

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – July 25, 2007
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday July 25, 2007, 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, Jeff Brinks, Kathy Burgess, and alternate Doug Tubergen. Members absent were: Seymour Gould. Mr. Randy Zomerlei, Township Building Official was also present.

7:00 p.m. Steven L. Rosendahl for a variance to allow more than one principal building on a single lot (Article IV, 4.12) for the property located at 4728 – 60th St. 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.

The applicant explained that he was requesting the variance so that he could construct a new home to the west of his existing home and continue to live in his existing home until construction of the new home is complete. The existing house would be demolished after construction is complete and a new garage will be constructed where the existing home sits.

There were no members of the public present to comment on the request.

A motion was made by Haagsma supported by Tubergen to close the public comment portion of the meeting. All voted aye.

Haagsma asked the applicant what the projected timeframe for the project would be and the applicant indicated that they planned on being complete by the second week of January 2008.

Brinks asked the applicant how much time he would need to move from the existing home to the new home following the issuance of a Certificate of Occupancy. The applicant indicated that two weeks would be sufficient and that demolition of the existing home could begin immediately following.

A motion was made by Haagsma supported by Burgess to grant the variance as requested with the following stipulations:

1. The existing home will be demolished in no greater than 30 days following the issue of a Certificate of Occupancy for the new home.
2. A \$15,000 Bond or Letter of Credit be presented to the Township Clerk. The bond shall have an expiration date 60 days later than the date of the issuance of the Certificate of Occupancy.

Roll call vote: Burgess - yes. Haagsma - yes. Brinks - yes. Tubergen - yes. VanderWoude - yes. Motion carried. Variance granted.

Approval of the Regular Meeting Minutes – June 25, 2007

A motion was made by Haagsma supported by Burgess to approve the minutes as written. All voted aye. Motion Carried.

Approval of the Special Meeting Minutes – July 2, 2007

A motion was made by Burgess supported by Haagsma to approve the minutes as written. All voted aye. VanderWoude - Abstained Motion Carried.

7:15 p.m. Postema Sign & Graphics – requesting an additional 2.5’ height variance (50’ variance previously granted) and an additional 60 sq ft., sign area variance (223 sq ft. variance previously granted) for an existing pylon sign for the property located at 255 – 76th St. 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.

Mr. Matt Jarhka from Postema Sign and Graphics was present to present the request. He indicated that the Camping World business operating in the American RV building is a retail business operating in an industrial zone and they need to have advertising so motorists are able to locate the business.

There were no members of the public present to comment on the request.

A motion was made by Haagsma supported by Burgess to close the public comment portion of the meeting. All voted aye.

Haagsma observed that he would rather have one sign for both businesses rather than have multiple signs on the property.

Tubergen indicated that the business owners chose their location and that they should

make the sign work the way it is.

Burgess questioned the applicant as to whether there may be more businesses on this property in the future. Mr. Ron Neff owner of American RV indicated that there would not be. He also indicated that the two businesses on the property are RV related and reiterated that they need highway advertising to direct customers to the property. He indicated that customers have indicated that the site was difficult to find. Mr. Neff indicated that this will be the last signage variance request he will make for these businesses.

Brinks commented that the current sign that they have is more than 4 times larger and 2.5 times higher than what the Zoning Ordinance allows and that granting additional variances would be adding insult to injury. We have just granted variances for building signage for the Camping World portion. They should be able to make the existing sign work.

VanderWoude questioned why they are going up with the additional sign area and not down. The applicant's representative indicated that it would be very difficult to add to the bottom of the existing sign; not impossible but very difficult.

A motion was made by Haagsma supported by Burgess to grant the both variances as requested as he feels the requests meet the standards of Section 21.6, (1) & (3).

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

7:30 p.m. TJM Properties (Tom Niewick) for a 24' rear yard setback variance for the existing building located at 7061 S. Division Ave., and a 5' sideyard setback variance for the building located at 7063 S. Division.

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

Mr. Tom Niewiek was present to explain the request. He indicated that he is making the requests to straighten out a mess that was made when he was a baby. The current situation with the properties was created by his parents. The property lines were drawn randomly around trees and fences when his parents split up and were dividing property. The property lines proposed will serve to clean up the properties to create 3 separate parcels with no overlaps.

Mr. Dan Durr, a partner with the applicant was present to support the request.

Board members questioned the applicant regarding the locations of some of the proposed property lines and the applicant indicated that some of the lines were drawn

not only to separate the buildings on the properties but also other features like drainage facilities.

A motion was made by Brinks supported by Haagsma to grant the both variances as requested as he feels the requests meet the standards of Section 21.6, (1), (2), & (3).

Roll call vote: Burgess - yes. Haagsma - yes. Brinks - yes. Tubergen - yes. VanderWoude - yes. Motion carried. Variances granted.

Approval of the Special Meeting Minutes – July 12, 2007

A motion was made by Brinks supported by Haagsma to approve the minutes as corrected. All voted aye. Burgess Abstained. Motion Carried.

Miscellaneous

The Board received correspondence from DeKleine Companies concerning changes to the Zoning Ordinance. These letters should be directed to the Planning Commission for consideration and will be forwarded via our representative to that body.

The Board discussed the property at 6115 Burlingame again and confirmed its interpretation that all accessory buildings on the property, whether they belong to the property owner or are leased to other parties, count against the what the property is allowed by the Zoning Ordinance.

Adjournment

8:05 p.m. It was moved by Haagsma supported by Tubergen to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals