence and he would be ok with the dogs. He asked the Board to limit the number of dogs as they pass away and he asked not to receive unnecessary letters from the attorney.

Tracy Kedovary, 6201 Golfview, lives to the west of the applicants and has numerous issues with the dogs. She is outside most of the summer and the dogs always bark incessantly at her and the owners do not restrain them. She read a letter she received from the attorney indicating she may be sued for harassing the applicants. An officer spoke with Mr. Rudy and Mr. Stevens and she now feels the applicants are retaliating against her for reporting this issue by throwing trash on her porch and lawn.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2012 / 5:00 P.M.

PAGE 2

Shirley Calbert, 6204 Greenview, said her husband works 3rd shift and is unable to sleep due to the incessant barking. They do not open their windows and cannot work in the yard because of the noise the dogs create. She has never seen anyone cleanup after the dogs and the odor of the feces travels.

Brian Stevens, 6221 Golfview, said his dogs are special to him.

David Stevens, 6221 Golfview, said he called the police on Mrs. Kedovary's dog for barking and she is retaliating on him. He goes out every time with the dogs and never let's them bark at her. He has had to listen to her loud music but has never called the police about it. She should keep her own dog quiet. Mr. Stevens said he has anxiety and nightmares from a carjacking he endured and the dogs help relieve some of that anxiety.

Mark Rudy, 6221 Golfview, said both his children are special needs and they have been able to stop their therapy since the dogs benefit them so much. The dogs let him know if his boys need him or are having a blackout. Their psychologist said taking the dogs away would be detrimental to the boy's health and may create a relapse.

Louis Kedovary, 6201 Golfview, said he would never call children names. Mr. Kedovary's own son is gay and he has no issue with that. He said the dogs only stop barking when they are made to go in the house. He would not have an issue with the dogs if they were quiet.

Mr. Welch read a letter in opposition from Ron and Maria Fry of 6192 Greenview.

Ms. Frost received a call from a neighbor on Greenview who was also in opposition. She said the Board could approve or deny this based on death, fencing or however they would like.

BOARD DISCUSSION:

Mr. Haskins said he is an animal lover but also respects code. He was perturbed the house is for sale and the Board must act on this when the applicants might not even live there much longer and the action may be void. He said seeing as the neighbors are in opposition, along with other variables, he cannot vote for this.

Mr. Walls was sympathetic to the family's medical issues and would like to give them 90 days to find a solution to have only 2 dogs, which also gives them time to move from the City. This time frame would be before summer when neighbors will be in the yard more.

Mr. Haskins asked what the procedure is if the case is denied.

Ms. Frost said she would send a certified letter giving them 30 days to be in compliance. If that is not done, the code enforcer could have the dogs removed by Animal Control.

Mr. Haskins said the neighbors have the right to live in peace. He has an issue with the 90 days.

Mr. Walls said if the medical issues weren't a factor, he would deny the variance.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2012 / 5:00 P.M.

PAGE 3

Mr. Groulx said the dogs could still look through the cracks of the privacy fence. He suggested a bark collar and said it is unfortunate the neighbors are against each other. He agreed that the medical issues are an important factor and supports giving the applicants 90 days to comply.

Mr. Welch asked if there is much more value with therapy to have 4 dogs rather than 2.

Mr. Stevens replied there is more value with 4 dogs since this decision could put his son back in the hospital if 1 or 2 are made to leave the home. His medication has been increased for possible trauma with this matter as well.

Mr. Hynes said 90 days would give them just before spring.

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker moved and Walls seconded to approve ZBA #12-04 with the stipulation that at the end of 60 days, a 30 notice to comply will be sent, giving until May 15, 2012 to get rid of 2 dogs or the applicants moving from within the City. Motion carried 6-1 with Haskins voting no.

2. ZBA #12-05

BY: Megan and Alex Bol
1512 Kra-Nur
Burton, MI 48509

RE: 1360 N. Belsay Rd.
Parcel #59-12-502-048

FOR: To conduct a C-2 General business use in a
R-O restricted office zoning for a beauty
salon and boutique. (5 votes required)

Attorney Craig Mcara, 8455 S. Saginaw, Grand Blanc, said the Bol's would like to bring business to Burton. They have operated this type of business before and are competent to do so.

Megan Bol, 1512 Kra-Nur, said she has material safety data sheets in compliance with the health board and regulation. As well as chemical compounds and how they are not detrimental to the environment.

AUDIENCE PARTICIPATION: None.

Ms. Frost said there used to be a retail store at this location. She feels this business will improve the area and recommended approval.

BOARD DISCUSSION:

Mr. Parker was appreciative that the Bol's wanted to bring a business into Burton.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 16, 2012 / 5:00 P.M.

PAGE 4

BOARD RECOMMENDATIONS AND/OR ACTION:

Mr. Parker moved and Haskins seconded to approve ZBA #12-05. Motion carried 7-0.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 15, 2012 at 5:00 p.m.**

Meeting adjourned at 6:20 p.m.

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