

**BYRON TOWNSHIP ZONING BOARD OF APPEALS
MEETING – May 24, 2006
MINUTES**

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, May 24, 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, Kathy Burgess, Jeff Brinks and Doug Tubergen. Absent: Seymour Gould. Also present was Byron Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

7:00 p.m. – James Faber - requesting a 234 sq ft. area variance and a 0.5' height variance to construct an accessory building for the property located at 830 Crownpointe Ct. SW.

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

Jeff Brinks then read the following responses:

Letter & Petition received from Wayne & Pat Mulder who reside at 836 E. Crownpointe Ct. stating their opposition to the proposed accessory building along with a signed petition with 27 names.

Letter from Jane Wagner who resides at 6724 Clyde Park Ave SW who is in favor of the proposed accessory building. She feels with the size of the lot there is ample room for a larger building.

Petition signed by 8 of James Faber's neighbors in favor of the proposed accessory building.

James Faber was present to explain why this variance is being requested and needed. He stated he feels this situation is different due to the size of the lot. There really is no other lot similar to the size of his lot. It is 5 to 6 times larger than others in the development. He also commented that the site characteristic of his lot with the big hill a lot of people use that hill in the winter to go sledding. They also have a large pool. This accessory building would provide at place to store all the additional equipment pertaining to these uses and a place to store the pool supplies. A lot of equipment is involved in caring for a lot this size as well. He hopes to use the accessory building for his lawn tractor, rakes, trailers, and power equipment. He stated he carefully considered the

placement of this building keeping the neighbors in mind. He felt by placing it in the low area hidden behind the pool & shrubs it would be the best place. The building will actually be hidden by trees on three sides. He stated he would put up a nice looking building and wants to clean up the property.

Laurie Faber – 830 Crownpointe Ct. SW commented she is the wife of the applicant and stated they would like to erect this accessory building which would be a neat clean building. One maybe two of the neighbors would have a view of the proposed building.

Randal Haverdink – 831 East Crownpointe Ct. SW stated he will have no visible effect of this building and is not opposed to the new accessory building. He supports Mr. Faber in his request and respects his wishes for a larger building and wanting to keep his property neat and clean.

Sandy Haverdink – 831 East Crownpointe Ct. SW stated she does not have a problem with this proposed building as long as it is not red.

Robert Young – 874 East Crownpointe Ct. SW commented his home is located three to four houses away and he will be able to see the proposed barn. The view is nice now and feels the accessory building will stick out like a sore thumb. There are more people in the neighborhood with pools and they don't need such a large building for their pool supplies. He fears if this is approved it could become a collect all behind the proposed accessory building.

Kathy Young – 874 East Crownpointe Ct. SW really enjoys the lot as it is. It is just like a park. With putting an accessory building that look will be gone. She was wondering why they considered that spot on the lot. Maybe another location would be better.

Stu Loveless – 860 Woodspoint Dr. SW he also agrees that there are other people in the area that have pools and they don't need buildings this big to store their supplies and toys.

Ron White – 871 Woodspoint Dr. SW lives behind the Fabers and has no problem with this proposed accessory building. Maybe if he placed it in a different spot.

Jean Hall – 883 Woodspoint Dr. SW commented this is a zoning issue as well. It is different because the lot is bigger but he is not in favor of the proposed building.

Chairman Vander Woude closed the public portion of the meeting.

Haagsma commented they are allowed a 10' x 15' building with a height of 12' without a variance and without a building permit.

VandeWoude asked Mr. Faber if he considered placing the barn on the other side.

Mr. Faber responded by saying he felt the location he choose is what is in the best interest of the neighbors and he wanted to assure the neighbors it would not be a red barn.

Tubergen asked Mr. Faber if a smaller building could meet his needs.

Mr. Faber said due to the size of the lot, and the fact that he has a lot of stuff and equipment he needs the larger accessory building. If he thought he could get by with less he would not be here asking for a larger accessory building.

Tubergen also asked if there were any plat restrictions regarding accessory buildings.

A comment was made by one of the neighbors that the plat restrictions state no sheds at all.

Burgess commented she also thinks this is an exceptionally big lot.

Brinks stated he agreed that this is a big lot but can we look at the size of the lot and grant a variance of this size. Just because it is a big lot, where do we stop?

Haagsma also commented on the size of the lot. It is larger than any of the other lots and to him that carries a lot of weight. Also with a lot that large and the pool it does require additional equipment and will need extra storage space.

Brinks commented we have one thing to consider. We have never granted a variance in an R-U zoning district before, nor a variance in a new plat.

Haagsma commented we have to ask ourselves is this a reasonable request. Look at the lots around him.

After some additional discussion a motion was made by Haagsma supported by Burgess to grant the 234 sq ft. variance based on the size of the lot being it is unique and exceptional as per Article 21.6 (1 & 3).

Roll call vote: Haagsma - yes. Brinks - No. Burgess - yes. Tubergen - yes. VanderWoude - yes.

A motion was made by VanderWoude to amend the motion to change the variance to 138 sq ft. with the following stipulations:

1. No business is to be conducted out of the accessory building.
2. Accessory building is not to be rented out.
3. If property is ever split the size of the accessory building goes back to the allowed 150 sq ft. per Byron Township Zoning Ordinance
4. Accessory building is not to exceed 288 sq ft.

Roll call vote: Burgess - yes. Brinks - yes. Haagsma - no. Tubergen - yes. VanderWoude - yes. Motion Carried.

After some discussion a motion was made by Brinks supported by Tubergen to deny the 6" height variance request.

Roll call vote: Tubergen - yes. Haagsma - no. Brinks - yes. Burgess - yes. VanderWoude - no. Variance denied.

7:55 – Valley City Sign – requesting a variance to have 2 identifications signs, a 3’ sign area variance, and a 91 sq ft. sign area variance 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.

A representative from Titan Equipment was present to explain the sign request. He commented he feels his situation is unique because his business had road frontage along 131 and Clyde Park Ave as well. The Zoning Ordinance does allow them to have a 50 sq ft. sign along US 131 but with traffic going 70 mph it is hard to see. We would prefer a larger sign along US 131.

No public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Brinks stated we should address each request separately. the two identifications signs could each be 50 sq ft.

Tubergen commented the sign proposed along Clyde Park Ave. is actually smaller measuring 43.8 sq ft.

VanderWoude stated there are not many signs along US 131 that are 50 sq. ft.

After much discussion a motion was made by Haagsma supported by Burgess to grant the variance to have two identification signs with the following stipulation:

1. The sign along Clyde Park Ave. is limited to a 32 sq ft. ground mounted sign as per plan presented.

Roll call vote: Brinks - yes. Haagsma - yes. Burgess - yes. Tubergen - yes. Vander Woude - yes. Motion carried.

The applicant commented the 3’ height variance is for the sign along US 131. He feels it would look better if the sign was a little taller.

After some discussion a motion was made by Haagsma supported by Vander Woude to grant the 3’ height variance.

Roll call vote: Burgess - no. Brinks - no. Tubergen - no. Haagsma - yes. Vander Woude - no. Motion denied.

After some additional discussion a motion was made by Haagsma supported by Vander Woude to grant the 91 sq ft. sign area variance as per drawing presented.
Roll call vote: Tubergen - yes. Burgess - no. Haagsma - yes. Brinks - no. VanderWoude - yes.
Motion Carried.

It was discussed by the Board to have the Planning Commission look into addressing parcels along US 131 and M-6 regarding sign regulations and appropriate sizes. Planning Commission would be notified.

8:30 – Wolverine Tractor & Equipment Co., for a variance to have a non-paved area for equipment storage for the property located at 8840 Byron Commerce Dr.

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

Robert McNutt was present to explain the variance request. He commented they are requesting to use clean asphalt millings. They would like to use this in all areas that are not presently concrete or grass. The existing gravel area will be replaced with a minimum coverage of 4” of Asphalt Millings which allows for proper drainage. The asphalt millings are ideal in that they form into a hard surface to travel, provide for good drainage and are easier to repair when damaged. It is also an effective dust deterrent in that it covers the gravel completely. Contrary to the nature of smooth surface of traditional pavements where dust or dirt can be moved or blown easily by the wind the asphalt millings have a more textured surface which serves as more restrictive to movement of any potential surface elements. Also proposed as a part of this variance appeal is that we will plant a living screen green belt plantings six feet in height along the north property line in addition to the existing grass.

Ron Meyering – M&K Truck – 8800 Byron Commerce Dr. SW commented he checked out the area of asphalt millings that were used at Michigan Cat and he felt it looks like it does hold the dust down. He felt a time line is a good idea to see if this type of surface is acceptable for use.

Chairman VanderWoude closed the public portion of the meeting.

Chairman VandWoude questioned the thickness of the asphalt milling material.

The applicant responded by saying it will depend on the area of use. It will probably be 4 – 6 inches with a 4” minimum.

VanderWoude also asked the applicant about the proposed living green space.

The applicant said they hope to plant evergreen trees 6’ high along the north property line. They will probably stagger the trees because when they grow they will spread wider. They would rather have the width than the height. They don’t want to block any ones highway view. That is very important. Also they are willing to comply with the Byron Township Landscape Ordinance.

After much discussion a motion was made by Brinks supported by Haagsma to grant the variance for a non-paved parking area per the site plan with the following conditions:

1. Evergreen trees are to be a minimum of 6' tall planted every 5 to 6' apart or must meet the Byron Township Landscape Ordinance.
2. Asphalt millings surface to be graded to meet the existing drainage system.
3. Variance granted for one year to expire on May 24, 2007 at time which applicant shall return to the Zoning Board of Appeals for review and a possible extension.

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

Approval of Minutes – April 26, 2006

A motion was made by Haagsma supported by Gould to approve the minutes as written.
Yes - 5. No - 0. Absent - 1. Motion carried.

Adjournment

9:05 pm. A motion was made by Haagsma supported by Brinks to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals