

***BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – October 24, 2007  
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, October 24, 2007, 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, Jeff Brinks, Kathy Burgess & Doug Tubergen. Also present were Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

**7:00 p.m. – Valley City Sign – (Spartan Stores) requesting a 34 sq ft., sign area variance to construct a ground sign for the property located at 850 – 76<sup>th</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 subject property were notified and no written responses were received.

Jim from Valley City Sign was present on behalf of Spartan Stores. He stated Spartan Stores has been in the community for many years and the visibility of the old sign as been affected by the growth of the community and is hard to see. They want to make a statement to the community to say that they will be around for a long time. Along with the new sign will be a landscaped walkway making it safer for the employees to cross 76<sup>th</sup> St. The old sign will be taken down. The new sign will be smaller than what they have now.

No public comments were made.

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

Gould wanted to make a clarification that the United Methodist Church is within 300' of this request and he does serve on the Board of the church. He feels if any member of the Zoning Board of Appeals has an issue with this he will step down.

It was the consensus of the Board that they could see no conflict of interest. Gould

remained on the Board.

Gould had no problem with downsizing the sign and it will be nice to get the old sign away from the corner.

Brinks agreed with that this is a win win situation. To reduce the size of the sign and it will look a lot nicer.

The applicant was asked if the old sign will be taken down before the new one will go up. He responded by saying yes he could do that or it would be down before the project is completed.

A motion was made by Gould supported by Haagsma to grant the variance for a new sign for Spartan Stores with the following stipulation:

1. A letter of credit to be established with the Township Clerk in the amount of \$5000.00.

Roll call vote: Burgess - yes. Haagsma - yes. Gould - yes. Brinks - yes. Vander Woude - yes. Motion Carried. Variance granted.

#### **Approval of Minutes – September 26, 2007**

A motion was made by Haagsma supported by Burgess to approve the minutes as corrected (page 2 with addition of All voted aye. Motion carried.

All voted aye. Motion carried.

#### **7:15 p.m. – William Bouma requesting a permit to move a building to 4151 – 82<sup>nd</sup> St., (already on site) for the property located at 4151 – 82<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. There were no written responses.

Bill Bouma was present and stated he is just seeking to get a permit for the building he has moved. He is seeking BOA approval.

No public comments were made.

A motion was made by Brinks supported by Gould to close the public portion of the meeting. All voted aye. Motion carried.

Haagsma asked Mr. Bouma what he planned to do to finish the garage.

Mr. Bouma stated the garage service door will be moved to the east side of the building and the old service door entry will be boarded and sided. The existing overhead door is in good working condition. It has no dents and works fine. Maybe he would paint it to match.

Gould stated normally when someone comes to the ZBA for a building move we look to see if the building fits in well with the surrounding area. He feels it does fit in the neighborhood but the garage overhead door looks like it could use some attention.

Mr. Bouma again stated he would probably paint it to make it look good.

Chairman Vander Would commented that he felt the building looked solid and well built.

Tubergen asked if setback were an issue.

Township Building Inspector stated that the setbacks were all met.

After some additional discussion a motion was made by Gould supported by Haagsma to grant the permit for this building move with the following stipulations:

1. Any future accessory buildings will have to deduct 62 sq ft.
2. Cement must be brought out to the pavement.
3. The overhead door to be inspected by the Building Inspector to determine if it is to be replaced or repainted.
4. A letter of credit to be established with the Township Clerk in the amount of \$10,000 to expire on or before January 15, 2008.
5. The work must be completed by December 1, 2007.

Roll call vote: Brinks - yes. Gould - yes. Burgess - yes. Haagsma - yes. Vander Woude - yes. Motion Carried. Variance granted.

**7:30 – Valley City Sign on behalf of Byron Bank requesting a 20.2 sq ft., sign area variance to construct a wall sign for the property located at 2445 – 84<sup>th</sup> St. SW.**

Mr. Jeff Brinks read the 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.

Beth Spaymen from Valley City Sign was present on behalf of Byron Bank. She stated they are seeking permission to install a set of illuminated wall letters and logo that does exceed the allowed 50 sq ft, with total face of 107.5. The two rows of limestone accent pieces on the building impede the placement of the sign. The size of the larger sign was selected to fill the area between the pieces and to maximize the readability of

the sign.

No public comments were made.

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

Items discussed by the Board were the size of the sign and the placement of the proposed sign.

It was the consensus of the Board that the zoning ordinance has to be followed. There is nothing about this property that really jumps out and the request does not meet any part of the Township Ordinance 21.6. It is a very attractive building.

A motion was made by Gould supported by Haagsma to deny this variance request for the sign on Byron Bank as it does not meet any part of the Township Ordinance 21.6.

Roll call vote: Brinks - yes. Haagsma - yes. Burgess - no. Gould - yes. Vander Woude - yes. Motion carried. Variance denied.

**DeKleine Builders – requesting a 285 sq ft., area variance to construct a garage addition for property located at 1118 Shore Pointe Dr. SW**

Chairman Vander Woude asked Gould if the Planning Commission has taken any action on this study yet.

Gould stated that the Planning Commission has not provided a report yet but hopefully something will be available at the next Planning Commission meeting which is scheduled for November 19, 2007.

It was noted that there is no rush or pressure from DeKleine Builders regarding this report.

A motion was made by Haagsma supported by Brink to adjourn this again until the November 28, 2007 meeting at 7:15 p.m.

All voted aye. Motion carried.

**Chairman Vander Woude** stated that at last months meeting a variance request was granted to Stan Jager for the property located at 4480 – 60<sup>th</sup> St. Since that approval the Township has found out that the property is actually one parcel and not a multiple piece. The Township has on file a number of quick claim deeds for a split but Craig the Township Assessor denied them all. In 1991 a request came before the BOA for a

variance to split 5 acres off of a 20 acre parcel. The 5 acres has no road frontage. This variance was denied. No other requests have come to the Board of Appeals. According to Byron Township this is all one parcel.

Mr. Jager apologized for the application he submitted. It eventually was very confusing. He stated that this is how he purchased the property. It should have showed one parcel with no splits on it. He thought what he was asking for was legal. One parcel with 14 plus acres and one 5 acre parcel. This is a real mess and confusing.

After much discussion it was decided to change the reason on the minutes from last months meeting to reflect why the Board approved the variance.

Gould stated this piece of property has to have a survey done.

Township Building Inspector commented that Kent County recognized the split but the Township did not. They are taxed on a one 20 acre parcel.

It was commented that if this is changed another public hearing should be held.

Mr. Jager did not feel that another public hearing was necessary. He stated the people who were in attendance at last months meeting were concerned about what was going to go on that property not how it was split. He did not feel that they were misinformed in any way.

A motion was made by Haagsma supported by Burgess to approve the minutes of last months meeting with the deletion of the phrase "and combine the exception with unshaded area" from the minutes and that this variance meets Byron Township Ordinance Article 21.6 1, 2, and 3.

A discussion was held regarding the motion.

Brinks stated that there has been a lot of discussion about how big of a mess this is. It is not a mess. The Township Office has been doing what they are supposed to do. They denied this because of lack of road frontage. They tried a bunch of different ways and the Township continued to deny it. We are not taking anything away from Mr. Jager. What the Township is doing is a good job. Now we are saying that we don't care what the Township wants to do. The basis for granting this has changed. The Township sees this as a 20 acre parcel. It never was 2 parcels only one.

Mr. Jager commented that he purchased a 5 acre parcel with an easement. It was deeded to him and he owns 20 acres. He feels that what the Township approved is what he is asking for. The end result is two legal descriptions on piece of property.

Roll call vote: Burgess - yes. Gould - no. Brinks - no. Haagsma - yes. VanderWoude - yes. Motion carried. Minutes of the special meeting held on October 4, 2007 be approved as corrected.

**Adjournment**

8:45 p.m. It was moved by Brinks supported by Gould to adjourn the meeting. All voted aye. Motion Carried.

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Jeff Brinks  
Secretary of Board of Appeals