

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

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, September 23, 2009, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

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

**7:00 p.m. – Michael & Hilarie Biles – 8744 Carlisle Dr SW requesting the following variances:**

- 1. To erect an above ground pool in the required front yard per Secion (1) (a).**
- 2. A variance to install a 6’ privacy fence in the front yard per Section 4.34.**
- 3. Requesting approximately a 23’ front yard setback variance to erect a deck around the pool per Section 8.3 (2) (4)**

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.

Chairman VanderWoude stated that Michael was a former student of his and he asked the Board members if they would like him to step down due to conflict of interest. It was the consensus of the Board that it would not be necessary for him to step down.

Michael Biles was present to explain his variance request. He stated that his lot is located on a corner with a short dead end street on the side of his home. The pool would be out of sight because of the way the property is graded. He commented that due to a 25’ easement in his backyard it would not be feasible to place the pool in that location. They have a lot of trees in the rear of their lot and that would cause too much debris to get into the pool. They do plan on putting a deck around the pool and erect a privacy fence.

Chairman VanderWoude opened the hearing to the public.

No public comments were made.

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

Chairman VanderWoude commented the reason they are asking for three variances is because the house is located on a corner lot, which creates two front yards.

Jonker commented that he stopped and spoke to the neighbor just to the south of the Biles and they had no problem with them putting the pool in that area. It will look good located there.

VanderWoude asked if the pool will be built into the hill. He is concerned that the pool will meet all the safety requirements.

Michael Biles responded and said the pool will only be about 6" in the ground and all safety and code requirements will be met.

After some additional discussion a motion was made by Newhouse supported by Haagsma to approve all three variance requests because it does meet three of the four standards set forth in the Byron Township Zoning Ordinance.

Roll call vote: Barron - no. Newhouse - yes. Jonker - yes. Pitsch - yes. VanderWoude - yes. Motion carried. Variances granted.

**7:15 p.m. David Desserich – requesting a 2.5' side yard setback variance to construct an addition to an existing garage per Section 8.3 (3) for the property located at 1077 Runway Dr SW**

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.

David Desserich was present to explain his variance request. He stated that they purchased this home about seven years ago and really like their home and were it is located. They do have a finished basement but the work area is so small. This would act like a small third stall to the garage.

Chairman VanderWoude opened the hearing to the public.

No public comments were made.

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

Board member Jonker asked Randy Zomerlei if there have been other variance requests and approvals in this neighborhood.

Randy could not recall any in this area.

Board member Newhouse commented that he is really struggling with this request. He sees nothing unusual or that any special circumstances apply to this property.

Jonker commented that the survey that was submitted with the application did not show the setbacks. It is very possible that you have the room you need and you would not need this variance at all. He suggested to maybe table this request until the property can be measured.

Everyone tended to agree that this line should be measured before a variance is granted. It is possible that he doesn't need this variance at all.

A motion was made by Haagsma supported by Newhouse to deny this request because it does not meet any part of Article 21.6 1, 2, 3, or 4 of the Byron Township Zoning Ordinance.

Roll call vote: Haagsma - yes. Newhouse - yes. Barron - yes. Jonker - no. VanderWoude - yes. Motion carried. Request denied.

### **Approval of Minutes – July 22, 2009**

A motion was made by Haagsma supported by Newhouse to approve the minutes as corrected. (Corrections made on page 4 with addition of “Tim Newhouse stepped down due to conflict of interest) (Correction made on page 5 with rewording of comment made by Randy Jonker to say “that a survey should be required when this type of request is being considered”.) and (Correction made on page 5 in the motion to say “no farther to the east” and delete the words “to the west”.)

Yes - 5. No - 0. Abstained - 1. (VanderWoude absent from the July meeting) Motion carried. Minutes approved as corrected.

### **7:30 p.m. Rood Awakening - requesting a variance to have a wall sign in an MFR District and a variance for a 32 sq ft., area variance for the wall sign per Section 17.3 (4) for the property located at 1360 – 84<sup>th</sup> 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.

Glen McWilliams was present to explain the variance request. He commented that they are requesting to be allowed to put a sign on the building. There was a sign on this building before so he figured they would be allowed to have one to. But it is his understanding that this property has been rezoned so a wall sign is no longer allowed. After looking at the Townships restrictions for signage for their property the only place a sign would be allowed would have to be located in the middle of the parking lot. The shape of their lot really restricts as to where they can put a sign. They would like to put their sign on the building in the same location as the previous owner's sign. He fears that placing the sign on the lawn it would greatly impede the visibility of drivers.

Chairman VanderWoude 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.

Chairman VanderWoude commented that this property was recently rezoned to O-S Office Service and wall signage is not allowed. They are allowed a ground mounted sign.

Haagsma asked Mr. McWilliams what the size of the new sign would be.

He commented that it will be 4 x 16 (64 sq ft.) The sign has already been made. In fact he stated that the sign was on the wall and when they found out that it was not allowed they removed it.

The size and various locations to place the sign were discussed.

A motion was made by Newhouse supported by Jonker to recess this request for one month which will give the Board members a chance to go out to the site, measure and see if various other locations will work for the sign.

All voted aye. Motion carried. Recessed until 7:00 p.m. October 28, 2009.

**Pathway Church – requesting a 25 sq ft., area variance for a wall sign in a B-2 District per Section 17.4 (2) (b) for the property located at 8350 Byron Center Ave 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.

Board member Tim Newhouse asked to step down due to conflict of interest. He stated that Jim Heethuis is one of his clients.

A motion was made by Haagsma supported by Jonker to allow Tim to step down for this variance request. All voted aye. Motion carried.

It was noted that Alternate Joe Pitch will be called on to vote.

Pastor Jim Heethuis was present to explain the variance request. He stated that the current ordinance allows a maximum sign area of 50 square feet and they are seeking a variance to allow a sign of 75 square feet. The church building is a large structure but difficult for new residents and visitors to find. To enforce the ordinance would make finding the church even more difficult. The square footage that we are requesting is substantially less than our current sign. In fact it is 60% less. In the B-2 zoning district most establishments are closer to the street and visible to traffic. They do not have that same visibility to traffic. The church building is set back 420 feet from the roadway and most of the church is blocked from view by the car wash, Buist Community Assistance Center, Huntington Bank, Walgreens and Dr DeVries' office. He believes that the way the ordinance is it diminishes their right to be found by their patrons. We no longer have street side signage on either 84<sup>th</sup> Street or Byron Center Avenue because they cooperated with the township and a local developer so that improvements could be made to our neighboring properties (Dr. DeVries & Walgreens). The developer did create a place for street side signage north of Walgreens & Byron Center Avenue curb cut and south of the residential driveway, existing traffic arrows and drive design make this a confusing property entrance for Pathway Church. The lack of street side signage makes the building signage all the more significant for those who are seeking to find and enter the church property. The original sign was evidently installed before the current ordinance was passed. It is large and outdated. They will also be doing some updating on the façade of the building.

Chairman Vander Woude opened the hearing to the public.

No public comments were made.

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

Chairman VanderWoude thought that Pathway used to have a road sign.

Pastor Heethuis stated that they did have one up on 84<sup>th</sup> Street but did an exchange

with Walgreens and now they own the residential home just to the north of Walgreens and that would be the area where a sign could go but as he mentioned before the way the traffic arrows are it makes it confusing to people who wish to enter to go to the church.

After some discussion a motion was made by Haagsma supported by Jonker to grant this variance request as it meets all four requirements in Section 21.6.of the Byron Township Zoning Ordinance.

Roll call vote: Barron - yes. Haagsma - yes. Jonker - yes. Pitsch - yes. VanderWoude - yes. Motion carried. Variance granted.

### **Miscellaneous**

Board member Newhouse voiced his desire to have a detailed agenda made up for every meeting and for the benefit of the public who attend the meetings. It was the consensus of the Board to have LaVonne create a detailed agenda for each meeting.

### **LSL Planning Consultants**

Mr. Steven Van Steenhuyse was present to introduce himself and the company. Due to time restriction Mr. Van Steenhuyse gave a 20 minute power point presentation explaining the roles and the responsibilities of the Zoning Board of Appeals.

### **Adjournment**

8:20 p.m. It was moved by Haagsma supported by Jonker to adjourn the meeting. Yes - 4. No- 1. (Tim Newhouse wished to hear the entire power point presentation by the Township Planner.)

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Dan Barron  
Secretary of Zoning Board of Appeals