

CITY OF BURTON
REGULAR ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 17, 2011, 5:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Chairman Steve Welch called the Meeting to order at 5:09 p.m.

MEMBERS PRESENT: Welch, Parker, Parker, Weatherford, Grantner and Haskins.

MEMBERS ABSENT: Hynes.

OTHERS PRESENT: A. Frost, DPW Representative and L. Young, Clerk's Office.

Parker moved and Weatherford seconded to approve the Regular ZBA Meeting Minutes of January 20, 2011 at 5:00 p.m. Motion carried 6-0.

NEW APPLICATION:

1. ZBA #11-01

BY: Randy and Ann Luxton
2167 N. Genesee
Burton, MI 48509

RE: 2167 N. Genesee
Lot 56 Calvert Park
59-03-580-056

FOR: To have backyard chickens on a property
that is less than 1/2 acre. 20,000 sq. ft
existing, 21,780 sq. ft. required.
(5 votes required)

Mr. Welch informed the applicant there was not a full Board present and they have the option of deferring their case until the next meeting to be held on March 17, 2011.

Randy and Ann Luxton, 2167 N. Genesee Rd., stated that they did not have any additional information to add.

AUDIENCE PARTICIPATION:

Janet Roat, 2207 N. Genesee Rd., stated she has concerns about backyard chickens as she has had experience with them. If the applicant is not allowed to have roosters or an egg stand, and if there were no smell created, then she would not stand against the variance.

BOARD DISCUSSION:

Mr. Welch read letters that were submitted to the Department of Public Works on February 5, 2011 by Kathleen Campbell and February 6th, 2011 by Jerry and Kim Nebus in protest against the applicant's request to obtain a variance.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 17, 2011 / 5:00 P.M.

PAGE 2

Ms. Frost assured Mrs. Roat that neither the sale of chickens nor eggs are allowed. She added that roosters are also not allowed and if a smell became a nuisance, there is recourse via the code enforcement officer. Ms. Frost stated that since there are two objections on Thistlewood Dr., she must recommend a denial on the variance request.

Mr. Grantner stated they just passed the ordinance to keep chickens and have nothing to go by. This is the first variance and he will be voting no.

Mr. Haskins asked Ms. Frost about the number of permits they have received to obtain chickens within the City. Ms. Frost replied the City has had two or three permits pulled since it was approved last year.

Mr. Haskins asked how long it has been since the permits were pulled. Ms. Frost replied the first was pulled a week after the ordinance was passed and the second was a couple months later. She added that she has not had any complaints from the neighbors regarding those cases.

Mr. Haskins stated that he agreed with Mr. Grantner that this is a very new ordinance, there are only three permits pulled and there are already neighbors issuing complaints regarding the variance. He stated that he would be voting no. He apologized to the applicants and explained it is because it is such a new ordinance and too soon to grant a variance.

Mrs. Luxton approached the Board and stated that before she paid for this meeting she was told that she had to go within 200 ft. of her property so she went and spoke to her immediate neighborhoods and all were thrilled about the chickens. She added that the people in opposition are four houses down and not her immediate neighbors. She said that if she knew she had to go farther she would have.

Mr. Welch stated that if they were excited about the chickens then they should have showed up to the meeting or submitted it writing.

Mr. Welch asked Ms. Frost if the letters they received were within the 300 ft. from the applicant's house. Ms. Frost replied that they received the notice of the variance request.

Mr. Parker stated that they have visited ordinances in the past when they have had many requests for variances and in some cases the Planning Commission has changed the ordinance. He added that since the chicken ordinance is so new he would have to object to granting a variance. He also stated that he did not feel that the applicant demonstrated a hardship if not granted the variance.

Mrs. Weatherford asked if they were allowed to have six chickens.

Mr. Welch stated they are allowed to have six chickens and no roosters and that before passing the ordinance the City Council did extensive research regarding the ordinance.

Mr. Haskins stated that they are not allowed to sell the chickens.

Mr. Parkers asked if there was something in the ordinance that prohibited the sale of eggs.

REGULAR ZONING BOARD OF APPEALS MINUTES

FEBRUARY 17, 2011 / 5:00 P.M.

PAGE 3

Mr. Haskins replied that it is not permitted to sell the chickens or the eggs, nor are roadside stands or roosters permitted.

Mr. Welch said that it was previously discussed that chickens are not very productive without roosters because psychologically they do not feel protected and therefore you can't have eggs without roosters. He added that he was not sure of the validity of that statement.

Mr. Haskins stated the research that the Council went through did not state that at all. He added Mayor Zelenko is very knowledgeable about chickens and presented various documents. He said chicken feces can be used as fertilizer and that the only time the smell would be an issue is where there are thousands of chickens within a confined space. He added that the feces are less than that of a dog's.

Mr. Luxton stated you do not need a rooster to have eggs. He added they would not be setting up a stand and they would not have a rooster. They are meticulously clean people and would clean up after the chickens daily. There are dogs and cats that run the neighborhood and his chickens would be confined to their own space and would not be a problem.

BOARD RECOMMENDATION AND / OR ACTION:

Parker moved and Weatherford seconded to approve ZBA #11-01. Motion failed 6-0, with Welch, Parker, Parker, Weatherford, Grantner and Haskins voting no.

AUDIENCE PARTICIPATION: None.

BOARD DISCUSSION: None.

The next regularly scheduled meeting of the Zoning Board of Appeals will be held on **Thursday, March 17, 2011 at 5:00 p.m.**

Meeting adjourned at 5:24 p.m.

ly