

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
MEETING – April 26, 2006
MINUTES***

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, April 26, 2006, at 7:00 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. – Leo Haskill requesting a 10’ rear and a 10’ sideyard setback variance to construct an accessory building for the property located at 4672 – 60th St. 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.

Mr. Leo Haskill was present to explain why this variance is needed. He stated he spoke to all the neighbors and none of them had a problem with the proposed location of the accessory building. There really is no other place to put this building due to the location of the drain field and the existing above ground pool and deck. The current zoning requires that the outbuilding be twenty feet from all property lines but this proves to be virtually impossible. He commented the property directly to the west has a house that is 7’ from the property line and the property to the east has an outbuilding less than 20’ from the property line. He would use this building for storage. It is nice to get this inside.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Haagsma asked Mr. Haskill how frequently he would access this building and if the existing accessory building would be removed.

Mr. Haskill responded by saying he would probably access the building daily and the other building will be town down.

Vander Woude asked what the height of the new building would be.

Mr. Haskill stated the proposed building would have 8’ 6” side walls with a 4–12 roof to match the

house. It would face the road with an overhead door on the north side.

Items discussed by the board member were the size of the lot (110' x 237.8') which is smaller than the other lots in the RR zoning, age of the home which is 33 years, applicant did not build the home thus he did not create his own problem, the applicant is allowed a bigger accessory building than what they will be erecting.

Haagsma stated he has no problem with this request since the old building will be removed. We have to remember every situation is unique and different.

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

1. No other accessory building can be erected on the property or no addition can be made to the new accessory building.
2. The 12 x 14 existing accessory building will be removed prior to the issuance of a building permit.
3. If applicant is not able to remove the existing accessory building prior to the construction of the new accessory building, a cash bond will be posted with the Township Clerk in the amount of \$500.00 which can be used by the Township to remove the accessory building.
4. Side walls of the new accessory are to be 8 ½'
5. No business shall be conducted from the accessory building

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

Approval of Minutes – March 22, 2006

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

Best Block - Latitude Engineering - request to extend variance for property located at 8087 Clyde Park Ave. SW.

Jeff Brinks commented on the request letter received from Latitude Engineering concerning Best Block Co., seeking an approval for an extension of their variance. The variance was granted on April 27, 2005.

Chairman Vander Woude commented he would like to see a stipulation added to this extension request concerning dust control. He stated he is not opposed to what was originally approved but would like to see a deadline added to the approved variance.

It was noted that nothing is happening at the site. The consensus of the board members was to deny this extension request and have Latitude Engineering come back to seek a new variance.

After some additional discussion a motion was made by Gould supported by Brinks to deny the extension request that was originally approved on April 27, 2005. Another public hearing will have to be held.

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

Wolverine Tractor & Equipment Co.

Mr. Jim Stepp and Mr. Robert McNutt were present to explain to the Board they would like to use a different type of material to pave their gravel lot instead of pavement. He commented that they are not the owner of the property they do have a purchase option interest in the property and are desirous of being a good neighbor for long term. He explained he did recognize that they will need an agreement with the owner, McLung Properties to the proposal. He explained they propose to cut out and replace existing material in all non grass areas with clean asphalt millings four to six inches deep. Also proposed is to put a living green screen of plantings minimum six feet in height along the north property fence line in addition to existing grass. He stated this combination will eliminate dust from their property and enhance overall aesthetics of the property. This process has been used at other Wolverine locations with great success. It provides a paved type surface conducive to use of heavy construction equipment, and is best suited for crawler equipment which is a core part of their business.

Mr. McNutt handed out pictures of the Southfield facility where this asphalt milling was used. He explains it hardens when compacted properly. It actually looks like a paved type surface.

Chairman VanderWoude stated he would like to study this for a month and possibly go and look at a lot that has used this asphalt milling material. Last month at the meeting it was decided that they are required to come in compliance with the Township Ordinance and all non-paved areas are to be paved by August 15, 2006.

Building Inspector Randy Zomerlei asked the board for a definition of paved. Is this asphalt milling considered paving material?

Chairman VanderWoude commented if the applicant would like to request to use this material he must come back with an application for a public hearing at the May 24, 2006.

Election of Officers

A motion was made by Gould supported by Burgess to renew the officers for a one year term.

- Abe VanderWoude ----- Chairman
- James Haagsma ----- Vice Chairman
- Jeff Brinks ----- Secretary

All voted aye. Motion Carried.

Adjournment

8:55 pm. A motion was made by Brinks supported by Haagsma to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals