

***BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – November 28, 2007
MINUTES***

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, November 28, 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, Jeff Brinks, Kathy Burgess & Doug Tubergen. Also present were Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

7:00 p.m. – CBS Outdoor Advertising – requesting a 372 sq ft., billboard area variance, and a 15’ height 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 subject property were notified and no written responses were received.

Mike Hucul from CBS Outdoor Advertising was present to explain the variance request. He stated that one of the unique things about this property is that it is pie shape and it is used for a retention basin. The property also sits next to the off ramp bringing it further from US 131 driving lanes.

Janet Hitts representing Motel 6 was present and commented that in all fairness she is concerned that this proposed sign does not cover up the sign for Motel 6.

Mike Hucul then showed Janet where he proposed to put the billboard and that the sign for Motel 6 would not be affected.

No further public comments were made.

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

Board member Haagsma stated that he would like to see where the sign of Motel 6 is located and where Mr. Hucul plans to put the billboard.

Mike Hucul and Janet Hitts showed the board where the signs are located and proposed location.

Jeff Brinks commented that Mike Hucul already has a building permit for a billboard which was issued in March of 2007. That permit was for a 238 sq ft. billboard. He can go out tomorrow and put it up.

Gould stated that one of the items we look at when considering a variance is “can the property be used as is” and yes this property does apply to that.

Mike Hucul stated he is flexible and happy to accommodate a size reduction to a 63 sq ft variance and he can work on the height.

It was the consensus of the board to take each variance request separately.

A motion was made by Gould supported by Haagsma to grant a 10’ height variance.

Roll call vote: Haagsma - yes. Brinks - no. Gould - yes. Burgess - yes. VanderWoude - no. Motion carried. 10’ height variance granted.

A motion was made by Haagsma supported by Burgess to grant a 63 sq ft billboard area variance.

Roll call vote: Burgess - no. Gould - no. Brinks - yes. Haagsma - yes. Vander Woude - no. Motion denied. Billboard area variance denied.

7:15pm - Dekleine Builders requesting a 285 sq ft., area variance to construct a garage addition for the property located at 1118 Shore Pointe Dr. SW.

Chairman Vander Woude asked board member Seymour Gould for an update regarding garage sizes which was sent to the Planning Commission for a comparison study.

Seymour commented that this issue was discussed at the Planning Commission meeting on the 19th of November. Nothing has been formally adopted yet but the Township Planner is working on an ordinance and a public hearing will have to be scheduled for January or February of 2008.

After some additional discussion a motion was made by Gould supported by Haagsma to adjourn this request until February 27, 2008.

All voted aye. Motion carried.

7:30 pm - CK Shamrock (Kevin Green) requesting a variance to allow for more than 3 billboards in a linear mile for the property located at 6051 Clay Ave., SW and 6101 Clay Ave. SW (adjourned at the September 26, 2007 meeting).

Chairman Vander Woude stated that a public hearing was held on September 26, 2007. Kevin Green was unable to attend the meeting and he sent an e-mail to Jeff stating his desire to table this request. At that meeting it was adjourned until tonight's meeting.

Chairman Vander Woude then gave Kevin Green an opportunity to explain his variance request.

A motion was made by Gould supported by Burgess to take the request off the table for discussion.

All voted aye. Motion carried.

Kevin Green thanked the Zoning Board of Appeals for their patience during this whole process which has become quit complicated and costing him more money than what he wanted to spend. He then showed a map of the Township showing the locations of existing billboards. He commented that the three billboards located north of 100th St. are older signs and smaller in size. They are non conforming signs and sit close to the road. The rest of the billboards are bullet signs. The billboards he is proposing would be located on the out skirts of Byron Township. The big issue is how the board interrupts the linear mile measurements. He did get two legal opinions regarding the linear mile from H. James Telman and Terry Heiss an attorney who deals with billboards. He stated that the location he has chosen is probably the last legal location for a billboard. He felt he could reduce his request to one billboard. He would probably elect to keep the northerly one. He stated if the Township could get a clear definition of a linear mile it would avoid future issues.

Haagsma agreed with Kevin that the billboard located on the north side of the property is the more logical and valuable one to keep.

Burgess also agreed it would be better and safer for traffic in that area.

Kevin stated the big question is you can't regulate outside boundaries.

Haagsma then commented that he is trying to see it the way Kevin and Telman are looking at a linear mile measurement. Section 17.6 (1) states "the linear mile measurement shall not be limited to the boundaries of Byron Township where the particular street or highway extends beyond such boundaries." It does not stop at 60th St. He can not see it any other way. Wyoming billboards do affect our decision.

Gould also agreed with Haagsma.

Haagsma again commented to forget about M-6 and just take US131 and read Section 17.6 (1). You can't make it say anything else.

Green commented that in the City of Wyoming he would not need a variance for this. He asked if it would help if the north billboard be moved 500' to the south.

Brinks replied that we still have three billboards in a mile.

After some additional discussion a motion was made by Gould supported by Haagsma to deny all variance requests.

Roll call vote: Brinks - yes. Haagsma - yes. Burgess - no. Gould - yes. VanderWoude - yes. Variances denied.

Approval of Minutes – October 24, 2007

A motion was made by Haagsma supported by Gould to approve the minutes as corrected.

All voted aye. Motion carried. Minutes approved as corrected.

Adjournment

8:17 p.m. It was moved by Gould supported by Haagsma to adjourn the meeting. All voted aye. Motion Carried.

Jeff Brinks
Secretary of Board of Appeals