

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

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

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

7:00 p.m. – Jon Bratt - requesting a variance to construct two billboards for the property located at 6147 Burlingame Ave. SW The following variances are being requested: Adjourned at the July 23, 2008 meeting

East Billboard

- 1. A 200' setback variance from an existing residence. (17.6. (3))**
- 2. A 65' setback from an adjoining public right-of-way. (17.6. (4))**
- 3. A 372 sq ft., billboard area variance**
- 4. A variance to erect a billboard on a property that is occupied by another use. (17.6)**

West Billboard

- 1. A variance to erect a billboard on a property that is occupied by another use. (17.6)**
- 2. A 223' setback variance from a residential zone. (17.6. (3))**
- 3. A 65' setback variance from an adjoining public right-of-way. (17.6. (4))**
- 4. A 372 sq ft., billboard area variance. (17.6 (5)) (4)**

Jeff Brinks commented that he has received a letter from Terry Heiss the Attorney who represents Jon Bratt asking to have this request remain adjourned until the September 24th meeting.

A motion was made by Brinks supported by Haagsma to adjourn this request until the September 24th Board of Appeals meeting.

Yes - 5. No - 0. Motion carried.

Approval of Minutes – July 23, 2008

A motion was made by Haagsma supported by Gould to approve the minutes as corrected. (add a question mark to a sentence on page 3)

Yes - 5. No - 0. Abstained - 1. (Burgess absent from July meeting)

Motion carried.

Miscellaneous -

Jeff Brinks stated that it was recommended by the Township Planner that Expo Landscaping submitted a variance request to illustrate to the Township that they will comply with the Township requirements regarding parking/storage areas and the surface material to be used. Since the Planning Commission and the Township Board are in the process of reviewing and likely amending the section of the ordinance regarding this it was suggested that they wait to deal with this request until that amendment is completed and approved. Depending on what revisions if any take place with the ordinance, they can either go to the Zoning Board of Appeals for a variance approval or it would go back to the Planning Commission for an amendment to the approved site plan to allow for the additional area to remain gravel (earlier this month the Planning Commission approved Expos Landscape Site Plan with the stipulation that this area is to be paved. They have asked us to hold this application until the proper review/approval method is determined. The Planning Commission is still working on the language for this amendment to the ordinance and it could possibly be a couple months yet.

It was suggested to notify Mr. Steve Witte and ask how they wish to proceed with this request.

7:15 p.m. – Kirk & Melissa Lambright - for a 184 sq ft., area variance to construct an accessory building for the property located at 767 - 84th St, SW

Chairman VanderWoude stepped down due to conflict of interest.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and notices sent to all property owners within 300' of the subject property. No written responses were received but 5 letters stating approval were submitted with the application.

Kirt & Melissa Lambright were both present. Kirt explained why they are requesting this variance. He commented that this new accessory building is to replace the existing 12 x 20 barn on his property. They will tear this barn down and replace it with a 24' x 32' accessory building. The proposed building will be constructed of wood frame on a cement slab foundation with steel siding and shingled roof. The existing barn is deteriorating and the foundation is cracked causing the building to slope to one

side and allowing the west wall of the barn to rest on the well pipes coming into the building.

This is getting worse every year. This existing barn is unsafe for storage. The intended use of the new building would be to store a fishing boat & trailer, ATV, bikes, a sport car, lawn furniture and a lawn tractor. They like to keep these inside protecting them from the elements of the weather. They like to keep everything stored inside.

Abe VanderWoude commented that the existing building was probably built in the early 60's.

No further public comments were made.

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

Tubergen asked about another smaller shed that is on the property.

Kirk stated that small shed is used by his wife to store her garden tools. If he has to remove it he is willing to do that. He asked if he has to get rid of his will the neighbors be required to remove theirs to?

Burgess asked about the sideyard setbacks.

Kirk stated the side yards setbacks will be 15', which is allowed.

It was commented by the Board members that the property is kept very neat and clean.

Gould commented he has no problem with the bigger accessory building but the extra little shed should go.

Again Kirk asked if the others in the neighborhood will have to remove their sheds.

Building Inspector Randy Zomerlei told Kirk to get him a list of those with additional sheds and he will act on it.

After some additional discussion a motion was made by Gould supported by Burgess to grant the 184 sq ft., area variance with the condition that both of the existing barns must be removed from the property.

Roll call vote: Burgess - yes. Brinks - no. Gould - yes. Tubergen - yes. Haagsma - no. Motion carried. Variance granted.

7:30 p.m. Spartan Stores – requesting a 40’ height variance to construct a building addition for the property located at 820 - 76th St. SW

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

Mr. McKennen who is part of the Logistic Division of Spartan Stores was present to explain the variance request. He stated Spartan continues to grow and with that growth comes building growth. The proposed building will be used for a frozen food warehouse. Presently there are 80 reefer trucks on the Spartan site to keep the food cold. Also 10,000 pallets of frozen food are stored off site and shuttled back and forth. There are 272 associates working in the warehouse loading 600,000 cases of frozen food a week. Traffic will not be affected in fact it should help because food will not have to be trucked in from other locations.

Bill Hadock then explained where the building will be located. An existing building will be removed and the new one will be build in its place. The two different roof elevations will match the existing buildings. On top of the new building will be 10’ tall penthouses to house the mechanical and cooling equipment.

No public comments were made.

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

The Board then discussed the height exception ordinance Section 4.16 and concluded that Spartan Stores will only need a 30’ height variance and not the 40’ height variance they requested.

Gould then thanked Art O’Strander for giving the Board members a chance to visit the site to where this new building is proposed.

Chairman VanderWoude commented that he did some research to find out if the Township had fire equipment to handle a building this tall in case of fire. Byron Township as well as surrounding municipalities have all the proper equipment.

A Spartan spokesperson commented that the new building will be fully sprinkled.

After some additional discussion a motion was made by Haagsma supported by Brinks to grant a 30’ height variance to construct a new building.

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

Adjournment

7:53 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