

**BYRON TOWNSHIP ZONING BOARD OF APPEALS  
SPECIAL MEETING – May 11, 2005  
MINUTES**

A special meeting of the Byron Township Board of Appeals was called to order by Chairman Ave Vander Woude on Wednesday, May 11, 2005, at 5:00 p.m. at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, Mi.

Members present were: Abe Vander Woude, Jeff Brinks, Kathy Burgess, Doug Tubergen and Jim Haagsma. Absent: Seymour Gould. Also present were Recording Secretary LaVonne Kuiper.

**5:00 p.m. – Lamar Outdoor Advertising – requesting the following variances:**

**1. to place a billboard on an occupied parcel.**

**2. a 65’ billboard setback variance**

**3. a 10’ billboard height variance**

**4. a 373 sq ft. billboard area variance**

**for the address located at: 8788 Byron Commerce Dr.**

Mr. Jeff Brinks read the public notice. All property owners within 300’ of the subject property were notified. No written responses were received.

Paul Bastien was present and thanked the Board for their time and the opportunity to have this special meeting. He began by saying that the number one reason for requesting the 65’ setback and the 10’ height variance is for safety reasons for Pace Trailer. Another reason for the setback variance is the unusual 30’ jog in the property. Paul continued to say a study was done on highway billboards and the 14’ x 48 is the popular size that is used and is the easiest to read. The variance to place a billboard on an occupied parcel was approved back in March, 2004, but has expired. The billboard further to the south is the same size billboard that is proposed.

No public comments were made.

Abe Vander Woude closed the public portion of the meeting.

Chairman Vander Woude asked the opinion of the board if they would like to take each variance separately. It was the decided that each variance would be discussed and

voted on separately.

**Variance 1. - TO PLACE A BILLBOARD ON AN OCCUPIED PARCEL.**

It was commented that this request was granted earlier and has expired.

A motion was made by Brinks supported by Haagsma to grant the request to place a billboard on occupied property as it meets Article 21.6 2 & 3.

Roll call vote: Haagsma - yes. Burgess - yes. Brinks - yes. Tubergen - yes. Vander Woude - yes. Motion Carried. Variance granted.

**Variance 2. - A 65' BILLBOARD SETBACK VARIANCE**

It was stated that this billboard will run in line with the other billboard.

Chairman Van Woude commented that our Township billboard ordinance doesn't make sense. The ordinance is not clear about a lot of things and it is not up to date.

It was stated if we grant these requests, are we saying that the ordinance is out of date.

Haagsma responded by saying yes, our ordinance is out of date. Someone should look into this and do some additional study to possibly change the billboard ordinance.

After some additional discussion a motion was made by Haagsma supported by Burgess to grant the 65' billboard setback variance due to the unique jog in the property line and it meets Article 21.6 1 & 3.

Roll call vote: Brinks - yes. Burgess - yes. Haagsma - yes. Tubergen - yes. VanderWoude - no. Motion Carried. Variance granted.

**Variance 3. - A 10' BILLBOARD HEIGHT VARIANCE**

Tubergan asked if there would be trailer parking under the billboard. Paul responded by saying yes there will be driving and parking going on under the billboard. Again Paul stressed his concern for the safety of the trucks moving and parking under and near this billboard.

It was stated that the owner of the adjacent property had said at a previous meeting the higher this billboard can go the better.

Also discussed was the height of the billboard located to the south of this proposed billboard. Paul stated that their billboard will go directly in pavement with no landscaping around the bottom of it.

After some additional discussion a motion was made Brinks supported by Haagsma to grant the 10' height variance for the following three reasons:

1. this is necessary due to the nature of the business located there
2. respect the wished of adjacent property owner and no objection voiced
3. request meets Article 21.6 1 & 2.

also no change be made to elevation (pole measured from pole to ground).

Roll call vote: Tubergen - yes. Brinks - yes. Burgess - yes. Tubergen - yes. Vander Woude - yes Motion carried. Variance granted.

#### Variance 4 – A 373 SQ FT. BILLBOARD AREA VARIANCE

Haagsma commented we have heard that the standard size of a billboard is 14' x 48' and our ordinance only allows 10' x 30'. With the new M-6 there will be more billboard request we have to reconsider our ordinance concerning the size of billboards.

Vander Woude did state that maybe people should consider fewer words and bigger letters.

Paul replied by saying they encourage their customers to do that but they have no control as to what people put on their sign.

Brinks commented that we have an ordinance and we are obligated to follow it. All the billboards in the area fall in the bounds of what he's asking for. In this situation how can we say it's too big. If you are going to have a billboard you have to be able to see and read it. These requests are so recurrent that it warrants a change in our zoning ordinance.

Chairman Vander Woude stated that a request should be made to the Planning Commission to look into changing the ordinance especially for billboards.

It was suggested that Seymour Gould bring this request to the Planning Commission for consideration.

After some additional discussion a motion was made by Haagsma supported by Brinks to grant the 373 sq ft. billboard area variance because it is something that has been allowed in Byron Township and the applicant has the same right that has been granted to others in the Township.

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

Paul Bastein graciously offered his input and services to work with the Township Planner when considering changes to the zoning ordinance concerning billboards.

## **Interpretations**

\*Jeff Brinks commented that Byron Center 1<sup>st</sup> Christian Reformed Church has a generator located beside the church along 85<sup>th</sup> St. They would like to hide that generator with a fence. This would be considered in a front yard and the ordinance only allows a fence 3' tall in a front yard. After some discussion it was decided that this would be considered a generator enclosure and it would be allowed. Jeff stated that the height of this enclosure would have to be 4 ½' to 5' tall. The board gave permission to install the needed enclosure.

\*Question was brought up if someone is working on regulations for the size of dog houses, play houses etc. It was stated that this is being worked on.

## **Adjournment**

5:50 p.m. It was moved by Haagsma supported by Brinks to adjourn the meeting. All voted aye. Motion Carried.

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Jeff Brinks  
Secretary of Board of Appeals