

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – May 28, 2008
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Vice Chairman James Haagsma on Wednesday, May 28, 2008, at 7:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, MI.

Members present were: James Haagsma, Seymour Gould, Jeff Brinks, & Kathy Burgess and alternate Doug Tubergen. Also present was Recording Secretary LaVonne Kuiper.

7:00 p.m. – Titan Equipment - requesting a variance to have a non-paved outdoor equipment storage area (Sec. 16.4 (1)) for the property located at 6190 & 6158 Clyde Park Ave. 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.

Steve Witte from Nederveld was present to explain the variance request. He stated that the owners of Titan were also present. This property is located at 6158 & 6190 Clyde Park Ave., which is on the east side of the street. Titan has purchased 1.4 acres north of their existing site located at 6190 Clyde Park Avenue. They are proposing to extend their display area to the north onto this newly purchased property. They would like to have the new display area to be a dust free gravel or crushed concrete surface. This would be similar to what they currently have on a portion of their existing site. There are exceptional and extraordinary circumstances and conditions applying to the property that do not generally apply to other properties. The proposed improvements are strictly for more display area. No new buildings are proposed. The type of equipment that is displayed and stored is better served with a gravel/crushed concrete base as opposed to a paved base. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone. There are other sites in the area that have a similar display base for heavy equipment storage. There is no financial return involved in this request although the gravel makes more sense for the durability and longevity of the site. The condition of the property is not general or recurrent in nature. The storage/display area is for heavy equipment. The type of equipment that they have is unique and is not marketed or displayed on too many other sites in the area.

A Byron Township resident asked why there were two different address' involved in this request.

Jeff Brinks explained that the 6190 Clyde Park address is the address of the current approved site and 6158 Clyde Park which lies north of the property is the 1.7 acres which they added to the property and would like this property used for the non-paved equipment storage.

A motion was made by Burgess supported by Gould to close the public portion of the meeting. Motion carried.

Tubergen commented that this is quite a large piece of property. Maybe it would be a good idea, if this is approved, to put a stipulation in the minutes, as we have done in the past, stating that they have to come back after a year for review. If the Township received complaints regarding this site then something will have to be done.

Brinks asked Steve Witte what type of surface they plan to use.

Steve Witte stated it would be a type of crushed concrete.

Gould stated that he brought a request to the Planning Commission at their May 19th meeting asking for some kind of direction and guidelines for the Zoning Board of Appeals to follow regarding these type of requests. The Planning Commission did not show any desire to change the ordinance but agreed that some type of guidelines should be written up for the benefit of the Board of Appeals. Township Planner Larry Nix and the Township Lawyer James Brown will work on a report to present to the Planning Commission at the June 16th meeting.

Haagsma commented that heavy equipment on certain material can be very hard on the surface. There is a good deal of surface for this request. To his knowledge the Township has never had any complaints on the non-paved surfaces that the ZBA has approved.

Burgess stated to keep in mind that this property is located a lot closer to homes than others that have been approved.

Gould commented that the Planning Commission did make a comment about maybe allowing a non-paved surface if it would only have tracked equipment stored on it.

Burgess stated when she visited the site she did not see any tracked equipment.

Brinks asked what the time line was for this project.

Ryan Van Nest owner of Titan Equipment commented that they do have tracked

equipment. Also the equipment they have on site only goes 2 – 3 mph. It's hard to kick up a lot of dust at that speed. The semi's and the rolling fleet will not be using this unpaved area. They would like to start this project by fall.

Brinks stated that he is inclined to let the Planning Commission's discussion play out and to wait to get their input. We asked for direction for situations like this. The June ZBA meeting is only one week after the June Planning Commission meeting. He suggested that this be tabled and see what the Planning Commission has to say.

Haagsma commented that we do have grounds to approve this because they do have tracked equipment. Especially since the Planning commission made a suggestion to approve a non paved surface if tracked equipment would be stored on it. He feels we should do this now and not wait.

Steve Witte stated that he met with Larry Nix and Larry said that the ZBA approval was needed before his site plan could go before the Planning Commission. The Site Plan is on the June agenda. Now the Planning Commission will have to table the Site Plan until the ZBA makes a decision. He would really like to have a decision tonight.

Brinks commented that the Planning Commission can approve the Site Plan contingent upon ZBA approval.

Ryan Van Nest stated that besides the tracked equipment they have equipment that weighs over 45,000 lbs. On a warm August day this type of equipment sinks into the asphalt. Shear weight will damage asphalt. Tracked equipment with a smaller wheel base will do less damage.

After some additional discussion a motion was made by Gould supported by Brinks to table this request until June 25, 2008 @ 7:00p.m., at which time a report will be available from the Planning Commission.

Roll call vote: Burgess - yes. Gould - yes. Tubergen - yes. Brinks - yes. Haagsma - no. Motion carried. Variance tabled until June 25, 2008 @ 7:00 p.m.

Approval of Minutes – April 23, 2008

A motion was made by Gould supported by Brinks to approve the minutes as corrected. (page 2 added "Motion carried" & page 3 added "Motion carried.")

All voted aye. Motion carried.

Approval of Minutes – May 8, 2008 Special Meeting

A motion was made by Burgess supported by Gould to approve the minutes as corrected.

(page 2 added “Motion carried”)

All voted aye. Motion carried.

Miscellaneous

► Seymour Gould stated that the lawyer would like to have a copy of the approved minutes regarding the “no restaurant” on 84th St. property. It was requested that LaVonne send a copy of those minutes to the lawyer.

► Jeff Brinks commented that the home that was moved onto 6580 Burlingame Ave., is in violation of the landscaping requirements which were to be completed by October 31, 2007. It was requested to write a letter to D & P Properties and to give them 30 days to complete the landscaping.

Adjournment

7:35 p.m. It was moved by Brinks supported by Gould to adjourn the meeting. All voted aye. Motion carried.

Jeff Brinks
Secretary of Board of Appeals