

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – August 27, 2003
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude Wednesday August 27, 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, James Haagsma and alternate Doug Tubergen.

7:00 p.m. Mark Smith - for a variance to construct an accessory building in front of a principal building for property located at: 6250 Marylouise Ct.

Mr. Jeff Brinks read the public notice. All property owners within 300' of the subject property were notified and one written responses were received.

Jeff read the letter from Randy Hartgerink who resides at 3814 Iris Dr. in Grandville, but owns the lot just west of Mark Smiths property. He stated that he is in agreement with Mark as to where he wishes to place his building.

Mark Smith was present to state why this variance is needed. He mentioned that he has been building homes in Byron Township for over 25 years now. He stated that the width of this lot on a cul-de-sac makes it difficult to put the out building back further. He also commented that he placed the house back because of the view. He felt it would not take away from the value of homes in the area. He also mentioned that the barn would match the house.

Bruce Ringnalda - 4589 - 64th St. stated that his property is just to the east of this property and is just as deep. He said whoever builds a house on his lot would be looking at the back of the barn. He felt it would take away from the value of his lot.

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

Chairman Vander Woude asked Mark why he built so far back. Mark responded by saying it was to capture the view.

Gould stated that this is zoned R-R Rural Residential, and this is a new plat. We have been pretty strict on not giving a variance to anyone in new plats. He felt it was poor planning on the developer.

Haagsma stated that this is a cul-de-sac lot and they are unique in their own way.

After some discussion a motion was made by Haagsma supported by Burgess to grant this variance request because it is unique lot and it does meet Zoning Ordinance Article 21.6 (1).

Brinks made an amendment to the motion adding the stipulation that the evergreen trees be planted, and that all construction material used shall match the house.

Roll call vote on amendment: Brinks - no: Gould - no: Haagsma - yes: Burgess - yes: Vander Woude - yes. Amendment passed and now is part of the motion.

Roll call vote on motion: Burgess - yes: Brinks - yes: Gould - no: Haagsma - no: Vander Woude - no. Motion failed. Variance denied.

7:15 p.m. Lisa Battjes - for a permit to move a house from 2195 - 84th St. to 7205 Kelly Lee Dr.

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.

Lisa Battjes was present to state that they would like to move this home to Kelly Lee. She stated that this home is similar to a couple other homes there. She said it would have new siding, etc. It would look just like a brand new home.

Chairman VanderWoude stated his concern as to the address.

Lisa commented that the deed gives the same address.

Chairman VanderWoude stated that if the address is incorrect, then we would have to re-notify those within 300' and have another public hearing. After some discussion it was decided that even if the address is incorrect the same people would be notified.

Bruce Harder - 7681 Ridgewood Dr. in Jenison who is the developer of this plat (Hollie Estates) stated that he still owns lot 2 & 3. Homes in this area are valued at \$200,000 - \$300,000. An older home coming on that lot is a concern for these people. He stated that he is not in favor of this home moving on that lot.

Jim Stortz - 7145 Kelly Lee is in agreement with Bruce.

Clifford Hirdes - 7110 Kelly Lee is in agreement with Bruce.

Ron Douma - 7160 Kelly Lee also agrees with Mr. Harder.

Scott Fales - 7190 Kelly Lee also agrees with Bruce.

Joe Smidstra - 7170 Kelly Lee stated that his home is diagonal from the lot where the home is to be moved. He feels that the house will not fit in.

Jim Corrick - 7125 Kelly Lee also agrees that it does not fit in the area.

Frank Jonkman - 7150 Kelly Lee agrees with Bruce.

Sally Jonkman - 7150 Kelly Lee stated the subdivision has qualifications to follow, square footage, exterior etc. If this house would be moved there she feels that it should follow these qualifications to.

Bob Freund - 7130 Kelly Lee was wondering how this lot ever split. He also agrees with Bruce.

Barb Hackley - 2260 Bruce Scott Ct. was concerned as to how close this house would be to her back yard.

Greg, the listing agent for this parcel was present to remind the people that this lot is not part of their plat.

Doris Karnehm - 7095 Kelly Lee was wondering if this home is going to be sold or used as rental property.

Kevin Hoezee - 2295 Bruce Scott Ct. stated he was opposed to this house moving on Kelly Lee.

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

Gould commented that the Planning Commission approved this plat, and it was after that we found out that the lot was not part of the plat. It is a legal lot. But he stated that he does agree with the public and doesn't think that it matches in that area. The lot would not be there if it hadn't been for Kelly Lee.

Haagsma stated that this home does look similar to 7150 Kelly Lee. Looks like the same size lot.

Brinks stated that on one hand he agrees with Gould, and on the other hand he agrees with Haagsma. This is really a tough decision. Brinks stated that now we have control over what goes on this lot, and how it will look, but someone could come in and build anything on that lot. The only difference is that it is new. Yes, you could put new siding on the home, the brick looked structly sound. But the issue to deal with is does it fit. But the weighing factor here is a lot of public came out to voice their concerns and opinions.

After some additional discussion a motion was made by Gould supported by Vander Woude to deny this request to move the house from 2195 - 84th St. to 7205 Kelly Lee. reason being it does not fit nicely in the area.

Roll call vote: Gould - yes; Haagsma - no; Burgess - no; Brinks - yes; VanderWoude - yes.

Motion carried. Request denied.

7:30 p.m. Joseph Niewiek for a 1050 sq ft. area variance and an 11' height variance to construct an accessory building for the property located at 101 Matt 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.

Joe Niewiek was present to comment that he would like an out building 40 x 30 and 20' high. The building will face Matt St. He stated also that the property on Matt St. is now one parcel with the Haras St. address. Specifically the properties on Haras Court and on the north side of Matt Street this property is larger in square footage being 60' x 205'. Plus this property has access from both Haras Court and Matt St. Many other properties in the same zone either have similar structures built before the ordinance or have recently some within 1 year other within the past 15 received variances. There are many outbuildings within the zone.

Joe handed out pictures to the board members showing some of the various accessory buildings in the area.

Al TeWinkle - 87 Matt St. was wondering where the drive would be, off Matt St. or Haras. He also stated that this will probably look like a commercial building in a residential area.

Jerry Berkenpas - stated that he owns several lots in the Haras plat, and he would much prefer to see Mr. Niewiek store all his stuff inside a building than to have it sit all over his property. He is in favor of this variance.

Chairman Abe VanderWoude closed the public portion of the meeting.

Haagsma commented that the height of this is 20'. The current ordinance is only 9'. This is a R-U zone and all that is allowed is 150 sq ft. building and 9' high.

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

Roll call vote: Haagsma - yes; Burgess - yes; Brinks - yes; Gould - yes; VanderWoude - yes.
Motion Carried. Variance denied.

7:45 p.m. Kevin Seese – for a 20' sideyard setback variance to construct an accessory building for the property located at: 10255 Wilson Ave. SW

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

Kevin Seese was present to state why this variance is needed. He mentioned that they moved into Byron Township several months ago. He said with the setting of the existing home, the proposed outbuilding will be to the south of the house off of existing drive which puts the structure within the limits of the lot line parameters, but with existing grade conditions fits the site without being a

detriment to adjacent properties, and by being able to keep the outbuilding from setting in front of the existing house. The property line is 10' to edge of proposed building. He stated that he has spoken to all of the neighbors and they are all in agreement with placing the building where requested.

Gould stated that he did not build this home where it is sitting.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

After some discussion a motion was made by Haagsma supported by Burgess to grant this variance as requested as it is the only sensible place to put this building.

Roll call vote: Burgess - yes; Brinks - yes; VandeWoude - yes; Gould - yes; Haagsma - yes.

Motion Carried. Variance granted.

8:15 p.m. David & Nancy Hop to construct an addition to an accessory building (approx. 300 sq ft. for property located at: 870 Alles Dr. SW

Chairman VanderWoude stepped down due to conflict of interest on this variance request.

Mr. Jeff Brinks read the public notice. All property owner within 300' of the subject property were notified and three written response were received.

Jeff Brinks read letters from:

Bill & Anita Simons - 897 Alles Dr, SW stating that they have no objection to the addition to the accessory building.

Ben Vinton - 855 Alles Dr. in favor of the addition to the accessory.

Holly Holcomb - 840 Alles Dr. have no objection to the addition to the accessory building.

Mr. & Mrs Hop were present stating that the addition is already up. He mentioned that he was unaware that a lean-to added to the square footage of a building. He did get a variance for the building and he thought he was doing the right thing.

John Grasman - 890 Alles Dr. stated that he lives next door and has no objection to the addition.

George Keen – 917 Alles Dr. lives across the street and also has no objection.

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

Burgess stated that public comments have all been good, but if you let one go, our job here is to enforce the ordinance.

Gould stated that the addition does look nice but if you look at Zoning Ordinance Article 21.6, 1, 2,

or 3 can't really stretch any of them. Legally we granted a variance on the property already.

After some additional discussion a motion was made by Gould supported by Brinks to deny this request as it does not meet the conditions stated in Article 21.6, 1, 2, or 3 of the Zoning Ordinance. Roll call vote: Gould - yes; Burgess - yes; Haagsma - yes; Tubergen - yes; Brinks - yes. Motion passed. Variance denied.

Chairman VanderWoude resumed his position as Chairman.

8:30 p.m. Harvey Kruithoff for a 1' height variance to construct a fence in a front yard for the property located at: 7075 Wilson Ave. SW

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

Jeff read the letter from David Markham who lives at 7101 Wilson Ave. SW. He stated that he would like to see a higher fence put in than the size requested.

Mr. Robert Sytsma was present on behalf of Harvey Kruithoff stating that this is for an Adult Foster Care facility. The residence use the front yard only and a fence 4' will provide safety for them. This fence will be black vinyl coated and it will be very attractive looking.

David Markham – 7101 Wilson Ave. SW commented that he thought it should be a lot higher than requested.

Chairman VanderWoude closed the public portion of the meeting.

Chairman VanderWoude was concerned why Mr. Markham wants to see a higher fence than the 4' that is being requested.

Mr. Sytsma commented that there has been a problem. Because there is no fence now the residence think they are free to wonder. The newest residence has been the problem. He has been wondering next door to the Markham residence and going indoors. He lived at this home 10 years ago and he thinks he can go there when ever he wants to. A fence has to go up. A 4' fence will be high enough.

After some discussion a motion was made by Brinks supported by Gould to grant the variance request for a 4' fence with the stipulation that the fence can go no further than 50' to Wilson from the front of the house and it does meet the Article 21.6 2 & 3.

Roll call vote: Brinks - yes; Burgess - yes; VanderWoude - no; Haagsma - yes; Gould - yes. Motion Carried. Variance granted.

Approval of the minutes of the June 25, 2003 meeting.

A motion was made by Burgess supported by Gould to approve the minutes as written. All voted aye. Motion Carried. Jim Haagsma abstained due to absent from June 25th meeting.

Miscellaneous

Jeff Brinks stated that a special meeting has been requested by Richard Algera to move a house from 2211 – 84th St. to 907 Alles Dr. After some discussion it was decided to set the special public hearing for Monday, September 8, 2003 at 6:15 p.m.

Adjournment

9:00 p.m. It was moved by Haagsma, supported by Brinks to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals