

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – March 23, 2005  
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, March 23, 2005 at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI. 49315.

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

**7:00 p.m. – Matthew Howell - requesting a 114.24 ft. lot frontage variance for the property located at 9582 S. Division Ave.**

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

Matt Howell was present to explain the variance request. He commented the property was originally two parcels, one for the house another for 10 acres. These two parcels were combined for no good reason thus causing this problem. Approval of this variance request would allow the property to be split back to the original parcels. He stated he bought this property with the intention to sale the house and the remaining 10 acres he would just sit and wait and if the utilities issues were resolved possibly build a home there. The current value of the land is locked up into the house that sits on the property.

**Mike De Haan – 9638 S. Division Ave.** – was present and stated that he is not real clear as to what he is asking for.

Chairman Vander Woude explained to him that the applicant is seeking a frontage variance. Homes in the area are to have a 200 ft frontage.

**Tim Forbush – 9550 S. Division Ave.** - he stated that he really has no problem with this request. The concern he has is with possible drainage issues.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Chairman Vander Woude asked if we had any history on this property why it was combined.

Michael De Haan responded saying that the previous owner of the house, bought the additional 10 acre later.

It was commented that the bottom line is at one time it was separate and they combined it to be come a conforming parcel.

If we approve this it will be a step backwards.

After some additional discussion a motion was made by Brinks supported by Haagsma to deny this request as it does not meet any part of Byron Township Zoning Ordinance Article 21.6 (1, 2, or 3.)

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

**7:15 Doug Sluiter - for a 100 sq ft. area variance for an attached garage for the property located at 4449 - 108<sup>th</sup> St. SW.**

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

Doug Sluiter was present explaining he is seeking this variance to be allowed to have a larger garage. This is a new home and he needs the added space for lawn equipment, motorcycles, etc. His property is a 10 acre parcel and sits back 800 ft. He commented that at this time he has no intentions of building an accessory building. Maybe in the future it will be needed.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Chairman Vander Woude asked Mr. Sluiter what the size of his new house was going to be. Mr. Sluiter responed by saying the house will be 2,052 sq ft. The garage size on the plan is 1,274 sq ft.

It was commented that 74 sq ft. is not a lot compared to the size of the house.

After some additional discussion a motion was made by Haagsma supported by

VanderWoude to grant the 74 sq ft. area variance with the stipulation that the 74 sq ft. be deducted from the square footage allowance of any additional building that goes on the property.

Roll call vote: Burgess - yes. Brinks - no. Gould - no. Haagsma - yes. Vander Woude - yes. Motion Carried. Variance Granted.

**7:30 Valley City Sign – for an illuminated message board for Byron Bank for the property located at 2445 – 84<sup>th</sup> St. SW.**

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

Beth Spaman from Valley City Sign commented that originally they were asking for an electronic message center, but instead they are requesting to replace the old sign with just the time & temperature.

**Howard Merritt – 2443 Prescott St.** was just wondering what they intended to do.

No further public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

It was commented by members of the board how much we all miss the time & temperature sign.

After some additional discussion a motion was made by Gould supported by Haagsma to grant this request to replace the time & temperature sign.

Roll call vote: Gould - yes. Burgess - yes. Brinks - yes. Haagsma - yes. Vander Woude - yes. Motion Carried. Variance granted.

**Approval of the minutes from the February 23, 2005 meeting.**

A motion was made by Haagsma supported by Gould to approve the minutes as corrected. Yes - 4. No - 0. Abstained - 1 (Vander Woude)

**7:45 Jeff Hoeksema – for the following variances: 1.) a variance to have an accessory building in a front yard, 2.) a 480 sq ft. accessory building area variance, 3.) a 14' sideyard setback variance to construct a house, 4.) a 14' sideyard setback variance to construct an accessory building, 5.) a 15' sideyard setback variance for an existing accessory building for the property located at 8950 Byron Center Ave. SW.**

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

Jeff Hoeksema was present explaining each of his variance requests. He stated that three of the variance requests are dealing with trying to keep the barn that is there. He commented when he constructs the new home he would like to construct a separate out building. He stated his intentions are to sell the old barn which will go with the new house.

**Fred Heileman – 8892 Byron Center Ave. SW stated that he was interested as to what was going on. He stated that he would like to see some plans or drawings of some kind.**

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

It was discussed that the property is bordered by R-S parcels. Various options were discussed as possible alternatives to the applicant. With the size of the acreage it seems like there is enough to play with. It was stated that the board has never issued a variance on new construction. Anything new opens up potential problems. Also discussed was the condition of the old barn. The applicant did say he did not intend to do any improvements to the barn.

It was decided to deal with variance 1, 2 & 5 separately and variance 3 & 4 together.

#### Variance 1 –

A motion was made by Haagsma supported by Burgess to grant the variance to have an accessory building in a front yard.

Roll call vote: Gould – yes. Haagsma – yes. Brinks – no. Burgess – yes. VanderWoude – no. Motion carried. Variance granted.

Amendment to the motion was added with the stipulation that the old barn be painted, any damaged siding replaced/repared, any windows that are damaged or broke to be replaced, the doors kept in good repair and if the barn is destroyed it can not be replaced.

Roll call vote: Burgess - yes. Brinks - yes. Haagsma - yes. Gould - yes. VanderWoude - yes. Motion carried. Amendment approved.

#### Variance 2

A motion was made by Gould supported by Brinks to deny the request for the 480 sq ft. building area variance and if the barn is destroyed only allowed to replace it with a 420

sq ft. building.

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

Variance 5

A motion was made by Haagsma supported by Burgess to grant the 15' sideyard setback variance for an existing accessory building.

Roll call vote: Haagsma - yes. Gould - no. Brinks - no. Burgess - yes. VanderWoude - no. Motion failed. Variance denied.

Variance 3 & 4

A motion was made by Gould supported by Haagsma to deny the variance for new construction of a new house, and the sideyard setback variance to construct an accessory building.

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

**Election of Officers**

A motion was made by Gould supported by Burgess to renew the officers for a one year term.

Abe VanderWoude --Chairman  
James Haagsma----- Vice Chairman  
Jeff Brinks----- Secretary

All voted aye. Motion Carried.

**Adjournment**

8:30 pm A motion was made by Gould supported by Burgess to adjourn the meeting. All voted aye. Motion Carried.

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Jeff Brinks  
Secretary of Board of Appeals