

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – May 26, 2004
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday May 26, 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. Also present were Mr. Randy Zomerlei, Township Building Official and Recording Secretary LaVonne Kuiper.

7:00 p.m. - First Reformed Church of Byron Center - request for a 1.1 ft. sideyard setback variance to construct a building addition for property located at 2456 - 84th 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. Marv Van Sweden was present to explain the request. He stated that their main concern is the south elevation next to the Marritt property. Two years ago the church purchased the old Wheel Barrel factory. At that time they had no idea how they would utilize that property. After evaluating the building it was decided to demolish the structure and build an activity center/gymnasium with classrooms on the lower level. Since then the property has been surveyed. Because of the B-1 zoning and after the survey was reviewed, it shows that the Merritt garage is on the property line maybe even over the property line. Since the new building will be close to Mr. Marritt's garage the church will replace or repair any damage done to the garage or any landscaping on that property.

Howard Marritt - 2443 Prescott St. stated that he purchased this property 56 years ago. He built the garage in 1970. His was given permission to build the garage there. He commented that he would like to know where the lot line really is. He stated his concern that the garage may fall into the hole if they get that close. He's not against the church building there it's just that it will be so close.

No further public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

After much discussion a motion was made by Haagsma supported by Brinks to grant the variance request for the church to build 1.5' from the north wall of the Marritt garage with the stipulation that the church will be held responsible for any damage done to the Marritt garage or property located at 2443 Prescott and also any damage done to the property located at 2447 Prescott and will be repaired or replaced to the original condition. Variance request does meet Byron Township Ordinance 21.6 2-3.

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

7:15 – Tim Braciak - request for a 1' height variance to construct a fence for property located at 1989 Bluffview.

Jeff Brinks stated that Tim Braciak was present and stated that he did withdraw his request but wanted to be present if anyone had any questions or concerns. The request to withdraw came the same afternoon that the notices were sent out to all those within the 300' of the subject property.

Chairman VanderWoude asked if any one was present for this hearing.

No one was present.

After some discussion a motion was made by Brinks supported by Gould to request that the Township Board refund the fee of \$350.00 minus 25.00 for postage. All voted aye. Motion Carried.

Approval of the Special Meeting Minutes – May 14, 2004

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

Approval of the Minutes – April 28, 2004

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

Miscellaneous

- Farrell Moore

Township Planner Larry Nix and Township Attorney Telman are working on a draft report for the Moore Land Use variance and will report back to the board at the July meeting.

- Paul Bastein from Lamar Outdoor Advertising was present to address the request that he submitted for the March 24, 2004 meeting. He stated that he withdrew his request at the last minute due to a misunderstanding in the zoning of the property that he had the variance request on. He stated that he wanted to apologize for not being at the meeting and explaining why he withdrew the request.

Chairman Vander Woude thanked him for coming and explaining the situation.

Adjournment

8:35 p.m. It was moved by Brinks supported by Haagsma to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals