

HAYES TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES
November 11, 1992

The meeting was called to order by Chairman Parsons at 8:52 p.m..

Zoning Board of Appeals members present were Robyn Clink, Robert Alexander, Lloyd Kuebler, Timothy Boyko, and Fred Parsons. Also present were Zoning Administrator Hess, Clerk Knepp, and Paul Hoadley.

The purpose of the meeting was to interpret Section 5.16(C-4). The Zoning Administrator issued a zoning permit for a thirty two (32) square foot sign, to be placed at the corner of Burgess Road and US 31, to the Dunmaglas Golf Course. The permit has been challenged therefore the Zoning Administrator has requested the Board of Appeals interpret Section 5.16(C-4) as it relates to off premise signs in the A-1 Zone District.

Section 5.16(C-4) reads: "Freestanding directory signs advertising businesses or activities conducted, an area of interest, or a service available on the premises. Such signs shall not exceed 32 square feet, and there shall be no more than 1 sign for each street upon which the property faces, in Zone Districts C-1, C-2, C-3, I-1, I-2, and A-1".

Hess explained that he felt this Section of the Ordinance is poorly written (ill defined). When he read this Section he interpreted it to mean Off premise free standing directory signs, up to 32 square feet, were permitted in the A-1 Zone District.

Tim Boyko asked John how he defined directory signs in this Section of the Ordinance; whether he thought it was intended to be used as a listing of businesses or activities conducted and area of interest or service available, on the premises, or direction to another business off premise?

Hess responded that he thought it meant directions to businesses down the road.

Tim Boyko added that he disagreed with Hess because he interpreted the directory sign, in this Section, to STATE that it allowed directory signs listing business or activities conducted and area's of interest or services available ON THE PREMISE.

Robert Alexander asked Hess what he thought the intent of the Ordinance was? Alexander added that he would like to know what is in the Ordinance that would prevent that type of sign every 10 Feet, on every road in the Township, if Hess interpreted this Section as allowing for Off Premise direction signs?

Hess responded that M.D.O.T. rules would prevent it. Boyko stated that M.D.O.T. rules would limit signs on US 31, however, businesses could put signs on all interior roads within the township if the Zoning Board of Appeals interpreted this Section of the Ordinance to allow for OFF PREMISE DIRECTION SIGNS.

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Robyn Clink stated that when she read the Ordinance she took it as allowing ON PREMISE signs only.

Fred Parsons stated that he was hearing the Zoning Board of Appeals members focusing on whether off premise signs were allowed.

Lloyd Kuebler stated that if you read this Section you could construe the meaning to allow for off premise signs, in one context, however, this Section also states "there shall be no more than 1 sign for each street upon which the property faces". Dunmaglas already has 2 signs on the Boyne City Road; one at Burgess Road and one at Quarterline Road.

Tim Boyko stated that he had discussed this matter with Jim Young, Attorney, who has a legal services contract, for zoning related matters, with the Township. Mr. Young advised Tim that this Section is poorly written and unambiguously and clearly refers to on premise signs.

Robert Alexander stated that he interpreted Directory signs as listing area's of interest on the premises only.

Robyn Clink made a motion "interpreting Section 5.16(C-4) as allowing on premise signs only". Tim Boyko seconded the motion. Roll Call Vote. Ayes; Robyn Clink, Lloyd Kuebler, Timothy Boyko. Nays; None. Abstention; Robert Alexander. Motion carried.

Tim Boyko made a motion directing the Zoning Administrator to draft a letter to Scots Ventures revoking the sign permit to Dunmaglas Golf Course, under Section 5.16 (C-4), as the Zoning Administrator's interpretation of this Section of the Ordinance was in error based on the Zoning Board Of Appeals motion of this date. Robyn Clink seconded the motion. Roll Call Vote. Ayes; Robyn Clink, Lloyd Kuebler, Tim Boyko. Nays; None. Abstention; Robert Alexander. Motion carried.

By motion from Robert Alexander the meeting adjourned 9:35 p.m.

Respectfully Submitted,

Ethel R Knepp

Ethel R. Knepp, Clerk