

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
SPECIAL MEETING – October 4, 2007
MINUTES***

The special meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Thursday, October 4, 2007, at 5:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: Abe Vander Woude, James Haagsma, Seymour Gould, Jeff Brinks, Kathy Burgess, and Doug Tubergen. Mr. Randy Zomerlei, Township Building Official and Recording Secretary LaVonne Kuiper were also present.

5:00 p.m. Insites, LLC (Stanley Jager) – requesting a 2.04’ lot frontage variance for the property located at 4480 – 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.

Mr. Stan Jager thanked everyone for coming and for the opportunity to have this special meeting. He continued by saying they are asking for a 2.04’ lot frontage variance to create a legal lot. He stated he purchased this property some time ago with the idea of developing this for residential homes. Now he has decided to try and sell the westerly 4.5 + acre parcel with a frontage of 117.96 feet. Since any residence occurring on the 4.5 acres parcel would be substantially set back from 60th Street, and he believes this would have no detrimental impact on the remaining parent parcel or any adjoining land or uses. Parcel A on the plan that was submitted is on a substantial flood plain and there is really no good way to develop that piece or property.

Bob De Groot – 4474 Penny Lane SW - wanted to know where the house would be placed on the lot and if it will fit in with the other homes in the area.

Stan Jager did not know the intentions of the buyer of this lot and what he intends to build but hopefully it is an upscale like the other homes in the area. He thought the Township would have control as to the type of home that goes in. He asked Randy as to what the Township requires.

Randy stated there is a minimum square footage of 1,000 sq ft., for a ranch home, and 1,200 sq ft., for a two story home with 800 sq ft. required on the main floor.

Bob DeGroot also asked what would happen to parcel A.

Stan Jager commented that parcel A and parcel B combined make 15 acres. He made this a legal lot. He purchased it all and now it is legal. Parcel A is all on a flood plain and he could not sell it as a legal lot. Parcel A will more likely be used for a boundry.

No further public comments were made.

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

Chairman VanderWoude commented that he had a hard time finding this piece of property. He then asked Mr. Jager if he owned Parcel A, the house and parcel B.

Mr. Jager stated he does own all of it.

Brinks commented on the survey that was submitted showing Parcel A, Parcel B and the exception. He realized that the Regis system is not totally up to date but it does shows this piece of property as one 20 acre parcel with a single parcel number.

Mr. Jager confirmed that he does get separate tax bills.

Board member Gould commented that he thought it was around 1998-99 that they dealt with this property. He thought maybe it had to do with Strawberry Fields plat.

Mr. Jager assured Gould that this has nothing to do with Strawberry Field.

Gould recalled something with the easement on the property.

Brinks stated that parcel A and parcel B are actually illegal parcels.

Stan Jager stated that if the property is sold we will have 2 parcels. There is a tax bill for Dave Smith and Insites.

Gould feels more investigation is necessary concerning this lot.

Township Building Inspector Randy Zomerlei stated that Greg Smith son of Dave Smith did come into the Township and spoke to Craig about splitting this property. Craig told him it did not meet the ordinance and he would need a variance.

Jager stated the deed he holds for the property is for the 20 acres. He feels further investigation is not necessary and doesn't understand why. He has nothing to do with Strawberry Field. He has tried to purchase the small triangle piece of property located on the north part of the property so the variance would not be necessary but the owner

of that property is not cooperating at all. This has all been a nightmare. He is most likely going to acquire this triangle piece of property by litigation. He does not have this accomplished yet.

The board members agreed that Mr. Jager has to provide legal descriptions for both of these parcels.

After some additional discussion a motion was made by Haagsma supported by Gould to grant the 2.04' variance for the unshaded area and the yellow shaded area will have 120' road frontage with the legal recording of these lot. Legal descriptions must be submitted for these lots. A copy of the site plan is attached and made part of these minutes. Reason for variance approval it meets all requirements in Article 21.6 (1), (2) and (3).

Gould then commented that a building permit can not be issued until the split is legal and approved. Legal descriptions must be provided for these lots and if not this variance is null & void.

Roll call vote: Gould - yes. Brinks - yes. Burgess - yes. Haagsma - yes. VanderWoude - yes.

Motion carried.

Adjournment

6:10 pm. It was moved by Haagsma supported by Brinks to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals