

**BYRON TOWNSHIP ZONING BOARD OF APPEALS
MEETING – March 22, 2006
MINUTES**

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, March 22, 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.

7:00 p.m. – Don Bratt requesting approval to move a house from 2269 – 84t St. SW to 7755 Burlingame 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. It was noted that 50 notices were sent out.

Mr. Rob Arnoys along with Mr. Don Bratt and Realtor Tim Slot were present to explain this request. Mr. Arnoys commented they would like permission to move this beautiful historical home to this site on Burlingame Ave. The home is 159 year old home and would fit well in this area especially with the older home located just to the north of this site. It is a 1.1 acre parcel which is larger than the current property the house sits on now. The home would be placed further back on the lot away from the road. Extensive landscaping will be done with a berm and trees. There is a natural tree line which borders the west lot line.

Mr. Don Bratt commented they had the home inspected by Laraway Home Movers and reported the home is structurally sound to move. If permission is granted to move this house it will meet all zoning requirements along with the setback that are required. Some electrical work will have to be done. And that will be inspected as well.

Dan Simpson – 7788 Westminster Dr., commented his home is located directly behind the lot where this house is proposed to be located. He was just concerned as to where the house will be located on the lot.

Mr. Bratt then showed a site plan as to where the house will be located on the lot.

Jeffrey Haase – 7813 Burlingame Ave., stated his home is located to the south of this site and is concerned as to what will happen to this property. Will it be sold? Hopefully it will not be rental property.

Mr. Bratt responded and said once the home is moved there and the work complete, it will be put up for sale. It will not be rental property.

John Flannigan – 1594 Tonja Ct., commented the newspaper article stated the home could only be moved to the east of Byron Center. Why?

Mr. Bratt stated because of the size of the house, the electrical lines, and the road width, going to the east was the most practical.

Vic Crater – 7732 Burlingame Ave. SW, asked if the home would be maintained as a single family home and if a new basement is planned.

Mr. Bratt respond by saying will be a single family home. This home deserves a family and a new basement is planned.

Historical Society Member – was happy to have this house saved. They would hate to see it torn down.

Adel Roblin – also a member of the Historical Society applauded the men who are trying to get this home saved and moved to a different location. It is a big under taking and so often it is so easy to say just forget it. It involves a lot of work. She thanked them for all their work.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Chairman Vander Woude asked Randy the Township Building Inspector if he had inspected the home at all.

Randy responded by saying he had not but once the home is moved there and the work is underway he will have to do all the necessary inspections.

Mr. Bratt was asked if the garage will be moved with the house. He responded and said it will be moved with the house.

It was questioned if the garage was to big compared to the square footage of the house. After calculating the square footage of the house which is 1,763 and the size of the garage which is 936 sq ft., it will be okay. In this situation a 1,057 sq ft garage is allowed.

Gould stated the lot is bigger and the house will look better there. It does conform architecturally and structurally with the buildings within 300 feet and does meet all the requirements of the Zoning District

Haagsma commented the house will look great there. It's a win win situation.

After some additional discussion a motion was made by Gould supported by Haagsma to grant this house to be moved with the following stipulations:

1. The home is to remain a single family home.
2. Home will be owner occupied after being sold.
3. The front columns (pillars) are to remain on the house.
4. Home to be 3' above grade with dirt sloping away from home.
5. The home must meet all current building codes of Byron Township.
6. The house will be located on the lot per site plan.
7. Landscaping to be done by September 30, 2006
8. A letter of credit to be established with the Township Clerk in the amount of \$15,000 bond to expire on November 15, 2006 prior to the issuance of a building permit.

Roll call vote: Brinks - yes. Haagsma - yes. Gould - yes. Burgess - yes. Vander Woude - yes.

Don Bratt – Special Land Use variance to have a multi-family residence in the R-R zoning district.

Chairman Vander Woude stated this request was sent to the Planning Commission for study and recommendations. This meeting was just held on Monday night, the minutes are not complete and we do not have Mr. Nix's report.

Brinks commented without seeing the minutes as to what was discussed and not having the Planner's recommendation he felt it should wait until the April Board of Appeals meeting. We have to be cautious and not make a hasty decision.

Chairman Vander Woude asked the board members if they would rather proceed with this request or wait until more information is received.

Haagsma - proceed. Gould - wait. Brinks - wait. Burgess - proceed. Vander Woude - wait.

Mr. Tim Slot the realtor representing Mr. Bratt made the Board aware of a time frame concerning the purchase of the proposed lot. The contract expires on March 28, 2006.

Brinks commented that legally a decision can not be made until the minutes are approved from the Planning Commission.

It was decided by the Board to set a special meeting for Tuesday, April 18, 2006 at 5:00pm. There will be no cost to the applicant since it was the decision of the board to wait for the approved minutes.

Tim Slot responded by saying he would try and get an extension on the contract for the purchase of the lot.

Approval of Minutes – March 1, 2006

A motion was made by Gould supported by Haagsma to approve the minutes as corrected.
Yes - 5. No - 0. Motion carried.

M & K Truck - request to extend variance for property located at 8840 Byron Commerce Dr.

Jim Stepp was present to ask the Board to extend the variance for the gravel parking lot.

Rod Meyering President of M & K Truck whose business is located directly to the north of Wolverine Tractor was present to voice his concern about the dust that has been causing a problem. He stated this gravel lot creates a lot of dust. He has to spend a lot of money washing and rewashing his equipment. He feels this lot should be paved like the other lots. The last couple of days they are applying some type of dust control but it does not last long. The dust is not really caused by traffic but by the wind.

The board discussed that this was probably one of the first business's to go in at that location. This is not the original owner. A time frame was put on this variance to see how it would work.

Jim Stepp was not sure if the owner of the building would want to pave the area.

After some additional discussion a motion was made by Gould supported by Haagsma that Wolverine Truck are required to come in compliance with the Township Ordinance and all non-paved areas are to be paved by August 15, 2006.

Yes – 5. No – 0. Motion carried.

Miscellaneous

- Chairman Vander Woude explained he spoke to someone who lives on the corner of Morning Dew & Broda. They would like to put in a pool but an easement run through the back yard. The Kent County Drain Commission told them they could not put the pool on the easement. They have no choice but to put the pool in a front yard.
- Board member Seymour Gould who is also a Planning Commission member shared some of the comments made at the Planning Commission meeting concerning the proposed duplex move.

Adjournment

8:15 pm. A motion was made by Haagsma supported by Gould to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals