

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
MEETING – November 23, 2005  
MINUTES***

A meeting of the Byron Township Board of Appeals was called to order by Vice Chairman James Haagsma on Wednesday, November 23 2005, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, Mi.

Members present were: James Haagsma, Seymour Gould, Jeff Brinks, Doug Tubergen and Kathy Burgess. Absent: Abe Vander Woude. Also present was Byron Township Building Inspector and Recording Secretary LaVonne Kuiper.

**7:00 p.m. Calvin Weidenaar – requesting a variance to construct an accessory building in front of a principle building and a 19’ lot line setback variance for the property located at 3355 – 68<sup>th</sup> 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.

Calvin Weidenaar was present to explain the variance request. He commented by placing the accessory building in that location it would be more convenient and he could utilize the blacktop drive way that is already there. The neighbor just to the south of his property does not object to the plan. The area is sheltered from any view by the large pine trees on the property.

No public comments were made.

Mr. Brinks then read a statement of approval from Don Walker who resides at 3323 - 68<sup>th</sup> St. SW.

Vice Chairman Haagsma closed the public portion of the meeting.

Gould asked Mr. Weidenaar if he built the home. He replied by saying yes he did. The home was built in 1979 and the barn in 1980.

Gould commented we realize the neighbor to the south does not have a problem with this variance but let’s not forget the variance stays with the property. Maybe the new owner will not like it. It’s so close to the property line. Looking at the Township Zoning Ordinance Section 21.6 articles 1, 2, and 3 it does not meet any of them. He can locate it somewhere else.

Brinks agreed that there is nothing extra ordinary about this property and it can be used as it is.

After some discussion a motion was made by Gould supported by Brinks to deny both variance requests.

A comment was made that maybe we could deny one request, and approve one with added stipulations.

After some discussion a motion was made by Gould supported by Brinks to withdraw his motion.

A motion was made by Brinks supported by Gould to deny the 19' setback variance.

Roll call vote: Burgess - yes. Brinks - yes. Gould - yes. Tubergen - yes. Haagsma - yes.  
Motion carried. Variance denied.

A motion was made by Brinks supported by Gould to allow the accessory building to be constructed in front of a principle building with the following stipulations:

1. Can be no closer to 68<sup>th</sup> St. than the south plain of the present barn.
2. Construct the accessory building east of the existing driveway.
3. Prior to the issuance of a building permit a site plan must be submitted to the Building Department showing the proposed location of the accessory building and setbacks.

Roll call vote: Tubergen - yes. Brinks - yes. Burgess - yes. Gould - yes. Haagsma - yes.  
Motion carried. Variance approved.

**7:15 p.m. – T.E.S. Properties requesting a variance to utilize non paved surfaces for equipment storage for the property located at 6190 Clyde Park Ave. 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.

Travis Underhill from Latitude Engineering was present on behalf of T.E.S. Properties. He stated that T.E.S. Properties is now located at 1000 – 100<sup>th</sup> St. and have outgrown that location and now are looking to erect a new building. They are an equipment rental business and the heavy equipment on the paved area is damaging to the surface. They would like permission to store their equipment on a non paved surface. The type of material that will be used is a crushed concrete. This will help for dust control. The entire site will be fenced and Travis stated the applicant has gone above & beyond the Township landscape ordinance.

**Dan Meekhof – 6111 Clyde Park Ave. SW was wondering what would be done on the property. He stated he has no problem with a new building at that location especially if it's all going to be fenced in. Another concern is additional noise since this is a residential area and the hours of operation.**

Travis responded to Mr. Meekhof stating there will be no equipment stored at that location until the new building is up. Hours of operation could vary but most of the time all the employees are gone by 4:30 pm.

**Ryan VanEss – owner of Titan Equipment commented they will be putting up a classy building.**

No further public comments were made.

Vice Chairman Haagsma closed the public portion of the meeting.

It was commented by the board members that the landscape plan is almost a model plan. The use of crushed concrete water will soak in and it will help for dust control.

Board member Tubergen stated that dust control will be a big concern. This should be monitored if we get any complaints.

After some additional discussion a motion was made by Gould supported by Burgess to grant this request with the following stipulation:

1. The applicant has to come back to the Zoning Board of Appeals after one year (November,2006) for a review of the variance and an extension.

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

#### **Approval of Minutes – October 26, 2005**

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

#### **Approval of Minutes – special meeting November 4, 2005**

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

#### **Miscellaneous**

- Discussed Special Land Use for 84<sup>th</sup> St. property. Planning Commission recommends denial.
- Sign Ordinance
- Accessory buildings/dog houses

#### **Adjournment**

7:55 pm. A motion was made by Brinks supported by Gould to adjourn the meeting. All voted aye.

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Jeff Brinks  
Secretary of Board of Appeals