

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – August 25, 2004  
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday August 25, 2004, at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: Abe Vander Woude, James Haagsma, Seymour Gould, Jeff Brinks, and Doug Tubergen. Absent: Kathy Burgess. Also present were Byron Township Attorney Mr. Jim Telman, Township Building Official Randy Zomerlei and Recording Secretary LaVonne Kuiper.

**7:00 p.m. – Farrell Moore - request for a variance to increase the density in the R-S zoning district from 2.5 units/acre to 7 units/acre for 7330, 7410, & 6922 Burlingame Ave. as well as 1515 - 76<sup>th</sup> St. and 1461 Bogey Street.**

Chairman Vander Woude explained that this request was first heard on April 28, 2004. At that time it was decided to recess this request until August 25, 2004, send this request to the Byron Township Planning Commission for further study and recommendations.

A representative from Warner, Norcross & Judd representing Farrell Moore was present to explain the request. He commented that the property is substantially surrounded by MRF-PUD properties. As zoned the property is not economically viable. This property is unique from other properties in the Township due to the property is like an “island” among properties that are otherwise zoned. This property is crying out for MFR PUD. Mr. Moore for whatever reason feels that he is being singled out in the Township. If it would be someone else there would not be a problem. Other land owners are being granted high density zoning and he is not.

Chairman Vander Woude commented that to the east of this property are apartments which were not done by the Township but by a judge, to the north are condo’s which is a self imposed situation, west of this property has been rezoned R-S, and to the southeast are condos. This property is not completely surrounded by high density.

Township Attorney Telman provided the Board with a copy of Decision and Order, and stated that if the board does move to deny this request he suggested that the motion include this information.

After some discussion a motion was made by Brinks supported by Haagsma to deny

this request and adapt the Decision and Order document.

Roll call vote: Tubergen - yes. Gould - yes. Haagsma - yes. Brinks - yes.  
Vander Woude - yes. Burgess - absent. Motion Carried. Request denied.

**Approval of the Minutes – July 28, 2004**

A motion was made by Gould supported by Haagsma to approve the minutes as written. All voted aye. Motion Carried.

**7:30 – Cecilia Schlepers - request for a 60 sq ft. building area variance to construct an accessory building for property located at 3235 - 92<sup>nd</sup> 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.

Cecilia Schlepers was present to explain the request. She commented they would like to tear down the existing structure and rebuild on exact spot but smaller in size. The present structure which is 40' x 62' is in desperate need of repair. Instead of restoring it we would like to replace it with a 30' x 52' structure. By replacing with new will enhance our property and the neighboring properties.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

After some discussion it was noticed that the notices that were sent out to the public were inaccurate. It was decided to set a special meeting to address this request and re-notify the public. This was an error of the Township, thus there will be no additional expense to the applicant.

A motion was made by Gould supported by Brink to set the special meeting for September 2, 2004 at 5:00pm to address this request with no additional cost to the Schlepers' family.

**Adjournment**

7:45 p.m. It was moved by Haagsma supported by Gould to adjourn the meeting. All voted aye. Motion Carried.

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Jeff Brinks  
Secretary of Board of Appeals

