

**BYRON TOWNSHIP ZONING BOARD OF APPEALS  
REGULAR MEETING – March 25, 2009  
MINUTES**

The regular meeting of the Byron Township Board of Appeals was called to order by Chairman Abe VanderWoude on Wednesday, March 25, 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, Dan Barron, Randall Jonker and Alternate Joe Pitsch. Also present was Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

**Jon Bratt – requesting a variance to construct two billboards for the property located at 6147 Burlingame Ave. 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)).**

Chairman VanderWoude commented that we have heard nothing from the applicant so we still don't know what his intentions are. The Board of Appeals is required to set a date and time to address this request. He suggested that since we have not heard from Mr. Bratt we could recess this again for maybe four months from now.

Board member Timothy Newhouse feels that this is costing the Township time and effort. We should either deny the request or pursue it.

A motion was made by Haagsma supported by Newhouse to adjourn this request until the July 22, 2009 meeting at 7:00 p.m.

Roll call vote: Jonker - yes. Newhouse - yes. Barron - yes. Haagsma - yes. VanderWoude - yes. Motion carried. Adjourned until July 22, 2009.

## **Approval of Minutes – January 28, 2009**

A motion was made by Jonker supported by Barron to approve the minutes as written. Yes - 4. No - 0. Abstained - 1 (James Haagsma absent from January meeting.) Motion carried.

## **Election of Officers**

A motion was made by Newhouse supported by Haagsma to re-elect Abe VanderWoude for Chairman, re-elect Jim Haagsma for the Vice-Chairman and elect Dan Barron as Secretary.

All voted aye. Motion carried.

## **Meetings & Procedures**

Chairman VanderWoude commented that at the first meeting of each year the Board of Appeals shall adopt a schedule of regular meetings. That has been completed.

Chairman VanderWoude stated that they also have to adopt bylaws and rules of procedure for the conduct of our meetings.

A motion was made by Newhouse supported by Jonker to use Roberts Rules for the meetings.

All voted aye. Motion carried.

## **Interpretations**

\*Building Inspector Randy Zomerlei commented that he needs an interpretation on the signage that is proposed for Byron Meats. He wants to know if the cow figure is considered part of the signage square feet.

Stan Jager and Mike DeVries were present on behalf of Byron Meats.

Stan commented that the cow is like a trade mark or a type of identity which he feels is tastefully done. It is a method of merchandising. He stated that the sign issue is a cumbersome for every locality. This is an image and they would like to go forward. If it is determined that the cow is part of the sign then they would need a 10 sq ft., variance.

Chairman VanderWoude asked what the image of the cow will be made of.

Mr. Jager responded by saying it is made of an aluminum plate outlined with neon

lighting. Not sure on the color yet.

Haagsma feels the cow is like a trademark and feels they need a variance.

Jonker felt that they should not even be present for this. What they have is nice.

Barron said that according to the rules it is part of this sign.

Chairman VanderWoude also feels it is part of the sign and a variance will be needed.

After some additional discussion a motion was made by Newhouse supported by Haagsma that the figure is part of the sign area therefore this does require a variance.

It was commented if we let this sign go we will have many others to follow.

Roll call vote: Haagsma - yes. Barron - yes. Newhouse - yes. Jonker - no. VanderWoude - yes. Motion carried. Variance is required.

\*Building Inspector Randy Zomerlei had another interpretation for another Byron Meats sign. It's the big pylon sign which they want to remove the manual changeable copy area to an electric reader board. They will not be making the sign bigger just refacing it.

It was the consensus of the Board that this is refacing and does not need a variance.

\*Another interpretation that Randy explained was for the Merestone Group. It is for the building heights of the multi family buildings which will be built on grade. Where do you measure from, what part of the grade?

After some discussion it was the consensus of the Board that there would be three different grades per illustration 1 (Condo East Elevation on page A5.1) of the submission packet for the Planning Commission. A copy of this illustration is attached and made part of these minutes.

A motion was made by Jonker supported by Haagsma that it would be considered three separate grades and each must meet the 35' height from the lowest grade of each structure.

Roll call vote: Newhouse - yes. Barron - yes. Haagsma - yes. Jonker - yes. VanderWoude - yes. Motion carried.

## **Adjournment**

8:20 p.m. It was moved by Newhouse supported by Haagsma to adjourn the meeting.  
All voted aye.

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Dan Barron  
Secretary of Zoning Board of Appeals