

BYRON TOWNSHIP ZONING BOARD OF APPEALS MEETING MINUTES

Special Meeting

May 10, 2007

5:00 p.m.

A special meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Thursday, May 10, 2007, at 5:00 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 Recording Secretary LaVonne Kuiper.

5:00 p.m. – Jonker Land Surveys, P.C., requesting a 3.2' front yard setback variance for the property located at 2272 Van Singel Lake Dr.

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 with 300' of the property. There were no written responses.

Randy Jonker was present to explain the variance request. He commented that when he measured for the original stake out of the property he didn't catch the front porch on the plan. Because of his error he is asking for a 3.2' front yard setback variance just for the porch. The foundation of the house is within the setback area. The two front porch pillars would be out of the setback limits.

Aaron VanOosterhout – the builder of the house was also present and commented that due to the curve in the road this porch will not stick out and will blend with the neighboring houses.

Chairman Vander Woude open the public hearing.

No public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

Jeff Brinks then showed the board member the current house plan and the area of concern.

Chairman Vande Woude commented that the slab of cement for the porch is already there and it helps that it is not an enclosed porch.

Haagsma commented that he feels for the applicant but basically we have to fix someone else's screw up. He did give the applicant credit for admitting that he made a mistake. If this was a deliberate attempt it would be a different situation. But they did cease working on that portion of the house until a variance was granted.

A question was asked by Gould who found this mistake. It was noted that Randy Jonker came into the Township Office and told Randy Zomerlei about the setback problem.

Brinks commented that there are all nice looking houses in that neighborhood and if we would deny this I am sure that the neighbors would not appreciate it.

Burgess mentioned that this house would not look nice with a small porch.

Chairman VanWoude stated that he was upset first when he went out to the property and saw that the house was being built. But after realizing that they had permission to continue on the house except for the porch area he felt better about it.

It was commented that the builder did sign an agreement with Randy Zomerlei that the front porch on the building structure would not be built until a variance was granted from the Township.

Tubergen stated that basically a mistake has been made. The good thing is that the house does line up with the other houses because of the curve in the road.

Chairman VanderWoude felt that this request does fit the Township Zoning Ordinance Article 21.6 (1) concerning the undue hardship which would apply to the neighbors and & (2) substantial justice done, Randy Jonker came in himself to admit his error.

After some additional discussion a motion was made by Haagsma supported by Gould to grant this variance request for 2277 Van Single Lake Dr. as it meets Byron Township Zoning Ordinance Article 21.6 (1) & (2).

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

Adjournment

5:20 p.m. A motion was made by Haagsma supported by Gould to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals