

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – September 25, 2002
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday September 25, 2002 at 7:00 P.M., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

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

7:00 p.m. Scott Myhre – for a 24' side yard setback variance to construct a garage located at 2526 Prescott SW.

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.

Scott Myhre explained that his home was built around 1895 and it was placed in the middle of the lot. They probably had no intentions of having a garage. Where he plans to put the garage is a logical place. He stated that in his neighborhood nine out of ten homes have the garages near the lot lines. He also handed in two letters from neighbors stating their approval of this variance.

Jeff Brinks read the letters for the benefit of the audience and the Board members. Both letters stated their approval of this variance.

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

Mr. Gould asked Scott if he tore the old garage down. Scott stated that it was torn down when he moved there. A broken foundation remains, but that will be replaced also.

Mr. Brinks asked if the new garage would be on the same place as the old. Scott responded by saying it would be on the same spot.

After some discussion a motion was made by Gould supported by Haagsma to grant the 24' side yard setback variance.

Roll Call Vote: Brinks - yes, Haagsma - yes, Burgess - yes, Gould - yes, Vander Woude - yes.
Motion Carried. Variance granted.

Approval of the minutes of the August 28, 2002

Correction needed on the omission of a Board member name on roll call vote for Rajesh Patel request for a 7 sq ft. area and 5' height directional sign. Burgess - yes.

A motion was made by Haagsma supported by Gould to approve the August 28, 2002, Zoning Board of Appeals minutes after the needed correction made. All voted aye. Motion Carried.

Miscellaneous

Jeff Brinks stated that a special meeting has to be set for Randy Bosse Builder. This is in reference to a home at 7210 Southwood Ave. SW. He is requesting a 1.3' frontyard setback variance. After some discussion a meeting date of October 7, at 4:30pm was set. Board member Jim Haagsma stated that he will be absent with notice.

7:15 p.m. Steve & Sue Yonker - for a variance to diminish the lot width of a parcel within the first 250' and also requesting approval of a permit to move a house from 8535 Byron Center Ave. SW to 8756 Byron Center Ave. SW.

Mr. Jeff Brinks read the public notice. All property owners within 300 feet of the subject property were notified, and one written response was received.

Jeff Brinks read the note from M. Nevins who lives at 2355 Aimie stating her disapproval of moving the house next to the Byron Forest Condos.

Steve Yonker was present to state that the variance that he requested was no longer needed. We have enough frontage to work with now. He also stated that they were looking for property in town, and when the Jansma's offered the SE corner of the lot, and we realized that this would be a good fit, we decided to proceed. The reason we wanted the home in town is that this house always was in Byron Center, and it is part of the Historical Society. In fact there is a plaque inside the home from the Historical Society. This also is a big home, and we would like to start a family soon, and will be a convenient location for schools etc. We plan on keeping all the trees there except for those that must be removed in order to get the house moved in there. This way all will benefit with some privacy.

Bill Van Popering – 8741 Lindsey Lane was concerned that all the beautiful trees would be taken down. And what about the future, who will live there then? It's really a tall old house, and he didn't feel that it fit in with the condos. He felt certain that the value of his condo would go down. Also if the Jansma's wanted to sell why didn't they come to the Condo Association and offer it to them first.

Richard Graeff – 8748 Lindsey Lane stated that he came to Byron Center from Muskegon. He and his wife fell in love with the quiet peaceful area with many trees. It was a big selling point for us when we purchased our condo. The natural beauty of the area. Now these people want to put a big old house on the piece of property and ruin the area, and maybe they will take out some of the trees. He stated that he just could not see an older house be put near their condos.

Carl Tiemeyer – 2351 Aimie was concerned where on the lot they plan to place the house. He stated that it just doesn't fit in.

Steve again made the comment that the trees could have been cut down long ago by someone else. Maybe we could move the house closer to the barn.

Carol Clemons – 8770 Lindsey Lane who is the Board Secretary for the Condo Association, stated that there are 97 people who own this property, why did you sent notices to only those within the 300'. I am very upset about that. We just can't visualize a big 2 story house at our condo entrance. Had Byron Forest known that this lot was for sale, we would have possibly bought it. The area just won't be beautiful any more. So many have commented on how beautiful our area is. She also stated she spoke to a lot of people and they are also opposed to this.

Bob Clemons – 8770 Lindsey Lane stated that where do you think Byron Forest got it's name. Those trees are beautiful. It would really be a shame if all those trees were taken down. We also fell in love with the area when we were looking for a condo. It is well maintained. He agreed that the property value will probably go down.

Mr Heyboer (speaking for his mother) – 8739 Lindsey Lane was concerned where this house would be placed on the lot, and asked how wide the house was.

Steve responded by saying the house is 28' wide and 44' long. There will be a 2 stall garage, but a single lane driveway.

Mrs. Deters – 8777 Lindsey Lane stated that she has no problem at all with this home being moved there. It is a beautiful home.

Mrs. Heyboer – 8739 Lindsey Lane mentioned again that the water level is high there. Especially in the spring.

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

Mr. Gould questioned Randy about the height of this home. If you were to build a home there today how high can you go? Randy responded by saying you can go 35'.

Mr. Brinks stated it is a legal lot and a legal split.

Mr. Gould asked Steve if they could possibly move the house west, to have the back of the house in front of the barn. That would give you smaller side yard, but a bigger back yard.

Steve could see no problem with moving the house further west. The house will be facing Byron Center Ave. and it will be painted a different color.

Mr. Gould stated that it does fit with the surrounding houses. It could look like a showcase.

Mr. Vander Woude mentioned that the house does fit in the neighborhood, and the closer to Byron Center Ave. the better it will look.

A motion was made by Gould supported by Haagsma to grant the move of the house with the following stipulations:

- > No part of the house can be set behind the barn, it must face Byron Center Ave.
- > All trees must remain except those that need to be removed in order to move the house on the lot.
- > Everything must be brought up to the Inspectors specifications.
- > The garage can not be moved from the 8535 Byron Center Ave. location.
- > Moving date of April 1, 2003
- > A cash bond of \$15,000 payable to Byron Township good until August 1, 2003
- > All landscaping completed by July 1, 2003
- > If not able to complete by deadlines you are requested to come to the Township and ask for an extension.

Roll Call Vote: Burgess –Yes, Brinks –Yes, Haagsma – Yes, Gould – Yes, VanderWoude – No.
Motion Carried. Request granted.

Adjournment

8:15 p.m. It was moved by Brinks supported by Haagsma to adjourn the meeting. All voted aye.
Motion Carried.

Jeff Brinks
Secretary of Board of Appeals