

**BYRON TOWNSHIP ZONING BOARD OF APPEALS  
MEETING - February 28, 2007  
MINUTES**

A meeting of the Byron Township Board of Appeals was called to order by Vice-Chairman on Wednesday, February 28, 2007, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

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

**7:00 p.m. – Marguerite Cook – requesting a variance from Section 20.4 to allow for the continuation of a non-conforming use in the event that more than 60% of the value of the existing structure is damaged or destroyed for the property located at 6968 – 6970 Clyde Park Ave. SW.**

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.

Marguerite Cook was present to explain why this variance is being requested. She stated this property is surrounded by MFR Multi-Family Residential with the exception of the property to the north which is zoned for commercial use. This property was rezoned when the entire corner was for sale a few years ago. Another reason for this request is the potential buyer can not get financing from the bank if he can not rebuild if it is destroyed beyond 60%.

Vice Chairman Haagsma opened the public hearing.

No public comments were made.

Vice Chairman Haagsma closed the public portion of the meeting.

It was commented that this property and all the property to the north of this duplex is zoned for commercial use. Amber Condos are located across the street and Amber Terrance Condos are located beside and behind the duplex. They are seeking a variance just for the duplex and approval of a non conforming use in the event if it is destroyed beyond 60%.

Brinks stated the real question is do we want a duplex there again if something would happen.

Haagsma commented he would hate to see a burned out shell sitting on that lot if they were not allow to rebuild.

Gould stated that this is not a rezoning on the property. We have to make that very clear. Basically they are seeking a variance for the buyer of this property to get financing to purchase the duplex.

After some additional discussion a motion was made by Gould supported by Brinks to grant this variance request from Section 20.4 regarding the restoration and repairs for this commercial property for the non conforming use to be extended if the building is destroyed beyond 60% it can be rebuilt in this zoning as residential use.

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

#### **Approval of Minutes – December 27, 2006**

A motion was made by Gould supported by Burgess to approve the minutes as written.

Yes - 5. No - 0. Absent - 1 (Vander Woude)

#### **7:15 p.m. – Ronald & Patricia Van Heulen – requesting a variance to allow two accessory buildings for the property located at 2993 – 72<sup>nd</sup> St. SW**

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. Jeff read one written response received from Robert & Anna Stebbins who reside at 2971 - 72<sup>nd</sup> St. stating their approval of both accessory buildings remaining on the property.

Pat Van Heulen was present to explain the variance request. She stated that there are a couple reasons why they would like to keep the shed. Part of this shed is used for a dog run with chain links fencing on three sides. At the present time they do not have a dog but do hope to get one soon. They keep the shed in excellent condition. The Stebbins garden and her garden along with the flowers on the shed serve as a focal point in the backyard. The shed will also serve as a potting shed. The option of adding on to the shed was not possible due to the location of the shed being so close to the lot line.

Vice Chairman Haagsma opened the public hearing.

**Don & Mary Freehafer – 2909 - 72<sup>nd</sup> St. SW stated they own the property behind the Van Heulens. They have no problem with both accessory building on the property. They keep up a beautiful yard and really hope that they will be allowed to keep both buildings.**

**Ann Stebbins – 2971 - 72<sup>nd</sup> St. SW commented that she sincerely hopes that the board will consider this request for the shed to remain on the property.**

No further public comments were made.

Vice Chairman Haagsma closed the public portion of the meeting.

Haagsma asked the Van Heulens if they have another accessory building on their property.

Mr. Van Heulen stated they just finished building a new accessory building this past week. He has not moved anything into it yet.

Tubergen asked what the size of the new building was.

Mr. Van Heulen commented it is 19' x 21'.

Tubergen stated they are allowed a 1500 sq ft accessory building in their zoning district. The new accessory building is 399 sq ft. The building permit they received from the Township for the new accessory building stated on it that if there were any other accessory buildings on the property that they must be removed.

Haagsma stated it does fit well but when do we stop. He really does not have a problem with keeping the small shed there.

Gould commented he had no problem with this but we have to be very careful. The law is not clear in telling us what to do.

After some additional discussion a motion was made by Brinks supported by Gould to grant the variance to allow the two accessory buildings for the property located at 2993 – 72<sup>nd</sup> St. SW with the following stipulations:

1. If the building (shed, dog run) is destroyed in any way it can not be rebuilt or replaced.

2. No addition or expansion can be made to either accessory building. This will be the maximum square footage allowed for this property unless the smaller accessory building is removed.

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

### **Miscellaneous**

▶ **Sterk House Moving**

It was the consensus of the Zoning Board of Appeals that Mr. Sterk has to come back to the ZBA for a public hearing and complete the process properly. The house was moved with no permits or approval from the ZBA. Randy agreed to write a letter to Mr. Sterk informing him of his need to come before the ZBA for approval as well as the fees that will be due.

▶ **Greg Nagel letter**

It was the consensus of the Zoning Board of Appeals that the letter of response sent out by Jeff Brinks was adequate and no additional response is needed.

A motion was made by Gould supported by Brinks that the letters received by Greg Nagel and the response letter from the Zoning Board of Appeals is recorded and made part of these minutes.

Motion Carried.

▶ **Bruce De Boer (Interpretation for play house)**

After some discussion it was the consensus of the Zoning Board of Appeals that the play house can remain on the property.

### **Adjournment**

7:45 p.m. A motion was made by Gould supported by Brinks to adjourn the meeting. All voted aye.

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Jeff Brinks  
Secretary of Board of Appeals