

BYRON TOWNSHIP ZONING BOARD OF APPEALS

SPECIAL MEETING – May 8, 2008 MINUTES

The special meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Thursday, May 8, 2008, at 5:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

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

5:00 p.m. – Dykhouse Construction - requesting a 18 space variance from the required number of parking spaces for site improvements for the property located at 2500 – 84th St. 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. Jeff commented that a petition was received with signatures from area business owners in support of this variance request. Also a letter of support was received from Cynthia Vincent the Chairperson for the Byron Township DDA and Robert Sloma the President of the Byron Center Chamber of Commerce.

Jeff Brinks then wanted to clarify why the notice was incorrect. He stated that when he calculated it the plan showed both buildings so more square footage was figured in. The correct number of spaces should be 9.

Ron Quakklaar was present to explain his variance request and he agreed with the change to 9 spaces. The topography of this site needs to be lowered to accommodate new construction. This adds to the cost and the challenge of developing this property unlike other properties in town. The existing restaurant is nonconforming with the current parking standards. The restaurant requires 39 spaces and only 28 are provided. Parking as never been a problem with the restaurant. This project will compliment the Byron Center Master Plan. There is future expansion potential to the west which would allow for an access drive from Freeland to Harlow. The traffic off 84th St. can enter and then exit to the east on Freeland. This will allow for better traffic flow and safety for those parking at the new proposed building. He feels what he is asking for is not out of the ordinary.

Leon DeLange – 2506 - 84th St. SW commented that he is not against granting this variance request but is concerned that the parking spaces for his business will be used by the customers for the new business.

No further public comments were made.

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

Jeff Brinks stated that he maybe had a potential conflict of interest. He is not involved in this project but does a lot of work for Dykhouse Construction.

Haagsma commented he has no personal problem with Jeff remaining on the Board but maybe it would be better if he stepped down and not vote.

Brinks also stated he would feel better if he stepped down and did not vote.

Gould had no problem but it could be a potential conflict.

Burgess stated that the Board would welcome Jeff's comments but it would be a good idea not to vote.

Chairman Vander Woude excused Jeff from voting on this variance request.

The Board asked if this would be a two story building.

Ron Quakklaar commented that this would be a one story building with a mezzanine above. This area is uses for the mechanical equipment.

Gould commented that it is not the Board of Appeals position to approve what is going in the buildings, this is for parking variance.

The Boards asked if a restaurant is proposed for this site.

Ron stated there will be no restaurant on this site.

Burgess feels that this should be put on the Site Plan and included in the motion that no restaurant will be placed on this property. Since the variance does remain with the property forever.

Chairman VanderWoude commented that the Hardware store has a lot of parking spaces and they do not have a problem with parking. The Family Restaurant uses the Byron Meats parking lot. The Methodist Church and the Historical Society share a parking lot and it has been working out real well. Ron is proposing a nice development

and the area will look a lot better.

After some additional discussion a motion was made by Gould supported by Haagsma to grant a 9 space parking space variance with the stipulation that the buildings can never be used for any type of food establishment.

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

Motion carried. Variance granted.

Miscellaneous

► Randy Zomerlei stated he received a call from Randy Van Dyke about the deed restriction that the ZBA required for the property at 8565 Freeland stating no accessory buildings will be allowed of this property. He brought a copy in but some signatures were missing. He assured us that the lawyer Bill Hendry will get the needed signatures and record it with the County. Randy was wondering if he can go ahead and issue the building permit.

It was the consensus of the Board that Randy should wait until the signed copy has been submitted before issuing the building permit.

► Interpretation- Randy Zomerlei stated that Rich Bloem from True North Homes and Valerie Drummond were present and they are proposing to renovate an existing barn located at 1416 – 92nd St, into a single family home. The barn is located on a parcel of land just west of Valerie Drummonds home which is located on a separate parcel. According to township records and a survey the barn and home are on two separate parcels. This property was split many years ago. The barn and the milk house sit on the property line. Randy asked the Board if they need a variance for setbacks as well as a variance for a different use.

After some discussion it was decided that a variance is needed for this property.

Adjournment

5:40 p.m. It was moved by Gould supported by Brinks to adjourn the meeting. All voted aye. Motion carried.

Jeff Brinks
Secretary of Board of Appeals