

**BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – February 27, 2002
MINUTES**

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday February 27, 2002 at 7:00 P.M., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

Members present were: Jeff Brinks, Seymour Gould, Abe Vander Woude, Kathy Burgess.

Members absent were: Jim Haagsma.

Others present: Paul Fikse, Doug Stalsenberg, and Joe Russo, & building Inspector Randy Zomerlei.

7:00 p.m. Paul & Karla Fikse, 10575 Burlingame Ave. SW. Re: A variance to place an accessory building in front of a principal building.

Mr. Brinks read the public notice. All property owners within 300 feet of the subject property were notified and no written response were received.

Mr. Paul Fikse was present to state why the variance was needed.

Mr. Paul Fikse stated that topography is the main issue here. Water runs down hill, and typically most structures are built on a higher point within the site. Barns are no exception in fact due to the practical and management of livestock people usually build on raised knolls. The current barn at the bottom of the hill does not provide a practical situation for which to shelter, manage or maintain my horses.

Mr. Dave Bultsma, 10615 Burlingame Ave. SW, a neighbor if Mr. Fikse stated that he had the same situation and he did basically the same project on his property and it did work out very well with the drainage problem. He has no problem with the location of the proposed barn.

Chairman Abe Vander Woude closed the public portion of the meeting.

A motion was made by Gould, supported by Brinks to grant this variance as shown on the site plan with the following stipulation: The old barn is to be removed 30 days after the new barn is erected,

and a \$5000.00 bond or letter of credit be presented to the Township good until July 1, 2002.

Roll Call Vote: Gould - yes; Burgess - yes; Brinks - yes; Vander Woude - yes.
Motion carried. Variance granted.

7:15 p.m. Joe Russo, 6209 S. Division, Byron Center, Mi. Re: A request for a 36' front yard, and a 21' rear yard setback variance, and a 6 space parking variance.

Mr. Brinks read the public notice. All property owners within 300 feet of the subject property were notified and no responses were received.

Mr. Brinks comments to the board that he seriously considered making a motion to table this request due to the incomplete and late application that we received, which he also stated is the second time in recent history that this has happened with the applicants representative. He stated that apparently someone in the office approved the late application without notifying the Board. But realizing that none of this was the applicants fault he was hesitant to make the motion. But all applications must be in by the deadline.

Chairman Abe Vander Woude suggested to have the applicant present his request, and we will discuss the other issue later.

Mr. Doug Stalsenberg, from Excel Engineering spoke on behalf of Joe Russo, stated that they were requesting 3 variances. One for a 36' front yard setback, a 21' rear yard setback and additional 6 parking spaces. The property has frontage on 3 streets. Which is an unusual situation. We are trying to purchase the additional piece of property from the owner, which would then void the need for the request for the rear yard set back. But with a few problems with the owner of the property at closing the deal fell through. Joe still intends to buy the additional property.

Mr. Joe Russo stated that this corner as we all know has been an eye sore for a long time. With the purchase of the property just to the south of his building, and cleaning it up, has really been a big improvement for that area. A board member asked him what he intended to do with the addition to his business. Mr. Russo answered that it would be used as retail, and that the lines of the building would remain the same.

No additional public comments.

Chairman Abe Vander Woude closed the public portion of the meeting.

After much discussion from the board and a decision to not table the request since the applicant was not at fault and all notices were sent on time, a motion was made by Mr. Gould supported by Mr. Brinks to grant the set back variance with the stipulation that the building line remains the same.
Roll Call Vote: Burgess - yes; Gould - yes; Brinks - yes; Vander Woude - yes.
Motion carried. Variance granted.

A motion was made by Mr. Brinks supported by Mr. Gould to grant the variance for the additional parking spaces, with the stipulation that these parcels are made into one.

Roll Call Vote: Brinks - yes; Burgess - yes; Gould - yes; Vander Woude - yes.
Motion carried. Variance granted.

Approval of the Minutes of January 23, 2002

It was moved by Mr. Gould supported by Mr. Brinks to approve the January 23, 2002, Zoning Board of Appeals minutes as written. Chairman Abe Vander Woude abstained due to his absence from the January meeting. All voted aye. Abstained - Vander Woude. Motion Carried.

Miscellaneous

Randy Zomerlei had a couple questions to ask the board member.

1. Someone asked the question if they were allowed to erect a boat dock on the Van Singel Lake, before they build their home. After some discussion by the board, a decision was made to give this question further thought and consideration.
2. Another question arose with the proposed addition to the First Byron Center Christian Reformed Church. In question is the actual place to measure up for the height of the building. Would you measure 54' up from the lowest part of the grade or from the berm. It was mentioned that they were granted a variance in January to extend their height by 19 ft. The board feels that they were granted this request then, and this very issue was discussed. Jeff Brinks will speak to the appropriate people who are questioning this again.

The Board then began a discussion in reference to the issue that Jeff Brinks brought up earlier about incomplete and late application submittal. Mr. Gould could understand the feelings that Jeff Brinks had. Mr. VanderWoude said we can not make exceptions for one applicant and not the other. We must be consistent with this. The rules for submitting requests are clear and need to be followed by all and the board is displeased that someone internally let this application be put on the agenda. This complaint will be brought to the Township Board.

8:35 p.m. it was moved by Burgess supported by VanderWoude to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals