

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
MEETING – November 22, 2006
MINUTES***

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, November 22, 2006, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave. Byron Center, Mi.

Members present were: Abe Vander Woude, Seymour Gould, James Haagsma, Kathy Burgess, Jeff Brinks and alternate Doug Tubergen. Also present was Byron Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

7:00 p.m. – Signmakers on behalf of Auto Masters - requesting the following variances: a 52 sq ft. sign area variance, a 1.7 sign height variance and to allow changeable copy on a pylon sign for the property located at 6521 S. Division.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the property. There were no written responses.

Eric Sheler from Signmakers was present to explain why this variance is being requested. He commented the current sign is 100 sq ft., and is 15 years old. At that time the code did allow for the sign to be that size. As part of the "Vision for Division" the sidewalks were moved back and now the sign hangs over the sidewalk. Mr. Boss owner of Auto Masters did give some property to Kent County for the easement. They are requesting to update the sign and to move the sign back and be legal with the setbacks. It is not possible to move it back any further because of the location of the high power lines. The current zoning allows for a 50 sq ft sign. The proposed sign is oval with a reader board. But the current zoning only allows a reader board on a ground mounted sign not a pylon sign. He stated he would like this sign to be larger than Starlite Kitchens who are located on 84th & 131 but smaller than Walgreens located at Byron Center Ave. & 84th St. They do not intend to have the message change all the time on the reader board and the letters will be amber color which will have a dimming device. Mr. Boss does not have to move the sign but he does not want to loose what he has. A new sign would be more attractive and up to date.

Chairman Vander Woude opened the public hearing.

No public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Brinks commented the sign is oval and if they would drop the sign height from 12' down to 10' they would not have to deal with the height variance.

After some discussion the applicant stated they are willing to withdraw their request for the 1.7' height variance.

Brinks reminded the board members that the sign as it stands now is legal and does not have to be moved. It is the desire of the business owner to update the sign and move it back.

Vander Woude asked about the other sign on the property and if they planned to remove it.

Mr. Sheler stated they would be removing that sign. The new sign will be strictly for Auto Masters.

Gould commented yes it could stay over the sidewalk but a new sign with more appeal to it would be going in the right direction. All the improvements being done along Division is a big improvements.

Brinks stated this is really a huge improvement but it is something being done by choice. It would be different if they were forced to remove the sign. We need to be real careful, just because it will look better.

Vander Woude commented that he agreed with Jeff but getting closer to being in compliance with the zoning ordinance is good.

Haagsma stated that when a business is willing to work with beautifying the area and give up some of his property for the project it make good sense to move the sign back. Yes he could just move the old sign back but a new one would be more attractive. We are here to make logical sensible decisions for the community.

After some additional discussion a motion was make by Haagsma supported by Burgess to grant the 52 sq ft. sign area variance due of the exceptional situation since the sidewalk moved toward his business leaving the original sign in the road right of way and with the stipulation that the sign located to the north must be removed before the new sign is erected.

Roll Call Vote: Gould - yes. Burgess - yes. Brinks - no. Haagsma - yes. VanderWoude - yes.
Motion Carried.

Haagsma stated since the new sign message will not be flashing and changing all the time this one will be hardly any different than any other sign.

Brinks stated he talked to the Township Planner and the Township Ordinance does state that reader board signs are only allowed on a ground mount sign. This was done for a reason. Also if we are going to approve this sign we can not regulate how often it changes. There is no way to enforce that. They have to be readable or they a useless.

After some additional discussion a motion was made by Gould supported by Haagsma to grant the variance to allow a changeable copy on a pylon sign with the stipulation that the letters be amber in color.

Roll Call Vote: Haagsma - yes. Brinks - yes. Burgess - yes. Gould - yes. VanderWoude - yes.

Motion Carried.

7:15 – Jenifer Trapp/Jenifer Watson – requesting a Land Use Variance to operate a business in the R-U Urban Residential zoning district (Section 21.7) for the property located at 6622 Clyde Park Ave. SW.

Mr. Jeff Brinks read the public notice and affirmed that the notice was published once in the South Advance and mailed to all property owners within 300' of the property. There were no written responses.

Board member Gould commented that before asking the applicant to make his statement he felt that we should inform them that he is not sure if requesting a land use variance is the way they should go. Historically the Board of Appeals has never approved a land use variances. He felt they should go before the Planning Commission requesting to rezone the property. He thought we could apply the application fee that they paid for this request and apply it to the rezoning request if they decide to go in that direction.

It was discussed that the Township Board would have to make that decision regarding the transfer of the fees.

Board member Kathy Burgess stated she would take this request to the Township Board.

Approval of Minutes – September 27, 2006

A motion was made by Haagsma supported by Gould to approve the minutes as written. Yes - 5. No - 0. Motion Carried.

Interpretation

Building Inspector Randy Zomerlei asked the board members if someone who has a manual changeable copy sign now and wants to replace that part of the sign with a electronic reader board, is that allowed?

It was the consensus of the board that they could switch it over to an electronic reader board.

Adjournment

8:20 pm. A motion was made by Burgess supported by Gould to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals