

**BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – December 23, 2009
MINUTES**

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, December 23, 2009, at 5:30 p.m., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

Members present were: Abe VanderWoude, James Haagsma, Tim Newhouse, Randall Jonker, & Joe Pitsch. Absent: Dan Barron. Also present was Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

5:30 p.m. – Douglas Hutson- requesting a variance to rebuild a single family home in a MFR Multi Family Residential if in an event of damage 60% or more. (Article 20.4) for the property located at 335 – 68th Street SW.

Vice Chairman James Haagsma read the public notice and affirmed that the notice was published once in the South Advance and a notice sent to all property owners within 300' of the subject property. No written responses were received.

Doug Hutson was present to explain his variance request. He stated that he is trying to sell the home and the buyer is unable to get financing unless a document is available stating that they can rebuild the house in the current zoning district. It is impossible to get a loan in this situation.

Chairman VanderWoude opened the hearing to the public.

Marilyn Cone – 236 Laurelwood Ct SW – was wondering where the house was located and she asked if someone would explain to her just what is being requested.

Jerry Clore – who has a dental office across the street from this home commented that he would like to see that area remain as single family homes. Many of the homes in that area have become rental property and he really does not want to see that happen. He did comment that the Hutson's did upgrade the house and it looks nice.

No further comments were made.

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

Board member Tim Newhouse was wondering when this property was rezoned to MFR. He doubts that the lot is big enough to put a multi family on it. If the home would be destroyed and they were not able to rebuild on it you would have a empty burned out shell on the property. Then what?

Board member Jim Haagsma feels this is a no brainer.

Chairman VanderWoude stated that he looked at this property a long time and there are a lot of houses located along 68th Street that are zoned MFR. He feels that maybe the Planning Commission should take a good hard look at this area and consider a zoning change. He does realize the issue tonight is refinancing. He did contact four area lenders to see how difficult it is to get a loan in this situation and they have really tightened up their requirements and are really careful. He received four different answers and the credit union would not even touch it.

Board member Tim Newhouse commented that the Planning Commission is in the process of redrafting the Township Ordinance and he would be happy to bring this rezoning issue to the Planning Commission.

Board member Jonker stated that it is not just the MFR zoning it is also includes some Commercial zoning in residential areas.

Doug Hutson stated that this is an FHA sale and it is part of the underwriter agreement to have a statement regarding the ability to rebuild in case of the home being destroyed. He commented that he purchased the home last June and had private financing so he was not aware of this problem.

Newhouse asked him if he had a buy sell agreement on the property now.

Doug said yes and they are ready to close once they have the required document.

A motion was made by Haagsma supported by Jonker to allow this home to be rebuilt in the event of damage beyond 60%. This request does meet 1, 2 and 4 from the Byron Township Zoning Ordinance Article 21.6.

Roll call vote: Haagsma - yes. Pitsch - yes. Jonker - yes. Newhouse - yes. VanderWoude - no. Motion carried. Variance granted.

5:45 – Dan Van Solkema – requesting a 2.5’ height variance for an accessory building in a R-U Zoning District for the property located at 8657 Freeland Ave SW.

Vice Chairman James Haagsma read the public notice and affirmed that the notice was published once in the South Advance and a notice sent to all property owners within 300’ of the subject property. No written responses were received.

Dan Van Solkema was present to explain his variance request. He commented that the accessory building is nearly completed and he is seeking the additional height for the shed. He built this barn on his own and he did know the square footage that was allowed for his area but was not aware of the height requirement. His property is located on a corner lot and is adjacent to a school building and parking lot.

Chairman VanderWoude opened the hearing to the public.

No public comments were made.

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

Tim Newhouse asked if a permit was required for the accessory building.

Building Inspector Randy Zomerlei stated that a permit is not required for anything under 200 sq ft.

Board member Joe Pitsch asked Dan about the cupola that is show on the plan and if he intends to put that on top of the barn?

Dan stated it would not be added to the top of the barn.

After some additional discussion a motion was made by Jonker supported by Haagsma to grant the 2.5’ height variance for the accessory building.

Roll call vote: Jonker - yes, Haagsma - yes. Newhouse - no. Pitsch - yes. VanderWoude - no. Motion carried. Variance granted.

Approval of Minutes – November 25, 2009

A motion was made by Jonker supported by Haagsma to approve the minutes as corrected. Correction made on page 2, paragraph six.

Yes - 4. No - 0. Abstained - 1. Vander Woude absent at the November meeting.

Miscellaneous

*Chairman VanderWoude commented that the 2010 meeting schedule was included in the packets and has been approved. He also asked the opinion of the Board if they wanted to follow Roberts Rules. It was the consensus of the Board to continue following Roberts Rules for 2010.

*Randy Jonker made a comment about last month's variance request. He feels Byron Township is not in line with surrounding Township's regarding allowing a certain number of accessory buildings on a small piece of property. He feel this should have a second look.

Board member Timothy Newhouse stated he would mention this to the Planning Commission for their consideration and guidance.

Adjournment

6:05 p.m. It was moved by Newhouse supported by Haagsma to adjourn the meeting.

Yes - 5. No- 0. Absent - 1 Barron
Meeting adjourned.

Dan Barron
Secretary of Zoning Board of Appeals