

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING – July 30, 2002
MINUTES***

A special meeting of the Byron Township Board of Appeals was called to order by Vice Chairman Jim Haagsma on Tuesday July 30, 2002 at 5:00 P.M., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

Members present were: Seymour Gould, Jim Haagsma, Jeff Brinks and Kathy Burgess.

Members absent: Abe Vander Woude

Others present: Building Inspector Randy Zomerlei

5:00 p.m. Tom Patterson request for a 17' front yard setback variance, and a 1.6' side yard setback variance for property located at 7031 Country Springs.

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

Tom Patterson stated that a big mistake was made, an oversight on his part. We measured by using a control point from the neighboring lot. Randy asked for a survey on the 3rd of July. We did what we thought was right. We need this variance to help us out. We can't financially support to tear it down. To move the house it would cost \$60,000. We would loose the shingles, utilities, etc. I made a mistake, and I apologize.

Mr. Curt Rypma, attorney for Mr. Patterson stated that this was not done intentionally. It is somewhat unclear as to where the lots should be measured. What do you do when a house is 65% - 75% complete. This is a unique piece of property. There are only a few lots that this could affect in the future. Each case is different. Concerning the sidewalk, maybe moving the sidewalk would be one option that way you could park more vehicles on the driveway. We ask that you please consider the curve in the street, the neighbors to the north do not object and the hardship this would cause for the builder and homeowner.

No further public comments were made.

Vice-Chairman Jim Haagsma closed the public portion of the meeting.

Mr. Gould questioned Randy as to when he asked Mr. Patterson for the survey. Randy stated that on June 11, at the time of the foundation inspection he left a card on a secure spot stating he needed a

survey. On the 21st of June we notified our Electrical/Mechanical Inspector, and the Plumbing Inspector to hold off on all inspections until further notice. On July 19, we received a survey which confirmed that the home was too close to the road and the side lot line.

The Board reviewed both surveys, the first which Randy received by fax on the 19th of July from Nederveld Associates, Inc., and the second which Randy received by fax on the 22nd of July from Nederveld Associates, Inc. The first survey stated that the house was 18' from the road right of way, which is 17' to close, and the side yard setback showed 8' 4" and it should be 10', which is 1.6' to close to the side lot line. The first survey was measured from the home to the radius of the curve in the road right of way, and the second survey was measured perpendicular from the house to the road right of way. The Byron Ordinance requires setbacks of 35' from the road right of way, and 10' side yard set backs. A copy of said Ordinance is attached and made part of these minutes. Reason for the second survey is unknown.

Burgess asked Randy when he contacted the builder on the 3rd of July, how far was the house? Randy commented it was in the rough-in stages, shingles, windows, etc.

Haagsma commented that the house is obviously too close to the road. Why anyone wouldn't question the length of the driveway. You can see if you park a car in the driveway, you would be on the sidewalk. I really have a lot of feelings for the builder and homeowner to, but the ordinance seems pretty clear to me. We are responsible to make a decision on this, and it bothers me. The ordinance does say a 35' setback. Haagsma stated that he is not a builder, but good advice is measure twice and cut once.

Brinks then read the Byron Township Zoning Ordinance 21.6 including articles 1, 2, and 3, stating that this deals with the property and we have an ordinance to abide by. This is not the only lot on a curve, which really doesn't make this lot that unique. As a board we have been very consistent and must continue to do so. We are required as a board to follow the ordinance.

Attorney Curt Rypma asked to speak again. He again stated that this is a very unique circumstance. Regarding the parking of vehicles on the driveway, there is a 3-stall garage, and can park 3 vehicles across, maybe the sidewalks could be moved. If this could have been caught earlier, we would not be in this situation today. Variances are designed to help people in situations like this. This was not intentionally done.

Gould commented that this lot became unique once the house was put on it.

After some discussion a motion was made by Gould supported by Brinks to deny this variance request because the petitioner did not submit reasonable evidence according to the requirements stated in the Byron Township Ordinance 21.6 articles 1, 2, and 3. A copy of said ordinance is attached and made part of these minutes.

Roll call vote: Burgess - yes, Brinks - yes, Haagsma - yes, Gould - yes. All voted aye. Motion Carried. Variance denied.

ADJOURNMENT

5:45p.m. It was moved by Gould supported by Brinks to adjourn the meeting. All voted aye.
Motion Carried.

Jeff Brinks
Secretary of Board of Appeals