

BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – April 28, 2004
MINUTES

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday April 28, 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, Kathy Burgess, and alternate Doug Tubergen. Mr. Jim Telman, Township Attorney, and Mr. Randy Zomerlei, Township Building Official were also present.

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 – 76th Street and 1461 Bogey Street.

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

Mr. David Skidmore of Warner, Norcross & Judd, representing Farrell Moore, was present to explain the request. He stated that the parcels in question are contiguous and encompass 127 acres. The property is the current Byron Hills Golf Course and is currently zoned R-S. He made the following points in support of the request:
The property is substantially surrounded by MFR-PUD properties.
As zoned, the property is not economically viable.
The property exists as an “island” among properties that are otherwise zoned, making it unique from other properties in the Township.

Mr. Skidmore also stated that the Board is aware of the context of the application. Pulte Homes is a potential purchaser of the property and has presented a proposal offering a variety of housing to be utilized on it. The proposal is for single-family homes, ranch style condominiums, attached ranch style condominiums, and attached 2-story manors. The proposed density is 4.85 units/acre. The proposed density will equal or be less than surrounding properties.

Michael Trovato – 1667 Lisa Drive SW made several comments against the request and expressed some confusion with regards to all the activities with these properties.

Mr. Gould explained to the public the nature of the request before the Board as well as some of the history of the Planning Commission hearings on the subject property.

Barb Wenzler – 1482 Bogey Street SW questioned whether the property at 1461 Bogey Street is considered wetlands. She also presented concerns regarding the traffic on Burlingame Avenue as well as the strain that this many additional residents will place on the school system.

Bob Wenzler – 1482 Bogey Street SW asked question concerning the ownership of the 1461 Bogey Street property. He understands that the property was deeded back to Mr. Farrell from the condominiums.

Kathi Roerig – 1481 Bogey Street SW stated that Mr. Farrell did have the deed to the property and obtained it in 1998. She also stated that she spoke with Mr. Larry Silvernail, Township Supervisor, regarding this issue.

Art Bellgraph – 7566 Burlingame Ave. SW stated that he is not in favor of the request and that he is concerned with the traffic on Burlingame Ave and the density. Asked question concerning the number of single family and multi family units. Also, asked question concerning the Board's decision-making process, whether the public comment is taken into consideration.

Mr. Brinks read letters from Margaret O'Harrow – 7432 Burlingame Ave. SW and Larry Burgess – 6905 Burlingame Ave. SW. Both stated opposition to the request.

Peg Larabel – 7023 Baltic SW stated that she shares the same feelings as the others; she is opposed to the request. She expressed concern with regards to the traffic on Burlingame especially the large trucks. She also asked a question concerning the exact location of 6922 Burlingame.

The Board passed out maps indicating the location of 6922 Burlingame Ave.

Ruth Theule – 1510 Bogey SW questioned whether, if sold, the property could be continued to be used as a golf course. Opposes the request. Also asked question concerning the Board's response to public comments.

Chairman VanderWoude asked the applicant's representative for some details concerning proposed development plans.

Mr. Skidmore explained that there would be 151 single-family homes, 81 ranch style condominiums, 139 attached ranch style condominiums, and 286 attached 2-story manor style homes.

Mr. Jim Telman, Township Attorney, suggested that a report, received from the Township Planner be incorporated into the meeting minutes. This report indicates the Planner's comments concerning the request as well as a report concerning a study of sewer capacity in the area that was performed by the Township Engineer.

Mr. Telman also suggested that this request constitutes a use variance and he recommends that it be sent to the Planning Commission for review.

A motion was made by Brinks supported by Gould to incorporate the Planner's report and Sewer Study in to the minutes. All voted aye. Motion Carried.

Copies of the report and study were made available to the applicant and the public.

After some additional discussion a motion was made by Brinks supported by Haagsma to recess the hearing until 7:00pm on August 25, 2004 in order to send the request to the Byron Township Planning Commission for further study and recommendations. All voted aye. Motion Carried.

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

7:30 p.m. FCC, Inc. – request for a 50’ setback variance from a residentially zoned property at 8074 Clyde Park Ave

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. Tim Fredericks was present to explain the request.

No public was present for comment on this issue so Chairman VanderWoude closed the public portion of the meeting.

It was noted by the Board that this same request was heard on this property in 1999 and that the Board is not permitted to hear the same request again.

In light of this and the fact that the Township overlooked the previous request when the application was received, a motion was made by Brinks supported by Burgess to request of the Township Board that the applicant’s fee be refunded. All voted aye. Motion Carried.

7:45 p.m. Tim Vander Ploeg. – requesting a variance to have 3 accessory buildings at 7750 Wilson Ave. 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. Tim Vander Ploeg was present to explain the request. He indicated that the building will not be seen from the road and that it is needed for additional storage space.

Kathy Benton – 7835 Wilson Ave had questions concerning the size and location of the proposed building. She has no objection to the request.

Chairman VanderWoude closed the public portion of the meeting.

Mr. Vander Ploeg responded to the question concerning the building’s size by noting that it would be 30’x48’.

Board members discussed the request. It was noted that there are already 3 accessory

buildings on the property.

After further discussion a motion was made by Gould supported by Brinks to deny the request as it does not meet any of the standards set forth in 21.6 1-3 of the Byron Township Zoning Ordinance.

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

8:00 p.m. BNL, LLC – Requesting a 50’ setback variance from a residential zone at 9000 Byron Commerce Drive.

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. Ned Quinn of BNL, LLC was present to explain the request. He indicated that the adjacent property is master planned industrial. Also, that granting the variance would allow them to place the truck docks for the building on the North side of the building and would therefore minimize the impact to the residential area.

Mr. Dan Steffes representing the Post’s – 245 92nd Street indicated that as the adjacent property owner they are in support of the request. They feel that the location of the truck docks on the north side of the building is the most beneficial to them.

Chairman VanderWoude closed the public portion of the meeting.

After some discussion a motion was made by Haagsma supported by Burgess to grant the request with the stipulation that the truck docks must be located on the north side of any proposed buildings. Mr. Haagsma sited the fact that the residential property is master planned for industrial, and that the adjacent property owner is benefited by the request.

Roll call vote: Brinks - yes. Burgess - yes. Haagsma - yes. Gould - yes. VanderWoude - yes. Motion Carried. Request granted.

8:15 p.m. AM Group, LLC – Requesting a variance to place a billboard on occupied property and a 372 s.f. billboard area variance at 8788 Byron Commerce Drive.

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

Jack A. Siebers an Attorney with Siebers Mohny PLC was present on behalf of AM Group, LLC. Mr. Siebers explained the request. He reiterated the reasons for granting the requests as indicated in the application submitted. He also mentioned that there is a billboard in this development south of the proposed billboard that is “standard size”. He remarked that the Board had granted similar requests to a billboard located on the Millbrook Tack & Trailer facility near 68th Street.

No public was present for comment on this issue so Chairman VanderWoude closed the public portion of the meeting.

Mr. Haagsma asked the applicant to specify the size and height of the billboard.

It was indicated that it would be 14'x48' and would be 30' high.

Following some discussion, it was decided that the Board would deal with each request separately.

A motion was made by Brinks supported by Haagsma to grant the request to place a billboard on occupied property based on the request meeting items 2 & 3 of Section 21.6 of the Byron Township Zoning Ordinance.

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

After further discussion a motion was made by Gould supported by Burgess to deny the request for a 372 s.f. area variance.

Roll call vote: Brinks – no. Burgess - yes. Haagsma - yes. Gould - yes. VanderWoude - yes. Motion Carried. Request denied.

Approval of the Minutes – March 24, 2004

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

Miscellaneous

Randy Zomerlei, Township Building Inspector, requested the Board's interpretation on whether a building, in the B-2 zoning district, with an existing setback violation would be permitted to construct an addition to said building which would continue the existing violation or if it would be required to comply with current zoning standards.

The Board's opinion is that the building addition would need to comply with current zoning standards and that if the property owner would like to request a variance from current zoning they should submit an application for a public hearing on the issue.

Adjournment

9:05 p.m. It was moved by Haagsma supported by Gould to adjourn the meeting. All voted aye.
Motion Carried.

Jeff Brinks
Secretary of Board of Appeals

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