

**BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – September 28, 2005
MINUTES**

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, September 28, 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, Doug Tubergen, Jeff Brinks and Kathy Burgess. Also present was Recording Secretary LaVonne Kuiper.

7:00p.m. – John Huizenga - requesting a variance to construct an accessory building in a front yard for the property located at 4761 - 82nd St. SW.

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

John Huizenga was present to explain his variance request. He stated he wishes to build an accessory building on the west side of his house. This property is a corner lot and with the house positioned on the elevated rear portion of the lot. The placement of the house, the grade of the property and the location of the drain field limits the construction of the accessory building to the front yard on the west side of the property. It is a corner lot located at the corner of 82nd and Kenowa.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Haagsma asked about the size of the lot.

John responded by saying he owns 2.3 acres.

Also discussed were the lot lines and the hardship that is created with owning a corner lot.

John Huizenga commented he did speak to the neighbors to the south and to the west of his property and they have no problems with him putting the accessory building at that location.

Board member Vander Woude asked what he intended to use the building for.

John responded by saying he will use it to store his tools, boat, yard equipment, bicycles, etc.

Gould asked if a business would be operating out of the accessory building.

John assured the board there will be no business operating out of that building.

A motion was made by Haagsma supported by Gould to grant the variance to place an accessory building in the front yard for the property located at 4761 - 82nd St. SW.

Roll Call Vote: Burgess - yes. Haagsma - yes. Gould - yes. Brinks - yes. Vander Woude - yes. Motion carried.

Approval of the minutes from August 24, 2005

A motion was made by Burgess supported by Gould to approve the minutes of the August 24, 2005 as written. Yes - 5. No - 0.

A motion was made by Gould supported by Haagsma to approve the insert of the omission of the Approval of the minutes from July 27, 2005. Yes - 5. No - 0.

Interpretation

Refined Builders on behalf of Terry & Dawn Baker would like to construct a 24' x 24' garage to replace an old existing 16' x 20' garage. They would like to be able to move the proposed new garage forward so that it is 5' off the lot line to the rear and they would be able to leave the west side of garage the same distance from lot line as in the present garage. Proposed garage would be finished on the exterior to match existing house. They would like to maintain the distances so that the proposed garage will look like it belongs and does not fit out of place in the neighborhood. Location of property involved is 8573 Byron Center Ave. SW.

It was the consensus of the board they would have to come back for a variance.

7:15 pm – Kathie M. Pepper – for a 1453 sq ft. accessory building area variance for the property located at 10248 Ivanrest Ave.

Mr. Jeff Brinks read the public notice. All property owners within 300' of the subject property were notified.

Kathie was present and explained she would like to split this property into two 3 acre parcels and to allow the accessory building (barn) which is over 100 years old to stay with the property along with the house which was built in 1873. Being able to keep the barn and house together would preserve the integrity of the property. The proposed split meets all other zoning regulations.

Margie Williams – 10080 Ivanrest stated they are the land owners located next to Kathie's property. Her question was since the property is up for sale, why not sale the property as it is. Splitting the property and having a big building on a small parcel. She was concerned about putting a new barn up and what could possibly go into that barn with a new owner.

Chairman VanderWoude explained to Ms. Williams that the variance is for keeping the old barn, not building a new one. She would like to split property in half and because of the split the barn is larger than what is allowed.

Margie Williams – 10080 Ivanrest apologized for the misunderstanding.

Chairman VanderWoude stated if the property is split a new barn could go on the vacant parcel but that barn would have to comply with all Township Ordinances.

No further public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Chairman VanderWoude commented old barns are disappearing around the township. And it nice to keep old barns but they should be kept up. He stated he walked through and around this old barn. By looking it over it does look like a sturdy barn. The big beam looks good. There is a beam which is not a load bearing beam that should be repaired or replaced. The roof on the south end also needs repair. By maintaining this barn would be a value to the Township. Maybe a paint job, and if all the weeds were cut down from around the barn would also help. This barn does fit well in the area.

Kathy was asked if she considered selling the complete 6 acres and not splitting the property.

Kathy stated she would like to be able to hang on to the 2.86 acres if she can afford it.

This proposed split is due to financial reason.

Jeff Brinks then read four letters from surrounding neighbors affected by this variance request. All four letters had no complaints about leaving the old barn with the property.

Jeff Poltrock – 10245 Ivanrest Ave.

Jim Elliott – 1662 Karen Dr. Dorr, Mi

Brian Elliot – 10326 Ivanrest Ave.

David Swinson – 10255 Ivanrest Ave.

Board member Gould stated he went out to the property and also noted the barn does need some care and up keep. He loves old barns as well. It has to be repaired. Will the new owners be willing to put a lot of money in the old barn or will they want to tear it down?

Brinks commented he has a strong feeling that barns have to have property to support it. But he does agree with a statement made in one of the letters to keep country in the country.

The original split should not have been allowed. The barn is still too big to be on a 6 acre parcel.

After some additional discussion a motion was made by Gould supported by Haagsma to allow this variance to keep the 1453 sq ft. old barn with the following stipulation:

1. No other buildings are to be built on this property.
2. The non load bearing beam be repaired or replaced.
3. The roof (especially the south west corner) be repaired.
4. Repair or replace the siding on the south end of the barn.
5. Grass and weeds to be cut and maintained.
6. Barn to be painted.
7. A letter of credit to be established with the Township Clerk in the amount of \$5,000.00 bond to expire on November 1, 2006.
8. If new owner so desires to fix the old barn they are required to post a bond of their own.
9. If property not sold after one year an extension can be given but the Board of Appeals.

Roll Call Vote: Gould - yes. Haagsma - yes. Burgess - yes. Brinks - no. VanderWoude - yes. Motion carried. Variance granted.

7:30 pm – John & Carol Reynolds for a land use variance to operate a trucking company in a R-A Rural Agricultural zone for property located at 3360 – 84th St. SW

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

John Reynolds was present to explain his variance. He wishes to operate a small trucking company at this location and occupy the house. He stated this is a small business which has been in business for 20 years. At the present they are located in Wayland. He has 6 tractors and 7 trailers. The drivers of these trucks take them home when they get back from a run. He would have a maximum of 2 trailers in the yard. There will be no major repairs done on the premises. Not even an oil change. He commented his equipment is new and well maintained. This is a very low key business. He also commented his daughter would occupy the house. He felt the residential appeal of the property diminished with the new school to the south and there are future plans for building to the west of the property.

Sheryl VerMurlen – 3360 - 84th St. SW has no problem with this proposed use. More than likely this property would have a hard time selling for the purpose of residential use.

No further public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Jeff Brinks stated according to Article XXI Section 21.7 of the Byron Township Ordinance regarding Land Use Variances. The Board of Appeals shall notify the Planning Commission of any such appeal and request a study and report. No decision shall be made by the Board of Appeals until the report of the Planning Commission is received, provided such report shall be made with (30) days of the next regularly scheduled Planning Commission meeting.

A motion was made by Brinks supported by Haagsma to send this special land use request to the Planning Commission for their study, report, and recommendations.

Yes - 5. No - 0. Motion carried.

To set special meeting for a Public Hearing

Jeff Brinks stated that Viacom Outdoors has requested and paid for a special meeting to hold a public hearing. The request is for a billboard location for the property located at 7725 Caterpillar Dr.

It was decided to set the public hearing for October 13, 2005 at 5:00pm.

Adjournment

8:10pm. A motion was made by Haagsma supported by Gould to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals