

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – April 27, 2005
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, April 27, 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. – Latitude Engineering (Best Block Company) - requesting a variance to construct a non-paved parking/loading area for the property located at 8087 Clyde Park 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.

Travis Underhill was present to explain the variance request. Also present was Chris Harkema owner of Best Block Company. Travis stated that the company is now based out of Muskegon and upon approval of the site plan that will be addressed at the next Township Planning Commission meeting they would like to move this business into Byron Township. Travis continued to explain that they are asking for a variance to allow for non-paved surfaces in areas designated as storage areas for stockpiles of completed products but due to the irregular shape of the parcel combined with a proposed rail spur creates a less than efficient arrangement of stockpiled product. Excessively large areas are required for designated outdoor storage. Also due to the large dedicated storage area the site seeks a similar substantial property right as other industrial sites having large outdoor storage areas. Travis also commented that the large designated storage areas generate large storm water runoff. Unpaved surfaces would reduce the volume of runoff.

Pete Van Putten – 8045 Clyde Park Ave. SW – voiced his concern in regards to the hours of operation, amount of dust this business will create and how the dust will be controlled.

Chuck Koll – 8141 Clyde Park Ave. SW – was also concerned about the amount of dust that could occur and the method that will be used to control the dust.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Travis Underhill addressed the concerns from the public. He stated that the dust is going to be a concern, but said they would take necessary precautions to see that this does not create a problem. The 8' to 10' landscape berm that is planned would help to keep some of the dust down.

Items discussed by the board were dust control possibilities, type of surface to be used, size of the berm and type of trees to be used, possible noise problem, and hours of operation.

A concern was stated if we grant this variance now and they don't start for two years they will have to come back to the Board of Appeals for an extension of their variance.

After much discussion a motion was made by Brinks supported by Gould to grant this request for a non-paved parking/loading area with the following stipulations:

1. the use of crushed concrete/wrap (recycled concrete) only
2. an 8' to 10' high berm with a minimum of 6' spruce trees to be planted on the south side the west side and that which borders along residential areas.
3. variance approval is contingent upon site plan approval of the Byron Township Planning Commission which meeting will to be held on May 16, 2005. (A copy of the approved minutes of the Planning Commission will be attached and made part of these minutes.)

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

7:15 Rivertree Community Church - for a 140 sq ft. area variance to place wall signage on the north side of the existing church building for the property located at 1951 – 64th 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.

No one was present on behalf of Rivertree Community Church.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

The Board discussed the size of the letters on the proposed sign, total amount of signage that is allowed in that zoning area. It was stated that they are allowed 32 sq ft. which they have already used on the signage at the south entrance to the church. It was stated that this proposed sign is on M-6. Caution has to be taken when we begin to approve signage along M-6.

Gould commented that a little sign is appropriate along M-6 but not this big.

A motion was made by Gould supported by Haagsma to recess this request until the next regular meeting to be held on May 25, 2005 at 7:00 pm. Motion Carried.

7:30 Lamar Outdoor Advertising – for an 372 sq ft. billboard area variance, a 65’ billboard setback variance, and a 10’ billboard height variance for the property located at 8788 Byron Commerce.

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

Paul Bastien a Real Estate agent for Lamar Outdoor Advertising was present to explain the variance request.

Pete Bultsma – 400 - 84th St. S (Dome World owner) commented that he has no problem with any part of this request. In fact the higher this billboard can go the better.

No further public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Gould commented that the variance for square footage was heard before and denied but the height and setback variances are valid.

A motion was made by Gould supported by Burgess not to hear the 372 sq ft. billboard area variance request.

After additional discussion concerning the remaining variance requests, a motion was made by Gould supported by Burgess to withdraw the previous motion.
Motion Carried.

A motion was made by Gould supported by Burgess to recess this request until we get in contact with the Township Planner and the Planning Commission to see if this will be considered a minor change to the PUD with a special meeting date to be held on May 4, 2005 at 6:30 pm. Motion Carried.

Approval of the minutes from the March 23, 2005 meeting.

A motion was made by Burgess supported by Gould to approve the minutes as corrected. Yes - 5. No - 0.

Miscellaneous

*Building Inspector Randy Zomerlei asked about the height of a windmill for a home located in R-R Rural Residential zoning area. After some discussion it was decided that a windmill is considered a structure and it must meet the ordinance of 20'. He will be required to come in for a height variance or meet the ordinance of 20'.

*Randy also asked about a residence whose property is on 88th St. who wishes to split some of his property but wants to keep 66' for a future road to go into the back of his property. This would leave the width of the lot 4" shy of being in compliance with the zoning ordinance. After some discussion it was the consensus of the board that it is close enough and ok to split.

Adjournment

8:35pm. A motion was made by Brinks supported by Gould to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals