

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING – May 26, 2005
MINUTES***

A special meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Thursday, May 26, 2005, at 5:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, Mi.

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

5:00 p.m. – Steve Schwartz – requesting a 9.7' front yard setback variance for the property located at: 2336 Byron Shores Dr.

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

Steve Schwartz was present to explain his request. He commented there really is nothing different with his property it is pretty straight forward that he is seeking a 9.7' front yard setback variance. He stated the breakdown occurred when he called for a foundation inspection. It was his understanding that the inspection was approved and he assumed he passed. But it was brought to his attention that no inspection was done on the foundation because it was backfilled already. He admitted that he did measure the setbacks wrong. Work has been ceased for about 3 weeks and now we are here seeking this variance.

Jack Pyper - 2332 Byron Shores Dr. SW stated they moved there in December of 2004 and they never imagined a problem like this. They are concerned about blocking their view from their daughters bedroom window and if this would de-value their property. He also stated they like to have good relations with their neighbors but they lived in the same house for 54 years and now moving out here and having this problem. He also informed the board that he did not receive a notice for this meeting. And did say that there probably would be more neighbors present if they had also received a notice.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Kathy Burgess explained to him the system used for mailing information. We depend on Kent County for all updated information.

Gould commented that he's been on the board for 16 years and this has to be one of the hardest ones he has had to deal with. He sympathized with the Schwartz family but really can not approve this as it sits.

Various options were discussed by the board members.

Haagsma stated that he agrees with Gould that this is such a painful decision to make. How can we change this house to make it workable for this family? It is a new plat.

Brinks also agreed but as painful as these decisions are we have to be consistent with our decisions.

Burgess also agreed with the comments made and she really feels bad.

Vander Woude knows what Steve is going through. All his money is tied up in this house. Whats worse a house sitting to close to the road or just walk away and the house sits empty. No one will buy this house with a problem like this. Can we make this house livable? Who wants to look out and see a vacant house?

Again various options were discussed with the applicant.

Gould commented if we do deny this request that the applicant does have the opportunity to make changes and come back.

After some additional discussion a motion was made by Gould supported by Haagsma to deny the request for a 9.7' front yard setback variance.

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

Miscellaneous

Clarification on a motion was needed in reference to a public hearing that was held on May 25, 2005. Request from Brad Leete for the property located at 109 Hyacinth. A motion was made by Gould supported by Burgess to grant a 480 sq ft. accessory building area variance and no height variance. The motion should have stated a 7' height variance for a total of 16' which is allowed in an R-S zoning district.

A motion was made by Haagsma supported by Gould to amend the minutes as needed.

Adjournment

5:50 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