

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – September 26, 2007
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, September 26, 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 & Doug Tubergen. Members Absent: Seymour Gould. Also present were Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

7:00 p.m. - DeKleine Builders requesting a 285 sq ft., area variance to construct a garage addition for the property located at 1118 Shore Pointe Dr. SW.

Chairman Vander Woude commented that this request was adjourned at last months meeting until 7:00 tonight. The Planning Commission has not provided us with a report regarding the 60% rule concerning garages.

A motion was made by Brinks supported by Haagsma to adjourn this request until 7:45 p.m. on October 24, 2007.

All voted aye. Motion carried.

Approval of the Minutes of the regular meeting – August 22, 2007

A motion was made by Haagsma supported by Tubergen to approve the minutes as written.

All voted aye. Motion carried.

Approval of the Minutes of the special meeting – September 4, 2007

A motion was made by Tubergen supported by Burgess to approve the minutes as written. All voted aye. (Haagsma abstained) Motion carried.

Jeff Brinks made a comment that the Zion Christian School has it fence up and it looks very nice.

Jeff also reminded the Board members of the special meeting coming up which is scheduled for Thursday, October 4, at 5:00 p.m. Chairman VanderWoude stated he would not be available for that meeting.

7:15 p.m. – CK Shamrock (Kevin Green) requesting the following variances for the construction of 2 billboards for the property located at 6051 Clay Ave., & 6101 Clay Ave. SW - Billboard “A”(north) 1. A 372 sq ft., area variance, 2. A 70’ setback variance from the public right of way. 3. A 15’ height variance. Billboard “B” (south) 1. A 372 sq ft., area variance. 2. A 70’ setback variance from the public right away. 3. A 5’ height variance.

Chairman Vander Woude stated that this request was adjourned at the August 22 meeting until tonight’s meeting at 7:15 p.m. Kevin also has submitted a new request which was scheduled to be heard tonight as well. Following is that request:

7:15 p.m. – Ck Shamrock (Kevin Green) requesting a variance to allow for more than 3 billboards in a linear mile.

Jeff Brinks stated that he spoke to Kevin Green and Kevin just could not make the meeting due to the issues at Lansing with the state budget. He considered sending someone else to represent him but felt he should be here himself.

Jeff also stated that Kevin sent an e-mail stating his desire to table the ZBA meeting until further notice.

A motion was made by Brinks supported by Haagsma to continue to adjourn this request until 7:00 on November 28, 2007.

All voted aye. Motion carried.

7:30 p.m. DCI Engineering on behalf of Byron Center First Christian Reformed Church requesting a 7.5’ & 5.5’ parking area landscape buffer variance (16.5) and a parking area aisle width variance from the required 26’ (16.2 (1)) for the property located at the NE corner of 85th St. & Freeland.

A motion was made by Burgess supported by Haagsma to excuse Jeff Brinks from his position on the board due to a conflict of interest. All voted aye. Motion carried.

Kathy Burgess read the public notice. All property owners within 300’ of the subject property were notified and published once in the South Advance. No written responses were received.

Jeff Brinks was present on behalf of Byron Center First Christian Reformed Church and explained the variance request. He continued to give a brief history stating that a few years ago they were issued a variance for additional parking due to continual growth. Since then they continue to grow and parking is a concern. They do have an agreement with the school to use some of their parking lot which is across the street and can be very dangerous when trying to cross. When they purchased the lot the home on the property was used to house missionaries also it was used as a youth building. But after being broken into and vandalized many times they had to take the house down. Their original intent was to use this lot for additional parking space. The existing parking area is constructed in a manner which if additional spaces are needed they should be extended from what is already there. The existing property width does not permit the extension of the existing parking layout in conformance with the new zoning requirements. He also feels that the zoning ordinance has changed since the parking area was built and logical extension is not possible while meeting the new requirements. Also this will not be a common situation throughout the Township. The landscape set back requires that a 10' landscape buffer go along Freeland Ave. The north side of the lot does meet the ordinance. There is a big maple tree on the public right of way and it will not be disturbed. He feels the landscape buffer request is a reasonable one. The parking really benefits more than just the church. The school fills it up with special events and when Byron Days are going on the lots are full. They do intend to add one light pole which will be regulated with the same timer system as the other lights. He commented that they have spoken to the neighbors and they have no concerns. We suggested to them if they would like any special landscaping they will be willing to do that.

Chairman Vander Woude opened the hearing to the public.

Butch Klunder – 8482 Byron Center Ave., has a deep concern about drainage of water. If we keep adding more and more blacktop where is the water going to go. The road is flooded a lot of the times when we have a big rain.

Howard Marritt – 2443 Prescott was wondering what is going on. He is also concerned about drainage. Where is all the water going to go? How many people are aware of the water problem at 85th & Byron Center Ave. This is an ongoing problem.

No further public comments were made.

Chairman Vander Woude commented that these concerns about drainage should go to the Planning Commission. We as a board can't deal with these issues. You have to make your concerns know to them. The County has to get involved. They have the standards for proper drainage. Also the Township has looked into a different type of surface for parking lots.

No further public comments were made.

Chairman Vander Woude closed the public portion of the meeting.

It was decided to take each variance separately.

After some discussion a motion was made by Haagsma supported by Tubergen to grant the 2' aisle variance for additional parking as it meets Ordinance 21.6 (1) & (2).

Roll call vote: Haagsma - yes. Tubergen - yes. Burgess - yes. Vander Woude - yes. Motion carried. Variance granted.

The 7.5' (east side) parking area landscape buffer variance was then discussed.

Jeff Brinks stated that the Reformed Church is willing to work with them regarding the landscaping.

Tubergen asked about the existing trees and the fence along the property.

Jeff Brinks commented that the trees would not be disturbed and the fence does not belong to the church.

Another concern was for future snow removal.

Jeff stated that the snow will probably go to the north side of the lot, but they do haul it out and off the site. Since they are seeking more parking spaces the snow will not be left there. He stated that there should not be a drainage problem. The water will drain south to 85th St. and there will be a 4" drain. Also there will be no drive out of the lot to the north.

After some additional discussion a motion was made by Haagsma supported by Burgess to grant the 7.5' parking area landscape buffer variance.

Roll call vote: Burgess -yes. Haagsma - yes. Tubergen - yes. VanderWoude - yes.

The 5.5' (west side) parking area landscape buffer variance was then discussed.

The question was asked as to what they planned on putting between the parking lot and the street.

Jeff Brinks stated at this point they will probably just have grass.

It was stated that if all the landscaping was put it that the Township requires it would result in an over kill in such a small area

Jeff Brinks stated that basically we have to look at this in a reasonable way. If the variance is granted they will work with what is reasonable for that amount of space. It will have the same effect but not an over kill.

Chairman Vander Woude stated he would like to see some nice ground cover there.

After some discussion a motion was made by Burgess supported by Haagsma to grant the 5.5' landscape buffer variance with the stipulation that some type of low ground cover be planted on the west side of the parking lot.

Roll call vote: Tubergen - yes. Haagsma - yes. Burgess - yes. Vander Woude - yes. Motion carried. Variance granted.

Jeff Brinks resumed his position on the Board.

Discussion regarding definition of a linear mile.

Chairman Vande Woude began by saying what does a linear mile mean? We have to come up with a definition for this.

Brinks commented that we have to first establish the meaning of the word linear and how this board will interprets it. He stated that the definition of a linear is a straight line. So if something is on a curve it should be measured from billboard to billboard.

Haagsma thought it should be done mile by mile, curve or straight.

Brinks stated we need to establish something, maybe as the car drives. We need to be careful how we define this. The ordinance was written many years ago and they didn't envision anything like M-6.

After much discussion it was decided to continue this discussion at the October 24th meeting.

Adjournment

8:55 p.m. It was moved by Burgess supported by Haagsma to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals