

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – June 25, 2003
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude Wednesday June 25, 2003, at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: Abe VanderWoude, Seymour Gould, Jeff Brinks, Kathy Burgess and Doug Tubergen. Absent: James Haagsma

7:00 p.m. Lamar Outdoor Advertising - for a variance to construct a billboard on occupied property, a 375 sq. ft. area variance, a 20' height variance and a 65' setback variance for property located at: 510 - 68th St. SW)

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

Gary Daylie, a lease manager from Lamar Outdoor Advertising was present to state why they are requesting this variance. He mentioned he would like to be allowed to construct a billboard on the property of Millbrook Tack & Trailer located at 510 – 68th St. SW. He also gave a brief history of his company, and explained as time changes so does the need for larger billboards.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Gould began by asking Township Building Inspector Randy Zomerlei if this property is in violation of any ordinances. Randy stated that yes they are in violation of various ordinances, and building codes. He stated that many letters have been sent and no responses have been received.

After some additional discussion a motion was made by Gould supported by Brinks to grant these variance requests with the stipulation that Millbrook Tack & Trailer (owners of this property) can not advertise on this billboard and that all Township ordinances and building violations on this property be corrected and brought up to code with Randy's approval before a building permit is issued.

Roll call vote: Burgess - Yes; Brinks - Yes; Tubergen - Yes; Gould - Yes; Vander Woude - Yes. Motion Carried. Variances granted.

7:15 p.m. Greg Dykstra for a 15' sideyard setback variance to construct an accessory building for the property located at 9985 Ivanrest Ave. SW

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

Greg Dykstra was present to state why this variance is needed. Greg stated that the extraordinary circumstance in this case is the positioning of a well pipe in his yard. It is almost impossible to put another building on the property without a variance. Another problem is the slope on his yard. Due to the location of the well pump he can not build in front of it, and due to the slope he cannot build in between the house and pipe. With this variance he would be able to build a much needed accessory building.

Mrs. Ritsema - 3250 - 100th St. commented that she was just concerned as to where he was going to place the building. She was worried about her view. She does not have a problem with him putting up the building.

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

After some discussion a motion was made by Gould supported by Burgess to grant a 10' sideyard setback variance instead of the 15' as requested, which meets the zoning requirements in Article 21.6 (1) & (2), and with the stipulation that the existing out buildings be removed.

Roll call vote: Gould - Yes; Burgess - Yes; Tubergen - Yes; Brinks - No; Vander Woude - Yes. Motion Carried. Variance granted.

7:30 p.m. Bruce Hofstra for a 4' height variance to construct an accessory building for the property located at 2870 - 64th St. SW

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

Kathy Hofstra was present to state why they are requesting this variance. She stated that their property is registered as Backyard Habitat with the National Wildlife Federation. They spend considerable time in the back yard and enjoy the wild life. The second story on the barn gives a more traditional barn look, which will fit better with the landscaping and the improvements they have made to their property. The barn will be used to store yard & garden equipment. Going up with the barn instead of out only makes environmental sense.

Cliff Carlon – 2930 - 64th St. SW commented about the property directly behind the Hofstra's property. It's nothing but a junk yard. It s suppose to be a tree farm. He also stated that he has no objection with the request from the Hofstra's for this barn.

Chairman Vander Woude closed the public portion of the meeting.

After some discussion a motion was made by Gould supported by Brinks to grant the 4' height variance as requested as it does meet the Byron Township Zoning Ordinance Article 21.6 (1) & (2). Roll call vote: Brinks - Yes; Gould - Yes; Burgess - No; Tubergen - Yes; Vander Woude - Yes. Motion Carried. Variance granted.

7:45 p.m. Scott Mingerink for a 20' sideyard variance to construct an accessory building for the property located at 8220 Homerich Ave. SW

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 letter from Lorraine Crowley - 8178 Homerich Ave. The letter stated her approval for this request.

Scott Mingerink was present to state why he is requesting this variance. He stated that he would like to rebuild his shed in the existing location as to the one that burnt down. The back of the existing 12' x 16' storage shed site is 10' off the lot line and there is a raised drain field 8' to 10' in front of it. To relocate the shed, we would have to remove trees or do major excavating to level out an area to build the new storage shed, because the grade of the backyard drops 10' to 12' from the back lot line to the house. If this variance is granted they would replace the burnt down one with one the same size. It will not have a permanent foundation.

John Bredeweg – 3365 - 84th St. SW stated that he has no problem with them rebuilding their storage shed on the same location as the one that burnt down.

Chairman Vander Woude closed the public portion of the meeting.

After some discussion a motion was made by Brinks supported by Burgess to grant the 20' side yard variance as requested, as it meets the Byron Township Zoning Ordinance Article 21.6 (1) & (3). Roll call vote: Burgess - Yes; Brinks - Yes; Gould - Yes; Tubergen - Yes; Vander Woude - Yes. Motion Carried. Variance granted.

Approval of the minutes of the May 28, 2003 meeting.

A motion was made by Vander Woude supported by Brink to approve the minutes as corrected. All voted aye. Motion Carried.

8:00 p.m Joseph Richards for a 80' lot frontage variance for the property located at 2764 – 72nd St. SW

Mr. Jeff Brinks read the public notice. All property owners within 300' of the subject property were notified and one letter was received. Jeff read the letter from Al Boven who resides at 2737 - 72nd St. which stated his disapproval regarding this request.

Sherry Richards was present to state why they would like this variance. She stated that they purchased this land in 1976 and they really like this neighborhood. We have a side lot and would like to build a new home on that acre. Things have changed and the reason we would like to keep that 80' would be for a future street to go through the back. She mentioned that this will have to be her income in the future.

No public comments were made.

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

After some discussion a motion was made by Brinks supported by Gould to deny this variance request as it does not meet any part of Article 21.6 1, 2, or 3 of the Byron Township Zoning Ordinance.

Roll call vote: Gould - Yes; Burgess - Yes; Tubergen - Yes; Brinks - Yes; Vander Woude - Yes. Motion Carried. Variance denied.

8:15 p.m. Mark DeHoek for a 12' front yard setback variance for the property located at 6503 S. Division.

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

Mark DeHoek was present to state why this variance is needed. He stated that if this variance is approved it would allow him to add enough space to be more efficient and safe with the type of work that he does. He also mentioned that he would then be able to put the over head doors on the north side of the building which would lower the likelihood of conflicting with the traffic generated from the business to the east namely Auto Masters. Also by allowing this variance would allow him to add enough ceiling height to be able to install several hoists. The hoist would allow him to work in an upright position instead of on the floor.

No public comments were made.

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

Gould commented that this variance is similar to a variance given to 6507 S. Division last year. This really is a unique street.

After some additional discussion a motion was made by Brinks supported by Burgess to grant the 12' front yard setback variance request as it goes along with the Byron Township Zoning Ordinance Article 21.3 (1), (2), and (3).

Roll call vote: Brinks - Yes; Gould - Yes; Burgess - Yes; Tubergen - Yes; Vander Woude - Yes.

Motion Carried. Variance granted.

8:30 p.m. Richard Zuiderveen for a 10' sideyard setback variance to construct an accessory building for the property located at 2075 Pleasant Pond SW

Mr. Jeff Brinks read the public notice. All property owners within 300 feet of the subject property were notified and two written responses were received in favor of this variance.

Gould commented that this change is not any different from last month, and feels that this really does not warrant a public hearing.

Chairman Vander Woude stated that he thought it was a big change with the request for the rear gone.

At that time Jeff Brinks realized that a they inadvertently missed the 10' rear yard set back request, thus the notices that were sent out were incorrect. Jeff stated that legally we must re-notify the public and hold another public hearing, maybe set a special meeting for you so you don't have to wait until next month.

Chairman Vander Woude then stated that there really is no change from last month with the rear set back included. He suggested to Richard that we would have to re-notify the public with the correction, and then hold another public hearing. Or, we could request a full refund of your \$350.00 from the Township Board. That would give you some time to look at it again, and maybe you could come back with a revised plan.

After further discussion a motion was made by Brinks supported by Gould to request a full refund from the Township Board. All in favor say aye. Motion passed.

Miscellaneous

Discussed were the rules that the Township has for House Moving. According to the Township Ordinances we do not have to notify anyone of a house moving. Out of courtesy we notify those who are within 300'.

Adjournment

8:55 p.m. It was moved by Brinks, supported by Gould to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals