

BYRON TOWNSHIP ZONING BOARD OF APPEALS MEETING MINUTES

May 23, 2007

7:00 p.m.

A meeting of the Byron Township Board of Appeals was called to order by Chairman Abe Vander Woude on Wednesday, May 23, 2007, 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. – CBS Outdoor - requesting a 10' sideyard setback variance and a 372 sq. ft., area variance to construct a billboard for the property located at 7752 Caterpillar Dr. 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.

Adam Beherendt was present on behalf of CBS Outdoor Advertising & Mike Hukal to explain the variance request. He commented they are seeking to place the billboard closer to the road and increase the size of the billboard to the standard size of 672 sq. ft. The Planning Commission approved this billboard site plan with 5 stipulations on February 19. (A copy of those minutes are attached and made part of these minutes.) The placement of the billboard is very important to them because of safety issues. He commented that there are 13 billboards in Byron Township and 10 of those billboards are the size they are requesting. If we put a smaller billboard up and set it back further the motorist would probably have trouble seeing it. He stated his request for this variance is really not unique in any way. He told the Board this request will probably not repeat itself very often. With the new state law no new billboards are going to be erected in Michigan. Also we looked around the Township and there really is no other legal spot to put it.

Chairman VanderWoude opened the meeting to the public.

No public comments were made.

Chairman VanderWoude closed the public portion of the meeting.

Board member Brinks asked Gould if the Planning Commission has a history of dealing with this type of request.

Gould responded by saying the Planning Commission deals with size and not the setback requests.

Chairman Vander Woude asked if this is part of a PUD (Planned Unit Development). If it is they should be going to the Planning Commission.

Brinks stated that typically we as a Board have never dealt with PUD's.

Adam Beherendt stated he thought it was a straight B-3. If it is part of a PUD he was not aware of it and apologized.

Building Inspector Randy Zomerlei stated that this is a plain B-3 zoning. The hotel near this property is part of a PUD.

Tubergen questioned if this billboard would be to close to others.

Brinks responded by saying the Planning Commission did approve the site plan and the space requirements at its February meeting.

Vander Woude asked how they determine where the billboard should be placed.

Adam stated they felt the 10' sideyard setback would allow for a secure placement of the billboard due to a water basin and it would also look and feel well with other billboards in the area. We felt to it was the best spot to be viewed.

Burgess commented that the stability of the ground is important.

Chairman VanderWoude asked how a standard size billboard is determined.

Adam stated a nationwide study was done by Market Place who determines standard sizes. The vast majority of the billboards are this size.

VanderWoude commented that he has driven across country and noticed that billboard are all different sizes.

Gould reminded the Board that the Planning Commission did a study of billboards maybe a year and a half ago to see what area Townships had

regarding the size of their billboard and how this compares to Byron Township. This study revealed that we are consistent with others regarding billboard sizes.

Brinks stated that we has a board are bound by our ordinance. Maybe the billboard ordinance should have additional study and possible changes made to it. He understands fully that people have advertising needs. Looking at the Zoning Ordinance Article 21.6 1, 2, or 3, he really can't make any one of those apply to this request. He could not see why this should be treated any differently.

Vander Woude asked if we went down the road 5 miles would it be the same request. If yes, then there is nothing different. If no, then there must be something different at this site.

Brinks thought maybe the size of billboards has to be looked at again.

A motion was made by Haagsma supported by Gould to grant the 10' sideyard setback variance as request because it applies to Township Ordinance 21.6 (1) & (3).

Roll call vote: Burgess - no. Gould - yes. Haagsma - yes. Brinks - no. VanderWoude - yes. Motion carried. Variance granted.

A motion was made by Gould supported by Burgess to deny the 372 sq ft., area variance request as this variance request does not meet any part of Township Ordinance 21.6 (1), (2), or (3).

Roll call vote: Haagsma – yes. Brinks – yes. Gould – yes. Burgess – yes VanderWoude – yes. Motion carried. Variance denied.

Ron Meyering – M & K Truck

Ron was present to explain a sign situation he is dealing with. It was noted that his property is a PUD thus the Planning Commission has to deal with this issue regarding signage.

Approval of Minutes – April 25, 2007

A motion was made by Haagsma supported by Gould to approve the minutes from the April 25, 2007 meeting as written.

Yes - 5. No - 0.

Approval of Minutes – May 10, 2007 Special Meeting

A motion was made by Burgess supported by Haagsma to approve the minutes from the special meeting held on May 10, 2007 as written

Yes - 5. No - 0.

Miscellaneous

Abe VanderWoude, Jeff Brinks and Kathy Burgess gave a report of the joint meeting they attended which was held on May 17, 2007 at 6:00 p.m.

Kathy stated the speaker that evening was from MTA (Michigan Township Association) and according to statistics we grant more variances than disapprove.

Jeff felt statistics are not true. We did raise the fees for variance requests, which now people think twice about doing. Also the Zoning Department is doing a fantastic job in speaking to applicants when they are considering tying for a variance. Requests that come to the Board of Appeals are legitimate. We must remember that every situation is different. Take the request tonight we approved part of it and denied part of it. He said we have to keep a couple things in mind. First, we as the Zoning Board of Appeals can't lose sight that we are a body that the Township Board has appointed. We can't give everyone what they want. We have to stay true to what we are doing. Also we are dealing with property and not people.

Abe thought the speaker had some good ideas and reminders.

1. Keeping good track of each variances and the results. Putting them on file in the Township office. This way anyone can come in and look what has been approved and what has been denied and why.
2. When closing a public hearing to make a motion to close the public portion. Abe would like to implement that process into our meetings. That way if someone want to make another comments they can be told that a motion has been made and supported to close the public portion of the meeting.
3. The keeping of detailed minutes from each meeting. This is very helpful if we ever had to go to court for some reason we would have the detailed minutes. We all know we can't add to the minutes once they have been approved. This way we would have all the reasons listed if we denied or granted a variance request.

Abe also asked if the Township Variance application had an area for a signature from the applicant to grant permission to the Board to walk the property prior to the ZBA meeting.

It was noted that our application does include an area for a signature from the applicant granting permission to ZBA members to walk his/her property.

Jeff commented that it is a good idea to avoid dialog with the property owner while visiting the property. A lot of good reminders were heard at that meeting.

Adjournment

7:38 p.m. A motion was made by Gould supported by Haagsma to adjourn the meeting. All voted aye.

Jeff Brinks
Secretary of Board of Appeals