

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
MEETING – September 27, 2006
MINUTES***

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, September 27, 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.

7:00 p.m. – Terry Baker - requesting the following variances: a 59’ rear yard setback variance, a 15’ sideyard setback variance and a 15’ front yard setback variance for the property located at 8573 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.

Terry Baker was present to explain why this variance is being requested. He commented he has a garage now but it is old and an eyesore to the neighbors. He would like the garage to be closer to his house and away from the property line. He submitted to the board a list of signatures from property owners surrounding his home.

Jeff Brinks read the statement submitted by the Terry Baker which was signed by Denise Suchowolec who lives at 2414 Tillie SW, Katherine Koehl who lives at 8555 Byron Center Ave, and Shannon Middleneiss who lives at 8581 Byron Center Ave. SW. These neighbors did not object in any way.

Chairman Vander Woude opened the public hearing.

No public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Brinks asked if he will be taking the old garage down and building a new one. He also asked if he did the recent work on the house because the house really looks nice.

Mr. Baker responded by saying it would be a brand new garage and he did do all the work on the house.

After some additional discussion a motion was made by Gould supported by Haagsma to grant the 59' rear yard setback variance, the 15' side yard setback variance and the 15' front yard setback variance as per the provided plan and this request does meet the guidelines of the Byron Township Zoning Ordinance Article 21.6 1 & 2.

Burgess - yes. Gould - yes. Brinks - yes. Haagsma - yes. Vander Woude - yes.
Motion carried. Variance granted.

Approval of Minutes – August 23, 2006

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

7:15 Steven & Debra Prenatt – requesting the following variances: to allow 3 accessory buildings, a 946 sq ft. accessory building area variance and a 15' sideyard setback variance for the property located at 10345 S. Division.

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. He did receive one written response from Lawrence & Jeanne Barnes stating they have no issues or concerns with the requested variances.

Steven Prenatt was present to explain why they are requesting these variances. He stated they would like to put the pole barn up to store hay and tractors. The proposed barn would be 36' x 60' with 12' side walls. The prior owner put 2 drain fields behind the existing barn allowing only a small area to build a new barn on. Because of this problem they would like to put the new barn behind the existing barn because of the drain field issue. This would allow them not to drive over the septic pipes that run through the whole length of the back yard. The new barn would be placed 300' from the road but there is no way for him to place it 30' from the side lot line. At 15' from the side yard the barn would fit into the area nicely. Steven then showed some pictures to the Board where they would like the proposed barn to be located and the area where they have removed the trees for the proposed barn.

Chairman Vander Woude opened the meeting to the public.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Brinks stated they are asking for three accessory building. With 6.6 acres they are allowed 2 out buildings totaling 3100 sq ft.

Gould stated that he can not make any part of the Zoning Ordinance Article 21.6 fit into this request. That's a lot of building to be put on 6 ½ acres. Where do we stop?

A board member asked the applicant why he needed this size of a building.

He responded by saying he needs a place to store 700 – 800 bales of hay for the horses and he has

some farm equipment he would like to keep inside. It makes everything look neater if things could be stored inside a building.

Mr. Prenatt was asked how much livestock he has on the property.

He stated they have 3 horses, 3 steers and 2 goats. The goats are only there temporarily. He has the goats there to clean up all the poison ivy.

Various options were discussed among the board members. Brinks commented to the board to take a good look at the Zoning Ordinance. It's pretty straight forward and it seems like most people have too much stuff. If that's the case then maybe the Ordinance should go back to the Planning Commission to consider changing the size of accessory buildings. Article 21.6 does not allow us to grant a variance for too much stuff. We have to look at 21.6 seriously and have to be very careful how we approach these requests. Most of what we hear is people can't put all their stuff in the building. Where does this stop?

Haagsma stated that Jeff has a good point but look at the property and where it is located. Some situations are different.

Chairman Vander Woude asked the board if they wanted to deal with each variance request separately.

It was the consensus of the board to do them separately.

A motion was made by Gould supported by Burgess to grant the 15' sideyard setback variance. Brinks - no. Burgess - yes. Haagsma - yes- Gould - yes. VanderWoude - yes.
Motion Carried. Variance granted.

A motion was made by Brinks supported by Gould to deny the request to allow 3 accessory building as it does not meet any part of the Byron Township Zoning Ordinance Article 21.6 which is required to grant the variance.
Haagsma - no. Burgess - no. Gould - yes. Brinks - yes. VanderWoude - yes.
Motion carried. Variance denied.

A motion was made by Gould supported by Brinks to deny the 946 sq ft. accessory building area variance.
Burgess - no. Haagsma - yes. Gould - yes. Brinks - yes. VanderWoude - no.
Motion carried. Variance denied.

Adjournment

8:10 pm. A motion was made by Haagsma supported by Gould to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals

