

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING – June 13, 2005
MINUTES***

A special meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Monday, June 13, 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, Kathy Burgess, Jeff Brinks and Doug Tubergen. Absent: James Haagsma. Also present was Recording Secretary LaVonne Kuiper.

5:00 p.m. – Steve Schwartz – requesting a 3.7' 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 that we are all aware of the situation. He stated that he was under the impression that his foundation inspection was approved so he continued to build. At this point he is just trying to get a garage that is reasonable and usable. The damage is done and would like to resolve this in a reasonable fashion.

Mrs. Schwartz also commented since the beginning they are trying to do everything right. The neighbor did not get a notice about the meeting so she took it upon herself to go to each one of them and explain what had happened. At this point they are getting no where with some of them. This is the house we hoped to live in and raise our family.

Brian Bovia – 2352 Byron Shores Dr. stated that this is the second time that he has not received a notice concerning a meeting. He also commented that he called the township offices and spoke to LaVonne stating that he felt the house being built at 2336 Byron Shores Ct., is to close to the road.

Jack Pyper - 2332 Byron Shores Dr. SW sympathized with Mrs. Schwartz and the emotional situation that she is in, but they have lived in the inner city for 54 years,

and when a builder builds a house for someone we have to pay extra money to have the house put on the lot the right way. We are concerned that this being our first house will it cost us a lot down the road by having this home next door to us. Maybe they will get sick of the house and move out in a couple years. We want to be careful, be truthful and do what is right also. He stated they are not against this request of a 3.7' variance. There really is no happy answer to this.

Chairman Vander Woude asked Jeff Brinks to respond to the notice issue. Jeff explained that we get the address information from Kent County Register of Deeds. With a new plat such as the one we are dealing with still has the lots listed under the developer's name. Many of the notices probably did go to the developer. There is not much we can do. We hardly ever have variance requests in new plats so we don't run into this issue very often.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Chairman Vander Woude commented that with this reduction the garage size would be the same as a condo garage of 20' which is very workable and usable.

Brinks stated they did make strides to reduce. Neighbors are not entirely happy with this decision but it will work. Whatever decision we make the Township has to live with.

A 20' deep garage is not excessive. It is a standard size garage. The 3.7' will fit in with the neighborhood.

A statement was made that he is allowed a 10' x 15' accessory building (150 sq ft.) which he will probably need with his garage being smaller.

After some additional discussion a motion was made by Burgess supported by Tubergen to grant this variance request of a 3.7' front yard setback variance as it meets Byron Township Zoning Ordinance 21.6 articles 2 & 3.

Roll call vote: Burgess - yes. Brinks - no. Tubergen - yes. Gouold - no. VanderWoude - yes. Motion carried. Variance granted.

Survey concerns

In response to the variance request a motion was made by Gould supported by Brinks to request that the Township Board amend the zoning ordinance in regards to building permits to include a requirement that builders submit a stake out survey prior to the foundation inspection, as well as an actual wall survey at the time of roughin inspection.

Roll call vote: Tubergen - yes. Gould - yes. Brinks - yes. Burgess - yes. VanderWoude - yes. Motion Carried.

Adjournment

5:45 p.m. It was moved by Gould supported by Brinks to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals