

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – February 27, 2008
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, February 27, 2008, at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: Abe VanderWoude, Seymour Gould, Jeff Brinks, & Kathy Burgess. Absent: James Haagsma and Alternate Doug Tubergen. Also present were Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Chairman VanderWoude stated that the request for DeKleine Builders was adjourned until tonight's meeting at 7:00. If there is no one present for DeKleine Builders he suggested that a motion be made to discuss this variance request toward the end of the meeting for the benefit of those who are present for the other variance requests.

A motion was made by Gould supported by Brinks to move this application to the end of the meeting for further discussion.

All voted aye. Motion carried.

7:00 p.m. – Miedema Auctioneering – requesting a variance to construct a non-paved outdoor storage area (Section 16.4 (1)) for the property located at 600 & 601 Gordon Industrial Dr. SW.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and to all property owners within 300' of the subject property were notified. No written responses were received.

Sid Miedema was present to explain the variance request. He commented that the main reason for this request is to have extra storage for vehicles and equipment. Some of the equipment that will be stored on the site includes equipment with tracks for which paved surfaced do not work. This area will be used for storage and not for employee or customer parking. The site is located in the back corner of an industrial plat with railroad tracks to the west and forested wetland area to the south so it is well hidden from the general public. The nature of his business is such that large areas of

storage are necessary due to varying storage time, size, type and variety of repossessed property which is unique to their business.

No public comments were made.

A motion was made by Brinks supported by Burgess to close the public portion of the meeting.

Gould asked Sid what type of surface he intends to put down on the lot.

Sid responded by saying he did not know for sure. He thought maybe it would be a type of asphalt milling.

Gould also asked if there were any buildings on the lot or if they planned on putting one up.

Sid stated there are no buildings on that lot and don't plan on putting one up in the future.

Gould reminded Sid, that if they would decide to put a building on the lot they would have to come back to the Planning Commission for Site Plan approval.

Sid was aware of that.

Brinks asked about the time line for turnover of the equipment on the lot.

Sid commented that this varies. Some equipment can be stored up to 6 months. But on the average the turn over is about 6 to 8 weeks.

Gould asked if this variance request is for both lots.

Sid responded by saying yes it is for both lots but he does not plan on doing the north lot until later.

VanderWoude asked how they plan to get to the north lot. He suggested maybe they could build a bridge over the easement.

Sid handed out a small site plan showing the parking and that there are no buildings currently on the property.

Vander Woude asked if this had to go to the Planning Commission for site plan approval?

It was commented that site plans were already submitted and is on the Planning

Commission agenda for the March meeting for site plan approval.

Randy Zomerlei commented that we have had no complaints on this type of asphalt millings.

Gould stated he observed the 84th St location where this type of surface was used and he had never seen a lot of dust and thinks that water flows better on asphalt millings.

Burgess voiced her concerns with the lot located along 76th St. When she visited the site she did observe a fair amount of traffic going in and out of that area.

Sid commented that his intent is to use the 11 acres for storage before using the north lot along 76th St. They will not need that north lot for awhile.

Sid was asked what his business hours were at this location.

He stated that most days they close at 5:00 p.m. On Tuesday's and Thursday's they are open until 8:00 p.m. They are closed on Saturday and Sunday.

Burgess also voiced her concern that there are several eating establishments near this location.

Sid stated that he intends to put up a 6' slotted fence next to any business'. He also commented that they hope to have nice straight rows for displaying items with an area for people to load up equipment and exit easier. Now there is only one exit. They will set it up in a way to make it look good.

Brinks commented that the Board needs the ability to do something if complaints do come in regarding dust. He assured Sid that if complaints do come in he will be given the opportunity to fix the problem, we would not require him to take all the asphalt millings out.

Gould commented if the dust problem is not resolved then the Township would have to issue a civil infraction which includes a fine.

VanderWoude still felt uncomfortable with the north lot. He would like them to come back to the ZBA when they are ready to use that lot.

Sid responded that there is really nothing they can do with that lot. There is a drain all around it and the Kent County Road Commission will not issue a driveway permit for it.

Brinks commented he would like to have the approval letters from the Township Engineer and the Kent County Drain Commission regarding these lots for the

Township files.

After some additional discussion a motion was made by Brinks supported by Gould to grant this variance to allow for non-paved outdoor storage with the following stipulations:

1. The surface of the lots must be no less than 6” of clean asphalt millings over a minimum of 12” of class 2 sand.
2. A letter of approval must be submitted from the Township Engineer and the Kent County Drain Commission.
3. Site Plan approval from the Planning Commission
4. Slatted fencing must be placed in all areas adjacent to any business as well as along 76th St.
5. The non-paved parking area is to remain dust free.

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

7:15 pm – Gordon Industrial LLC (Dennis Hoppe) requesting to construct a non-paved outdoor storage area (Section 16.4 (1)) for the property located at 10491 & 10495 S. Division Ave.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and to all property owners within 300’ of the subject property were notified. No written responses were received.

Dennis Hoppe was present to explain his variance request. He stated that they wish to have a non-paved area for storage of trailers. The use will be that of an overflow storage area for semi-trailers for Mid Michigan Great Dane Inc. which is located on 44th St. in Wyoming. The trailers will sit for extended periods of time as the active inventory is maintained at their facility in Wyoming. This section of the Township does not have storm water or sewer pipes currently installed. The crushed concrete or asphalt millings would allow penetration of the surface water. This area will be utilized for storage and not for employee or customer parking.

No public comments were made.

A motion was made by Gould supported by Brinks to close the public portion of the meeting.

Gould asked if they intended to put a building up on the property.

Dennis stated he has no plans to do that now or in the future. He also commented he would use what ever the Zoning Board of Appeals wants him to use on the lot.

Burgess commented that one of the parcels goes along US 131, and asked if he would use that for storage.

Dennis Hoppe stated they will be using that parcel for a display of their trailers and cargo trucks that they sell at the 44th St. location. It would be used for display purposes only. No selling would be done at this location.

Brinks commented that this property just went through the rezoning process with the Planning Commission. It was rezoned to D-1 Industrial and it was approved on the Board level as well. The site plan has been submitted and it will go for Site Plan approval at the March Planning Commission meeting.

Gould stated there is a house and barn on one of the parcels now.

Dennis Hoppe stated that the house is going to be removed.

Chairman VanderWoude stated he has no problem with this and feels it is a good and wise investment.

A motion was made by Brinks supported by Gould to grant this variance request for a non-paved outdoor storage area with the following stipulations:

1. The storage area including the trailer display and driveway surface must be no less than 6” of clean asphalt millings over 12” of class 2 sand.
2. The lots must be kept and remain dust free.
3. Site plan approval must be obtained from Planning Commission.

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

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

(This request was adjourned August 20, 2007 until Oct 24, 2007. On October 24, 2007 this was adjourned until November 28, 2007. On November 28, 2007 this was adjourned until February 27, 2008.)

A motion was made by Brinks supported by Gould to have this request remain on the table until notification is received from DeKleine builders to withdraw this request.

It was suggested that Randy contact them to request a letter stating that they wish to withdraw this application.

Randy agreed to contact Mr. DeKleine.

Approval of Minutes – January 23, 2007

A motion was made by Gould supported by Burgess to approve the minutes as written. Abe VanderWoude abstained. All voted aye. Motion carried.

Miscellaneous

Building Inspector Randy Zomerlei explained some of the possible zoning changes he would like to see implemented. Such as the process for the new Mixed Use PUD and he would like to see all PUD's match that process. Also an ordinance for non-paved parking and to allow only the use of asphalt millings. And landscaping firms be allowed under Special Use in R-A zoning.

Adjournment

8:15 p.m. It was moved by Gould supported by Burgess to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals