

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – July 22, 2009
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Vice Chairman James Haagsma on Wednesday, July 22, 2009, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

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

7:00 p.m. – James Wolf requesting a 1140 sq ft., area variance to construct a 19' x 60' addition to an existing building for the property located at 10575 S. Division.

Secretary Dan Barron 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 response was received.

James Wolf was present to explain his variance request. He commented that due to the economy he can no longer afford to rent the building that he is using for his business so he would like to construct this addition to his existing barn and use it to store the equipment for his business. He feels he is doing what he must do to stay afloat to support his family. Mrs Wolf also commented that their business is a service type business and the addition would be used mainly for storage and keeping the equipment inside. There will be no additional parking needed. They are just trying to cut back to make ends meet.

Vice Chairman Haagsma opened the hearing to the public.

No public comments were made.

A motion was made by Newhouse supported by Barron to close the public portion of the hearing. All voted aye. Motion carried.

Board member Joe Pitsch commented that his uncle lives next door to the Wolf's but he has not spoken to his uncle about this request. If anyone thinks there is a conflict of interest he would step down.

It was the consensus of the Board members that it would not be necessary for Joe to step down.

Tim Newhouse asked Randy Zomerlei if a variance was granted for the original 40 x 60 accessory building.

Randy stated that there was no variance granted for this property while he has been working for the Township but thinks that it changed over the years and it was probably allowed before.

Tim Newhouse asked if the 8' x 12' shed that is on the property count as an accessory building. In fact there are two sheds on this property.

Mr Wolf commented that he could remove both of those sheds.

Vice Chairman Haagsma stated that if we do grant this variance both of those shed have to go.

After some additional discussion a motion was made by Newhouse supported by Jonker to grant the variance request with the stipulations that the other two sheds have to be removed by the time the new building is completed.

Roll call vote: Newhouse - yes. Jonker - yes. Pitsch - yes. Barron - yes. Haagsma - yes. Variance granted.

7:15 p.m. Dykhouse Associates requesting a variance to have a 2.5' length variance to construct parking spaces, a 4' width variance to construct a two way traffic lane in a parking lot and a 10' wide variance to eliminate landscaping for the property located at 2500 – 84th St

Secretary Dan Barron 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.

Ron Quakkelaar the owner of Dykhouse Associates was present to explain his variance request. He stated that at the Monday nights Planning Commission meeting his Site Plan showing additional parking spaces was approved contingent upon the granting of the variance requests from the Zoning Board of Appeals. He commented that the downtown area of Byron Center would benefit from the additional parking spaces. Originally he was approved to have on street parking, but as the building is filling up the parking spaces are needed. The additional front parking will blend in with the adjacent property owners such as First Reformed Church, Ace Hardware, Pete's Tavern and Byron Meats. Also the depth for the parking spaces should be sufficient. He is proposing 17 ½', with an aisle of 22 feet which allows for two way traffic. Bushes are being proposed for the 3' green space on the edge of the north parking lot against the sidewalk.

Vice Chairman Haagsma opened the hearing to the public.

Belinda Lumbert – 2475 Prescott who lives on the south side of Dykhouse’s building and she was wondering where the changes were going to be located.

No further public comments were made.

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

Vice Chairman Haagsma responded to Ms Lumbert and stated that all the changes would be on the north side of the building.

Board member Jonker stated that he has worked with Ron Quakkelaar from time to time and was wondering if he should step down due to conflict of interest.

Vice Chairman Haagsma felt it was safer to step down.

Randy Jonker stepped down due to conflict of interest.

Newhouse commented that the 3’ green space will look nice.

Vice Chairman Haagsma commented that the on street parking is not going to happen and this will work much better.

Dan Barron commented that the gas meter has no guard or protection around it at all. Is there a rule about that?

Ron Quakkelaar stated a guard will be going around the gas meter.

The landscaping was discussed and a landscape plan has to be submitted to the Township for approval.

After some additional discussion a motion was made by Barron supported by Newhouse to grant all four variance request because it meets Byron Township Zoning Ordinance 21.6 (1) & (2).

Roll call vote: Pitsch - yes. Barron - yes. Newhouse - yes. Haagsma - yes. Abstained - 1 (Jonker). Motion carried.

7:30 p.m. Darron Speyer requesting the following variances: (1) a variance to construct a 2nd accessory building on the same property, (2) requesting a 916 sq ft., area variance to construct the 2nd accessory building on the same property and (3) a 10' sideyard setback variance for the property located at 3928 – 68th St. SW

Secretary Dan Barron 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.

Darron Speyer was present to explain his variance request. He stated that he has lived here to 10 years and he would like to build an additional accessory building. The existing accessory building on the property is small and it would be costly to remove it. It has a cement floor and cement foundation. He would like to put a new building directly in front of the old building. He will be using this new building to keep his classic cars. At the present time he stores these classic cars at various locations. He stated that he will line the new building up with the old building and stay 10' away from the lot line. Most of his neighbors have more than one accessory building. The church across the street has a large building, the neighbor to the east and to the south both have two buildings on their property. Multiple buildings are common in his neighborhood.

Vice Chairman Haagsma opened the hearing to the public.

Rita Robinson – 3920 – 68th St lives directly to the east and she has no issue with them putting up an additional building but she is concerned as to where they will be putting it and drainage. Proper drainage is a big concern. They have a lot of issues with drainage now and don't want it see it get worse.

No further public comments were made.

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

Vice Chairman Haagsma responded to Ms Robinson's concern about the drainage. He assured her that the drainage issue is also a concern of the Township. At this time he has no immediate answer. He did not realize there was a drainage issue in that area.

Joe Pitsch suggested putting gutters on the new building.

Darron Speyer responded and said the only problem with gutters is they fill up with leaves and he has large trees on his property. He wants the water to run away from the properties and if gutter will make a difference he will do it. The Kent County Drain Commission has been out and cleaned out the ditch but they never finished the project.

Vice Chairman Haagsma commented that the major concern here is drainage. He would hound the Kent County Drain Commission to finish the job that they started. He would bug them everyday until they returned to finish the job.

After some additional discussion a motion was made by Jonker supported by Barron to grant the variance to allow construction of a 2nd accessory building.

Roll call vote: Pitch - yes. Jonker - yes. Barron - yes. Haagsma - no. Newhouse - abstained. Motion carried.

A motion was made by Barron to deny the 10' sideyard setback variance because of the drainage issue and the guidelines of the Township should be followed.

Jonker stated how can we even begin to think about giving him 10' when we don't know for sure how far away the lot line is.

Vice Chairman Haagsma commented that the existing building is 10' from the lot line and if saving trees is important. Also they will be aligning the new building with the old one so he is more inclined to grant this one. The new building will hide the old one.

Motion failed due to lack of support.

A motion was made by Haagsma supported by Jonker to allow the 10' sideyard variance with the stipulation that the new building lines up in front of the existing building and the new building can go no farther to the east or to the west.

Roll call vote: Jonker - yes. Barron - no. Pitsch - yes. Haagsma - yes. Newhouse - abstained. Motion carried.

The variance request for the 916 sq ft., area variance was discussed. It was commented that he is allowed 844 sq ft., in this location.

After some discussion a motion was made by Haagsma supported by Pitsch to allow the 916 sq ft., area variance to do the job it is meant to do and if you look at the surrounding properties many have larger accessory buildings.

Roll call vote: Jonker - yes. Barron - no. Pitsch - yes. Haagsma - yes. Newhouse - abstained. Motion carried.

Jon Bratt – requesting a variance to construct two billboards for the property located at 6147 Burlingame Ave. The following variances are being requested: (adjourned at the July 23, 2008)

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)).**

Vice Chairman Haagsma commented that this was recessed at the March 25, 2009 meeting until the July 22, 2009 meeting. A letter dated June 26, 2009 was received from Mr. Bratt requesting to withdrawal his variance request.

A motion was made by Newhouse supported by Pitsch to accept the withdrawal request. All voted aye. Motion carried.

Approval of Minutes – April 22, 2009

A motion was made by Newhouse supported by Jonker to approve the minutes as written.

Yes - 5. No - 0. Absent - 1 (VanderWoude) Motion carried. Minutes approved.

Adjournment

8:45 p.m. It was moved by Newhouse supported by Pitsch to adjourn the meeting. All voted aye.

Dan Barron
Secretary of Zoning Board of Appeals