

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
MEETING – August 23, 2006  
MINUTES***

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, August 23, 2006, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, Mi.

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

**Titan Equipment**

Chairman Vander Woude stated that Titan Equipment came before the board last month seeking the advice of the board regarding a change that had been made with their approved variance on the property located at 7740 Clyde Park Ave. After some discussion that night it was agreed upon that this should be recessed until tonight's meeting giving everyone the opportunity to visit the site and see the changes made. It was the consensus of the board that the site looked good and is a big improvement for that area. Titan does have to come back in November, 2006 to ask for an extension of their variance.

After some discussion a motion was made by Haagsma supported by Brinks to approve the changes in the area based on the revised site plan as presented.

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

**7:00 p.m. – Dykhouse Construction Company Inc. - requesting a variance from the Landscape Buffering requirements of Section 4.44 (4) of the Township Zoning Ordinance for the property located at 8315 Byron Center Ave., 8305 Byron Center Ave., 8297 Byron Center Ave., & 8287 Byron Center Ave.**

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the property. There were no written responses.

Ron Quakkelaar was present on behalf of United Bank to explain why this variance is being requested. He stated that United Bank had to purchase these individual parcels to get the site they really wanted. Once the property was acquired they did not have enough room for the footprint of the building. They met with Larry Nix and tried in every way to make the building fit on the property. He commented they are requesting to reduce the landscape buffer width along the west side. Byron Bank parking lot has no landscape buffer just a fence along the lot line. He stated he met with Mr. Kevin Fifield who owns the property on the west lot line and asked him if he would be willing to trade the easement that runs along the southern boundary of his property line for 15' of his eastern portion of property that is adjacent to the Bank's property. He did agree

and a signed agreement has been drawn up. He also stated that he met with Greg Nagel the property owner at 8310 Freeland, to review the site plan of United Bank. He has no issues with a bank being located there but would like to be assured that there would be increase in security and other measures taken to avoid loitering issues. He was not willing to sell any portion of his lot. The bank wants to be a good neighbor and feel it will be a big asset to the community. He also assured the board that they will comply with Landscape Zoning Ordinance except to where the buffering will be 11' and not 25'. They also are proposing a seating area with a couple benches along the sidewalk for the community to use.

Chairman Vander Woude opened the public hearing.

**Art Johnson – CEO of the United Bank** was present and commented he would answer any questions that the board may have.

No public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Board member Gould stated that we has a board can not do or guarantee anything concerning the loitering issues. They will probably have to call the Kent County Sheriffs Dept.

Items discussed by the board members were various options for placing the bank building on the lot, curb cut, jogging lot line, putting in landscape items in the extra green space on the east side of the south drive, extra parking spaces, landscaping, the seating area with flag pole located along the south east part of the site, and the proposed type of fence that they will be putting up.

Brinks commented that he agreed with the comments made by the board members but regardless of that, the ink isn't even dry on the new Landscape Ordinance. The Planning Commission has spent a lot of time on it. Regarding the unique situation of the jogging property it was created.

Haagsma stated that on the other hand they are victims of time. Byron Bank has no landscaping at all. They came in to put the fence up but did nothing more.

A comment was made that at that time the Township did not have a landscape ordinance.

Art Johnson stated they he would have no problem putting extra landscaping along the east side of the south drive.

It was also noted that the seating area must be included as per the plan presented.

After much additional discussion a motion was made by Haagsma supported by Burgess that we grant this variance with the following conditions:

1. required to plant the same number of plantings as if we had required the 25' buffer and these are to be planted along the west and east side of the south drive.
2. United Bank shall not sell any portion of the property.

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

### **Approval of Minutes – July 26, 2006**

A motion was made by Gould supported by Haagsma to approve the minutes as written. Yes - 6. No - 0. Motion Carried.

### **Miscellaneous**

\*\*\*Variance request for 8573 Byron Center Ave. Jeff Brinks commented that the Bakers have submitted their application for a garage addition but may wish to have a special meeting for this request. A date of September 13, 2006 at 5:00pm was set. LaVonne will call them in the morning to see if they desire to have a special meeting and willing to pay an additional \$400.00. If not, the public hearing will be held on the next regular meeting to be held on September 27, 2006.

### **Adjournment**

8:05 pm. A motion was made by Haagsma supported by Gould to adjourn the meeting. All voted aye.

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Jeff Brinks  
Secretary of Board of Appeals