

AGENDA

WYOMING ZONING BOARD OF APPEALS

CITY COUNCIL CHAMBERS

October 17, 2016

1:30 P.M.

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes
- 4. Public Hearings:

Appeal #V160031

Applicant: I.E. Investments, LLC
Location: 605 Buist S.W. (Zoned R-4)

Request: The petitioner requests a variance from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-311(5) Accessory Buildings specifies that detached accessory buildings shall be located a minimum of 10 feet from a main building. The petitioner proposes to construct a garage 6 foot 10 inches from the home. The requested variance is to authorize a reduction of 3 feet 2 inches from the required 10 foot separation requirement. P.P. #41-18-19-101-023

Tabled	_____	Closed	_____
Granted	_____	Denied	_____
Motion by	_____		
Seconded by	_____		
Yeas	_____	Nays	_____

Appeal #V160030

Applicant: David Jousma
Location: 1660 Leetsma (Zoned R-2)

Request: The petitioner requests two variances from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-311 (2) Accessory Buildings specifies that detached garages shall be allowed in a side yard with the same required setback as the principal building. The petitioner proposes to construct a garage 3 feet from the side lot line fronting Lee Street. The required side yard setback is 20 feet. The requested variance is a reduction of 17 feet from the required 20 foot side yard setback.

Zoning Code Section 90-311 (5) Accessory Buildings specifies that detached accessory buildings shall be located a minimum of 10 feet from a main building. The petitioner proposes to construct the garage 8 feet from the home. The requested variance is to authorize a reduction of 2 feet from the required 10 foot separation requirement. P.P. #41-

17-02-406-011

Tabled	_____	Closed	_____
Granted	_____	Denied	_____
Motion by	_____		
Seconded by	_____		
Yeas	_____	Nays	_____

Appeal #V160032

Applicant: Wyoming Housing Commission
Location: 2450 36th St. S.W. (Zoned R-4)

Request: The petitioner requests three variances from the City of Wyoming Zoning Code as follows:

Zoning Code Section 90-707 (1) Specific Requirements Residential Districts specifies that signs shall be setback a minimum of 5 feet from any property line. The petitioner proposes to construct an entryway sign that would come to the front property line. The requested variance is to authorize a zero sign setback from the required 5 foot front yard setback.

Zoning Code Section 90-707 (2) (b) Specific Requirements Residential Districts specifies that illuminated signs shall be setback a minimum of 25 feet from the side property line of a residential district. The proposed entryway sign would come to within 7 feet of the side property line. The requested variance is to authorize a reduction of 18 feet from the required 25 foot side yard setback.

Zoning Code Section 90-707 (6) Specific Requirements Residential Districts specifies that directional signs are limited to a maximum of 6 square feet in area and 3 feet in height. The petitioner proposes to erect a directional sign 25 square feet in area and 4 feet in height. The requested variance is an increase of 19 square feet and one foot in height from the required 6 square feet and 3 feet in height. P.P. #41-17-21-226-030

Tabled	_____	Closed	_____
Granted	_____	Denied	_____
Motion by	_____		
Seconded by	_____		
Yeas	_____	Nays	_____

5. Public Comment:

6. New Business:

Application No:	<u>V160030</u>	STAFF RECOMMENDATION
Applicant:	<u>David Jousma</u>	Approve
Address:	<u>1660 Leetsma Ave., S.W.</u>	Deny: <u>X</u>

FINDINGS OF FACT SHEET

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because:

The petitioner lost a detached garage to fire. He proposes to rebuild a larger garage (540 s.f.) in the same location, being 3 feet from the right-of-way of Lee Street. A 20 foot setback is required by ordinance. A minimum 10 foot separation from the residence is also required, with 8 feet proposed. The petitioner has the ability to place a garage directly behind the residence, as he also owns the property behind and the properties have been recently combined. Such a garage may not be as large as desired and still meet setbacks. The rear area may also be encumbered by a telephone transmission line easement. Verification of easement location would help determine how large that garage could be. There are no exceptional conditions applying to the property.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

A variance is not necessary as the petitioner can otherwise construct a garage in conformance with ordinance requirements.

3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because:

If approved as proposed, the garage would be unusually close to the public right-of-way. This would be out of character with other properties along Lee Street. This would be noticeable to other properties, particularly those residences facing the property across Lee Street.

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because:

The situation with the property is not of so general or recurrent a nature to make practicable the formulation of a general regulation.

Application No:	<u>V160031</u>	STAFF RECOMMENDATION
Applicant:	<u>Tim Zyck</u>	Approve
Address:	<u>605 Buist Street, S.W.</u>	Deny: <u>X</u>

FINDINGS OF FACT SHEET

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because:

The petitioner has begun construction of a detached garage without benefit of permit. The slab for the garage has been poured. The proposed garage would be setback 6 foot 10 inches from the residence with 10 feet required by ordinance. The petitioner has the ability to move the garage back such that it meets both separation and setback requirements. A portion of the slab may be cut and removed, with an extension poured to the rear. Although it is a small lot, it is compatible with adjoining properties. There are no exceptional circumstances or conditions applying to the property.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

A variance is not necessary as the petitioner can otherwise construct a garage in conformance with ordinance requirements.

3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because:

The placement of the garage in either the requested, or ordinance allowed location, would not influence the market value of adjoining property, or unduly increase traffic congestion.

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because:

The situation with the property is not of so general or recurrent a nature to make practicable the formulation of a general regulation.

Application No:	<u>V160032</u>	STAFF RECOMMENDATION
Applicant:	<u>Wyoming Housing Commission</u>	Approve <u>X</u>
Address:	<u>2450 36th Street, S.W.</u>	Deny: _____

FINDINGS OF FACT SHEET

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because:

The petitioner proposes to replace an entryway sign and a directional sign. The entryway sign would be located at the parking lot drive entrance and is in the same location as the current sign. That location is adjacent to a property line. The Zoning Ordinance specifies that a minimum five foot setback is required for such signs, and since it is illuminated, must be 25 feet from a property line. The existing sign location works best for identifying the complex and integration with the driveway and existing tree. The illumination of the sign will not detriment the adjoining apartment development. The proposed directional sign is located well back into the parking lot, would help visitors find the Commission’s office, would complement the entryway sign, and would have no impact on adjoining properties.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights because:

The complex is located several hundred feet back from the 36th Street entrance. Proper identification and wayfinding is essential for visitors. The proposed sign package provides this.

3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because:

The authorization of the variances would not influence the market value of adjoining property, or unduly increase traffic congestion.

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because:

The situation with the property is not of so general or recurrent a nature to make practicable the formulation of a general regulation.