

**BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – September 24, 2008  
MINUTES**

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, September 24, 2008, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

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

**7:00 p.m. – Jon Bratt - requesting a variance to construct two billboards for the property located at 6147 Burlingame Ave. SW The following variances are being requested:** Adjourned at the July 23, 2008 meeting

**East Billboard**

- 1. A 200' setback variance from an existing residence. (17.6. (3))**
- 2. A 65' setback from an adjoining public right-of-way. (17.6. (4))**
- 3. A 372 sq ft., billboard area variance**
- 4. A variance to erect a billboard on a property that is occupied by another use. (17.6)**

**West Billboard**

- 1. A variance to erect a billboard on a property that is occupied by another use. (17.6)**
- 2. A 223' setback variance from a residential zone. (17.6. (3))**
- 3. A 65' setback variance from an adjoining public right-of-way. (17.6. (4))**
- 4. A 372 sq ft., billboard area variance. (17.6 (5)) (4)**

Abe VanderWoude commented that this request was adjourned at last months meeting and asked Jeff Brinks for an update on this request.

Jeff Brinks stated that a letter dated September 17, 2008 was received and the applicant is requesting that this remain on the table until the October 22, 2008 meeting.

A motion was made by Haagsma supported by Burgess to adjourn this variance request per the applicants request until the next regular Zoning Board of Appeals meeting scheduled for October 22, 2008 at 7:45 p.m.

Yes - 5. No - 0. Motion carried.

## Approval of Minutes – July 23, 2008

A motion was made by Burgess supported by Haagsma to approve the minutes as written.

Yes - 5. No - 0. Motion carried. Minutes approved.

## Miscellaneous -

›Building Inspector Randy Zomerlei informed the Board of some illegal accessory buildings in the Township and stated that he has written several letters. Two have complied with the ordinance another will comply and the fourth he received a letter stating they will not take down their accessory building and to consider the matter closed.

›Chairman VanderWoude welcomed the students who were present at the meeting. He took a few minutes to explain to them the variance that is being requested tonight.

**7:15 p.m. – Waterfront Investment Co., LLC – requesting the following variances to construct a billboard at the property located at 6204 & 6240 Clyde Park Ave. SW: 1. A 65’ setback variance (17.6(4)) 2. A 372 sq ft., billboard area variance (17.6 (5)) 3. A 144’ setback variance from an existing residence (17.6 (3)).**

Mr. Jeff Brinks 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.

Chairman Vander Woude asked the applicant if he had proof of ownership of the property. According to the Township it shows that the property is owned by MDOT.

Mr. Randy Disselkoen then showed the proof of ownership of the property, a copy of the quit claim deed and a letter from MDOT to his attorney. This process took a long time due to the staff shortage at the State.

Chairman VanderWoude stated that he just wanted to make sure that he owned the property before we proceeded with the public hearing.

Gary Johnson from Waterfront Development was present on behalf of Randy Disselkoen and explained the variance request. He stated that they are requesting 3 variances. The reason for the first variance is that MDOT had kept 100’ of frontage which they feel is a hardship. This billboard will be for the M6 motorist. It will only be slightly visible from US131. The second variance for the size of the billboard is being requested because with the placement of this billboard a smaller one would be hard to

read. Billboard's are usually 14' x 48' in size. The Byron Ordinance stating that the surface display area of any side of a billboard may not exceed 300 sq ft. That size is really small. It's hard to get an advertiser's to advertise on a billboard that size. The 3<sup>rd</sup> variance request is for the 144' setback variance from an existing residence. That house is also owned by Randy and it is vacant and not used as a residence. This property is considered industrial.

Jeff Brinks stated that he was not sure how this home was being used and was not sure how they considered this property, if it was residential or industrial. He included this third variance just in case the applicant needed it. Better to include it in the notice and then not need it.

Gary Johnson continued to say that this business is locally owned and operated. This would be a return to the Township with the personal property taxes. The employees are also local people. It's nice to support a local business. Billboard advertising is the least expensive of all types of advertising. A lot less than television, radio, etc.

Randy Disselkoen from Grand Rapids Outdoor commented that his business is family owned and operated. His son and daughter just moved back from Chicago to work for the family business. Lamar Advertising and CBS are out of Texas. Many smaller townships have the same ordinance that Byron has with the 300 sq ft., which profits the local side streets. But along a highway the 14' x 48' is a more readable size. He feels their hardship is this property is located on a curve, MDOT owns 100' of the frontage, it's noisy and really can not use this property for anything else. The existing house is vacant and maybe it could be used as an office some day. But if it has to be taken down he is willing to do that.

Steve Disselkoen who is the Vice President of Grand Rapids Outdoor and Randy's son was present and stressed the need to support local business and they would like a chance to erect this billboard. It is hard to compete with national companies.

Katelyn Disselkoen who is Randy's, daughter was also present and commented that she just moved from Chicago to be closer to her family and to get involved with the family business. She thanked the Board for their time.

No further public comments were made.

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

Chairman VanderWoude asked the board if they had any questions or concerns for discussion.

Brinks questioned the property line and where the Alltel building was located.

Gary Johnson stated there is a stake on the property with an orange flag on it showing where the billboard will be. It is set quite far back and that is why they are seeking to have a 14' x 48' billboard. Otherwise people will not be able to read it. MDOT owns a lot of the property there.

The applicant was asked if the sign will be electronic and he responded it would not be.

Burgess questioned if there are two parcels involved.

The applicant said yes, the house is on another parcel.

Brinks commented that the parcel with the house is zoned D-1 Industrial and it can not be used as a home.

Going back to the 3<sup>rd</sup> variance request it was determined that the homes across Clyde Park Avenue are over 305' from the proposed billboard.

Again Brinks stated he was not sure how the home was being used and he added that variance request for safety reasons. That variance is not needed.

It was decided to take each variance separately.

A motion was made by Brinks supported by Haagsma to remove the 3<sup>rd</sup> variance request since the existing house is no longer a residential home and can never be used as a residential home.

All voted aye. Motion carried. Third variance removed from the request.

The first variance for a 65' setback was discussed.

Tubergen stated that M6 is new territory and he hates to see us start something new.

VanderWoude did comment that he thought that there is no other place in the Township where MDOT took so much of the property.

Brinks stated that we are dealing with a cloverleaf and it is a unique situation.

After some additional discussion a motion was made by Haagsma supported by Burgess to grant the 65' setback variance for the reason of MDOT owning 100' of the frontage and the billboard has to be set back further than normal.

Roll call vote: Burgess - yes. Brinks - yes. Haagsma - yes. Tubergen - no. VanderWoude - no. Motion carried. Variance to grant 65' setback is approved.

Second variance request for a 372 sq ft., billboard area variance.

A motion was made by Brinks supported by Tubergen to deny the 372 sq ft. area variance citing Byron Township Ordinance Article 21.6 1, 2 & 3. The reason to deny this is first, there are no exceptional or extraordinary circumstances applying to this property that would warrant a larger billboard. There is ample room for it to be placed and we have already granted a variance for setback which will permit the billboard to be closer to the right-of-way thereby placing the property on equal footing with other properties in the zones. Second, the property rights on this property are the same as other properties in the zone and it would appear that the request would be primarily for increased revenue.

The request is not so general that it would require an ordinance change. In fact, the ZBA posed this question to the Planning Commission recently and it indicated that a change to the Township's Zoning Ordinance is not warranted and that it should be enforced as currently written.

Haagsma commented he wanted to go against the motion stating that the distance is the issue and that the sign has to be visible. If we are going to allow signs some have to be larger. The reason he is objecting is because you see a lot of the standard size billboards.

Roll call vote: Haagsma - no. Burgess - no, Brinks - yes. Tubergen - yes. VanderWoude - yes. Motion passed. Variance for a 372 sq ft billboard area variance is denied.

Chairman VanderWoude stated the applicant can go closer but not bigger.

### **Adjournment**

8:11 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