

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – October 27, 2004  
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, October 27, 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, Jeff Brinks, Kathy Burgess and Doug Tubergen. Absent: Seymour Gould. Also present were Township Building Official Randy Zomerlei and Recording Secretary LaVonne Kuiper.

**7:00 p.m. – Tobin Powers - request for an unspecified sideyard setback variance to construct a detached garage for the property located at: 4012 – 82<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.

Mr. Power's was present to explain his request. He commented that his home is on a corner lot just under an acre and is significantly smaller than the surrounding properties and home sites. He would like to expand the home to include the existing attached garage as living space for his growing family. In order to build a garage he needs relief from the property line setback.

**Ray Fredricks** – 4019 - 82<sup>nd</sup> St. SW commented with the shape of the lot a home should have never been permitted to be built there. Now this new owner wants more buildings on the property.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Chairman Vander Woude commented that quite a few years ago a public hearing was held for this property requesting a sideyard setback variance which was denied. In order to put a home on that lot and meet the setback requirements it had to be shaped differently.

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

Roll call vote: Burgess - yes. Haagsma - no. Brinks - yes. Tuburgen - No. VanderWoude - Yes. Gould - absent. Motion carried. Variance denied.

#### **Approval of Minutes - August 25, 2004**

A motion was made by Haagsma supported by Burgess to approve the minutes as corrected. Correction made on roll call vote for the Farrell Moore public hearing. Omitted was VanderWoude's yes vote. Haagsma's vote was recorded twice. Yes - 4. No - 0. Absent - 1. (Gould) Abstained - 1 (Burgess absent from the August 25, 2004 meeting.)

#### **Approval of Minutes – September 2, 2004 – Special Meeting**

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

#### **No regular Zoning Board of Appeals meeting was held in September.**

#### **7:15 p.m. – Abel & Lola VanderWoude for a land use variance to operate a “park and sell” used car lot for the property located at 8390 Clyde Park Ave, SW**

Chairman VanderWoude stepped down due to conflict of interest.

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

Abe VanderWoude was present to explain why he is requesting this land use request. He stated that this property is located at the northeast corner of 84<sup>th</sup> & Clyde Park Ave. This property was the subject of a rezoning request in September. After public hearing, the rezoning request which was sought from R-S Suburban Residential to B-2 General Business was recommended for denial and affirmed by the Township Board. This property is zoned R-S and intended for single family homes. Given the location of this lot it cannot be reasonably used as residential. He stated that he has spoken to the neighbors and they have no objection to using this lot for a “park and sell”.

Mr. Nix reviewed his memorandum of which a copy is attached and made part of these minutes.

No public comments were made.

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

After some discussion a motion was made by Brinks supported by Tubergen to grant the land use request for a “park and sell” lot for the property located at 8390 Clyde Park Ave., SW with the following conditions set forth by the Township Planner:

- a. A site plan will need to be reviewed and approved by the Planning Commission.
- b. The total number of vehicles on display shall not exceed what can be parked on the paved area, and vehicles shall not be parked on any lawn area, including vehicles of customers. Adequate provision shall be made for customer parking area to view vehicles.
- c. Adequate signage and/or pavement markings shall distinguish customer parking areas from vehicle display areas.
- d. The Kent County Road Commission shall approve access to the site.
- e. Site drainage will need to be approved by the Township Engineer, Kent County Drain Commissioner or the Kent County Road Commission.

Roll call vote: Burgess - yes. Tubergen - yes. Brinks - yes. Haagsma - yes.  
Motion Carried.

Chairman Vander Woude returned to the Board.

### **Miscellaneous**

-Jeff Brinks read a letter from Lamer Advertising requesting a refund on the fee they paid for a variance request in March, 2004. It was decided to get the needed paper work together and a decision would be made at the November 24, 2004 meeting. A letter will be sent to Lamar Advertising stating the Boards decision.

-Randy commented on the Haunted House that will be opening for two nights. The home is located in a residential area, and was advertised in the Grand Rapids Press. This involves zoning violations, and fire code violations. The board feels this is a Township issue, and it should be dealt with.

-A complaint letter received by the Township was explained by Kathy Burgess. Since the letter was not signed it is impossible to respond to this person. It was decided to investigate this complaint, take pictures to place on file. A copy of the letter is attached and made part of these minutes.

**Adjournment**

7:50 p.m. It was moved by Haagsma supported by Brinks to adjourn the meeting. All voted aye.  
Motion Carried.

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Jeff Brinks  
Secretary of Board of Appeals