

**BYRON TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING – October 28, 2009
MINUTES**

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, October 28, 2009, at 7:00 p.m., at the Byron Township Offices, 8085 Byron Center Ave., Byron Center, MI.

Members present were: Abe VanderWoude, James Haagsma, Tim Newhouse, Randall Jonker, & Joe Pitsch. Absent: Dan Barron. Also present was Township Building Inspector Randy Zomerlei.

7:00 p.m. – Rood Awakening – 1360 – 84th St SW requesting a variance to have a wall sign in a MFR District and a variance for a 32 sq ft., area variance for the wall sign per Section 17.3 (4) .

Chairman VanderWoude announced that this first item of business was recessed from the September 23, 2009 meeting until 7:00 p.m. tonight. They are asking to have a wall sign and a 32 sq ft., area variance for the sign.

Board member Tim Newhouse asked when the ordinance was changed and if a wall sign would be allowed in the Office-Service District.

Chairman VanderWoude said that a wall sign would make sense.

A motion was made by Newhouse supported by Haagsma to allow a wall sign.

Roll call vote: Jonker - yes. Pitsch - yes Haagsma - yes. Newhouse - yes. VanderWoude - yes. Absent - Barron. Motion carried. Variance granted.

It was noted that Rood Awakening had a wall sign up before they learned they were not in compliance with the ordinance.

Board member Newhouse said he was not thrilled about such a large sign. He asked if the master plan calls for this property to be in the MFR zone?

Building Inspector Randy Zomerlei said that the sign ordinance is the same for both O-S Office Service and MFR Multi Family Residential.

Newhouse made a motion supported by Haagsma to grant the 32 sq ft., area variance for the sign.

Roll call vote: Jonker - yes. Pitsch - yes. Haagsma - yes. Newhouse - yes. VanderWoude - no. Absent - Barron. Motion carried. Variance granted.

7:15p.m. - Patty Fedewa requesting a 144 ft., lot width variance per Section 5.3 (6) for the property located at 1081 – 108th St. SW.

Acting Secretary Jim Haagsma read the public notice and affirmed that the notice was published once in the South Advance and a notice sent to all property owners within 300' of the subject property. No written response was received.

Patty Fedewa was present to explain her variance request. She commented that she needs to sell some property in order to be able to keep her home at 1081 – 108th St.

Chairman VanderWoude opened the hearing to the public.

No public comments were made.

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

Board member Jonker clarified that only two of the five homes on the private drive have public street frontage.

Chairman VanderWoude traced some of the history of the property.

Building Inspector Randy Zomerlei pointed out that the driveway right of way is only 35 feet so the variance request should really be 165 feet.

Haagsma pointed out that approving the variance will not affect any of the neighbors but simply acknowledges an existing non conforming situation.

A motion was made by Haagsma supported by Newhouse to grant the 165 foot lot width variance.

Roll call vote: Newhouse - yes. Jonker - yes. Pitsch - yes. Haagsma - yes. VanderWoude - no. Absent – Barron Motion carried. Variance granted.

7:30p.m.- Curtis Outdoor Inc requesting the following variances to construct a billboard for the property located at 7725 Caterpillar Dr SW

- 1. A 65 foot property line setback variance (17.6 (4))**
- 2. A 10 foot height variance (17.6 (6))**

Acting secretary Haagsma read the public notice and affirmed that the notice was published once in the South Advance and a notice sent to all property owners within 300' of the subject property. No written responses were received.

Jay Carll was present on behalf of Curtis Outdoor and explained the variance request. He commented that they are not asking for a size variance but are seeking a height and location variance. He said a storm drain limits the use of this property and trees in the highway right of way, necessitates the requested height variance. He said other signs are as close, or closer than the requested location.

Chairman VanderWoude opened the hearing to the public.

John Carlson – who commented that he is a long time Byron Township property owner stated that the Township Ordinance expressly says “not more than three billboards per mile” and that allowing this one would exceed this limit.

No further public comments were made.

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

Board member Haagsma asked about the effect of the sign on signs of businesses in the area and about how to prevent tree growth from hiding the sign in the future.

Chairman VanderWoude pointed out that the Motel 6 sign is 33 feet from the right of way and that the available space for the proposed sign is 270 feet.

The board agreed to take the two requests separately.

A motion was made by Haagsma supported by Jonker to deny the 65 foot setback variance.

Roll call vote: Newhouse - yes. Jonker - yes. Pitsch - yes. Haagsma - yes. VanderWoude - yes. Absent – Barron. Motion carried. Variance denied.

A motion was made by Newhouse supported by VanderWoude to grant the 10 foot height variance.

Roll call vote: Jonker - yes. Newhouse - yes. Haagsma - yes. Pitsch - no. VanderWoude - no. Absent – Barron. Motion carried. Height variance granted.

Approval of Minutes – September 23, 2009

A motion was made by Newhouse supported by Haagsma to approve the minutes of the September 23, 2009 with two corrections: add a line on page 2 “Michael Biles answered that all safety and code requirements will be met” and on page 3 to change Rood’s zoning from OS to MFR.

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

Adjournment

8:15 p.m. It was moved by Jonker supported by Haagsma to adjourn the meeting. Yes - 5. No- 1. Meeting adjourned.

Dan Barron
Secretary of Zoning Board of Appeals