

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – May 25, 2005  
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, May 25, 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, Kathy Burgess and Doug Tubergen. Absent: Jeff Brinks. Also present were Byron Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

**Rivertree Community Church** – (tabled at the April 27, 2005)

A motion was made by Gould supported by Haagsma to remove the request for 140 sq ft. area variance to place wall signage on the north side of the existing church building for the property located at 1951 – 64<sup>th</sup> St. SW from the table for discussion.

Yes - 5. No - 0. Absent - 1.

Jay Spencer from Rivertree Community Church board was present to explain their request. He commented with M-6 on their north property line they would like a sign placed there to let people know where they are located. He then provided the board members with several pictures of proposed signs.

Tubergen commented with the opening up of M-6 we probably will be getting more requests for signage. Have to be careful as to what we approve.

Haagsma stated his feeling for the identification of the church. For them to be able to have a sign visible from M-6 to let people know where they are located.

After some discussion a motion was made by Haagsma supported by Gould to grant a variance to allow a 32 sq ft sign on the north side of the church as it meets Byron Township Zoning Ordinance Article 21.6 1 & 2.

Roll call vote: Tubergen - yes. Burgess - yes. Gould - yes. Haagsma - yes. VanderWoude - yes. Brinks - absent. Motion carried.

**7:00p.m. – Jack Platschore - requesting a 536 sq ft. accessory building area variance and a 4’ accessory building height variance for the property located at 8505 Clyde Park Ave. SW.**

Mr. Seymour Gould read the public notice. All property owners within 300’ of the subject property were notified. No written responses were received.

Jack Platschore was present to explain the variance request. He explained that he has a double lot which is a little over an acre. There are large blue spruce trees along the west of the property and with the Center Park Condos directly behind his property the height should not be a problem or area of concern. There are also pine trees along the drive way making it very hard to see from the road.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Tubergen asked if he would be using the same foundation from the barn that burnt down.

Jack responded by saying the barn that burnt was 28’ x 24’. He would like to keep the 28’ width but instead of 24’ deep he would like to go to 44’ deep.

Chairman Vander Woude asked what the building would be used for.

Jack again replied by saying it would be for storage purposes and a small area to maintain equipment.

After some additional discussion a motion was made by Gould supported by Burgess to grant a 424 sq ft accessory building area variance and to grant the 4’ building height variance.

Roll call vote: Gould - yes. Tubergen - yes. Burgess - yes. Haagsma - yes. VanderWoude - yes. Brinks - absent. Motion carried.

**7:15 Marvin Owen - for a variance to place an accessory building in a front yard for the property located at 9045 Byron Center Ave. SW.**

Mr. Seymour Gould read the public notice. All property owners within 300’ if the subject property were notified and no written responses were received.

Steve Kilgore builder for the Owens was present to explain why they are seeking this variance. He continued to say they could not build the house further to the front of the lot because of the poor bearing soil and standing water in low areas for septic system.

The rear yard slopes down to much and any fill would change the lay of the land. This also could disturb the Houseman property.

**Terri Oeverman – 9015 Byron Center Ave. SW** commented that she has just met the Owens and they are great people but the way her house sits on their lot they will look at the barn.

Marv Owens stated the barn would look just like the house and it will look real nice.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Items discussed by the board members were size and height of the proposed barn, various options that the applicant could consider such as placing the barn behind the house, and the concern voiced by the neighbor.

After some additional discussion a motion was made by Gould supported by Haagsma to deny the request.

Roll call vote: Burgess - yes. Haagsma - yes. Tubergen - no. Gould - yes. Vander Woude - yes. Brinks - absent. Motion carried. Variance denied.

**7:30 Brad Leete – for a 930 sq ft. accessory building area variance and a 7’ accessory building height variance for the property located at 109 Hyacinth St. SW.**

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

Brad Leete was present to explain his variance request. He commented that his situation is unique since he actually has 4 lots. The height of his proposed building would still be shorter than the house across the street. The owner of that property across the street is in favor of this proposed building. It will be nice to put vehicles inside.

**Gerald Merriman – 124 Jonquil** commented that his property is located directly to the north of his and he has no objections to this proposed building.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Mr. Leete was asked what he proposed to put in this building. He responded by saying

he would store his vehicles inside and his project cars that he is working to restore. Use it to keep the area looking neat and in order. He commented that he does run a wrecker business which operates out of 2001 Turner St. SW. The only repair work that will be done in the building will be for family.

Haagsma commented that this would be a benefit for the neighborhood.

It was asked if this is in one or two parcels. Mr. Leete commented that it is in two.

The board members agreed that they would like to see it put in one parcel. Mr. Leete commented that should be no problem.

After some additional discussion a motion was made by Gould supported by Burgess to grant a 480 sq ft. accessory building area variance and no height variance.

Roll call vote: Haagsma - no. Burgess - yes. Gould - yes. Tubergen - yes. Vander Woude - no. Brinks - absent. Motion carried.

A motion was made Haagsma supported by Gould at the special Board of Appeals meeting to amend the original motion to include a height variance of 7' for a total of 16' accessory building height variance.

Yes - 6. No - 0. Absent - 1. Motion Carried.

**7:45 Jeff Hoeksema – for a 500 sq ft. accessory building area variance for the property located at 8950 Byron Center Ave. SW.**

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

Jeff Hoeksema was present to explain his variance request. He stated that this is the second time he is trying to keep this historic barn. Now he would like to keep the old barn with the existing home on the one acre parcel.

It was commented that the silo is considered part of the square footage of the barn.

**Terri Oeverman – 9015 Byron Center Ave. SW** voiced her support of this variance request. She would like to see the barn remain as it is.

Gould then read the two written responses that were received.

**Fred Heileman – 8892 Byron Center Ave. SW** His letter stated his approval of this variance request.

**Paul Nevins – 1281 – 104<sup>th</sup> St. SW** His letter also stated his approval of this variance request.

Tubergen stated that this is a good idea that the farm house and the barn go together. The barn has been there a long time.

The paint seemed to be the issue. Everyone would rather see it with the natural look.

Gould reminded the board members that the variance goes with the property. If the barn would be destroyed they can build a 1700 sq ft. building.

This is zoned R-A Rural Agriculture and only a 1500 sq ft. building is allowed.

After some additional discussion a motion was made by Tubergen supported by Haagsma to approve the request for a 300 sq ft. area variance with the stipulation if the current barn is destroyed whatever square footage is permissible in that area at that time will be allowed.

After some additional discussion a motion was made by Tubergen supported by Gould to withdraw the motion just made.

A motion was made by Tubergen supported by Haagsma to grant the request for the present barn, silo and connector link to remain with the present home as it meets Zoning Ordinance Article 21.6 1, 2, & 3 also with the stipulation if the barn is destroyed the new building would meet township ordinance regulations pertaining to that zoned area.

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

**Approval of the minutes from the April 27, 2005 meeting.**

A motion was made by Gould supported by Haagsma to approve the minutes as written. Yes - 5. No - 0. Absent - 1.

**Approval of the minutes from the May 11, 2005 special meeting.**

A motion was made by Burgess supported by Haagsma to approve the minutes as written. Yes - 4. No - 0. Absent - 1. Abstained - 1 (Gould).

**Miscellaneous**

Items discussed were:

- \* Ross' Motor Sales (violation of site plan)
- \* George Rookus (large dog house still not removed)

**Adjournment**

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

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Jeff Brinks  
Secretary of Board of Appeals