

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
MEETING – March 1, 2006 (rescheduled from February 22, 2006)
MINUTES***

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, March 1, 2006, at 6:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, Mi.

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

6:00 p.m. – Don Bratt requesting approval to move a house from 2269 – 84t St. SW to 1563 Beaconsfield (lot 16, Copperfield Estates).

Mr. Jeff Brinks read the public notice. All property owners within 300' of the subject property were notified and several written responses were received.

Mr. Rob Arnoys along with Mr. Don Bratt and Tim Slot were present to explain this request. Mr. Arnoys expressed their thanks for the opportunity to share their story and present the logic behind this request to allow moving this 159 year old home. The Township Board on February 13, 2006 approved the early start permit for lot 16 in Copperfield Development. This home will be demolished if a destination is not found for this historic home. We can not allow a home of this historical value and meticulous condition to be destroyed. This home was one of the first 5 homes built in Byron Township. A Community Opinion Survey conducted by Williams and Works reported that the community wants to maintain and protect links to the heritage and feel of the past Byron Center. We are not seeking a land use variance, but permission to place a home on the lot. By moving this house to a neighborhood on a lot where the house will be placed will be a transition to the existing homes along Burlingame Ave. They have been aggressively searching for suitable property to place this home on. They enlisted a local realtor Tim Slot, sent letters to property owners on Burlingame Ave. SW and neighboring areas, and knocked on many doors to inquire and explore opportunities to find the perfect "fit". Due to the size of the home we are limited to where the home may be moved. Lot 16 in the Copperfield Development is the only available and practical location. Moving the home west from the present location is impossible due to the many power lines, the width of the road, signs, businesses, fire hydrants. The home value will be similar to the homes in Copperfield and greater than the surrounding homes. The builder and developer have agreed to sell us lot 16 and to allow us to move the home. We feel there is not substantial detriment. We know the Township has many requests for special variances to current ordinances how ever we see this request as exceptional and extraordinary and will not set precedence for the future. The house is in meticulous condition and will enhance the new neighborhood. This home will be destroyed if a destination is not found by early May.

The home will conform to the requirements of the development will have a new foundation, garage, concrete and driveway. This is a unique opportunity to preserve a piece of Byron Center's early history and ensure that future generations can enjoy this home. This is a 159 year old piece of history and with the wisdom and judgment of the board it can survive and realize its 200th year and beyond. Current residents of Byron Center as well as future generations will pay a debt of gratitude to you for the right decision you can make here tonight.

Tim Slot realtor for Mr. Bratt and Mr. Arnoys commented on the reasons why this lot was chosen for the future site of this home.

Board of Appeals secretary Jeff Brinks then read the correspondence letters received from the following:

Byron Center Historical Society,
Robert & Gloria Jonker,
Edward J. Riojas - 10385 Byron Center
Macatawa Bank
Trinity Development - Bruce Brown
Mayalize Kersten - 8087 Burlingame Ave. SW
Todd Gray - 8629 Byron Center Ave.

All were in favor of the house move.

Dave Vander Woude - is a builder and owner of lot 16 located in Copperfield Development. He stated it would be a nice fit and be a compliment to the neighborhood.

Ryan Thorton - stated they just moved into Byron Center and commented that when they first drove into Byron Center they made a comment about the beautiful house on the hill. It would be sad to see a house like this torn down.

Mr & Mrs Darryl Barkel - 8056 Burlingame who lives directly to the north of this property. She stated her concern of such a big house right next to theirs would over power their home. She also commented about all the problems they have had with the developer. She also was wondering why they demolished a home on that lot that was 125 years old. Why didn't they keep that one?

Lee Otte - 1977 Bluffview from Macatawa Bank commented he is in favor of keeping this old home and moving it to a different location but their time line for construction of the new bank is to begin in May.

Patrick Gill - 3950 Brigadoon Ct. SW voiced his approval to move this stately home to Burlingame Ave. location.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Chairman Vander Woude commented he could not answer the question why the 125 year old home on that lot was demolished.

Doug Tubergen asked since this is a corner lot two front yards are required. The placement of the

house has to meet zoning requirements.

Jim Haagsma stated in the letter Jeff read from Trinity Development stated that at least 25% of the front façade must be treated with stone, brick or a similar material.

Mr. Bratt responded by saying they hope to go 2 ½ feet to 3' high of rock or brick around the base of the house as well as the garage.

Doug Tubergen commented if the house face's Beaconsfield there would be approximately 45' from the neighbors house. But if it faces Burlingame which would look better it would be 35' from the neighbors house. Of course the 45' would be better.

Chairman Vander Woude stated the present lot this house sits on is 48,000 sq ft., and sitting on a hill, now you want to move it to a lot 14,000 sq ft. lot. How do you intend to keep the historic look?

Mr. Arnoys stated they plan to do a lot of landscaping around the home. There are two big trees presently on the lot and those would remain.

Jeff Brinks stated the primary job of the Board of Appeals is to decide does this house fit? Historic or not really should not matter to us. We have to determine does this house fit in this area.

Seymour Gould agreed with Jeff Brinks. This is a brand new plat and we have never approved anything like this in a new plat before. There is one party this will affect. Ask yourself would you like this in your backyard. It just doesn't fit in that area.

Jeff Brinks stated that someone came with a similar request to move a home on a corner lot near a new plat but the lot was not included in the plat. This request was denied. If we would approve your request how would we answer to these people?

Seymour Gould also commented that usually when people request to move a house, it is lived in by that person. This situation is different.

Jim Haagsma commented that he is not completely convinced that this house would look out of character on that lot, but felt it would over power the neighbors house to the north. If it faced Burlingame it would be a better fit.

Seymour Gould stated that house looks great sitting on a hill even on a larger lot.

Kathy Burgess commented the house does have merit and it does have a front yard on Burlingame.

Doug Tubergen stated to make this house look good it should face Burlingame.

After some additional discussion a motion was made by Gould supported by Brinks to deny this request to move this house as it does not fit in the area and is in a new plat.

Roll call vote: Burgess - no. Brinks - yes. Haagsma - no. Gould - yes. VanderWoude - yes.

Motion granted. Request denied.

6:15 p.m. – Don Bratt for a land use variance to have a multi-family residence in the R-R zoning district, also requesting a permit to move a duplex home from 2253 – 84th St. SW to 7390 Byron Center Ave. SW

Mr. Jeff Brinks read the public notice. All property owners within 300' of the subject property were notified. Jeff commented he did receive a couple letters and will read those prior to hearing the public comments.

Mr. Don Bratt expressed his thanks for the opportunity to present this request. He is confident the information that he will present will result in the granting of a land use variance. Over the past several weeks and months we have consulted with a mover who has moved over 20 homes, real estate professionals, the Kent County Drain Commission, and an attorney well versed in zoning ordinances. The expert and professional advice and information we received has formed the basis for our request. The lot they are proposing to move the duplex on is zoned R-R Rural Residential. A multi family home is not allowed in this zoning. The uses that are allowed would probably not ever go on that lot. Such as crop production, limited livestock activity, nurseries would be permitted as well as certain institutional uses such as private campgrounds. This lot does not conform to rural definitions. The land directly behind where the duplex would go is zoned R-U Urban Residential PUD. This duplex would be allowed according to the Zoning Ordinance Article VIII, 8.1 (2) two family dwellings with exterior characteristics similar to one family dwellings on lots facing a major street. This proposed zoning variance meets this definition because this is on Byron Center Avenue. We feel we have a hardship because we can not petition the planning commission to rezone just this lot as this would be "spot" zoning which they do not do. The growth of the Township has resulted in this change in the lot which makes the RR zoning no longer practical in this area. The duplex will be brought up to code, have landscaping done, with possible fencing or some type of buffer. There is a drain field that runs through the entire width of the property and a 40' easement which the Kent County Drain Commission protects. Because of setback and easement restrictions, no home could be built on the lower southern section of this property. The drain field runs along the edge of the properties to the south, not across the middle, which reduces the buildable space on the lot. Another extraordinary circumstance that applies to this lot is the five lane road with traffic going 55 mile per hour. Because of the high traffic and the busy road it is unlikely a home owner would choose to spend their money on a lot bordered by this 5 lane road and a lot with a 40 foot drain easement through it. Also there are other duplexes in the area. Using this lot for a single family home would be difficult.

Jeff Brinks then read letters from:

Benjamin R. Ophoff – 7373 Whistlevale Dr. stating he had no objections to the proposed duplex being placed on that corner.

Byron Center Baptist Church – 7343 Byron Center Ave., stating if all the zoning and code requirements were met they had no objection. (Richard Miller)

Betty Walker – 7350 Byron Center Ave. SW – stated her concern about the size of the lot and which way the duplex would be facing. Landscaping and fencing would help. She stated she has

lived there for 14 years and has seen a lot of changes. She is not real crazy about looking out and seeing this duplex.

Shane Hinkle – 7385 Whistlevale Dr. SW – stated he is not in favor of this duplex moving to this location. He asked that the board deny this request. He would rather see new construction. He presented the board with 9 signed petitions in opposition of the proposed duplex move.

C.J VandenBerge – 7309 Whistlevale Dr.

Delores Jane Lennon – 2263 N. Whistlevale Dr. SW

Jeffrey Clousing – 2315 N. Whistlevale Dr. SW

Ron Miedema – 2281 N. Whistlevale Dr. SW

Federico Farias – 7301 Whistlevale Dr.

Wayne Rick Neign – 7386 Whistlevale

Laura Parker – 7335 Whistlevale

William Geluso – 7344 Whistlevale

BethAnn Terborg – 2320 N. Whistlevale

C.J. VandenBerge – 7309 Whistlevale Dr., stated he drives this particular road every day. He felt this would be intrusive even with additional landscaping.

No further public comments were made.

Chairman VanderWoude stated that the board would not be making a decision on this request tonight. With a land use variance request it has to be sent to the Planning Commission for study and review. After their study is complete and a recommendation made it is sent back to the Board of Appeals for a decision. There will not be another public hearing.

Chairman VanderWoude closed the public portion of the meeting.

Jeff Brinks explained the proper steps that have to be taken with this type of request.

After some additional discussion a motion was made by Brinks supported by Gould to forward this request to the Planning Commission for review and study.

Approval of Minutes – January 25, 2006

A motion was made by Brinks supported by Gould to approve the minutes as written. Yes - 5. No - 0. Absent - 1 Abstained - 1 VanderWoude (absent from January 25, 2006 meeting).

Adjournment

7:23 pm. A motion was made by Gould supported by Brinks to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals

