

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – December 22, 2008
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Monday, December 22, 2008, at 5:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

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

Approval of Minutes – November 26, 2008

A motion was made by Brinks supported by Tubergen to approve the minutes as written.

Yes - 4. No - 0. Abstained - 1 (Gould) Motion carried. Minutes approved.

Market Development Corporation - Chairman VanderWoude stated that a letter has been received by Market Development Corporation requesting an extension on the variance that was granted to Spartan Stores on August 27, 2008. A copy of that letter will be attached and made part of these minutes.

A motion was made by Gould supported by Brinks to grant the variance extension until August 27, 2009. All voted aye. Motion carried.

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 we could recess this for another month but felt we should notify them and find out what their intent is.

Abe VanderWoude stated that he would contact the applicant. This request will remain recessed until next month.

Public Hearing – Dykhouse Construction requesting a Land Use Variance to have residential use in a B-1 zoning for the property located at 2488 – 2496 84th St. SW

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

Mr. Ron Quakkelaar was present to explain the land use variance request. He is asking for the opportunity to have residential units in the new building that he has just built. He has one unit rented to Authentics Hair Design and has just rented out another in the east unit to Compass Church for their office. There are other businesses in the downtown area that already offer this type of residential use. He has had conversation with Randy and Larry Nix and this can be done. The parking could be an issue but at this time he is just seeking permission to have residential use in a B-1 zoning district. He would like to create one or two 1,000 sq ft., condo units which would be for sale or possibly rent. He will be specific as to who he will rent these to. He is gearing toward the younger professional with no children and no pets. He is not seeking to have an apartment complex downtown.

Chairman VanderWoude opened the hearing to the public.

Leon DeLange – 2506 – 84th St. SW is concerned about the parking issue.

Ron Quakkelaar stated that he met with Larry and Randy and if this variance is approved he will have to get approval, either by administrative or through the Planning Commission for the parking issues. Tonight he is just seeking approval for residential use in a B-1 zoning district.

Jeff Brinks commented that Ron would have to submit a revised site plan with new calculations on the square footage to determine how many parking spaces will be

required. If he is deficient on parking spaces he will have to get a variance or additional parking. If the land use variance is granted, this will provide him the opportunity to pursue the parking issue. The site plan could be denied if he can not provide enough parking spaces.

Seymour Gould stated that Ron has to come back to the Planning Commission for Site Plan approval.

Mrs. DeLange – asked if it was possible to have 2 hour parking signs out along 84th St. She thought this was stated in the original minutes.

Seymour stated that the Kent County Road Commission has control over those types of signs. They make the call.

No further public comments were made.

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

Chairman VanderWoude wanted to clarify if these units would be for rental or for sale?

Ron stated they are condo units and are for sale. When building a residential condo he should be able to also offer them for rent.

Jeff Brinks commented that when he read the Planning Commissions recommendations and they gave it a good study implying this is a good concept. The issue with the parking will come later and dealt with at that time. They did comment that it is consistent with the downtown area and does apply to the Master Plan. The Planning Commission did a good job in what we needed to know.

Seymour commented that the Township Planner did suggest this concept before the project even began.

Jim Haagsma likes that the Township Planner recommended this idea.

After some additional discussion a motion was made by Haagsma supported by Brinks to grant this request for a special land use for residential use in a B-1 zoning based on the recommendation from the Planning Commission and it is consistent with the Master Plan.

Roll call vote: Haagsma - yes. Tubergen - yes. Brinks - yes. VanderWoude - yes. Abstained - 1 (Gould). Motion carried. Variance granted.

Miscellaneous

Chairman VanderWoude then thanked Seymour Gould and Jeff Brinks for their time and energy that they have put into serving on the Zoning Board of Appeals. To Seymour for his 20 years of service to the Zoning Board of Appeals and the Planning Commission and to Jeff Brinks for his 15 years on the Zoning Board of Appeals. They have both put in a lot of time and energy and concern for the Township and we appreciate all they have done. They will both be missed. A plaque was presented to Jeff Brinks for his service. Seymour Gould was present his plaque at the December Planning Commission meeting.

Adjournment

5:40 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